



Moray Local Review Body

Thursday, 24 September 2020

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Local Review Body** is to be held at **remote locations via video-conference**, on **Thursday, 24 September 2020** at **09:30**.

BUSINESS

- 1 Sederunt**
- 2 Declaration of Group Decisions and Members Interests ***
- 3 Minute of Meeting dated 27 August 2020** **5 - 8**
New Cases
- 4 LR239 - Ward 7 - Elgin City North** **9 - 52**
Planning Application 20/00165/APP – Erect 800 mm fence on top of existing boundary wall at 1 Longwood Walk, Elgin
- 5 LR243 - Ward 2 - Keith and Cullen** **53 - 158**
Planning Application 19/01659/APP – Erection of visitor café on land adjacent to the Moray Coastal Path at Patrol Road, Portknockie
- 6 LR244 - Ward 5 - Heldon and Laich** **159 - 212**
Planning Application 20/00614/APP – Retrospective application to erect a shed for business/office use at Shiva, 20 Shore Street, Lossiemouth, Moray

Summary of Local Review Body functions:

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

Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.

GUIDANCE NOTES

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

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

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

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

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

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

THE MORAY COUNCIL

Moray Local Review Body

SEDERUNT

Councillor David Bremner (Depute Chair)

Councillor George Alexander (Member)

Councillor Gordon Cowie (Member)

Councillor Paula Coy (Member)

Councillor Donald Gatt (Member)

Councillor Ray McLean (Member)

Councillor Laura Powell (Member)

Councillor Derek Ross (Member)

Clerk Name: Lissa Rowan

Clerk Telephone: 01343 563015

Clerk Email: lissa.rowan@moray.gov.uk

Minute of Meeting of the Moray Local Review Body

Thursday, 27 August 2020

remote locations via video-conference,

PRESENT

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

IN ATTENDANCE

Mr Henderson, Planning Officer as Planning Adviser, Mr Hoath, Senior Solicitor as Legal Adviser and Mrs Rowan, Committee Services Officer as Clerk to the Moray Local Review Body.

1 Chair

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

2 Declaration of Group Decisions and Members Interests *

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

3 Minute of Meeting of the Moray Local Review Body dated 25 June 2020

The minute of the meeting of the Moray Local Review Body dated 25 June 2020 was submitted and approved.

4 Minute of Special Meeting of the Moray Local Review Body date 25 June 2020

The minute of the Special Meeting of the Moray Local Review Body dated 25 June 2020 was submitted and approved.

5 LR237 - Ward 8 - Forres

Planning Application 19/01606/APP – Install new thermal panels and external wall opening at 71 Findhorn, Moray, IV36 3YF

Under reference to paragraph 5 of the Minute of the Meeting of the Moray Local Review Body (MLRB) dated 25 June 2020, the MLRB continued to consider a request from the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to grant planning permission subject to the following condition:

- i. The glazing in both the door and window shall be obscure glazed with glass of obscuration level 4 of the range of glass manufactured by Pilkington plc at the date of this permission or an equivalent manufacturer agreed in writing by this council (as Planning Authority). Glazing of that obscuration level shall be retained in those windows for the lifetime of the development hereby approved.

Reason: To avoid overlooking of the adjacent property in the interest of residential amenity.

The Chair stated that, at the meeting of the MLRB on 25 June 2020, the MLRB agreed to defer case LR237 to allow an independent person from the Planning Service to visit the site to obtain either a video or photographs of the site for the MLRB to consider and also allow the Appointed Officer to consider and comment on the photographs submitted by the Applicant with his Notice of Review Application.

In response to a question from the Chair as to whether the Legal and Planning Advisers had any preliminary matters to raise, Mr Henderson, Planning Adviser advised that the planning application had originally been assessed against policies within the Moray Local Development Plan (MLDP) 2015 however, now that the new MLDP 2020 had been formally adopted, the relevant planning policies are now DP1 (Development Principles) and EP9 (Conservation Areas).

Mr Hoath, Legal Adviser also advised that any decision made by the MLRB would need to relate to the new policies within the MLDP 2020.

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

Councillor Gatt, having considered the case in detail, noted that the Applicant was being asked to use obscure glass in his new window to prevent overlooking the adjacent property however noted that the adjacent property had a window that overlooked the Applicant's property and queried whether that window was obscure glazed.

In response, Mr Henderson, Planning Adviser advised that the photographs provided showed that the adjacent property did have a window that looks onto the Applicant's property and that it was not obscure glazed.

Councillor Bremner noted that the Applicant was replacing an existing window with clear glass with a slightly larger window and was of the view that the Applicant should not have to use obscure glass.

Councillor Alexander noted that the Applicant already had an upstairs window with clear glass that overlooked the adjacent property therefore was of the view there was no justification for obscure glass in the new window.

Councillor Powell noted the close proximity of houses which is typical of small fishing villages such as Findhorn which resulted in overlooking on each adjacent property.

Councillor Coy was also of the view that it was unfair to ask one neighbour to use obscure glazing in their window when the other neighbour had windows that had clear glass.

On hearing the debate, the Legal Adviser advised that should the MLRB be minded to uphold the appeal, it should take into consideration the relevant policies within the MLDP 2020. The Planning Adviser then confirmed the relevant part of policy DP1 being (i)(e) proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity. This did not substantially differ from the wording of the original MLDP 2015 so the basis for determination had not changed.

The Chair, on listening to the debate and on hearing the advice from the Legal Adviser moved that the MLRB uphold the appeal and remove the condition which stated that the window should be obscure glazed as she was of the view that the proposal did not impact neighbouring properties by the window not having obscure glass therefore complied with policy DP1 and that there was no reference to obscure glass in policy EP9. This was seconded by Councillor Bremner.

There being no-one otherwise minded, the MLRB agreed to uphold the appeal and remove the following condition from the already consented Planning Application 19/01606/APP:

- i. The glazing in both the door and window shall be obscure glazed with glass of obscuration level 4 of the range of glass manufactured by Pilkington plc at the date of this permission or an equivalent manufacturer agreed in writing by this council (as Planning Authority). Glazing of that obscuration level shall be retained in those windows for the lifetime of the development hereby approved.



MORAY LOCAL REVIEW BODY

24 SEPTEMBER 2020

SUMMARY OF INFORMATION FOR CASE No LR239

Planning Application 20/00165/APP – Erect 800 mm fence on top of existing boundary wall at 1 Longwood Walk, Elgin

Ward 7 – Elgin City South

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 22 April 2020 on the grounds that:

1. The proposal is contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies PP3, H4, IMP1 and T2) and should be refused for the following reasons:
 - The fence is not of an appropriate scale for the existing site or surrounding area and therefore is contrary to policies H4 and IMP1.
 - The fence would remove an existing public frontage to the dwellinghouse and therefore is not in accordance with the requirements of policy PP3.
 - The fence would give rise to a reduction in inter-visibility between pedestrians, cyclists and vehicles which could give rise to issues regarding road safety and therefore is contrary to policies T2 and IMP1.

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.



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 100232678-001

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

Description of Proposal

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

Erect 800mm high fence on top of existing 1m boundary wall around property at 1 Longwood Walk Elgin IV30 6YZ.

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

☐ No ☒ Yes - Started ☐ Yes – Completed

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

04/10/2019

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

I was not sure if I need a planning application for this work I send a enquiry to moray council and when I was waiting for replay I did start some work to have some privacy .

Applicant or Agent Details

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

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Dawid"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Stasiak"/>	Address 1 (Street): *	<input type="text" value="Longwood Walk"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Elgin"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV30 6YZ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="1 LONGWOOD WALK"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ELGIN"/>
Post Code:	<input type="text" value="IV30 6YZ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="861705"/>	Easting	<input type="text" value="321263"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☒ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

I get replay for my enquiry and is said the planninn permission is required and transportation would not support the erection of high fence along the side frontage with Edgar road as proposed as this would reduce sightlines not only for vehicles exiting the existing driveway but also the around corner visibility for pedestrians and cyclists. Please see the letter and sketch on the below reference number.

Title:

Mr

Other title:

First Name:

Joseph

Last Name:

Thompson

Correspondence Reference Number:

18/01251/ID/JWT/RKS/AJ

Date (dd/mm/yyyy):

01/11/2019

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Trees

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

☐ Yes ☒ No

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

Access and Parking

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

☐ Yes ☒ No

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mr Dawid Stasiak

On behalf of:

Date: 11/02/2020

☒ Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

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

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

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

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

Declare – For Householder Application

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

Declaration Name: Mr Dawid Stasiak

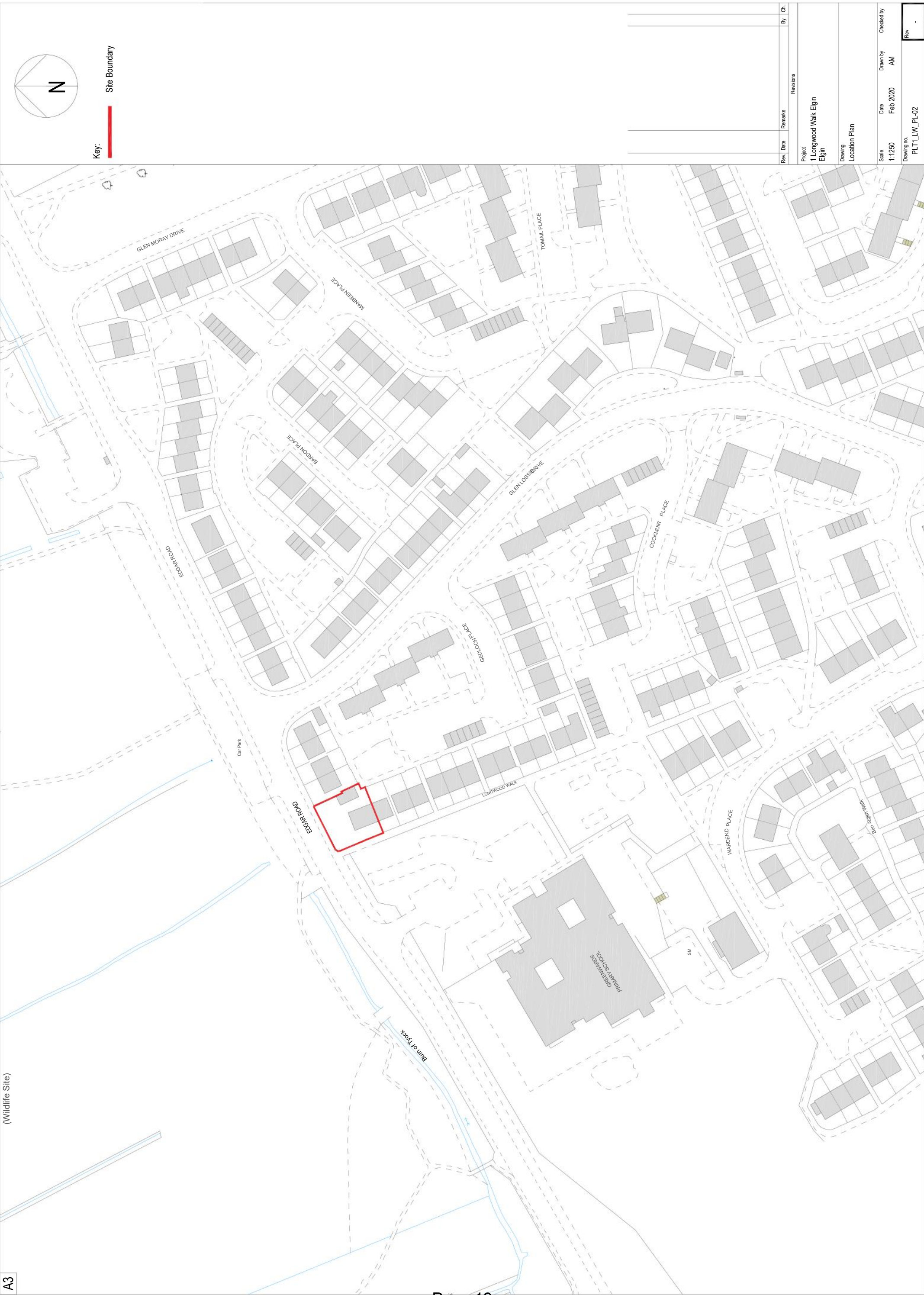
Declaration Date: 11/02/2020

Payment Details

Online payment: 011966

Payment date: 11/02/2020 19:22:29

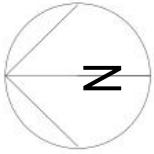
Created: 11/02/2020 19:22



(Wildlife Site)

A3

Key:  Site Boundary



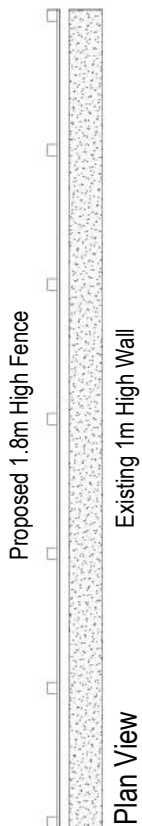
Rev	Date	Remarks	By	Ch

Revisions	
Project	1 Longwood Walk Elgin
Drawing	Location Plan
Scale	1:1250
Date	Feb 2020
Drawn by	AM
Checked by	
Drawing no.	PLT1_LW_PL-02
Rev	-

[illegible]

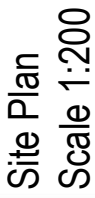
Project	Longwood Walk Elgin
Drawing	White Plan/Boundary Treatment

PLT1_LW_PL-01	Rev
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Site Boundary Detail

NTS



Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	26th February 2020
Planning Authority Reference	20/00165/APP
Nature of Proposal (Description)	Erect 800mm high fence on top of existing 1m boundary wall at
Site	1 Longwood Walk Elgin Moray IV30 6YZ
Site Postcode	N/A
Site Gazetteer UPRN	000133028267
Proposal Location Easting	321263
Proposal Location Northing	861705
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=Q5KUCTBGJA700
Previous Application	18/01251/ID
Date of Consultation	12th February 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Dawid Stasiak
Applicant Organisation Name	
Applicant Address	1 Longwood Walk Elgin Scotland IV30 6YZ
Agent Name	
Agent Organisation Name	
Agent Address	
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: 20/00165/APP

Erect 800mm high fence on top of existing 1m boundary wall at 1 Longwood Walk Elgin Moray IV30 6YZ for Mr Dawid Stasiak

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

It is noted that this proposal is part retrospective in nature – this response is based on the submitted drawings only, and with any Enforcement issues dealt with as a separate matter.

This site is located in close proximity to Greenwards Primary School. The adjacent footways and cycle tracks are therefore subject to high numbers of pedestrians and cyclists, including a high proportion of children. A signalised pedestrian crossing point over Edgar Road is located immediately adjacent to the site.

The section of high fence located between the vehicular access and the southern site boundary with the adjacent property obstructs the inter-visibility for pedestrians and cyclists travelling between Longwood Walk (remote Cycle track) and the U171E Edgar Road, at a location where a high number of pedestrians would be present. The resulting obstruction to the visibility splays would mean that pedestrians and cyclists would not be able to see each other from the other side of this obstructed corner, possibly resulting in one of the pedestrians/ cyclist having to take avoidance action onto the carriageway, potentially into the path of a passing vehicle.

The section of high fence located along the site frontage onto Edgar Road between the vehicular access and the eastern site boundary with the adjacent property would also obstruct the visibility splay for vehicles exiting the site and may result in a vehicle exiting the site colliding with a passing pedestrian or cyclist, or again possibly resulting in them having to take avoidance action onto the carriageway.

Reason(s) for objection

The proposed development, if permitted, would result in a reduction to the previously

available pedestrian visibility splays at a sensitive location where a high number of pedestrians and cyclist are likely to be present. The resulting loss of inter-visibility between pedestrian's, cyclists and vehicles would be likely to give rise to conditions which would be detrimental to the road safety of road users contrary to Moray Local Development Plan policies T2 Provision of Access and IMP1 Development Requirements.

Note - The submitted drawing shows sections of low fence (presumably based on comments previously provided by Transportation in response to a previous Informal Determination (ID) request by the same applicant for a similar proposal); however the fence as shown would not provide the full extents of the required visibility splays. It should be highlighted that only minor amendments to the proposed fence would be required in order for Transportation to provide a positive response to this proposal.

Transportation sought an updated drawing which reflected the minor amendments required, via a 'Further Information' Planning Consultation response. However, updated drawings have not yet been submitted, and the Planning officer has subsequently requested that Transportation provide a 'Final' Planning response based on the submitted drawings/details.

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

Date 10 March 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.

05 MAR 2020



Comments on application number
20/00165/APP

The photo submitted is one taken
a few years ago a recent site
picture would show that the
fence has already been erected
without planning permission.

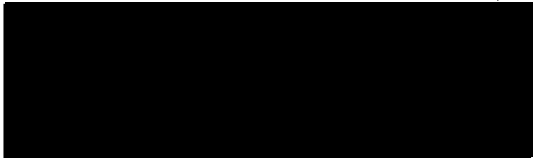
The plan says that the wall
between our properties is 1 metre
high but as seen on the
picture he submitted it
goes up in height making
the fence higher than shown

A fence of this height
will cause much ~~sun~~
shading to my house and
garden.

Mr Stasiak has put privacy
for reason for building.

I have lived here for over
20 years and have never
felt that my front garden
is not or have the need of
privacy and my house is closer
to Edgar Road.

I do not want a big wooden fence
up between the two houses as
the one he has erected looks
terrible. I hope this helps
with your decision.



01355-225845

- 3 APR 2020

MANAGER

CD SUSLORMENT MANAGEMENT &
BUILDING STANDARDS

25/03/2020

SIR

P/APPLICATIONS 20/00165 APP + 20/00227 APP +
20/00245/APP + 20/00311 APP + 20/00265 APP
+ 20/00202/APP

PLEASE ALL POSSIBLE TO ALL WILDLIFE
FROM & FROM ON EACH SITE.

THE CURRENT COVID 19 SITUATION
WILL DELAY THE PROCESS OF GIVEN
LOCAL PROTECTION TO MOLES BUT
IT IS REQUESTED THAT MERRY COUNCIL
AND ALL SUCCESSFUL APPLICANTS DO
THE UTMOST POSSIBLE TO PROTECT THEM!

HEDGEHOGS AND BUMBLEBEES ARE
PERILOUSLY CLOSE TO EXTINCTION
ALL POSSIBLE TO BE DONE TO PREVENT
THIS

WHEN EVER POSSIBLE APPLICANTS SHOULD
BE REQUESTED TO PLANT A TREE(S) AS
CONDITION OF PLANNING PERMISSION

Yours faithfully

REPORT OF HANDLING

Ref No:	20/00165/APP	Officer:	Fiona Olsen
Proposal Description/ Address	Erect 800mm high fence on top of existing 1m boundary wall at 1 Longwood Walk Elgin Moray IV30 6YZ		
Date:	17.04.20	Typist Initials:	DM

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
Transportation Manager	10/03/20	Objection on road safety grounds

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP3: Placemaking	Y	
H4: House Alterations and Extensions	Y	
T2: Provision of Access	Y	
IMP1: Developer Requirements	Y	
2020 Proposed Local Development Plan		
PP1 Placemaking		
DP1 Development Principles		

REPRESENTATIONS

Representations Received	YES	
Total number of representations received		
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: Fence has already been erected
Comments (PO): Following a site visit it was confirmed that the fence was already partially erected and therefore this is considered a part-retrospective application.
Issue: Wall height between properties is higher than 1m as is stepped up
Comments (PO): This is noted
Issue: Fence would cause overshadowing
Comments (PO): A fence/wall of 2m is unlikely to give rise to a loss of light/overshadowing to neighbours. However, overall a fence of this height, in this location is not of an acceptable scale for the site or surrounding area and is therefore unacceptable in terms of amenity.
Issue: Privacy is not an issue in this location
Comments (PO): The applicant states that the reason for the fence is to provide privacy to the existing garden. The nature of the site is that most of the garden ground is to the front or side of the property, where there is a lower expectancy of privacy.
Issue: Fence does not look good
Comments (PO): The fence is overbearing on the site and surrounding area and is not in keeping with neighbouring properties which all have lower fences or walls to the front garden
Issues: Protection for moles, hedgehogs and bumblebees
Comments (PO): Wildlife have been considered generally as part of the application and there not expected to be any impact on a European Protected Species.
Issues: All applicants should be required to plant a tree
Comments (PO): There is no loss of woodland in this application therefore compensatory planting is not 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 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

Further consideration of the weight to be attached to the Proposed Plan was considered and agreed at the Planning and Regulatory Services Committee on 29th January 2019, with the Committee agreeing that between June/ August 2019 and adoption of the new LDP in mid-2020, the weight to be given to matters set out in the Proposed Plan will vary;

- Where matters set out in the Proposed Plan are subject to unresolved objections which will be considered through Examination, then those matters will continue to be given minimal weight as a material consideration in the development management process.
- Where matters set out in the Proposed Plan are not subject to unresolved objections, they will

be given greater weight as a material consideration in the development management process.

The weight to be given will be considered on a case by case basis and will be agreed by the Development Management Manager and Development Plans Principal Planning Officer.

On 25 June 2019 the Planning & Regulatory Services Committee agreed to give greater weight to sites within the proposed Plan which are not subject to the Examination process from 1 August 2019.

In this case the proposal is not subject to a designated site.

The main issues are considered below.

Proposal

The application seeks to planning permission to erect an 800mm fence on top of existing 1m boundary wall. The application is part-retrospective in nature with the fence having already been erected on the northern and western boundaries, without planning permission.

Site

The site is located at 1 Longwood Walk, Elgin. The existing domestic property is an end-of-terrace two storey dwellinghouse set within a corner plot (on the corner of Longwood Walk and Edgar Road). The site is bound by the public road to the north, and a footpath to the west and Greenwards Primary School sits to the west of the site.

Policy Assessment

Siting & Design (MLDP Policies PP3, H4, IMP1)

This application will be assessed principally against policies PP3, H4 and IMP1. Policies H4 and IMP1 require new development proposals to be sensitively sited, designed and serviced appropriate to the amenity of the existing property and the wider locality. Policy PP3 states that developments should, amongst other criterion; ensure buildings front onto streets with public fronts and private backs and have cleared defined public and private space.

The application seeks to erect an 800mm fence on top of an existing 1m high wall. The fence is to be erected on the northern, western and part of the southern and eastern boundaries. The application is part-retrospective in nature with the fence having already been erected on the northern and western boundaries, without planning permission. The northern boundary fronts onto Edgar Road and the western boundary fronts onto a public footpath

The existing site and surrounding area are characterised by terraced or semi-detached dwellinghouses, set along an established building line in a uniform manner. The houses on Edgar Road and Longwood Walk all have public front gardens, low boundary fencing or walls (up to 1m in height) and private backs often with a higher rear boundary enclosure. Mutual side boundaries in this area are also commonly defined by low walls or fences of around 1m or less. The site at 10 Longwood Walk is set on a corner (facing onto Longwood Walk) where a large proportion of the garden is either to the front (facing onto the footpath), or the side of the dwellinghouse (facing onto the public road). This results in a large area of garden ground which is considered to be a 'public frontage'. The proposal for a high level fence (800mm on top of an existing 1m high wall) would therefore not be acceptable in this location as it would fully enclose the front garden creating a private garden space and remove the existing public frontage of the dwellinghouse. This would not be in keeping with the established boundary pattern within both Longwood Walk and Edgar Road and would detract from the established character of the area, resulting in a loss of amenity. A fence of this height and design, would be acceptable at the rear of the property only (where that boundary does not front a road), and is therefore not suitable in the location as proposed.

Therefore, overall, the proposal would not accord with policies PP3, H4 or IMP1 and refusal is

recommended.

Access (T2)

The Moray Council Transportation Section have been consulted and have outlined that the proposed development would result in a reduction to the previously available pedestrian visibility splays at a sensitive location where a high number of pedestrians and cyclist are likely to be present. The resulting loss of inter-visibility between pedestrians, cyclists and vehicles would be likely to give rise to conditions which would be detrimental to the road safety of a number of road users and therefore the proposal is contrary to Moray Local Development Plan policies T2 Provision of Access and IMP1 Development Requirements.

Transportation note that the submitted drawings show sections of 'low fence' (although no measurements have been provided). Should an amended plan be submitted providing a lowered fence height in these indicative locations, the appropriate inter-visibility between road users would be provided and the objection from Transportation could be removed.

Conclusion

The proposed fence is not in keeping with the established character of the existing site and surrounding area and would remove an existing public frontage to the dwellinghouse. The fence is also not acceptable in terms of road safety and would reduce inter-visibility between road users.

As a result, the proposal contrary to policies PP3, H4, IMP1 and T2 of the Moray Local Development Plan 2015 and refusal is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

N/A

HISTORY

Reference No.	Description			
18/01251/ID	Erect 800mm high fence at 1 Longwood Walk Elgin Moray IV30 6YZ			
	Decision	Planning Permission Required	Date Of Decision	01/11/18

ADVERT

Advert Fee paid?	No		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development plan	09/04/20	
PINS	Departure from development plan	09/04/20	

DEVELOPER CONTRIBUTIONS (PGU)

Status	N/A
--------	-----

DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?

NO

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

Document Name:

Main Issues:

S.75 AGREEMENT

Application subject to S.75 Agreement

NO

Summary of terms of agreement:

Location where terms or summary of terms can be inspected:

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)

Section 30

Relating to EIA

NO

Section 31

Requiring planning authority to provide information and restrict grant of planning permission

NO

Section 32

Requiring planning authority to consider the imposition of planning conditions

NO

Summary of Direction(s)

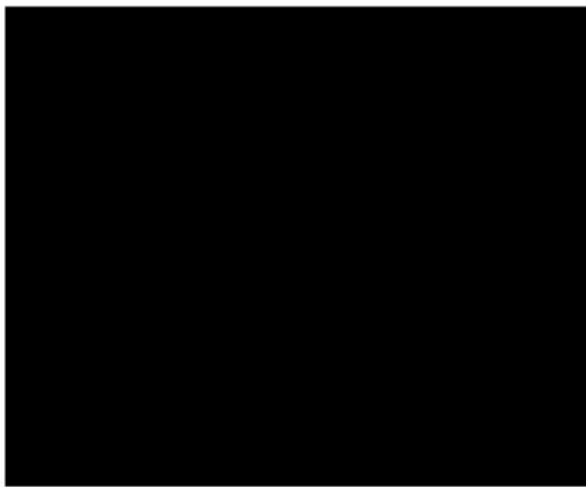


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Elgin City South]
Application for Planning Permission**

TO

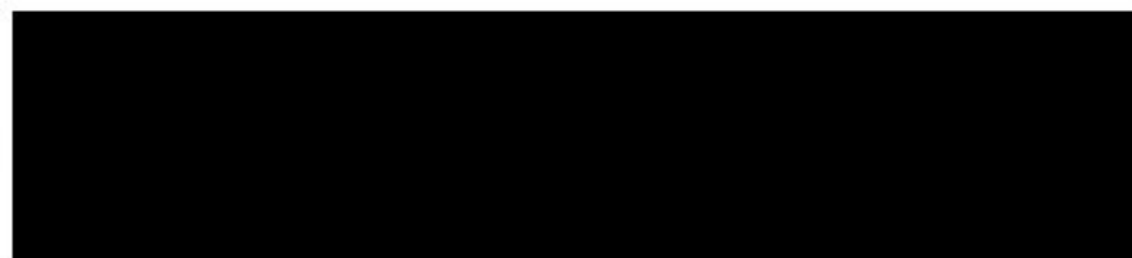


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Erect 800mm high fence on top of existing 1m boundary wall at 1 Longwood Walk Elgin Moray IV30 6YZ

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

Date of Notice: **22 April 2020**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

- 1 The proposal is contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies PP3, H4, IMP1 and T2) and should be refused for the following reasons:
 - The fence is not of an appropriate scale for the existing site or surrounding area and therefore is contrary to policies H4 and IMP1.
 - The fence would remove an existing public frontage to the dwellinghouse and therefore is not in accordance with the requirements of policy PP3.
 - The fence would give rise to a reduction in inter-visibility between pedestrians, cyclists and vehicles which could give rise to issues regarding road safety and therefore is contrary to policies T2 and IMP1.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version
PLY1_LW_PL-02	Location plan
PLY1_LW_PL-01	Elevations and site plan

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

None

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100271848-001

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

Applicant or Agent Details

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

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Dawid"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Stasiak"/>	Address 1 (Street): *	<input type="text" value="Longwood Walk"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Elgin"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV30 6YZ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

1 LONGWOOD WALK

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ELGIN

Post Code:

IV30 6YZ

Please identify/describe the location of the site or sites

Northing

861705

Easting

321263

Description of Proposal

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

Erect 800mm fence on top of existing boundary wall.

Type of Application

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



Application for planning permission (including householder application but excluding application to work minerals).



Application for planning permission in principle.



Further application.



Application for approval of matters specified in conditions.

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

All 3 points which my planning application has been refused are absolutely incompatible with what you can observe around New Elgin and whole city. The fence we need for our privacy as we have a sun all day at the front and side of the house where we have our patio. Fence also is the barrier from loud traffic lights which have been installed without any notifications. Fence also allows us to keep our dog in the garden without people trying to pat him all the time. Keep garden clean from rubbish etc

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

☒ Yes ☐ No

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

That was my first planning application and I never put any support to my application. After paying £50 for enquiry and been advised from transportation how the fence has to be done and apply for planning application with additional cost of £202 I thought I don't need anything else apart from plans and drawings.

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

1.Location plan 2.Elevation and sit plan 3.Landscape 4.Plan as per transportation

Application Details

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

20/00165/APP

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

12/02/2020

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

22/04/2020

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

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

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

I would like some one to come and speak to me face to face. As two out of three points of rejection my application was -fence is not appropriate scale for existing site -fence would remove an existing public frontage to the dwellinghouse just on site around me people having fencing without a planning permission (checked on public access) and nobody never check this so I just wonder if this rules are just for MY HOUSE.

Please select a further procedure *

Holding one or more hearing sessions on specific matters

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

I send enquiry to Moray Council about the fence and I get letter to pay fee of £50 and I will be advise on it. I get another letter telling me I need planning permission and have to be done as per transportation request and I have to pay additional £202. Then I get a phone call and email from Fiona Olsen and she said my application will be refused but I get another email telling me I have to pay another £113.51 for advertisement fee. No one will come to speak to my at all.

Please select a further procedure *

Further written submissions on specific matters

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

I don't think an moray council officer did any inspections on site around my house. Ben aigen walk is about 3 or 4 houses with fence on the front and nobody bothers them. Just on my street people having fences all mix and match no one is the same. For us privacy matter and I don't think anybody like to sit outside and have barbeque and all people walking past are looking. Fence keep garden clean from kids from high school is stopped them throwing rubbish,keep cats poop in the garden is well.

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☐ Yes ☐ No ☒ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

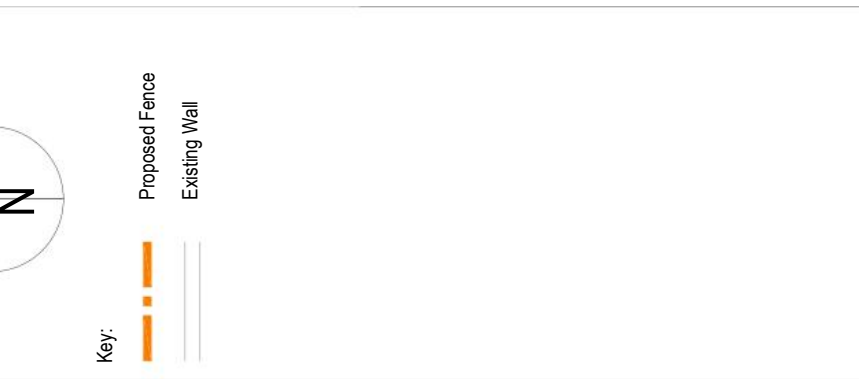
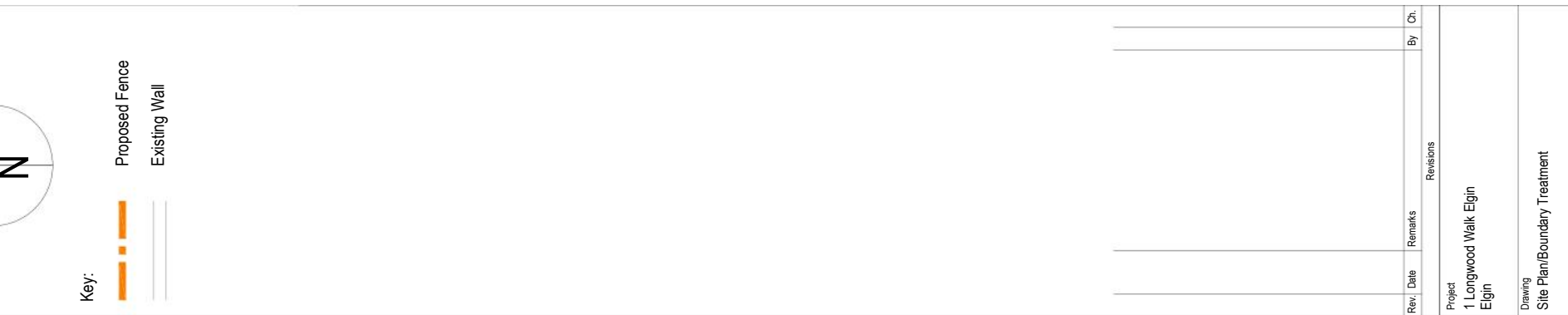
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number,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

Declare – Notice of Review

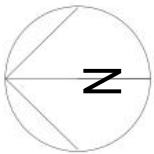
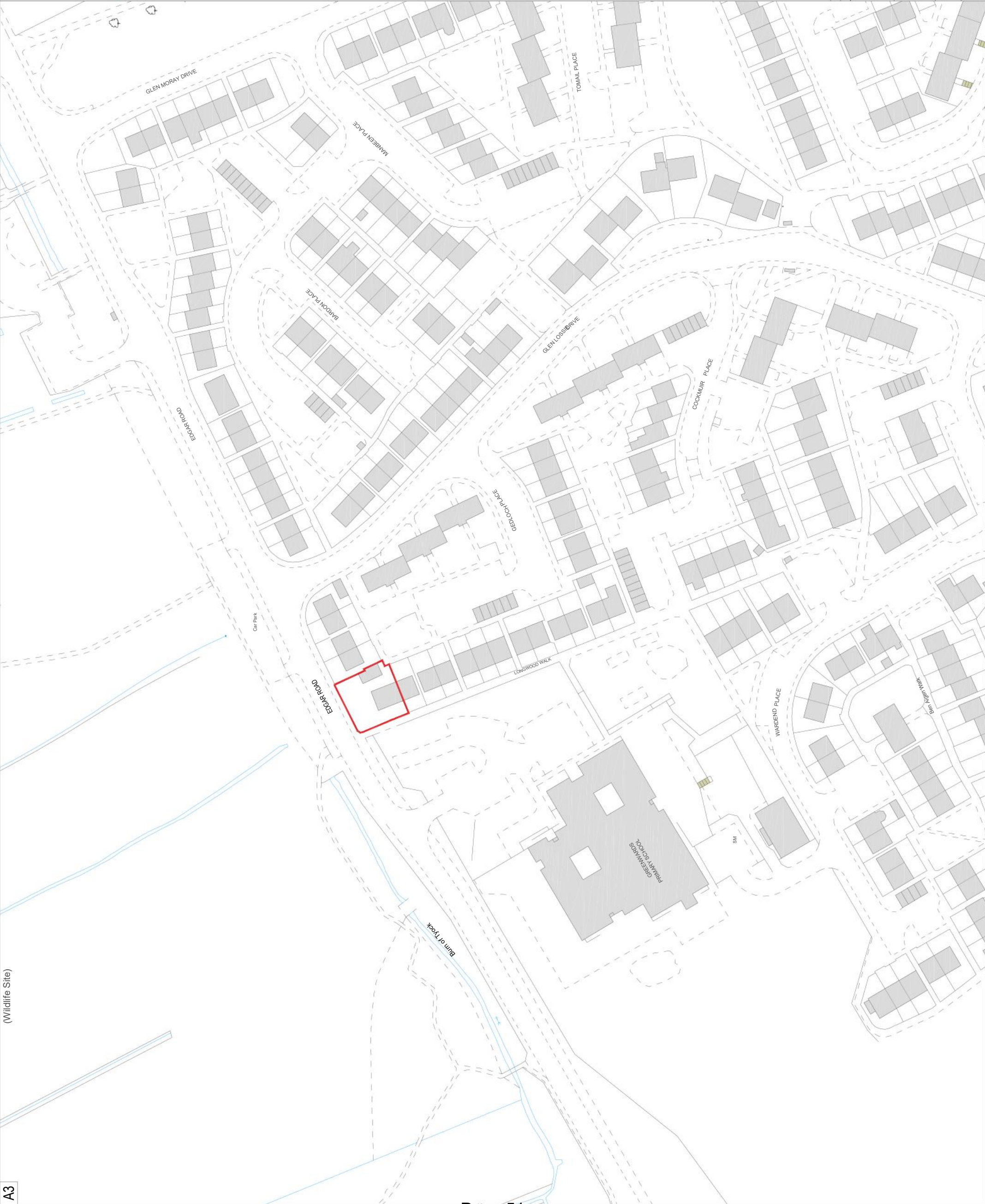
I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Dawid Stasiak

Declaration Date: 03/07/2020



Scale	Date	Drawn by	Checked by
1:200/NTS	Feb 2020	AM	
Drawing no.			Rev



Key:



Site Boundary

Rev	Date	Remarks	By	Ch

Revisions	
Project	1 Longwood Walk Elgin
Drawing	Location Plan
Scale	1:1250
Date	Feb 2020
Drawn by	AM
Checked by	
Drawing no.	PLT1_LW_PL-02
Rev	-



MORAY LOCAL REVIEW BODY

24 SEPTEMBER 2020

SUMMARY OF INFORMATION FOR CASE No LR243

Planning Application 19/01659/APP – Erection of visitor café on land adjacent to the Moray Coastal Path at Patrol Road, Portknockie

Ward 2 – Keith and Cullen

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 24 July 2020 on the grounds that:

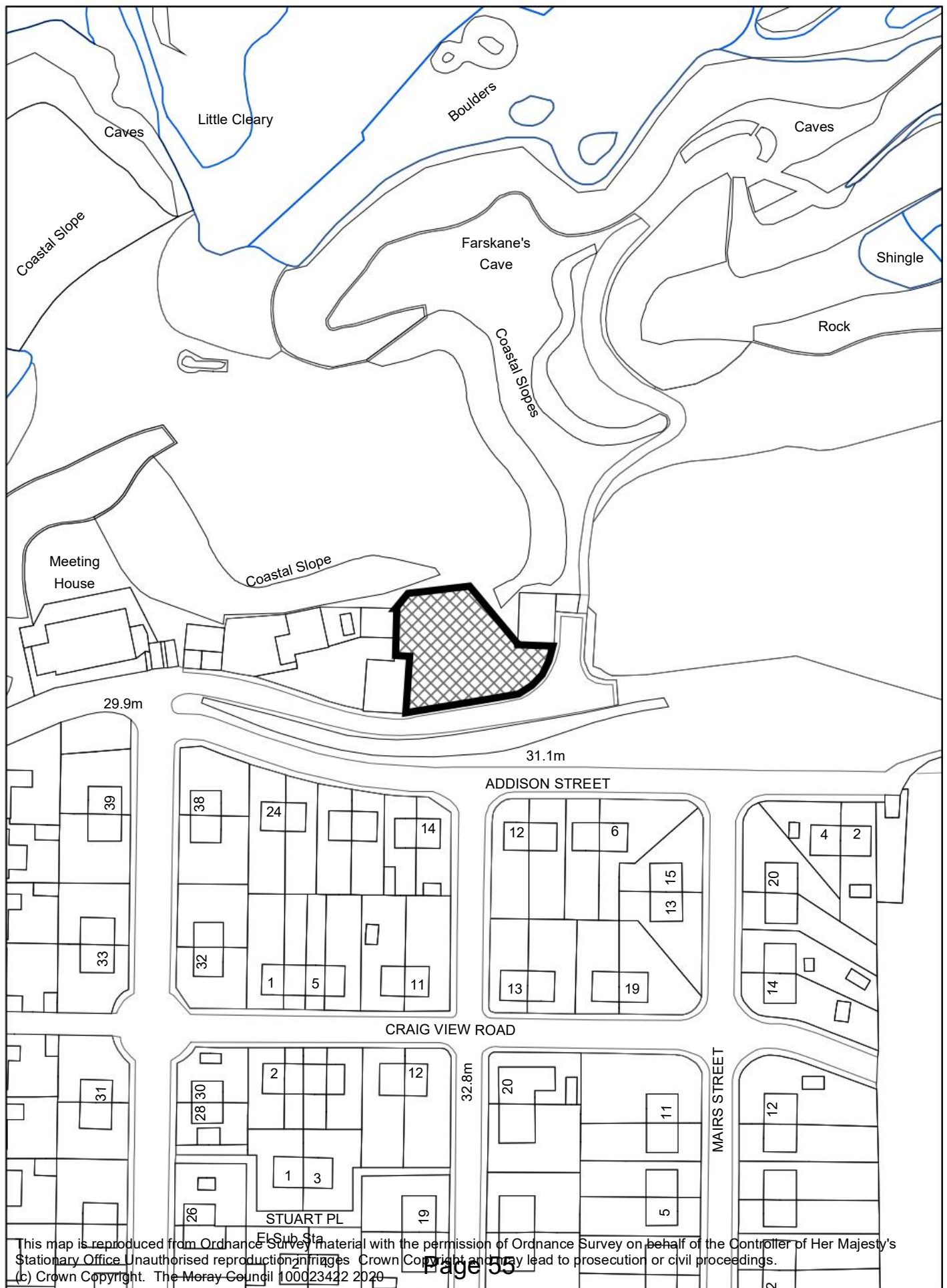
The proposed shed is contrary to Moray Local Development Plan 2020 policies DP6 and Portknockie OPP1 and Moray Local Development Plan 2015 policies ED4 and Portknockie I1 for the following reasons:-

1. The proposal would introduce an incompatible use into an established business area and would create conflict with other existing uses.
2. The proposal fails to provide for a comprehensive scheme of improvement across the whole site and as such would fail to provide a development that would enhance the visual appearance of the site or the quality of the built environment.

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





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 100219825-001

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)

Erection of Visitor Cafe on land adjacent to the Moray Coastal Path at Patrol Road, Portknockie

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:	1 Architects Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	ian	Building Name:	Seapark Studios
Last Name: *	Sutherland McCook	Building Number:	
Telephone Number: *	07713 912473	Address 1 (Street): *	Seapark
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Kinloss
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV36 3TT
Email Address: *	ian@1architects.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Alexander	Building Number:	3
Last Name: *	Laing	Address 1 (Street): *	Mairs Street
Company/Organisation		Address 2:	www.1architects.com
Telephone Number: *		Town/City: *	Kinloss
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	IV36 3TT
Fax Number:			
Email Address: *	ian@1architects.com		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

868659

Easting

349169

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

The feedback was generally negative, but also contained some comments that we have used to improve the proposal.

Title:

Mrs

Other title:

First Name:

Lisa

Last Name:

MacDonald

Correspondence Reference
Number:

19/01391/PELOC

Date (dd/mm/yyyy):

05/12/2019

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

808.00

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)

Builders Yard

Access and Parking

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

☒

Yes

☐

No

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

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

☒

Yes

☐

No

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

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

0

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

13

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

Water Supply and Drainage Arrangements

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

☒

Yes

☐

No

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

☐

Yes – connecting to public drainage network

☒

No – proposing to make private drainage arrangements

☐

Not Applicable – only arrangements for water supply required

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

What private arrangements are you proposing? *

☒

New/Altered septic tank.

☐

Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).

☐

Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

☒

Discharge to land via soakaway.

☐

Discharge to watercourse(s) (including partial soakaway).

☐

Discharge to coastal waters.

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

All surface water collected by gullies on site, and then to soak-aways within the site. All foul and waste water piped to new septic tank and then to soak-aways within the site.

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

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

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

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

☒ Yes

☐ No, using a private water supply

☐ No connection required

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☐ Yes ☒ No

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

Waste Storage and Collection

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

☒ Yes ☐ No

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

Normal local authority bin collection facilities

Residential Units Including Conversion

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

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

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

☒ Yes ☐ No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 3 Restaurant/cafe

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

135

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

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: Ian Sutherland McCook

On behalf of: Mr Alexander Laing

Date: 20/12/2019

☒ 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)

All necessary drawings are included

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 checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input checked="" type="checkbox"/> Yes <input 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)

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 Ian Sutherland McCook

Declaration Date: 20/12/2019

Payment Details

Telephone Payment Reference:

Created: 20/12/2019 19:46

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RevID	ChID	Change Name	Date

Client

Mr Alexander Laing

Project

Visitor Cafe, Portknockie

Drawing

External Views

Drawing No:

Revision:

Scale:

1:100

Date Created:

02/06/2020

Drawn By:

ISM

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RevID	ChID	Change Name	Date

Client

Mr Alexander Laing

Project

Visitor Cafe, Portknockie

Drawing

Kitchen Layout

Drawing No:

Revision:

Scale:

1:100

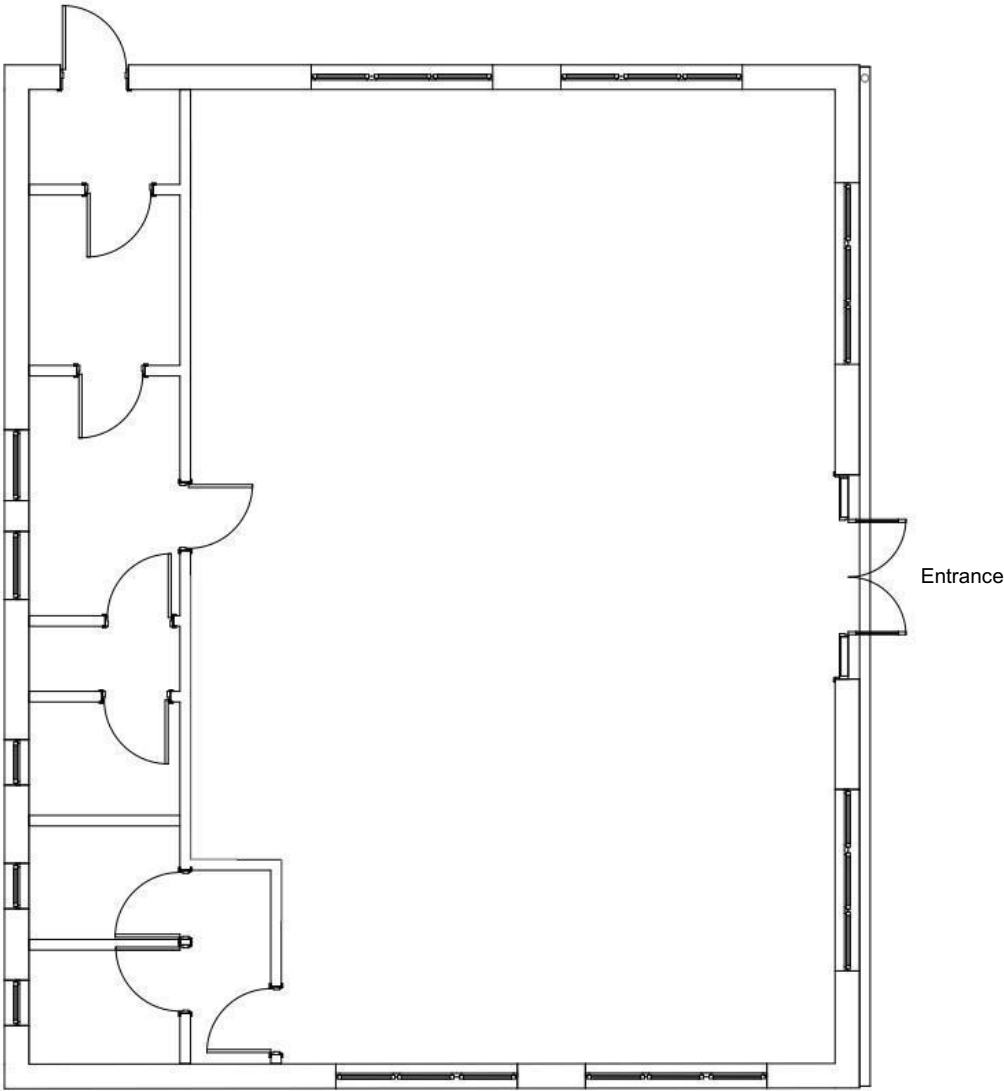
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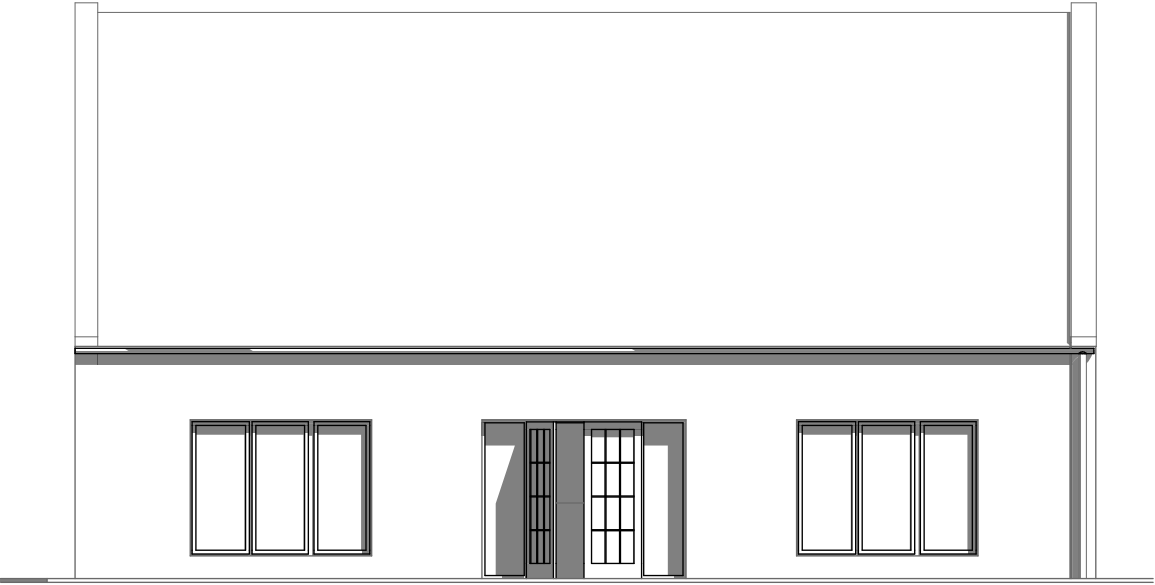
02/06/2020

Drawn By:

ISM

* = SPECIAL REQUIREMENTS
PLUMBING NOTES:-
ITEM No 16 INTERNAL RINSE BOOSTER PUMP FITTED, INDEPENDENT WATER SUPPLY REQUIRED, WATER SUPPLY PRESSURE MUST HAVE A GUARANTEED 0.8 to 6 BAR TO MAINTAIN CORRECT BREAK TANK WATER LEVEL. EXTERNAL BOOSTER PUMP POA
ITEM No 16 DRAIN PUMP FITTED, STAND PIPE REQUIRED - BY OTHERS. POSITION OF STANDPIPE SHOULD BE LOCATED TO EITHER SIDE OF MACHINE.
ITEM No 22 DRINKING WATER, PRESSURE 0 to 6 BAR.
ITEM No 24 DRINKING WATER, PRESSURE 1 to 8 BAR.
ELECTRICAL NOTES:-
ITEM No 2, 3, 29B & 29I LOW LEVEL CABLE OUTLET WITH 24 Hr SUPPLY.
ITEM No 9, 11 & 16 LOW LEVEL CABLE OUTLET.
ITEM No 13 FRACTIONAL H.P. MOTOR 7-PH+N (7 AMP RUN CURRENT 7 AMP START CURRENT). STARTER/SPEED CONTROLLER SUPPLIED BY J. SCOTT & SONS (K.E.) Ltd. 7-CORE AND GARTH WIRING BETWEEN SPEED CONTROLLER & MOTOR BY SITE ELECTRICIAN.
ITEM No 13 HIGH LEVEL CABLE OUTLET WITH 24 Hr SUPPLY.
ITEM No 14 HIGH LEVEL CABLE OUTLET WITH 24 Hr SUPPLY.
ITEM No 29 CONNECTION 150mm ABOVE F.F.L.
GENERAL NOTES:-
ITEM No 8 & 19 WALLS TO BE SUITABLY STRENGTHENED TO SUPPORT WALL MOUNTED UNITS, I.E. WALL CUPBOARDS, WALL SHELVES, WHB & ANY WALL MOUNTED UNIT IN JS&S (KE) LTD LAYOUT STRENGTHENING TO BE CARRIED OUT BY OTHERS & COMPLY WITH REGULATIONS.
ITEM No 13 APPROXIMATE POSITION OF DUCT OUTLET THROUGH ROOF.
ITEM No 2, 3 & 29 REFRIGERATION EQUIPMENT TO BE INSTALLED IN A WELL VENTED AREA TO COMPLY WITH ALL MANUFACTURERS REQUIREMENTS (REFER TO TECHNICAL LEAFLET FOR DETAILS OF HEAT OUTPUT)

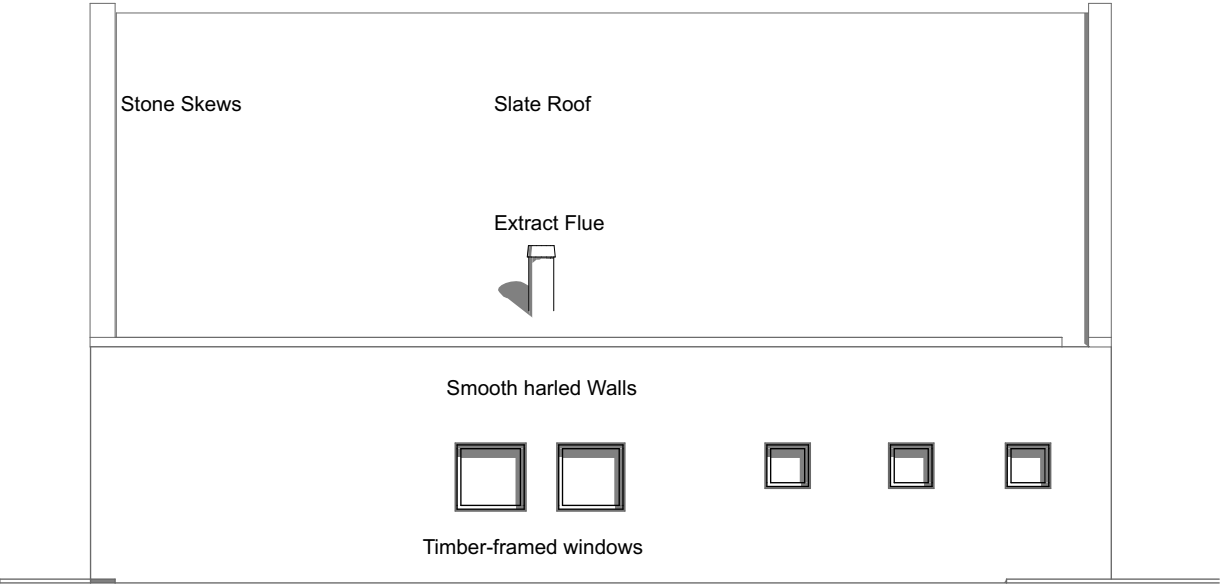




East Elevation



North Elevation



West Elevation



South Elevation

Drawing No:

Revision:

Scale:1:100

Date Created:

Drawn By:

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RevID	ChID	Change Name	Date

Client
Mr Alexander Laing

Project
Visitor Cafe, Portknockie

Drawing
Location Plan

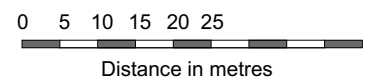
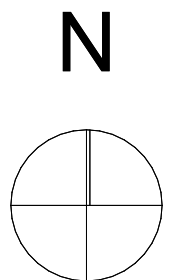
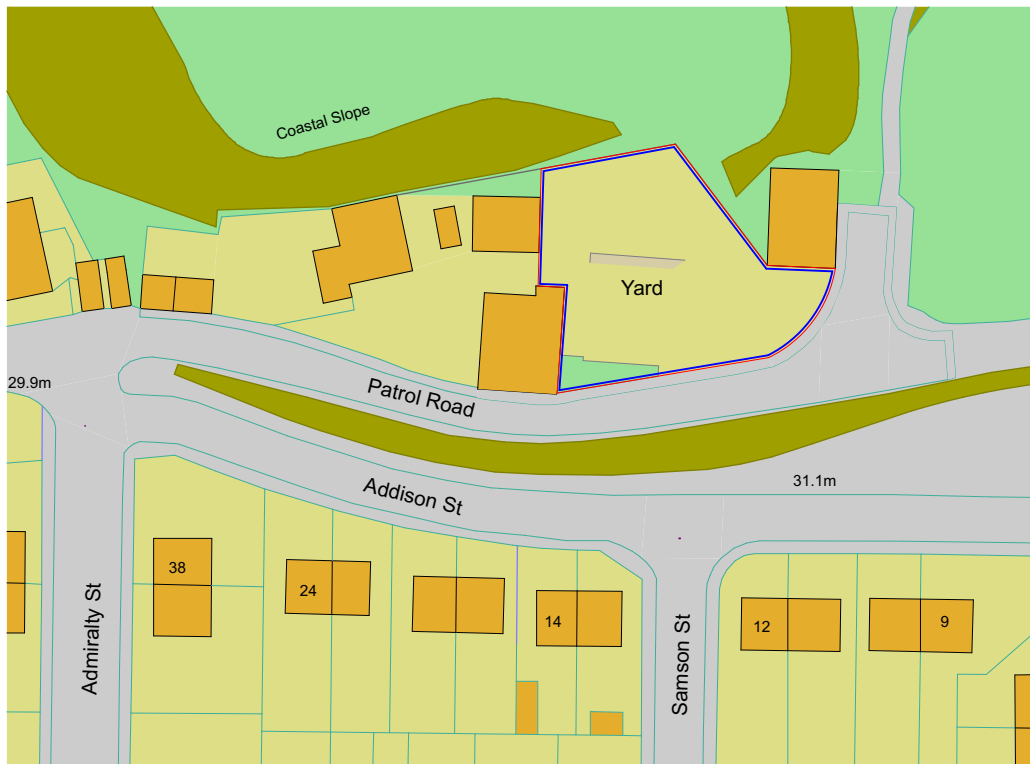
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Revision:

Scale: 1:100

Date Created: 19/12/2019

Drawn By: ISM



1 Architects

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[illegible]

Mr Alexander Laing

Site Plans

ISM

1:1000

Visitor Cafe, Portknockie

Page 77 03/06/2020

483.01

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

gmsurveys

Surveys, Setting-Out Civil Engineering Design

Site Investigation & Drainage Assessment

VISITOR CAFÉ, PORTKNOCKIE

Gary Mackintosh Bsc
gmsurveys@gmail.com

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Client:

Mr A Laing

Site Address:

Proposed Visitor Cafe
Patrol Road
Portknockie

Planning Reference:

19/01659/APP

Date:

28th May 2020

Job Number:

0683

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 proposals are to erect a new Visitor Café and associated infrastructure within an existing builders yard located to the north east of Patrol Road, Portknockie, Buckie.

The SEPA Flood maps have been consulted which indicate the proposed site lies out with any areas of fluvial and pluvial flooding during a 1:200year event.

There is no existing drainage infrastructure located within the site boundary. There is an existing Scottish Water Sewer located at the junction of Patrol Road and Admiralty Street being the nearest located infrastructure approximately 85m west of the site.

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

Soil Conditions:

Excavations were carried out using a mechanical digger on 18th May 2018 to assess the existing ground conditions and carry out infiltration testing for the dispersal of foul and surface waters via soakaways.

The trial pits were excavated to depths of 1.5m.

The excavations provided existing ground conditions of 300mm made ground/hardcore/surfacing overlying brown turning light brown, medium, fine, slightly gravelly Sands proved to the depth of the excavations.

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

Infiltration testing:

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

Infiltration Test	Pit Dimensions (w/l)	Test Zone (mbgl)	Infiltration Rate (m/s)
INF01	0.6m x 8.0m	0.4 – 1.5	2.801×10^{-5}

Conclusion and Recommendations:

Due to the location of the existing sewer, a gravity connection is not achievable due to the topography. Given the nature of the development it is anticipated that SEPA will require a private pump system to be installed to discharge the foul water to the existing sewer.

The final details of the foul drainage are to be confirmed by the chosen supplier/manufacturer of the pump system and in agreement with SEPA and Scottish Water.

Based on the site investigation the ground conditions are suitable for the use of standard stone filled soakaways as a method of dispersal of surface waters.

Surface Water Dispersal via Soakaway:

Please see attached surface water calculations detailing the requirement and suitability for soakaway dimensions of **6.0m x 3.0m at a depth of 0.8m** below the invert level based on a contributing area of 150m² (proposed new building roof area) up to a 1 in 30year event with 35% allowance for climate change. The soakaway is to be located beneath the parking bays located to the north east of the site.

The parking area is to be surfaced in bituminous macadam and is to be graded to falls as indicated within the drainage layout. The parking bays are to be formed using permeable pavements with infiltration sub base below:

Contributing Area – 568m² (Full area of car parking and access road)

Area of parking Bays – 125m²

Infiltration Rate – 2.801×10^{-5} m/s or 0.101m/hr

The calculation sheet below demonstrates that permeable paving with infiltration sub - base at a minimum depth of 375mm below the construction would be adequate to manage surface water flows up to and including a 1:200year event with 35% allowance for climate change.

Soakaway Details can be found in Appendix B.

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

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



MasterDrain
SW 16.53

gmcsurveys
Surveys, Setting Out Civil Engineering Design

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

Job No. 0683		
Sheet no. 1		
Date 01/06/20		
By GM	Checked	Approved

Project **Visitor Cafe, Portknockie**
Title **Surface Water Soakaway**

Rectangular pit design data:-

Pit length	=	6 m	Pit width	=	3 m
Depth below invert	=	.8 m	Percentage voids	=	30.0%
Imperm. area	=	150 m ²	Infilt. factor	=	0.000028 m/s
Return period	=	30 yrs	Climate change	=	35%

Calculations :-

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

$$a_{s50} = 2 \times (\text{length} + \text{width}) \times \text{depth}/2 = 7.2 \text{ m}^2$$

Outflow factor : $O = a_{s50} \times \text{Infiltration rate} = 0.0002016 \text{ m/s}$

Soakaway storage volume : $S_{\text{actual}} = \text{length} \times \text{width} \times \text{depth} \times \% \text{voids}/100 = 4.3 \text{ m}^3$

Duration	Rainfall mm/hr	Inflow m ³	Depth (hmax) m	Outflow m ³	Storage m ³
5 mins	85.9	1.1	0.19	0.06	1.01
10 mins	65.8	1.6	0.28	0.12	1.52
15 mins	54.5	2.0	0.34	0.18	1.86
30 mins	38.0	2.9	0.46	0.36	2.49
1 hrs	25.5	3.8	0.57	0.73	3.10
2 hrs	16.5	5.0	0.65	1.45	3.50
4 hrs	10.5	6.3	0.63	2.90	3.41
6 hrs	8.0	7.2	0.53	4.35	2.88
10 hrs	5.7	8.6	0.24	7.26	1.32
24 hrs	3.2	11.4	0.00	17.42	0.00

Actual volume : $S_{\text{actual}} = 4.320 \text{ m}^3$

Required volume : $S_{\text{reqd.}} = 3.500 \text{ m}^3$

Soakaway volume storage OK.

Minimum required a_{s50} : 5.83 m^2

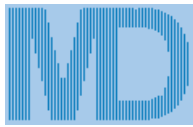
Actual a_{s50} : 7.20 m^2

Minimum depth required: 0.65 m

Time to maximum 2 hrs

Emptying time to 50% volume = $t_{s50} = S_{\text{reqd}} \times 0.5 / (a_{s50} \times \text{Infiltration rate}) = 02:24 \text{ (hr:min)}$

Soakaway emptying time is OK.



MasterDrain
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Job No. 0683		
Sheet no. 2		
Date 01/06/20		
By GM	Checked	Approved

Project **Visitor Cafe, Portknockie**
Title **Surface Water Soakaway**

Location hydrological data (FSR):-

Location	=	FINDOCHTY	Grid reference	=	NJ4668
M5-60 (mm)	=	12.4	r	=	0.26
Soil index	=	0.30	SAAR (mm/yr)	=	725
WRAP	=	2	Area	=	Scotland and N. Ireland

Soil classification for WRAP type 2

- i) Very permeable soils with shallow ground water;
- ii) Permeable soils over rock or fragipan, commonly on slopes in western Britain associated with smaller areas of less permeable wet soils;
- iii) Moderately permeable soils, some with slowly permeable subsoils.

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



MasterDrain
SW

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Mobile: 07557 431 702

Job No. 0683		
Sheet no. 1		
Date 02/06/20		
By GM	Checked	Approved

Project	Proposed Visitor Cafe, Potknockie
Title	Permeable Paving Depth Requirements

Data:-

FSR Hydrology:-

Location = FINDOCHTY

M5-60 (mm) = 12.4

Soil index = 0.30

Return period = 200

Grid reference = NJ4668

r = 0.26

SAAR (mm/yr) = 725

WRAP = 2

- i) Very permeable soils with shallow ground water;
- ii) Permeable soils over rock or fragipan, commonly on slopes in western Britain associated with smaller areas of less permeable wet soils; The layer is low in organic matter, mottled and (fragipan - a natural subsurface horizon having a higher bulk density than the solum above. Seemingly cemented when dry but showing moderate to weak brittleness when moist. Slowly or very slowly permeable to water. It is found in profiles of either cultivated or virgin soils but not in calcareous material).
- iii) Moderately permeable soils, some with slowly permeable subsoils.

Design data:-

Total drained area = 568 m²

Storm duration = 6.00 hrs

Inf. coefficient = 0.1010 m/hr

Saturation depth = 80.0 %

Perm. pavior area = 125 m²

Climate change factor = 1.35

% Voids = 30.0%

Runoff factor = 95%

Calculated data:-

Mean rain intensity = 11.9 mm/hr @ 200yrs/6hrs with 1.35 climate change factor

Total rainfall volume = 40.515 m³.

Total runoff volume = 38.490 m³.

Mean discharge rate = 3.507 l/s.

Infiltration volume = 75.750 m³.

Infiltration volume exceeds the total runoff volume.

Minimal storage is required, therefore a minimum construction thickness of 375mm should be used.

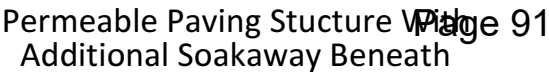
Storm profile used = Summer

APPENDIX A

Test Hole Location – Proposed Soakaway Position

APPENDIX B

Drainage Details



SITE: Proposed Visitor Cafe Patrol Road, Portknockie			
TITLE: Soakaway Details			
SCALE AT A4: NTS	DATE: MAY20	DRAWN: GM	CHECKED:
PROJECT NO: 0683	DRAWING NO: Appendix B		REVISION: -

Drainage Statement

Visitor Cafe at Patrol Road, Portknockie

December 2019

Introduction

This Drainage Statement is to accompany the planning application for a new Visitor Cafe at Patrol Road, Portknockie, adjacent to the Moray Coastal Path.

Site

The site is located at the eastern end of Patrol Road, immediately below the junction with Addison St and Samson St. The site is currently used as a builder's yard and contains no buildings.

The proposal is to clear the site, erect a traditional single-storey building to house the Visitor Cafe, and provide adequate parking.

Foul Drainage

The new building will contain 2 public wc's with basins, and one staff wc with basin, plus 2 kitchen sinks with the appropriate grease traps and filters.

These will all be connected to a new septic tank and soak-away in accordance with the appropriate building standards.

Surface Water

Surface water soak-aways are feasible on this site because of the friable nature of the subsoil. Percolation tests will of course prove or disprove this, early soil sampling has shown consistently firm sand to a depth of at least 1.5 metres.

Surface water will be collected from gullies around the property and connected to soak-aways that are separate from those serving the septic tank.

1 Architects Ltd
December 2019

Level 1 Flood Report

Visitor Cafe at Patrol Road, Portknockie

December 2019

Introduction

This Level 1 Flood Report is to accompany the planning application for a new Visitor Cafe at Patrol Road, Portknockie, adjacent to the Moray Coastal Path.

Site

The site is located at the eastern end of Patrol Road, immediately below there junction with Addison St and Samson St. The site is currently used as a builder's yard and contains no buildings.

The proposal is to clear the site, erect a traditional single-storey building to house the Visitor Cafe, and provide adequate parking.

Scope of Report

This report will consider all sources of flooding including fluvial, surface water, coastal, and sewers within the study area.

Fluvial

There are no rivers or streams in the vicinity of this site, and therefore no risk of fluvial flooding. The SEPA Flood Map confirms this.

Coastal

The site is over 30 metres above sea level, and at no risk of coastal flooding. The SEPA Flood map also confirms this.

Surface Water

There are no records of this site ever being flooded, and certainly the highly-sandy nature of the subsoil makes this unsurprising. Patrol Road, adjacent to the site, is also well-served with gullies to take away any surface water finding its way down the road.

It seems extremely unlikely that the site will be at risk from surface water, and the SEPA Flood Map agrees with this.

Sewers

There are no sewers on or close to the site, the nearest being in Addison Street. The risk of flooding from sewers therefore does not arise.

Summary

It seems that there are no flood risks present, and therefore further assessment is not necessary.

1 Architects Ltd
December 2019

Risk Assessment for Odour

June 2020

PROJECT DETAILS

CLIENT	SITE	PREPARED BY
Alexander Laing.	Patrol Rd, Portknockie	DH

DETAILS OF REPORT

Please find below our assessment of the potential for nuisance odour arising from the cooking process carried out at the above site. This assessment has been carried out using Annex C: Risk assessment for odour from the DEFRA 'Guidance on the control of Odour and Noise from Commercial Kitchen Exhaust Systems'.

DISPERSION

SCORE	SCORE	DETAILS	RESULT
Very poor	20	Low level discharge, discharge into courtyard or restriction on stack	10
Poor	15	Not low level but below eaves, or discharge at below 10m/s	
Moderate	10	Discharging 1m above eaves at 10-15m/s	
Good	5	Discharging 1m above ridge at 15m/s	

PROIMITY OF RECEPTORS

SCORE	SCORE	DETAILS	RESULT
Close	10	Closest sensitive receptor less than 20m from kitchen discharge	5
Medium	5	Closest sensitive receptor between 20 and 100m from kitchen discharge	
Far	1	Closest sensitive receptor more than 100m from kitchen discharge	

SIZE OF KITCHEN

SCORE	SCORE	DETAILS	RESULT
Large	5	More than 100 covers or large sized take away	3
Medium	3	Between 30 and 100 covers or medium sized take away	
Small	1	Less than 30 covers or small take away	

COOKING TYPE (ODOUR AND GREASE LOADING)

SCORE	SCORE	DETAILS	RESULT
Very high	10	Pub (high level of fried food), fired chicken, burgers or fish and chips	1
High	7	Kebab, Vietnamese, Thai or Indian	
Medium	4	Cantonese, Japanese or Chinese	
Low	1	Most pubs, Italian, French, Pizza or Steakhouse	

CONCLUSION

IMPACT RISK	ODOUR CONTROL REQUIREMENT	Score
Low to Medium	Low level odour control	Less than 20
High	High level odour control	20 to 35
Very High	Very High level odour control	Over 35

Please see below some examples of levels of filtration which may be required, please note the final section will be based on a site by site requirement factoring in all the elements to make the best selection.

LOW LEVEL ODOUR CONTROL – RECOMMENDED

CANOPY BAFFLE FILTERS USED AS PRIMARY FILTERS WITHIN CANOPY AND BARRIER TO FLAME

Canopy coalesce filters behind canopy to remove further grease from air stream

Carbon filtration*

Odour neutralizer*

*where required

HIGH LEVEL ODOUR CONTROL – EXAMPLE ONLY

CANOPY BAFFLE FILTERS USED AS PRIMARY FILTERS WITHIN CANOPY AND BARRIER TO FLAME

Canopy coalesce filters behind canopy to remove further grease from air stream

UV Filtration

Electrostatic Precipitators (ESP)

VERY HIGH LEVEL ODOUR CONTROL – EXAMPLE ONLY

CANOPY BAFFLE FILTERS USED AS PRIMARY FILTERS WITHIN CANOPY AND BARRIER TO FLAME

Canopy coalesce filters behind canopy to remove further grease from air stream

UV Filtration

Electrostatic Precipitators (ESP)

G4 Panel filters

F9 Bag filters

H10 Hepa filters

Activated carbon panel filters (NFX)

SERVICING AND MAINTENANCE

Regular servicing and maintenance is required to allow the systems to operate as designed, please see below guidelines for servicing frequencies. Please note this is a guideline only and each site will vary depending on cooking styles and levels of trade.

The washable stainless steel grease filters to be cleaned daily as part of the staff cleaning regime. The UV System is to be included in a formal cleaning regime as well as maintenance to the fan unit which will be as per the manufacturer's recommendation and this should form the basis of a services contract.

All ductwork cleaning to be in accordance with TR19 as published by the HVAC

Example of servicing frequencies

	LOW TO MEDIUM LEVEL	HIGH LEVEL	VERY HIGH LEVEL
Canopy baffle filters used as primary filters within canopy and barrier to flame	Daily	Daily	Daily
Canopy coalesce filters behind canopy to remove further grease from air stream	Daily	Daily	Daily
UV Filtration	See manufactures spec	See manufactures spec	See manufactures spec
Electrostatic Precipitators (ESP)	4-6 weeks	4-6 weeks	4 weekly minimum
G4 Panel filters	6-8 weeks	4-8 weeks	1-3 weeks
F9 Bag filters	6-8 weeks	4-8 weeks	3-6 weeks
H10 hepa filters	10-12 weeks	6-12 weeks	3-6 weeks
Activated carbon panel filters (NFX)	40-60 weeks	30-40 weeks	12-20 weeks

Supporting Statement 2

Visitor Cafe at Patrol Road, Portknockie

June 2020

Background to Application

The highly-popular Moray Coastal Trail runs through Portknockie, and passes alongside this site. Very close by is the major tourist attraction of Bow Fiddle Rock. Particularly in summer, but to some extent all year round, there are visitors spending long periods walking in the open air, and who would appreciate somewhere to sit down and take refreshments. There are no facilities for visitors adjacent to the Coastal Path anywhere in Portknockie.

Our client wishes to provide such a facility in the form of a simple cafe serving plain local food and drink immediately adjacent to the coastal path.

Our client is a retired local builder who was born in Portknockie and has lived here all his life. He has owned and used this site for many years, and has witnessed over that time the constant requests from walkers on the Coastal Path for directions to the nearest cafe. It has become increasingly apparent to him that there is a strong demand for this facility, and we believe that this location is very well-suited. We further understand that there is strong local support for this proposal.

Planning Status

The emerging Local Plan identifies this site as an Opportunity Site, and requires a number of points to be met. We are happy to confirm that the proposals satisfies the following stated requirements:-

- Only proposals that enhance the overall quality of the built environment and visitor facilities will be supported.
- Proposals must be compatible with visitor use and must include formalised parking arrangements for this popular area. The existing turning head must be retained for this function, therefore parking in accordance with current Moray Council Parking Standards must be provided to ensure no overspill car parking.
-the proposal includes measures to improve the visual appearance and enhance the overall building environment.
- Proposals must be single storey to protect the open aspect/vistas down Admiralty Street, Samson Street, and towards Bow Fiddle Rock.
- Footway to be widened to a minimum of 2m with the missing section provided to create a continuous pedestrian route.
- Any development to be connected to mains water and sewerage, or otherwise to demonstrate that there will be no adverse effect on the integrity of the proposed Moray Firth Special Protection Area (pSPA) or cause changes in water quality affecting the habitat and prey species that the qualifying interest of the pSPA rely on.

The Pre-Application response states that there should be a wholesale redevelopment of the entire Patrol Road industrial site, rather than improvement of sites individually.

This is not practicable. There are 3 or 4 owners, all with different ongoing businesses utilising a variety of existing buildings on site, whereas our client has an empty yard. Why should they cease trading and lose income to join our client in discussing a speculative redevelopment. Even if they did talk there is no guarantee that they will ever agree on what is to be done. And how would the equity be split amongst them? To block development in the unlikely hope that all owners agree to redevelop at the same time and for the same purpose would simply mean that no development ever took place, and the site remained an undeveloped builders yard.

If you impose the "whole site" condition, no improvements will ever be made, and that is surely the exact opposite of what Moray Council wants. The council presumably wishes to enable sustainable and sensible developments that benefit the community.....not make them impossible? It is likely that this policy was developed with other sites in mind, and is not appropriate for this situation. If this is to be described as an Opportunity Site, then you should not deny people the opportunities.

The Emerging Local Plan for Portknockie (OPP1) specifically identifies small scale business and residential uses are potentially suitable for the site. The cafe clearly falls within the category of small-scale business, and there is nothing in the OPP1 that suggests that visitor facilities would be inappropriate.

Employment Generation

The Visitor Cafe would employ a significant number of local people. There will be a permanent requirement for cooks, kitchen assistants, waiting staff, and cleaners. The operation will generate support work from local businesses such as accountants, solicitors, compliance advisors, newspaper advertising etc. The construction phase will employ local tradesmen from all disciplines, and of course there will be ongoing maintenance work to the building in the coming years.

Parking

We have reduced the size of cafe to 30 seats and 10 car spaces, which aligns with the Moray Council standards of 1 space per 3 seats. There is also space to turn within the site.

Transport

Visibility is moderately limited at the entrance to the site, but this road is a dead end with very very little traffic. Travel speeds are consistently low because the road terminates just a few metres past the site entrance. Anyone intending to enter the site would naturally be driving very slowly....in fact the road does not any point allow fast driving.

The reduced number of parking spaces has allowed us to set the building back further from the road frontage. This adjusted position permits a visibility splay of over 25 metres, which we think is adequate given that this is a clearly-signposted cul-de-sac with tight bends, thus ensuring that traffic speeds will be low. The Scottish Government "Designing Streets" guidance states that for speeds of 20mph a sightline of 22 metres is acceptable. If there are concerns, speed bumps can be installed.

It has been suggested that parts of the road are too narrow for 2 cars to pass, but regular experience of driving this road does not support that notion. It is quite wide enough for 2 normal vehicles to pass, and in any event the frequency of traffic on this road is and will remain low. With travel speeds that are already slow, there does not appear to be a problem here.

NB It is noted from Moray Council's own "List of Public Roads and Public Streets", that this section of Patrol Road is not adopted. We would therefore be grateful for clarification on whether the Transport Department can dictate standards.

Drainage and SUDS

A report on "Site Investigation and Drainage Assessment" is attached. This shows that satisfactory filtration has been recorded, and that adequate surface water treatment is possible within the site.

Environmental Health

Our client has appointed a highly-experienced specialist kitchen equipment supplier and a separate Heating & Ventilating Consultant to design and specify the catering equipment layout and the air-handling system. Both their proposals are attached to this application

Safety and Geotechnical Stability

There has been a suggestion that the edge of the site may be endangered by this development, but there is no reason for concern. Our client is building only to the front of the site, and no structures are being erected to the rear. Only parking will take place to the rear, and that imposes less load and disturbance than the current use as a builders yard where heavy vehicles and machinery could be parked at the rear.

Mention has also been made of potential landslips, but Moray Council has already published a list of the sites in Portknockie where landslips may be a problem,, and this is not one of them.

Design

Originally the cafe had a hipped roof similar to some traditional buildings found already in Portknockie, but at the request of the planning department we have changed that to a pitched gable roof. We have also incorporated stone skewers to more closely reflect the prevalent local roof style.

On the main entrance elevation we have also removed some entrance doors and changed them to windows, leaving just one main entrance with traditional full-height glazed doors. All windows to the two main frontages are full-height windows in keeping with the commercial nature of the premises.

Conclusion

With the information presented by 3rd party consultants, we are able to demonstrate compliance with all requirements apart from the policy requirement to develop the whole site at once. We believe that we have shown that a narrow interpretation of the policy is not appropriate for this situation and that it should be widened. Our view is that once our client has shown what can be achieved on the site, others will want to follow with other tourist-related developments, but to expect these all to happen at once is unrealistic, and serves only to stifle, even prevent, development. This is surely not the aim of Moray Planning Department.

We believe that the proposal is in the best interests of the community, and is worthy of support.

1 Architects Ltd

June 2020



Portnockie Kitchen Vent

Client:



Project: Portnockie Kitchen Vent

Date: 3/30/2020 12:33:43 PM

Rev: 1 (24)

Updated: 3/30/2020 12:53:17 PM

Printed by: ()

Telephone:

Telephone:

Mobile:

Mobile:

Fax:

Fax:

Email:

Email:

ENQUIRY

Pos.	Product Ref.	Prod. Code	Desc.	Qty	Volume	Pressure
1	KEF1	5136926700	CTHT/6-400 N (230/400V50HZ)	1	0,561 m³/s	233 Pa
1,1		5401618900	VFTM TRI 0,37 IP55(x1)	1		
1,2		5136824900	JPA-630(x1)	1		
1,3		5136864500	JAA-630 (x1)	1		
1,4		5136884300	JCA-630 N(x1)	1		
1,5		5138908300	JAЕ-630 N (x1)	1		
1,6		5138907500	JBR-630 N (x1)	1		
1,7		L1000000681	PREP/COOK Switch (IP66)(x1)	1		
2	AHU	5209376700	CAIT-20 M5 E15 PRO-REG R	1		
3		5209373300	BCC-355 CAIB-20	2		
4		5416762700	REEV-355	1		
5		5416763000	LF-24 S	1		
6		5138921000	ACOPEL F400-355/160 N	2		
7		5130861700	KSE-45	1		
8		5211812200	SIL-250	2		



MAX-TEMP CTHB/CTHT

5136926700 - CTHT/6-400 N (230/400V50HZ) - ROOF MOUNTED FANS



Centrifugal roof mounted fans in horizontal discharge format, designed for smoke extraction in fire conditions and specially recommended for extracting smoke from the fireplaces, suitable for air stream temperature up to 120°C and certified F400-120 (CE marked). Base is manufactured from galvanized sheet steel and cowl is manufactured from spun aluminium and it incorporates a bird-proof guard.

Motor

Motor is IP55, Class F and equipped with ball bearings greased for life.

Electrical supply:

Three phase 400V-50Hz.

This model is speed controllable by voltage or frequency. When is using a speed controller, the electrical installation must be equipped with a security system which allows the maximum speed of the fans in case of fire.

Brand S&P model CTHT/6-400 N (230/400V50HZ) for an airflow 0,561 m³/s and static pressure 233 Pa.

5136926700 - CTHT/6-400 N (230/400V50HZ)

Project: Portnockie Kitchen Vent (rev. 1 (24)) - Reference: KEF1

Theoretical Working Point

Airflow	0,450 m³/s
Static Pressure	150 Pa
Temperature	20 °C
Altitude	0 m
Density	1,2 kg/m³
Frequency	50 Hz

Working Point

Airflow	0,561 m³/s
Static Pressure	233 Pa
Dynamic pressure	1,64 Pa
Total Pressure	235 Pa
Input power	0,331 kW
Outlet speed	1,6 m/s
Fan speed	917 rpm
Specific Fan Power	0,59 W/l/s
Specific Fan Power reg	0,42 W/l/s

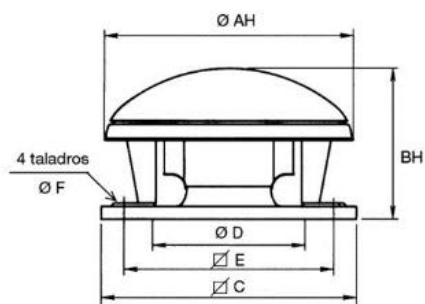
Construction

Fan size	400
Weight	44,00 kg

Motor Characteristics

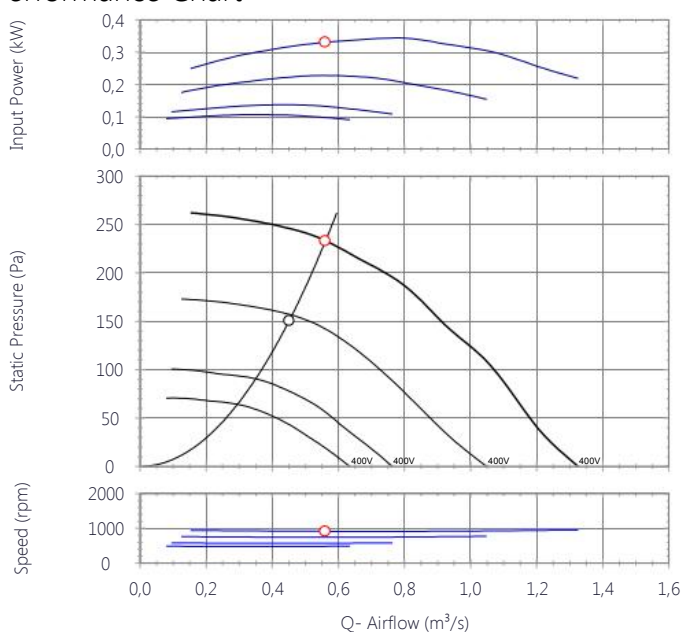
Number of poles	6
Maximum absorbed current	1,4 A / 0,8 A
Voltage	3-230/400V-50Hz
IP Rating	IP55
Motor insulation class	F

Drawing



AH	BH	C	D	E	F
850	532	630	400	535	12

Performance Chart



Sound Performance

	63	125	250	500	1k	2k	4k	8k	Overall
Inlet (LwA)	38	52	61	62	59	59	61	49	68
Inlet LpA @ 3m	17	31	40	41	38	38	40	28	47
Outlet (LwA)	45	56	66	69	65	65	64	54	73
Outlet LpA @ 3m	24	35	45	48	44	44	43	33	53





MAX-TEMP CTHB/CTHT

5136926700 - CTHT/6-400 N (230/400V50HZ) - ROOF MOUNTED FANS

Project: Portnockie Kitchen Vent (rev. 1 (24)) - Reference: KEF1

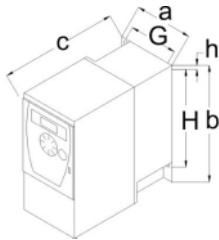
Accessories

5401618900 - VFTM TRI 0,37 IP55



Adjustable frequency drive [INDPROT]. Three phase supply (400V 50/60Hz), three phase 400V output.

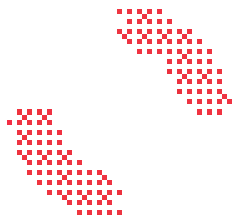
Dimensions



a	b	c	G	H	I
215	297	192	197	277	5.5

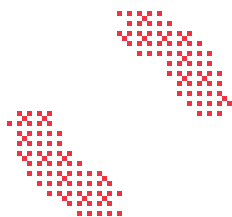
5136824900

JPA-630



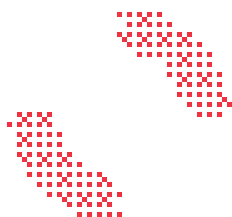
5136864500

JAA-630



5136884300

JCA-630 N





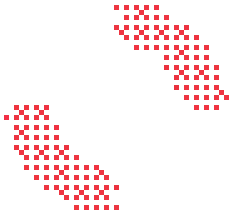
MAX-TEMP CTHB/CTHT

5136926700 - CTHT/6-400 N (230/400V50HZ) - ROOF MOUNTED FANS

Project: Portnockie Kitchen Vent (rev. 1 (24)) - Reference: KEF1

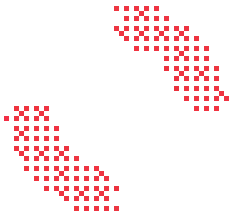
5138908300

JAE-630 N



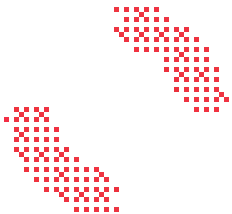
5138907500

JBR-630 N



L1000000681

PREP/COOK Switch (IP66)





MAX-TEMP CTHB/CTHT

5136926700 - CTHT/6-400 N (230/400V50HZ) - ROOF MOUNTED FANS
Project: Portnockie Kitchen Vent (rev. 1 (24)) - Reference: KEF1

ErP Data

Ecodesign	
Commission regulation (EU) N°1253/2014 of July 2014	
Information requirements (Annex V)	
Product description	CTHT/6-400 N (230/400V50HZ)
Manufacturer's Info	S&P ES-08150 CIF-B64911928
Identifier	-
https://www.solerpalau.com/	

From: DeveloperObligations
Sent: Mon, 20 Jan 2020 13:28:44 +0000
To: Lisa MacDonald
Cc: DC-General Enquiries
Subject: 19/01659/APP Erection of visitor cafe on Land Adjacent to the Moray Coastal Path, Patrol Road, Portknockie

Hi

Given the nature and scale of the proposal, no developer obligations will be sought in this instance.

Regards
Hilda

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



Consultation Request Notification – Development Plans

Planning Authority Name	Moray Council
Response Date	22nd January 2020
Planning Authority Reference	19/01659/APP
Nature of Proposal (Description)	Erection of visitor cafe on
Site	Land Adjacent To The Moray Coastal Path Patrol Road Portknockie Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133066715
Proposal Location Easting	349173
Proposal Location Northing	868653
Area of application site (M²)	808
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=Q2YEDTBGG4X00
Previous Application	19/01391/PELOC
Date of Consultation	8th January 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Alexander Laing
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	1 Architects Ltd
Agent Organisation Name	
Agent Address	Seapark Studios Seapark Kinloss United Kingdom IV36 3TT
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Lisa Macdonald
Case Officer Phone number	01343 563479
Case Officer email address	lisa.macdonald@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: 19/01659/APP

**Erection of visitor cafe on Land Adjacent to the Moray Coastal Path Patrol Road
Portknockie Moray for Mr Alexander Laing**

Ward: 02_17 Keith And Cullen

DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN *(For Structure/Local Plan Comment)*

		Page No	Policy No(s)	Yes	No
1	Departure from Moray Local Development Plan 2015	9	PP3 Placemaking	X	
		15	ED4 Existing Business Areas	X	
		84	IMP1 Developer Requirements	X	
		267	Portknockie I3 Patrol Road	X	
2	Further Discussion Required				

REASONING FOR THIS DECISION:

The proposal is for the erection of a visitor café on Land Adjacent to the Moray Coastal Path, Patrol Road, Portknockie.

Portknockie I3 Patrol Road (Policy ED4)

The site is located wholly in Portknockie I3 Patrol Road, retained for small scale business activities.

Policy ED4 Existing Business Areas prevents the introduction of non-business uses except where the total redevelopment of the site is proposed. The proposal seeks the introduction of a café on part of an industrial designation which contains small workshops. Such a use is not considered to be a suitable business use and therefore the proposal is contrary to Portknockie I3 and Policy ED4.

Scale and Design (Policies PP3 and IMP1)

The scale and design of the proposal, emphasised by a high pitched roof, is not appropriate to the surrounding area and would have a detrimental impact on the open aspects/vistas down Admiralty Street, Samson Street and towards Bow Fiddle Rock. No information has been provided on the proposed finishes, however based on the submitted plans it does not appear that the finishes reflect the form, scale and style of surrounding traditional development, such as window and quoin stone details and slate or red-pantiled roofs. Therefore, the proposal is contrary to Policies PP3 Placemaking and IMP1 Developer Requirements.

Moray Local Development Plan (MLDP) 2020

At its special meeting on 18 December 2018, the Planning & Regulatory Services Committee approved the MLDP 2020 – Proposed Plan and agreed that it be treated as a material consideration, with limited weight at this time, for development management purposes as of 1 February 2019. Subsequently, at its special meeting on 25 June 2019, the Committee approved the submission of the Proposed Plan for examination by Scottish Ministers and agreed to give greater weight to sites within the Proposed Plan which are not subject to the Examination process for development management purposes as of 1 August 2019.

The Proposed Plan which can be viewed at www.moray.gov.uk/proposedplan2019.

OPP1 Patrol Road and Policy DP6

The Proposed Plan proposes to change the designation of the site from industrial to an Opportunity Site, with small scale business and residential being suitable uses.

Proposals for the site will only be supported where they enhance the quality of the built environment and visitor facilities. The site requires that any proposed development must be for the whole site and include a comprehensive scheme for improvement across it to enhance the built environment and overall visual appearance. Individual applications for single uses within the site will not be supported. Given that the proposal relates to only part of the site, it is contrary to OPP1 Patrol Road and Part (b) of Policy DP6 Mixed Use (MU) and Opportunity Sites (OPP).

The designated site will not be subject to the Examination process and therefore will be given greater weight. As there are unresolved objections to the policies in the Proposed Plan, this should be given minimal weight as a material consideration.

Special Landscape Area (SLA)

The site is located wholly in the Portgordon to Cullen Coast SLA. SLAs have been identified to protect and enhance the special character and qualities of Moray's most valued landscapes as well as promoting a greater understanding of them.

Given that the proposal does not reflect the traditional settlement character in terms of siting and design, the proposal does not meet the requirements set out in Part (i) (b) of Policy EP3 Special Landscape Areas and Landscape Character and therefore would not comply with Policy EP3. However, as there are unresolved objections to the policies in the Proposed Plan, this should be given minimal weight as a material consideration.

Scale and Design (Policy PP1 and DP1)

Policy PP1 Placemaking supports the Scottish Government's aims to create healthy places through high quality design. Policy DP1 Development Principles set out detailed criteria to ensure that proposals meet siting, design and servicing requirements and avoid any adverse effects on environmental interest.

Given the reasons stated above in respect of scale and design, the proposal would not meet the provisions of Policies PP1 and DP1 of the MLDP 2020. However, as there are unresolved objections to the policies in the Proposed Plan, this should be given minimal weight as a material consideration.

Conclusion

The proposal seeks to introduce a café onto part of an industrial designation which is retained for small scale business activities. Such as use is not considered to be a suitable business use and therefore the proposal is contrary to Portknockie I3 and Policy ED4 of the MLDP 2015.

Contrary to Policies PP3 and IMP1, the scale and design of the proposal, emphasised by a high pitched roof, is not appropriate to the surrounding area and would have a detrimental impact on the open aspects/vistas down Admiralty Street, Samson Street and towards Bow Fiddle Rock.

The emerging MLDP 2020 proposes to change the designation of the site to an opportunity site with small scale business and residential being suitable uses. Given that the proposal relates to only part of the site, it is contrary to Portknockie OPP1 and Policy DP6 of the MLDP 2020.

The site is located wholly in the proposed Portgordon to Cullen Coast SLA. As the scale and design of the proposal is not appropriate to the surrounding area and does not reflect the traditional settlement character, it is contrary to Policies PP1, DP1 and Part (i)(b) of Policy EP3 of the MLDP 2020. Given there are unresolved objections to the policies in the Proposed Plan, this should be given minimal weight as a material consideration.

Contact: Darren Westmacott

Date: 22/01/2020

Email Address: darren.westmacott@moray.gov.uk

Phone No: 01343 563358

Consultee: Strategic Planning & Development

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.

Hi Lisa

I have reviewed the additional information and am able to conclude with recommendations and Informatives on the application –

This Section recommends approval subject to the following conditions

1. Unless otherwise agreed in writing by the Planning Authority, in consultation with the Environmental Health Manager, the use of the development shall be permitted between the hours of 0900 to 1800 hours.
2. The rating level of noise associated with the development's ventilation system shall not exceed the background sound level by more than 5 dB(A) at the nearest noise sensitive dwelling. Measurement and assessment to demonstrate compliance with the rating level shall be undertaken in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.
3. Kitchen ventilation noise emissions between the daytime permitted period of 0900 to 1800 hours shall not exceed Noise Rating Curve (NR) 25, as determined within a living apartment of the nearest noise sensitive property with the window moderately open. This limit would apply and be determined over a 1 hour duration within any daytime period.
4. The final selected kitchen ventilation system shall be as provided in the supporting document of 3 July 2020 and titled "Extract Specification", or equal alternative system of no greater noise output and otherwise agreed in writing by the Planning Authority, in consultation with the Environmental Health Manager.
5. Unless otherwise agreed in writing by the Planning Authority, in consultation with the Environmental Health Manager, the development shall install and maintain throughout the lifetime of the development, the odour control filtration requirements arising from the Odour Assessment Supporting Document titled "Risk Assessment for Odour 2020"

Informatives

The premises will require to comply with the Food Hygiene (Scotland) Regulations 2006 and the Health and Safety at Work etc. Act 1974 and associated regulations. A food business requires to register with a Local Authority at least 28 days prior to opening and registration forms are available from this Section.

Kind regards

Douglas



REHIS
Chartered Environmental Health Officer
2020

Douglas Caldwell | MIOA Environmental Health Officer | Environmental Health . Economic Growth and Development

Working week – Monday, Tuesday, Thursday, Friday

douglas.caldwell@moray.gov.uk | [website](#) |

01343 563355



MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Access Manager

Planning Application Ref. No: 19/01659/APP

**Erection of visitor cafe on Land Adjacent To The Moray Coastal Path Patrol Road
Portknockie Moray for Mr Alexander Laing**

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

Development proposal fits with masterplan in terms of paths and outdoor access so no further comment is necessary.

Further information required to consider the application

Contact: Ian M Douglas

Date09/01/2020.....

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

.....

Phone

No

7049.....

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management
Planning Application Ref. No: 19-01659-app

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

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

Reason(s) for objection

Conditions(s)

Further comments(s) to be passed to applicant

It has been noted that adjacent to the entrance of the property that there is a gully. It is suggested that the applicant investigates where the outfall for this gully is as this could provide a better longer term solution for the surface water drainage that installation of the infiltration on the edge of the coastal slope

Further information required to consider the application

Contact: Will Burnish Date 4/6/20

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

Consultee: The Moray Council, Flood Risk Management



14th January 2020

Moray Council
Council Office High Street
Elgin
IV30 9BX

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

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

Dear Local Planner

AB56 Moray Patrol Road Land Adj Moray Coastal Path
PLANNING APPLICATION NUMBER: 19/01659/APP
OUR REFERENCE: 787062
PROPOSAL: Erection of visitor cafe on

Please quote our reference in all future correspondence

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

Water

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

Foul

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

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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

Next Steps:

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

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

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

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

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

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

Yours sincerely

Pamela Strachan
Planning Consultations Administrator

Our ref: PCS/169913
Your ref: 19/01659/APP

If telephoning ask for:
Barbara Olszowy

13 February 2020

Lisa MacDonald
The Moray Council
Development Services
Environmental Services Dept.
Council Office, High Street
Elgin
IV30 1BX

By email only to: consultation.planning@moray.gov.uk

Dear Ms MacDonald

**Town and Country Planning (Scotland) Acts
Planning application: 19/01659/APP
Erection of visitor cafe on
Land Adjacent To The Moray Coastal Path Patrol Road Portknockie Moray**

Thank you for your consultation email which SEPA received on 04 February 2020 requesting our advice on coastal erosion.

Advice for the planning authority

We have **no objection** to this planning application. Please note the advice provided below.

1. Flood risk and coastal erosion

- 1.1 We have reviewed the enclosures submitted with this consultation in respect of flood risk and from the information supplied no flood risk is immediately apparent. The site is well elevated above sea level and is unlikely to be at risk of coastal flooding.
- 1.2 With regards to coastal erosion, further information can be found on the Dynamic Coast website <http://www.dynamiccoast.com/>. From the information available, there does not appear to be a risk of erosion at this part of the coast line and there has been slight accretion of the coast in this area since 1970.

- 1.3 We understand that Aberdeenshire Council have an officer who specifically deals with coastal erosion matters. We recommend you contact Flood Risk and Coast Protection in Aberdeenshire Council on 01467534822 or flooding@aberdeenshire.gov.uk who may be able to provide you with useful advice.

2. Environmental enhancement through placemaking

- 2.1 We are supportive of new development that delivers placemaking by creating successful places, improving the water environment and biodiversity, and contributing to sustainability in line with the relevant Local Development Plan policies and Scottish Planning Policy.
- 2.2 We note that the Pre-Application response states that there should be a wholesale redevelopment of the entire Patrol Road industrial site, rather than improvement of sites individually. We welcome the applicant's contribution towards improving visitor's facilities availability in Portknockie. To assist in this process we would suggest environmental enhancements such as planting native coastal species, either in the ground or in raised beds, which are more likely to survive the salt laden winds. This could enhance the building aesthetically and encourage native pollinators.

3. Other planning matters

- 3.1 For all other matters we provide [standing advice](#) applicable to this type of local development.

Regulatory advice for the applicant

4. Regulatory requirements

- 4.1 You will need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge of surface water from a site does not result in pollution of the water environment.
- 4.2 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office.

If you have any queries relating to this letter, please contact me by telephone on 01224 266600 or e-mail at planningaberdeen@sepa.org.uk.

Yours sincerely

Barbara Olszowy
Planning Officer
Planning Service

ECopy to: Ian Sutherland McCook, 1 Architects Ltd, ian@1architects.com;
Lisa MacDonald, The Moray Council, lisa.macdonald@moray.gov.uk

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	22nd January 2020
Planning Authority Reference	19/01659/APP
Nature of Proposal (Description)	Erection of visitor cafe on
Site	Land Adjacent To The Moray Coastal Path Patrol Road Portknockie Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133066715
Proposal Location Easting	349173
Proposal Location Northing	868653
Area of application site (M²)	808
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=Q2YEDTBGG4X00
Previous Application	19/01391/PELOC
Date of Consultation	8th January 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Alexander Laing
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	1 Architects Ltd
Agent Organisation Name	
Agent Address	Seapark Studios Seapark Kinloss United Kingdom IV36 3TT
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Lisa Macdonald
Case Officer Phone number	01343 563479
Case Officer email address	lisa.macdonald@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: 19/01659/APP

Erection of visitor cafe on Land Adjacent To The Moray Coastal Path Patrol Road Portknockie Moray for Mr Alexander Laing

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 updated response is provided on the basis of updated proposals which include the widening of the footway along the frontage of the site and a reduced seating capacity for the café.

Condition(s)

1. No development works on the building shall commence until the existing footway located along the full extents of the frontage of the site onto Patrol Road has been widened to 2.0m to the Moray Council specification and surfaced with bituminous macadam, including the surfacing of the short section of presently unsurfaced footway located along the frontage of Workshop 2 as detailed on submitted drawing 483.01. Technical Approval will be required for the construction of this footway and the surfacing along the frontage of Workshop 2.

To ensure acceptable infrastructure for pedestrians to access the development.

2. Ten car parking spaces shall be provided within the site prior to the first opening of the cafe. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

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

3. Notwithstanding the submitted details new boundary fences/walls located along the site frontage onto Patrol Road shall be no greater than 0.9m in height unless otherwise approved in writing by the Planning Authority in consultation with the Roads Authority.

Reason: To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

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

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

5. The width of the vehicular access shall be minimum 3.5m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the footway shall be to The Moray Council specification and surfaced with bituminous macadam.

Reason: To ensure acceptable infrastructure at the development access

Further comment(s) to be passed to applicant

The developer should note that this development is served by a private road, which is not adopted by the Roads Authority. There is no Street Lighting on this section of Road. Any future requirement for the provision of Street Lighting will be the responsibility of the developer.

Technical Approval will be required for the widening of the Public Road at the access to the development. The applicant is obliged to apply for permission to modify the existing public road, in accordance with Section 48 of the Roads (Scotland) Act. The applicant will be required to provide technical information, including drawings and drainage calculations, a programme for the proposed works. Advice on the application process can be obtained by emailing constructionconsent@moray.gov.uk

Before starting any work on the existing road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the 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.

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

Date 11 June 2020

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://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:	19/01659/APP	Officer:	Lisa Macdonald
Proposal Description/ Address	Erection of visitor cafe on Land Adjacent To The Moray Coastal Path Patrol Road Portknockie Moray		
Date:	24.07.2020	Typist Initials:	LMC

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Moray Flood Risk Management	04/02/20	Initial objection removed following submission of a detailed Drainage Assessment. Note that there may be better alternatives for surface water than the solution proposed but this solution is acceptable
Environmental Health Manager	15/07/20	Initial objection removed following the submission of detailed information on noise and smell. Conditions are recommended in relation to the hours of operation, noise and the ventilation and odour control proposals.
Contaminated Land	24/01/20	No objection subject to a condition requiring the assessment and appropriate treatment of any contamination on site.
Transportation Manager	04/02/20	Initial objection relating to access addressed by the repositioning of the access and parking concerns addressed by reducing the number of proposed covers in the café. Conditions are recommended in relation to the requirement to extend the footpath across the frontage of the site, to ensure the required level of parking is provided and that access to the site is formed to an acceptable standard.

Scottish Water	14/01/20	No objection
Scottish Environment Protection Agency	13/02/20	No objection
Development Plans (Environment)	30/01/20	<p>Objection –</p> <ul style="list-style-type: none"> The proposal seeks to introduce a café onto part of an industrial designation which is retained for small scale business activities. Such as use is not considered to be a suitable business use and therefore the proposal is contrary to Portknockie I3 and Policy ED4 of the MLDP 2015. Concerns regarding the design and scale of the building. MLDP 2020 OPP1 designation permits small scale business and residential being suitable uses. Given that the proposal relates to only part of the site, it is contrary to Portknockie OPP1 and Policy DP6 of the MLDP 2020. Concerns about the impact of the development on the Portgordon to Cullen Coast SLA.
Planning And Development Obligations	20/01/20	None sought
Moray Access Manager	09/01/20	No objection

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
2020 Proposed Local Development Plan		
PP1 Placemaking	Y	See below
PP2 Sustainable Economic Growth	N	
PP3 Infrastructure & Services	N	
DP1 Development Principles	Y	See below
DP6 Mixed Use (MU) and Opportunity Sites	Y	See below
EP3 Special Landscape Areas and Landscape	N	
EP12 Management and Enhancement of the Water Environment	N	
EP13 Foul Drainage	N	
EP14 Pollution, Contamination & Hazards.	N	
Portknockie - OPP1 Patrol Road	Y	See below
Moray Local Development Plan 2015		
PP1: Sustainable Economic Growth	N	
PP2: Climate Change	N	

PP3: Placemaking	N	
ED4: Existing Business Areas	Y	See below
E2: Loc Nature Cons Sites & Biodiversity	N	
E7: AGLV and impacts on wider landscape	N	
E8: Coastal Protection Zone	N	
EP8: Pollution	N	
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
EP5: Sustainable Urban Drainage Systems	N	
T2: Provision of Access	N	
T5: Parking Standards	N	
IMP1: Developer Requirements	Y	See below
Portknockie I1: Patrol Road	Y	See below

REPRESENTATIONS

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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 2015 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

On 3 June 2020 the Moray Council Emergency Cabinet resolved to use the Moray Local Development Plan 2020 (MLDP) as a material consideration for Development Management purposes including the determination of planning applications until such time as the MLDP (modified) 2020 is formally adopted, at which point it will replace the current development plan.

This means that whilst applications will continue to be assessed against the policies and proposals of the Moray Local Development Plan 2015, the terms of the Moray Local Development Plan (Modified Plan) 2020 including all policies and designations will also require to be taken into account when decisions are made on proposals after 15 June 2020. As a material consideration, the Moray Local Development Plan (Modified Plan) 2020 represents a more up-to date version of the Council's intended planning policies and can be used to both support or reject any application.

The Proposal

This application seeks planning permission for a café with associated access, parking and drainage.

The Site

The site is part of a collection of commercial and light industrial units on Patrol Road, Portknockie. The site was used as a builder's yard. It is a flat site with the coastal slope immediately to the north. The road runs to the south of the site and ends immediately to the east. The route provides access to the Bow Fiddle Rock. The nearest houses are some distance to the south on higher ground. The site is covered by the Portknockie OPP1 designation in the Moray Local Development Plan (MLDP) 2020 and the Portknockie I1 designation the MLDP 2015. The site is also within the Portgordon to Cullen Coast Special Landscape Area (SLA) as defined in MLDP 2020.

Siting and Principle of Development (MLDP 2020 Portknockie OPP1 & DP6 & MLDP 2015 Portknockie I1 & ED4)

The site is covered by the Portknockie OPP1 designation in MLDP 2020 and the Portknockie I1 designation in MLDP 2015. MLDP 2015 policy ED4 applies to the I1 designation. This policy protects the site for small scale business use (excluding retail). The proposal for a café is not considered to be compatible with the existing uses which are principally small workshops and yards. In MLDP 2020 the site is covered by the Portknockie OPP1 designation. MLDP 2020 policy DP6 applies to this designation. The range of uses supported on OPP sites is wider however policy DP6 still requires new proposals to be compatible with existing uses which is not considered to be the case in relation to this proposal. Furthermore the OPP1 designation text specifically identifies small scale business and residential uses as potentially suitable for the site but makes clear that proposals should cover the whole site and piecemeal proposals will not be supported. Piecemeal development of this mixed site would lead to potential for conflict with existing uses and would not improve the overall appearance of the site or the wider built environment. The supporting statement sets out the requirements of the designation text that the proposal does comply with and contends that the development will make a positive contribution to the built environment and will enhance visitor facilities in the area. It is claimed in the statement that a comprehensive redevelopment of the OPP1/I1 site is not possible as the land is in different ownership and there are active businesses occupying other parts of the designated site. While the difficulties are acknowledged land ownership is not a material consideration. The policy is clear that a comprehensive redevelopment of the site is required to enhance the visual appearance of the site and improve the built in environment in this location which is important for tourism in the area. The proposed café is not compatible with the existing uses currently occupying the rest of the OPP1/I1 designation and this could lead to conflict. The proposal is therefore contrary to MLDP 2020 policies Portknockie OPP1 and DP6 and MLDP 2015 policies ED4 and Portknockie I1. Furthermore in failing to provide for a comprehensive redevelopment of the site the proposal would undermine attempts to enhance the overall appearance and quality of the built environment in this location and as such is contrary to MLDP policies Portknockie OPP1 and DP6.

Design and Materials (MLDP 2020 PP1, DP1 & EP3 & MLDP 2015 PP3 & IMP1)

The proposed building has a simple rectangular footprint with a symmetrically pitched roof. It has broad gables (11.3m) which undermines the traditional form of the building. Some attempt has been to incorporate more traditional features to enable the development to better reflect the traditional character of Portknockie. It is noted in the supporting statement that the applicant was advised at pre-application stage that a hipped roof would not be acceptable in this location. The original proposed that formed part of the formal application has been amended to show stone skews and to create a simpler entrance. The revised plans show that the building would be rendered with slate on the roof. The development is sited within the Portgordon to Cullen Coast SLA as defined in the MLDP 2020. MLDP 2020 policy EP3 requires proposals within the SLA to adopt the highest standards of design. Furthermore in the urban parts the SLA the policy requires to reflect the traditional settlement character in terms of siting and design. It is recognised that the proposal is for a commercial building that must meet modern requirements. The changes to the proposals represent an attempt to better reflect the traditional settlement character of Portknockie. The use of traditional materials is welcomed. The proposal therefore complies with MLDP 2020 policies PP1, DP1 and EP3 and MLDP

Access and Parking (MLDP 2020 DP1 & Portknockie OPP1 & MLDP 2015 T2 & T5)

The Transportation Manager initially objected to the proposal due to concerns about the suitability of the proposed access. The plans were revised to show the building set back from the proposed access. The Transportation Manager has advised that the revised access proposals are acceptable subject to conditions to ensure that the access is formed to an acceptable standard, boundary treatments are restricted to secure visibility and adequate turning is provided within the site. Such conditions would have served to secure safe entry and exit to the site in accordance with policy.

The Transportation Manager also objected to the original proposal on the grounds that the ten parking spaces proposed were insufficient for the scale of development proposed. The agent agreed to reduce to number of proposed covers to 30. It is noted that this is clearly stated in the revised supporting statement but is not detailed on the revised drawings. It is therefore a matter that would have had to be controlled by condition. The Transportation Manager confirms that the parking provision is acceptable for the reduced level of development. The Transportation Manager's position was subject to a condition to ensure that the proposed parking is timeously provided.

A further condition has been recommended requiring the provision of a footpath across the frontage of the site. This reflects the requirements set out in the designation text in the MLDP 2020 OPP1 designation. The plans have been updated to show this but a condition would serve to control the delivery of this element of the scheme.

Noise and Odour (MLDP 2020 EP14 & MLDP 2015 EP8 & IMP1)

In response to concerns raised by the Environmental Health Manager additional information was provided in relation to noise and smell including details of the proposed odour control filtration system and the kitchen ventilation system. The Environmental Health Manager has confirmed that subject to conditions to ensure that the systems installed match those in the supporting documents and to control noise outputs the proposals are acceptable.

The Environmental Health Manager has recommended a further condition restricting hours of operation to 0900-1800 daily. A condition of this nature would serve to protect the amenity of the area and prevent any anti-social behaviour or similar issues.

Contaminated Land (MLDP 2020 EP14 & MLDP 2015 EP9)

Given the previous use of the site there is potential for contamination of the land. The contaminated land section has no objection but recommended that should the application be approved a condition should be attached requiring a programme of assessment and where appropriate remediation of contamination to be submitted to and approved in writing by the planning authority. .

Foul and Surface Water Drainage (MLDP 2020 DP1, EP12 & EP13 & MLDP 2015 EP5 & EP10)

A detailed drainage assessment (Site Investigation and Drainage Assessment Visitor Café, Portknockie, dated 28 May 2020 by GMC Surveys) was submitted in June. This clarified that foul drainage would be to the public sewer by means of a pump system. It is noted that this is not shown on the submitted drawing. Scottish Water has no objection and confirms that there is capacity in the public sewer. Had the application being approved a condition would have been attached requiring that the recommendations of the submitted report be implemented in full in relation to foul drainage and that details of the proposed pump system be submitted to and approved in writing by the planning authority prior to the commencement of development.

The drainage assessment includes assesses the suitability of the site for the management of surface water and recommends a soakaway. Moray Flood Risk Management have suggested that outfall to the existing road gully may offer a better long term solution for surface water from the site but they have confirmed that the proposed solution is acceptable. Had the application being approved a condition would have been attached requiring that the recommendations of the submitted report be

implemented in full in relation to surface water drainage and that details of the proposed soakaway be submitted to and approved in writing by the planning authority prior to the commencement of development.

Coastal Erosion (MLDP 2020 EP17 & MLDP 2015 E8)

The proposal is close to the coastal slope in Portknockie. SEPA advise that this section of coast is not at risk of erosion and indeed there has been a slight accretion of the coast line in this location since 1970. The proposal is considered to comply with MLDP policy EP17 and MLDP 2015 policy E8.

Conclusion

The proposal would introduce an incompatible use onto a site where there a number of established businesses and has the potential to create conflict in relation. Furthermore the proposal does not provide for the comprehensive redevelopment of the site as required by MLDP policy Portknockie OPP1 and would not provide an overall enhancement of the visual appearance of the site or the overall built environment. The proposals are contrary to policy and as such are recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
19/01391/PELOC	Erect single storey visitors cafe with integrated parking on former builders yard on Yard Patrol Road Portknockie Moray			
	Decision	ID/PE Answered	Date Of Decision	04/12/19

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Advertiser and Herald	No Premises Departure from development plan	10/02/20	
PINS	No Premises Departure from development plan	10/02/20	

DEVELOPER CONTRIBUTIONS (PGU)

Status	NONE SOUGHT
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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:	Supporting Statement	
Main Issues:	Background and justification for the proposal	

Document Name:	Drainage statement
Main Issues:	Assessment of site conditions and proposals for the effective management of surface water
Document Name:	Flood Risk Statement
Main Issues:	Non-specialist assessment of flood risk
Document Name:	Noise and Odour information
Main Issues:	Details of the specifications for the proposed ventilation and extraction systems including noise information.

S.75 AGREEMENT

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

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)

Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			

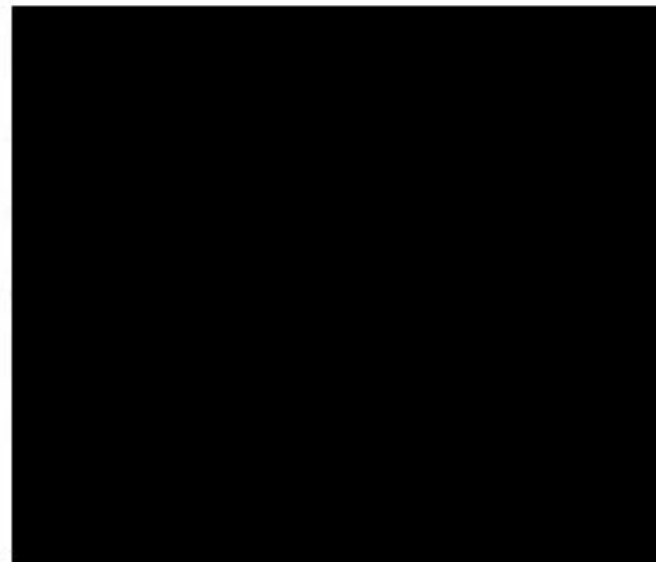


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

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

TO

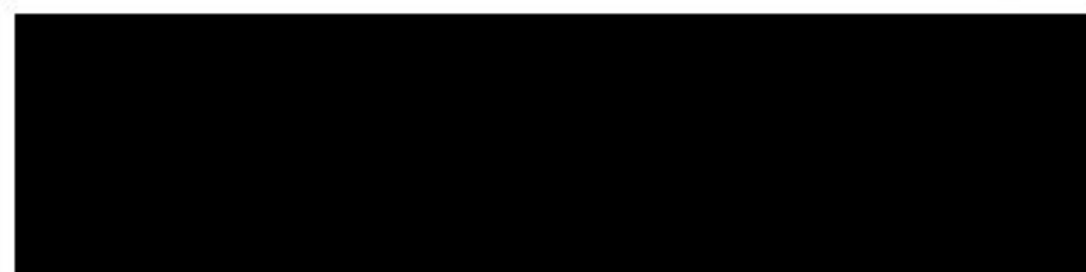


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Erection of visitor cafe on Land Adjacent To The Moray Coastal Path Patrol Road Portknockie Moray

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

Date of Notice: **24 July 2020**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

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

IMPORTANT

YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposed shed is contrary to Moray Local Development Plan 2020 policies DP6 and Portknockie OPP1 and Moray Local Development Plan 2015 policies ED4 and Portknockie I1 for the following reasons:-

1. The proposal would introduce an incompatible use into an established business area and would create conflict with other existing uses.
2. The proposal fails to provide for a comprehensive scheme of improvement across the whole site and as such would fail to provide a development that would enhance the visual appearance of the site or the quality of the built environment.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		External views
		Kitchen layout
20004.M57.001	B2	Ventilation details
		Elevations
483.04		Location plan
483.01		Existing and proposed site plans

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

- Design altered
- Position of building altered
- Number of proposed covers reduced
- Footpath provision added
- Drainage arrangements clarified

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS

NOTICE OF REVIEW

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

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

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

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	Alexander	Forename	Ian
Surname	Laing	Surname	Sutherland McCook
Company Name		Company Name	1 Architects Ltd
Building No./Name		Building No./Name	Seapark Estate
Address Line 1		Address Line 1	
Address Line 2		Address Line 2	
Town/City		Town/City	Kinloss
Postcode		Postcode	IV36 3TT
Telephone		Telephone	01462 216121
Mobile		Mobile	07713 912473
Fax		Fax	
Email		Email	ian@1architects.com
3. Application Details			
Planning authority	Moray Council		
Planning authority's application reference number	19/01659/APP		
Site address	<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> Land at Patrol Road, Portknockie </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px; min-height: 50px;"> Erection of visitor cafe on Land Adjacent To The Moray Coastal Path </div>		

Date of application 01 Nov 2019

Date of decision (if any) 24 July 2020

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

4. Nature of Application

Application for planning permission (including householder application)



Application for planning permission in principle



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)



Application for approval of matters specified in conditions

**5. Reasons for seeking review**

Refusal of application by appointed officer



Failure by appointed officer to determine the application within the period allowed for determination of the application



Conditions imposed on consent by appointed officer

**6. Review procedure**

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

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

Further written submissions



One or more hearing sessions



Site inspection



Assessment of review documents only, with no further procedure



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

7. Site inspection

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

Can the site be viewed entirely from public land?



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



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

8. Statement

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

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

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

See attached "Supporting Statement"

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

Yes ☐ No ☒

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

9. List of Documents and Evidence

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

Supporting Statement

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

10. Checklist

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

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒


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

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

DECLARATION

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

Signature:



Name:

Ian Sutherland McCook

Date:

03 August 2020

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

Appeal Statement

Visitor Cafe at Patrol Road, Portknockie

August 2020

Our objections to the Refusal

1 The first reason for refusal is:- *"The proposal would introduce an incompatible use into an established business area and would create conflict with other existing uses."*

The only active users on site are a boatbuilder and a joinery manufacturer. Any other units are disused. It cannot be seriously claimed that a small visitor restaurant would create a conflict, or in some way detract from the amenity of those users.

2 The second reason for refusal is:- *"The proposal would fail to provide a development that would enhance the visual appearance of the site or the quality of the built environment."*

A visit to the area will confirm that the entire site is run-down and semi-derelict, and in dire need of a revamp. Being immediately adjacent to the Moray Coastal Path, and on the only route to Bow Fiddle Rock, this site is an eyesore. To suggest that the proposal would not be an improvement, is not credible.

3 The Opportunity Site Policy (OPP1) states "Only proposals that enhance the overall quality of the built environment and visitor facilities will be supported".

4 OPP1 is for "Small-scale Business or Residential". While it is true that a visitor cafe would come under "Food and Drink use class.....it can also be argued that this is a small-scale business. The Scottish Town & Country Planning Act describes Business Class as *"being a use which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit."* Moray Council Environmental Health Dept have raised no objection to this proposal, despite it being adjacent to an established residential area.....so it fits within that definition given in the Town & Country Planning Act.

5 Development policies are surely meant to assist with the creation of sustainable developments in Moray, particularly when jobs are being created and the visitor experience is being enhanced. It seems folly to use these policies to hinder development, when there are no departments objecting to this proposal.

Conclusion

We have been able to demonstrate compliance with the policy, apart from the requirement to develop the whole site at once. The policy is no doubt well-intentioned and may be appropriate to many other locations. But here we believe that this one aspect of the policy is not appropriate for this situation and that it should be interpreted flexibly.

Our view is that once our client has shown what can be achieved on the site, others will want to follow with other tourist-related developments, but to expect these all to happen at once is unrealistic, and serves only to stifle, even prevent, development. This is surely not the aim of Moray Council.

We believe that the proposal is in the best interests of the community, and is worthy of support.

1 Architects Ltd
August 2020

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1 Architects Ltd
August 2020



MORAY LOCAL REVIEW BODY

24 SEPTEMBER 2020

SUMMARY OF INFORMATION FOR CASE No LR244

Planning Application 20/00614/APP – Retrospective application to erect a shed for business/office use at Shiva, 20 Shore Street, Lossiemouth, Moray

Ward 5 – Heldon and Laich

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 20 July 2020 on the grounds that:

The proposed shed is contrary to Moray Local Development Plan (Modified Plan) 2020 policy DP1 (i) a) & e) and Moray Local Development Plan 2015 policy IMP1 for the following reasons:-

1. The proposed shed on raised garden ground in a restricted site would be of an inappropriate scale due to its combined height, width and depth. As such this would result in a development that would be out of character with its immediate surroundings, and would have an overbearing and detrimental impact as it removed the majority of the remaining rear garden ground.
2. The proposed shed contains windows on both side elevations which would face directly onto the neighbouring properties to the immediate east and west of the site. These windows are located at head height and would therefore give a direct view into the neighbouring property gardens giving rise to an unacceptable loss of privacy and overbearing loss of amenity to neighbours and would also be contrary to the requirements of policy DP1 i) e), and IMP1.

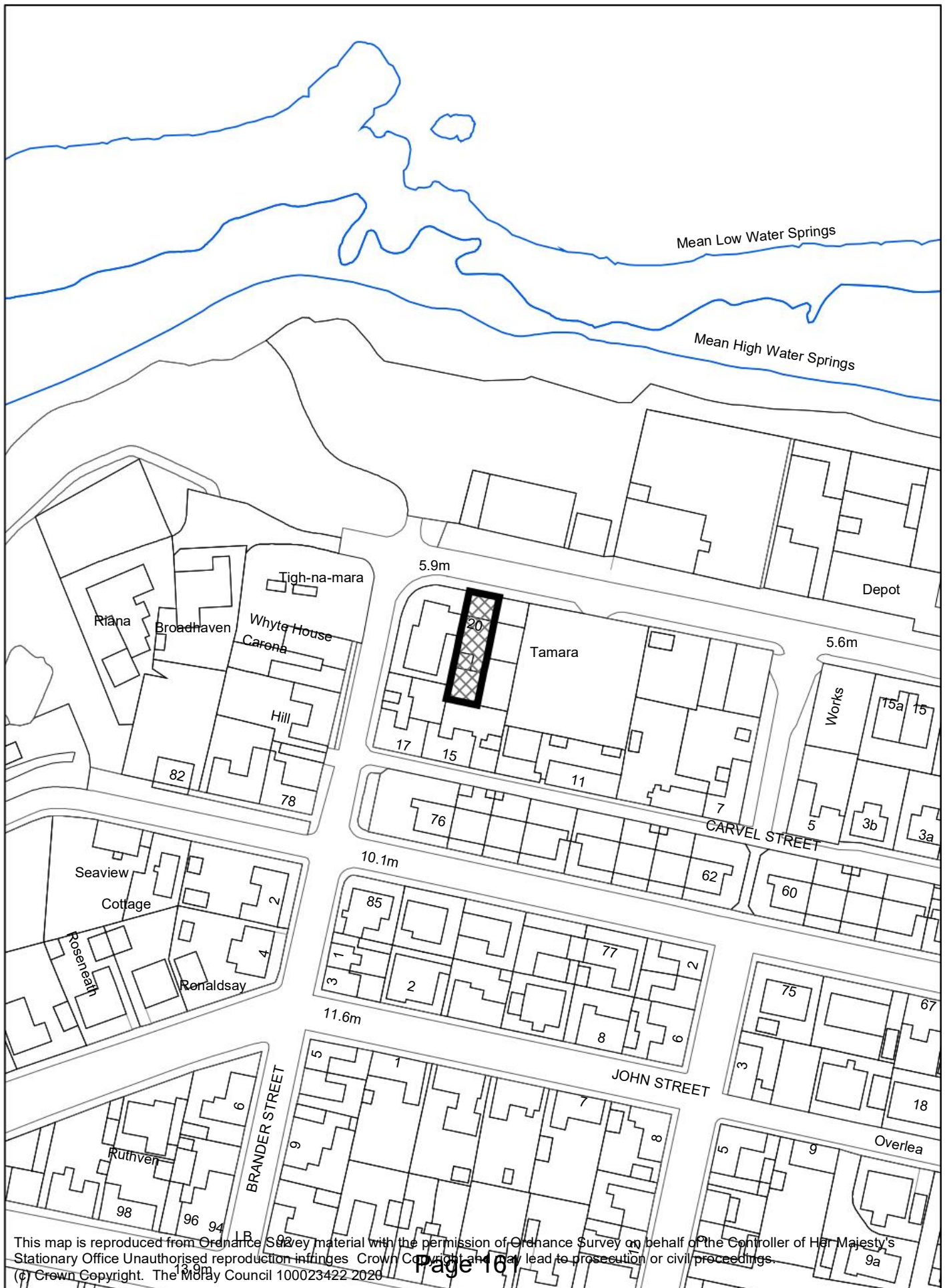
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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 : 20/00614/APP





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100257093-001

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)

To Erect a shed on pads in my back garden to help promote and build up my business and also to comply with Covid 19 social distancing in the shed.

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

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

☐ No ☒ Yes – Started ☐ Yes - Completed

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

07/05/2020

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

As the shed wasn't requiring any foundation work carried out, And it doesn't block and views or light to my neighbours and looks into my house, I presumed that because it was in my property and speaking with my surrounding neighbours about the build it was ok.

Applicant or Agent Details

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

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Shiva
First Name: *	Gordon	Building Number:	20
Last Name: *	Wood	Address 1 (Street): *	Shore street
Company/Organisation	In The Gutters	Address 2:	
Telephone Number: *	07947626079	Town/City: *	lossiemouth
Extension Number:		Country: *	scotland
Mobile Number:	07929871932	Postcode: *	iv31 6pb
Fax Number:			
Email Address: *	inthegutter@yahoo.com		

Site Address Details

Planning Authority:	Moray Council
Full postal address of the site (including postcode where available):	
Address 1:	SHIVA
Address 2:	20 SHORE STREET
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	LOSSIEMOUTH
Post Code:	IV31 6PB

Please identify/describe the location of the site or sites

--	--

Northing	871245	Easting	323355
----------	--------	---------	--------

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

26.00

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)

To use as an office for my business as my family are over grown my house and I require affordable office space for my business.

Access and Parking

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

Water Supply and Drainage Arrangements

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

☐ Yes ☒ No

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

☐ Yes ☒ No

Note:-

Please include details of SUDS arrangements on your plans

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

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

- ☐ Yes
☐ No, using a private water supply
☒ No connection required

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☐ Yes ☒ No

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

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: Mr Gordon Wood

On behalf of:

Date: 15/05/2020

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☐ Cross sections.
- ☒ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☒ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

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

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <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)

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 Gordon Wood

Declaration Date: 15/05/2020

Payment Details

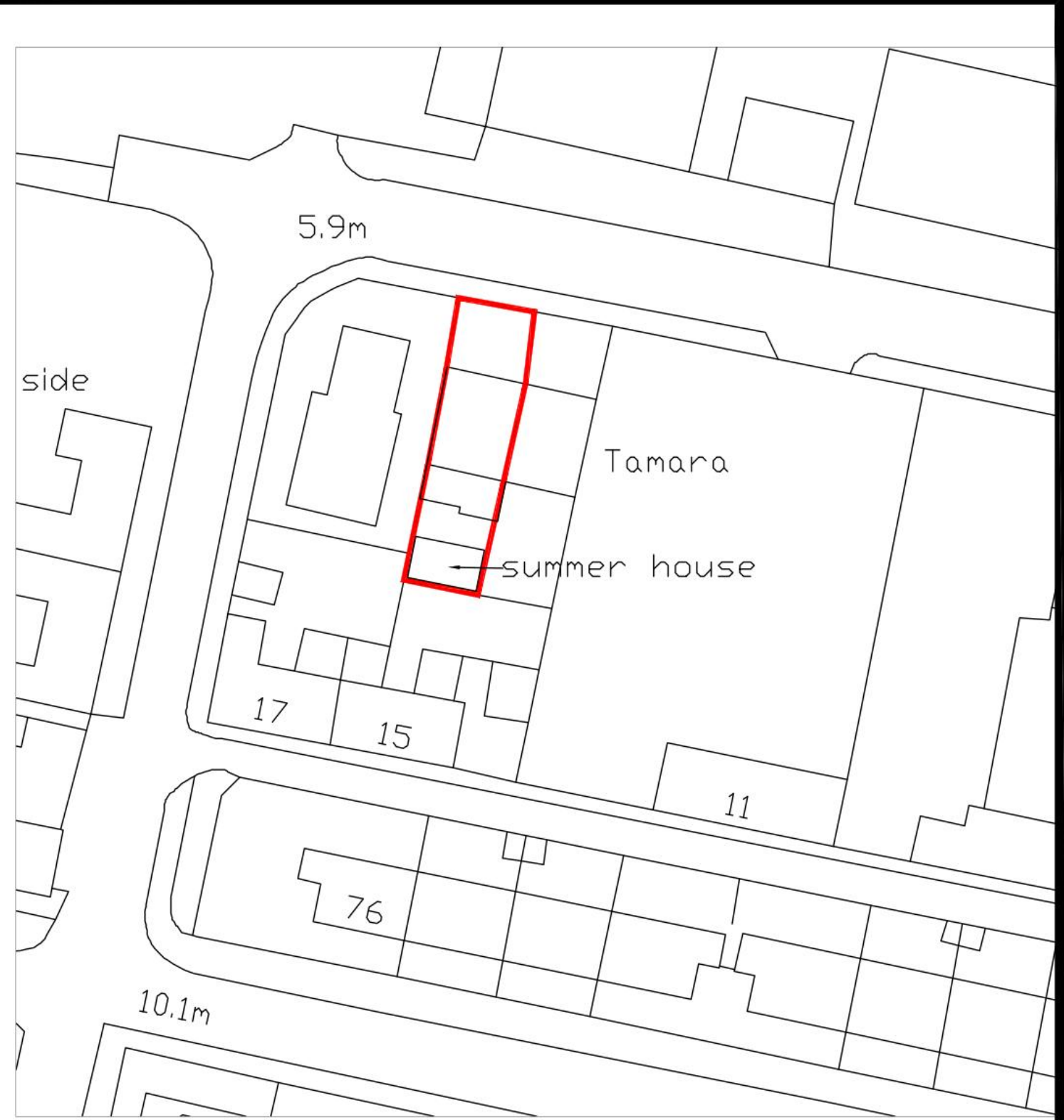
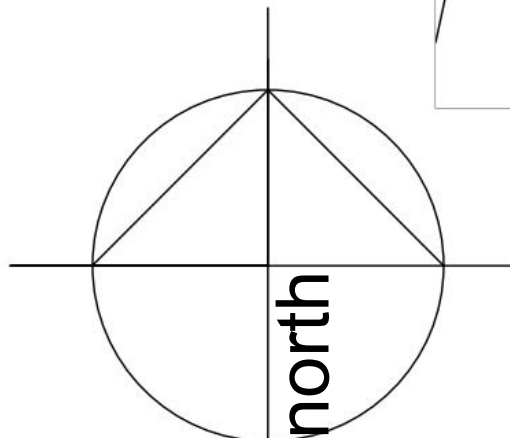
Online payment: 375300

Payment date: 15/05/2020 16:10:35

Created: 15/05/2020 16:10



LOCATION PLAN
scale 1:2500



BLOCK PLAN
scale 1:500

27/5/20 block updated Rev A

project
PROPOSED EXTENSION
address
20 SHORE STREET, LOSSIEMOUTH
client
MR G WOOD
date
APRIL 2016

Details of proposal

These are the answers to you questions.

No.1. It will be used as an office for myself.

No.2. I will be there roughly 3-4hours a day.

No.3. 5 days

No.4. Only myself as staff. Customers maybe a few a week just to show them my work in detail.

There is no extractions as none required.

The purpose is for me to do drawings and estimates on my computer.

Consultee Comments for Planning Application 20/00614/APP

Application Summary

Application Number: 20/00614/APP

Address: Shiva 20 Shore Street Lossiemouth Moray IV31 6PB

Proposal: Retrospective application to erect a shed for business/office use at

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 - Adrian Muscutt

Consultee Comments for Planning Application 20/00614/APP

Application Summary

Application Number: 20/00614/APP

Address: Shiva 20 Shore Street Lossiemouth Moray IV31 6PB

Proposal: Retrospective application to erect a shed for business/office use at

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 - Douglas Caldwell, EHO

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management
Planning Application Ref. No: 20/00614/APP

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

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

Reason(s) for objection

Conditions(s)

Further comments(s) to be passed to applicant

Further information required to consider the application

Contact: Will burnish Date 27/5/20
email address: Will.burnish@moary.gov.uk Phone No

Consultee: The Moray Council, Flood Risk Management

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	8th June 2020
Planning Authority Reference	20/00614/APP
Nature of Proposal (Description)	Retrospective application to erect a shed for business/office use at
Site	Shiva 20 Shore Street Lossiemouth Moray IV31 6PB
Site Postcode	N/A
Site Gazetteer UPRN	000133003424
Proposal Location Easting	323355
Proposal Location Northing	871245
Area of application site (M²)	26
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QAIJZBGJEB00
Previous Application	16/00968/ID 04/00582/FUL 86/00507/FUL
Date of Consultation	25th May 2020
Is this a re-consultation of an existing application?	No
Applicant Name	In The Gutters
Applicant Organisation Name	
Applicant Address	Shiva 20 Shore Street Lossiemouth Moray IV31 6PB
Agent Name	
Agent Organisation Name	
Agent Address	
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: 20/00614/APP

Retrospective application to erect a shed for business/office use at Shiva 20 Shore Street Lossiemouth Moray for In The Gutters

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

Please

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

Condition(s)

1. Notwithstanding the submitted details the existing two car parking spaces shall be retained within the site and made available for use by residents and customers 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.

Further comment(s) to be passed to applicant

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

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

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

Contact: AG

Date 08 June 2020

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

Consultee: TRANSPORTATION

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.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
27 May 2020

PLANNING APPLICATION 20/00614/APP Shiva 20 SHORE STREET
LOSSIEMOUTH

Dear Sir or Madam,

Reference the above retrospective planning application, first of all the map that I received does not show the building in the correct position, I have attached a new map with the building marked out in red.

I have also attached a photograph taken from my upstairs window of the building in question and my comments are as follows:

1. Marked on the photo at point 'A' in red this building is less than half a meter from my boundary wall.
2. There is no fire access for such a large building other than through the property owner's house.
3. No drainage was laid as this was built on an existing patio, so where is the water going to go from this large roof?
4. Given that these are enclosed gardens there is bound to be a noise issue.

Yours Sincerely

[REDACTED]



Site Plan for Neighbour Notification purposes only

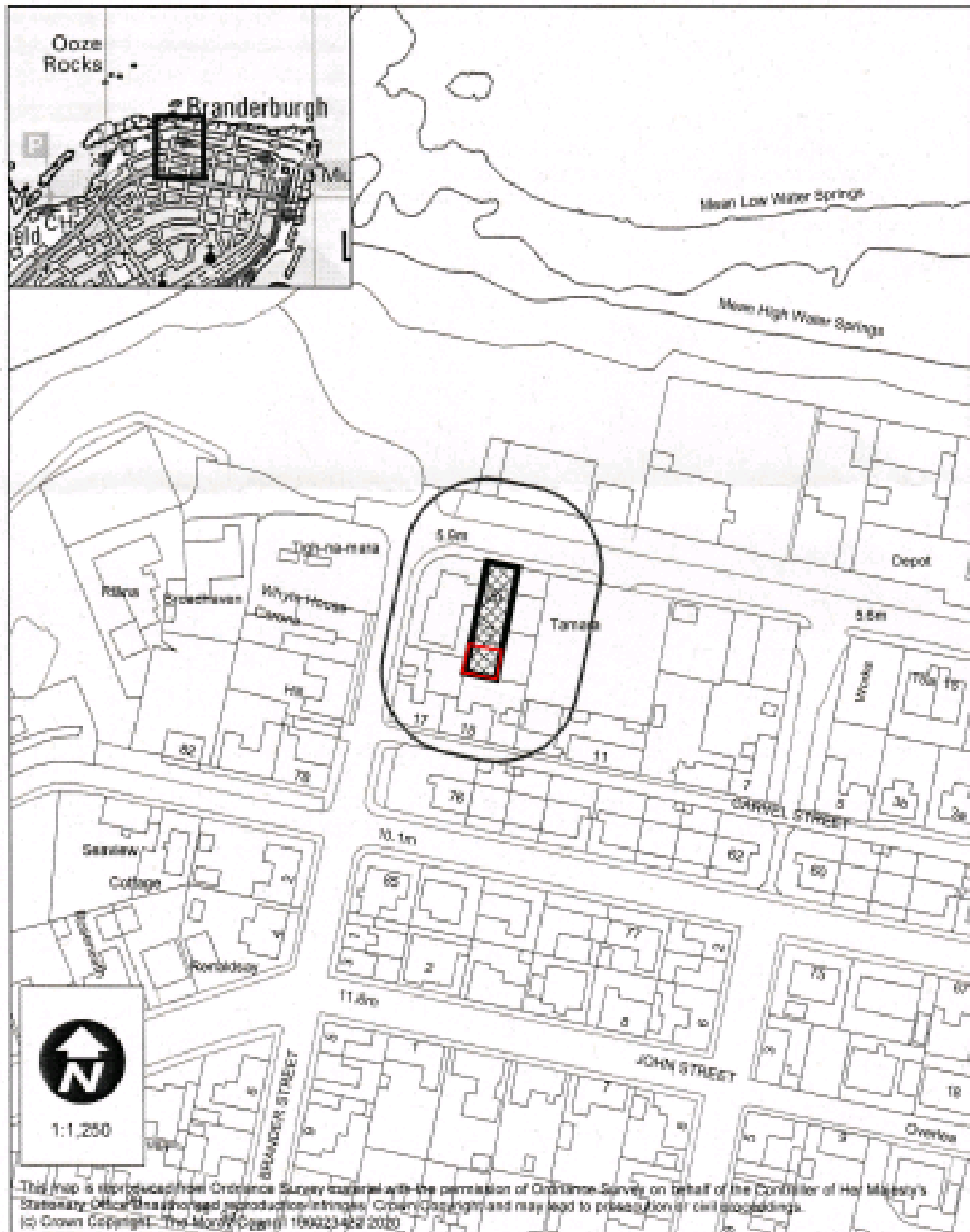
Town and Country Planning

(Development Management Procedure)(Scotland) Regulations 2013



Planning Application Reference Number:

20/00614/APP



29/06/2020

10.1 JUL 2020

MANNAN

DEVELOPMENT MANAGEMENT &
BUILDING STANDARDS

Rodney & Gintana

20/00576/APP + 20/00614/APP +
20/00876/APP

FULL PROTECTION FOR ALL
WINDLIFE FROM & FROM IN
SITU

COMMUNICATION WITH
ROSEANNA CONNORIAN HAI
ASSUMING REGARDING MOLOS IT
IS QUITE POSSIBLE THAT THEY
WILL HAVE BEEN STARTED
BY THE END OF YOUR PHASE

2

ANTICIPATE THAT AFFECTING
TOWN FOLL PROTECTION

SIMILARLY HERETOFORE
NESTING BIRDS BATS

SOME SPECIES OF BUTTERFLY
ARE UNDER THREAT OF
EXTINCTION THOSE WHICH
DUE TO BURNING THE PINEL
SKIPPIN GRIZZLED SKIPPIN AND
HIGH BROWN FRITILLARY AND
OTHERS. PLEASE DO WHAT YOU
CAN TO PROTECT THEM IF
TO BE FOUND IN MANY AREAS!

TREES TO BE PLANTED WHEN
EVER POSSIBLE SO TOO WILL
FLOWERS

YOUR ASSISTANCE IN ALL
OF THESE MATTERS IS MUCH
APPRECIATED

Yours fraternally



Stay Safe Stay Well

REPORT OF HANDLING

Ref No:	20/00614/APP	Officer:	Fiona Olsen
Proposal Description/ Address	Retrospective application to erect a shed for business/office use at Shiva 20 Shore Street Lossiemouth Moray		
Date:	20/07/20	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
Contaminated Land	29/05/20	No Objections
Environmental Health Manager	05/06/20	No Objections
Transportation Manager	08/06/20	No Objections subject to conditions and informatives
Moray Flood Risk Management	27/05/20	No Objections

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
2020 Proposed Local Development Plan		
DP1 Development Principles	Y	
EP12 Management and Enhancement of the		
EP14 Pollution, Contamination & Hazards.		
Moray Local Development Plan 2015		
EP5: Sustainable Urban Drainage Systems		
EP9: Contaminated Land		
T2: Provision of Access		
T5: Parking Standards		
IMP1: Developer Requirements	Y	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received 2		
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: Neighbour Notification map does not show building in correct position Comments (PO): Neighbour notification maps do not show the outline of proposed buildings, only the outline of the existing site for information.		
Issue: Building is less than half a metre from boundary wall Comments (PO): The site plan would show the shed being located on (or very close to) the property boundaries.		
Issue: There is no fire access for the building other than through the existing property. Comments (PO): This is not a planning matter and would relate to building standards only.		
Issue: No drainage Comments: The applicant has confirmed that all rainwater will be directed to a rainwater butt within the site which will be used for watering the garden. Moray Flood Risk Management have raised no objections to this.		
Issue: Potential noise issue due to garden being fully enclosed. Comments: Although the shed is proposed for business use, it will only be used for office space and therefore no issues regarding noise are anticipated.		
Issue: Full protection for all wildlife, flora and fauna, including hedgehogs, nesting birds, bats and butterflies Comments: This is for a shed only and is not anticipated to impact upon any protected species. There are no trees on the site.		
Issue: Moles will have legal status by the end of 2020 Comments: This proposal is for a shed only and is not anticipated to impact upon any protected species.		
Issue: Trees and wildflowers to be planted where possible Comments: This is a proposal for a shed only and therefore there is no requirement under the MLDP 2020 for landscaping or planting of trees. There are no existing trees on the site.		

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 2015 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

On 3 June 2020 the Moray Council Emergency Cabinet resolved to use the Moray Local Development Plan 2020 (MLDP) as a material consideration for Development Management purposes including the determination of planning applications until such time as the MLDP (modified) 2020 is formally adopted, at which point it will replace the current development plan.

This means that whilst applications will continue to be assessed against the policies and proposals of the Moray Local Development Plan 2015, the terms of the Moray Local Development Plan (Modified Plan) 2020 including all policies and designations will also require to be taken into account when decisions are made on proposals after 15 June 2020. As a material consideration, the Moray Local Development Plan (Modified Plan) 2020 represents a more up-to date version of the Council's

intended planning policies and can be used to both support or reject any application.

Proposal

The application seeks planning permission to erect a shed for business/office use at an existing dwellinghouse.

The shed would measure approx. 6.4m x 5m x 3m (to the highest point of the roof) and would be finished in timber cladding with a mono pitch roof over. It would be located on the eastern, southern and western boundaries of the property, being set back approximately 600mm from any mutual neighbouring boundary.

Work has already commenced to build the shed however has been halted due to an Enforcement case being raised. The application is therefore part-retrospective.

Site

The site is located at Shiva, Shore Street, Lossiemouth. The existing property is a semi-detached single storey on the front and one and a half storey on the back dwellinghouse (erected under planning ref 86/00507/FUL). There is a driveway and small patio area to the front and patio area and garden ground to the rear. The garden ground slopes upwards to the south.

There is a neighbouring (attached) property to the east and further neighbouring properties lie to the west and south of the site. The site is bound by the public road to the north and beyond the public road are a series of industrial buildings.

Policy Assessment

Siting and Design (MLDP (Modified Plan) 2020 Policy DP1- (i) a) & e) MLDP 2015 Policy IMP1)

Policy DP1 (i) a) Development Principles of the MLDP (Modified Plan) 2020 requires that the scale, density and character of a development must be appropriate to the surrounding area, DP1 (i) e) states that proposals must also not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity. Policy IMP1 Developer Requirements requires development to be sensitively sited and designed, and appropriate to the amenity of the surrounding area and to be acceptable in terms of scale, density and character.

Following assessment the proposed shed on raised garden ground in a restricted site would be of an inappropriate scale due its combined height, width and depth. As such, this would result in a development that would be out of character with its immediate surroundings, and would have an overbearing and detrimental impact, as it removes the majority of the remaining rear garden ground.

The shed is proposed to be erected in the rear garden which slopes upwards to the south. The rear garden has already been developed since the property was built and includes a one and a half storey extension (04/00582/FUL refers) to the rear. Between the extension and the remaining area of garden ground (where the shed is proposed) there are steps leading up to the higher level of garden ground. The shed would therefore sit on a higher level of ground than the existing property and occupy the entirety of any remaining developed rear garden ground. It is also located very close to the property boundary (approx. 600mm on the eastern, southern and western mutual neighbouring boundaries). The proposed shed in these circumstances would therefore result in an overdevelopment of the site and would have an overbearing impact on the existing site and surrounding area.

In terms of orientation and openings on the proposed shed, a 'letterbox' window and single door are proposed on the front (north) elevation facing onto the main property and steps leading up thereto. A second 'letterbox' window is proposed on the side elevation which would face east, directly onto the neighbouring property. A set of two smaller 'letterbox' windows are also proposed on the other side, again facing directly onto the neighbouring property to the west. These 'letterbox' windows are located at head height within the shed and would therefore give a direct view into the neighbouring

property gardens to the east and west giving rise to an unacceptable loss of privacy and amenity to neighbours.

Overall, the development would be inappropriate in terms of its scale and combined proportions on the site, and out of character with adjoining properties contrary to the requirements of policy DP1 i) a & e) of the MLDP (Modified Plan) 2020 and IMP1 of the MLDP 2015.

The shed is proposed to be finished in timber cladding. Although this material would be acceptable for a timber shed, it does not outweigh the aforementioned objections with regard to the size and scale of the proposal. The finish for the roof has not been provided

The shed is proposed for business use. A supporting statement has been provided which outlines that shed will be used as an office space for 3-4 hours a day, 5 days a week. It will only be used by the applicant and customers may attend meeting within the shed from time to time. This level of proposed use is considered in terms of the increase in general activities to be acceptable and would not give rise to any loss of amenity to neighbours. This however would not outweigh the aforementioned objections and therefore refusal is recommended.

Drainage and Flooding, (MLDP (Modified Plan) 2020 policy DP1- iii. and EP12; MLDP 2015 EP5)

The site is located within an area at medium risk of surface water flooding. The applicant has confirmed that any surface water created by the development would be directed to a water butt within the site, to be used for watering flowers. Moray Flood Risk Management have been consulted and raised no objections. The proposal would therefore be in accordance with the requirements of policies DP1,EP12 and EP5.

Access and Parking (MLDP (Modified Plan) 2020 policy DP1 - ii); MLDP 2015 policy T2 and T5)

The site will be accessed via the existing driveway from Shore Street and the parking arrangements will remain unaltered. Moray Council Transportation Section have been consulted and raised no objections subject to a condition relating to the retention of car parking spaces and a series of informatives. The proposal would accord with access and parking requirements of policy DP1-ii, T2 and T5.

Recommendation

Based on the above observations the application is recommended for refusal as it represents an inappropriate form of development for this location which is contrary to the requirements of policy DP1 i) a & e) of the MLDP (Modified Plan) 2020 and IMP1 of the MLDP 2015.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

N/A

HISTORY

Reference No.	Description			
16/00968/ID	Proposed extension at 20 Shore Street Lossiemouth Moray IV31 6PB			
	Decision	Permitted Development	Date Of Decision	22/06/16
04/00582/FUL	Extend at 20 Shore Street Lossiemouth Moray IV31 6PB			
	Decision	Permitted	Date Of Decision	31/03/04
	Erect 2 semi-detached dwellinghouse on			

86/00507/FUL	Gap Site Shore Street Lossiemouth Moray			
	Decision	Permitted	Date Of Decision	10/09/86

ADVERT			
Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development plan	16/07/20	
PINS	Departure from development plan	16/07/20	

DEVELOPER CONTRIBUTIONS (PGU)	
Status	N/A

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:	Details of proposal	
Main Issues:	Outlines that shed will be used as an office space for 3-4 hours a day, 5 days a week. Only applicant as staff and customer to attend from time to time.	

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)			

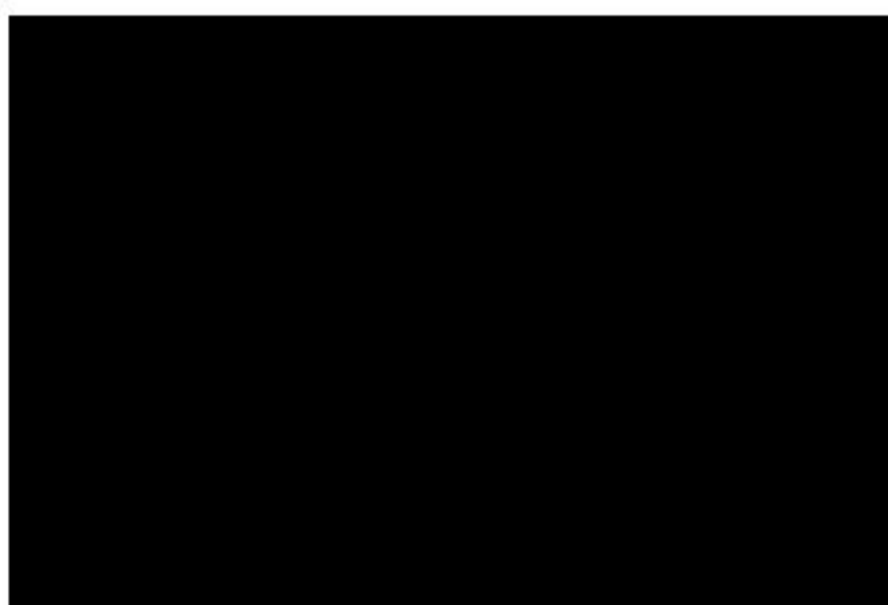


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Heldon And Laich]
Application for Planning Permission**

TO

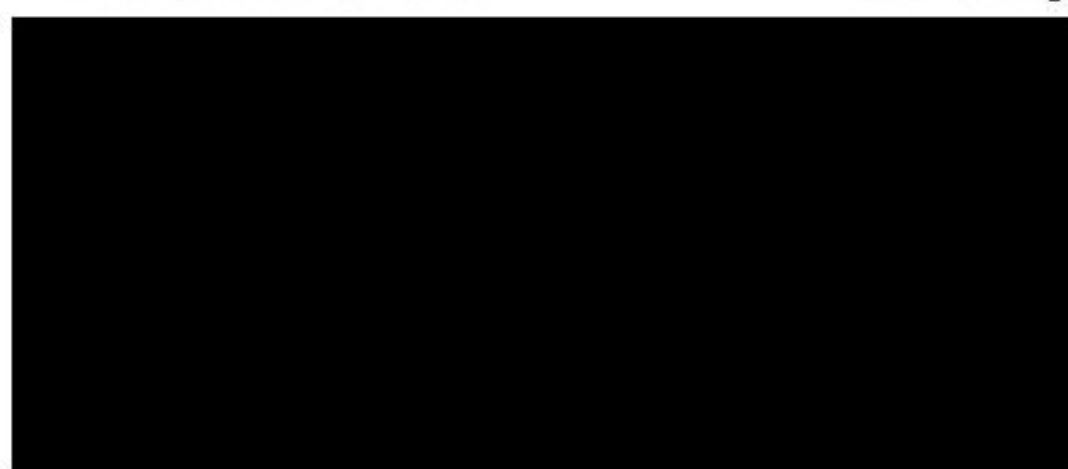


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Retrospective application to erect a shed for business/office use at Shiva 20 Shore Street Lossiemouth Moray

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

Date of Notice: **20 July 2020**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance

Moray Council

Council Office

High Street

ELGIN

Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposed shed is contrary to Moray Local Development Plan (Modified Plan) 2020 policy DP1 (i) a) & e) and Moray Local Development Plan 2015 policy IMP1 for the following reasons:-

1. The proposed shed on raised garden ground in a restricted site would be of an inappropriate scale due to its combined height, width and depth. As such this would result in a development that would be out of character with its immediate surroundings, and would have an overbearing and detrimental impact as it removes the majority of the remaining rear garden ground.
2. The proposed shed contains windows on both side elevations which would face directly onto the neighbouring properties to the immediate east and west of the site. These windows are located at head height and would therefore give a direct view into the neighbouring property gardens giving rise to an unacceptable loss of privacy and overbearing loss of amenity to neighbours and would also be contrary to the requirements of policy DP1 i) e), and IMP1.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Site and location plan

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

N/A

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100294540-001

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

Applicant or Agent Details

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

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Shiva"/>
First Name: *	<input type="text" value="Gordon"/>	Building Number:	<input type="text" value="20"/>
Last Name: *	<input type="text" value="Wood"/>	Address 1 (Street): *	<input type="text" value="Shore street"/>
Company/Organisation	<input type="text" value="In The Gutters"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="07947626079"/>	Town/City: *	<input type="text" value="lossiemouth"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="iv31 6pb"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="inthegutter@yahoo.com"/>		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

SHIVA

Address 2:

20 SHORE STREET

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

LOSSIEMOUTH

Post Code:

IV31 6PB

Please identify/describe the location of the site or sites

Northing

871245

Easting

323355

Description of Proposal

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

i would like to propose against Fiona Olsens decision to erect my shed/office for my business use. is it possible to have a meeting or someone to come and view it. The windows at head height has had no disagreement with my neighbours and my neighbours have no dispute on the build. they have also been giving 21 days notice without any complaints, but planning has made the decision for them to stop the build. this is not reasonable.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

all the windows at a height of 6 feet does not invade privacy into my neighbours, even though they have no concerns about the windows. The build itself is wind and water tight and has cost several thousands. every query you have asked for i have done, architect scaled drawing, rain water containment, expensive fire retarded paint, submitting in the papers, all costs because of someone who doesn't live close to me have a dislike and doesnt want me to have a successful business.

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

☐ Yes ☒ No

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

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

please see the notes from the pre applications.

Application Details

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

20/00614/APP

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

21/05/2020

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

15/07/2020

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

Holding one or more hearing sessions on specific matters

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

one outsiders decision should not be made to stop the build for my business to grow

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

no they are more than welcome, just give me notice to arrange viewing

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Gordon Wood

Declaration Date: 18/08/2020

