



MORAY LOCAL REVIEW BODY

17 DECEMBER 2020

SUMMARY OF INFORMATION FOR CASE No LR240

Notice of Review: Planning Application 20/00195/PPP – Erect dwellinghouse at site 500m South East of Wester Hillside, Mosstowie, Elgin, Moray

Ward 5 – Heldon and Laich

Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 5 May 2020 on the grounds that:

The proposal is contrary to policies H7 and IMP1 of the Moray Local Plan 2015, the Housing in the Countryside Supplementary Guidance and the Guidance Note on Cumulative Build UP of New Houses in the Countryside for the following reasons:

1. The proposal will further exacerbate already identified sequential visual effects of cumulative build up experienced when travelling along the minor roads in this location.
2. A new house in this location will contribute to further eroding the rural character of the area by adding to the prevalence of new housing and undermining the traditional settlement pattern.
3. The impact of new access roads, visibility splays and bin storage associated with new development will also further diminish the rural character of this area.

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

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

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

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

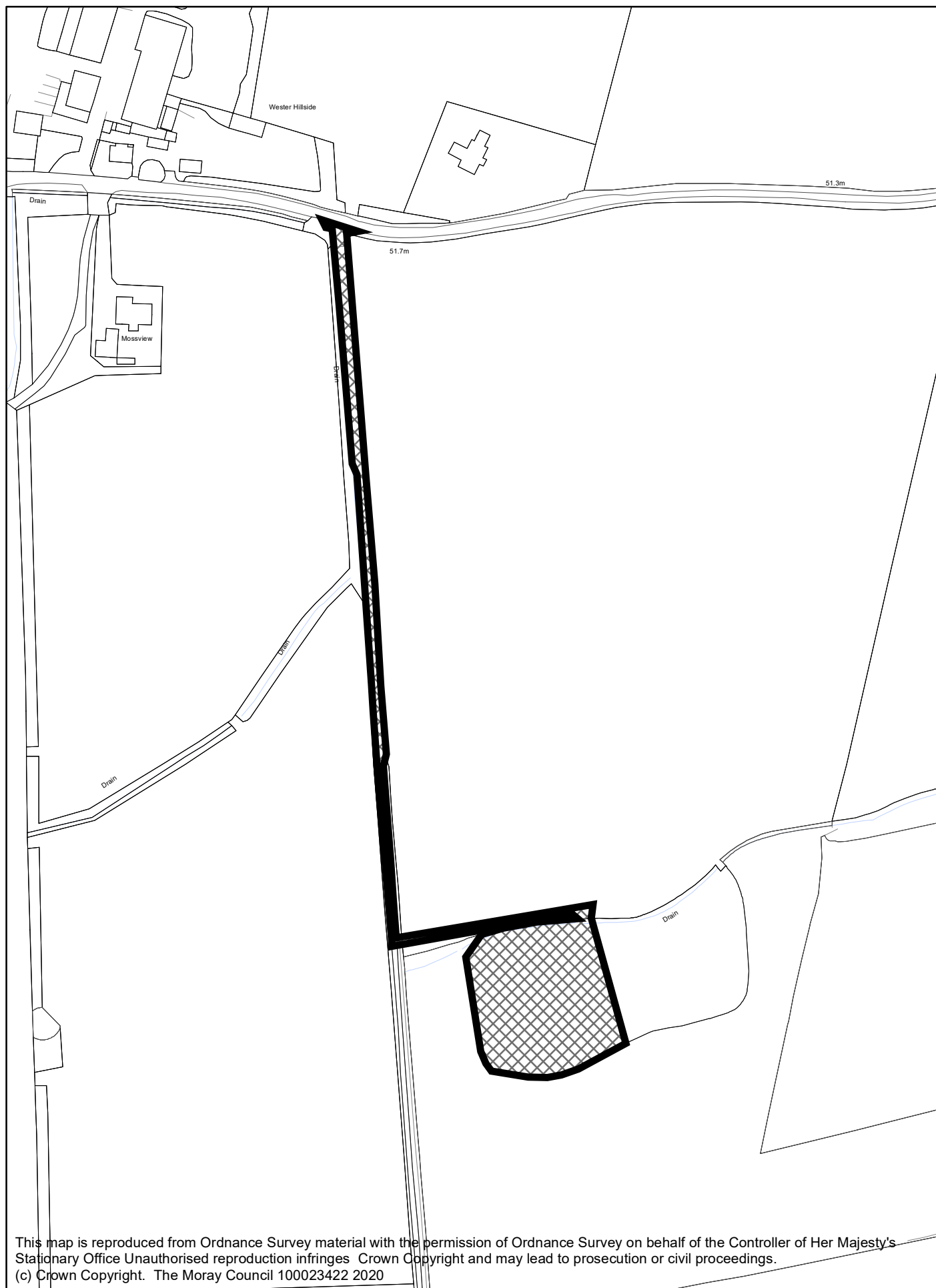
At the meeting of the Moray Local Review Body (MLRB) on 29 October 2020, the MLRB agreed to defer case LR240 to allow the Appointed Officer the opportunity to determine the planning application in accordance with the policies in the new MLDP 2020, and thereafter, allow the Applicant to make further representation on the Appointed Officers findings.

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

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



Location plan for Planning Application Reference Number : 20/00195/PPP





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100235301-001

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

Type of Application

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

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

Description of Proposal

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

Planning Permission in Principle to erect dwellinghouse on Site 500M South East Of Wester Hillside, Mosstowie, Elgin

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

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

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

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

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

859887

Easting

315693

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

0.67

Please state the measurement type used:

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

Existing Use

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

Undeveloped land

Access and Parking

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

☐ Yes ☒ No

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

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> <p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input type="checkbox"/> Yes – connecting to public drainage network</p> <p><input checked="" type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>As you have indicated that you are proposing to make private drainage arrangements, please provide further details.</p> <p>What private arrangements are you proposing? *</p> <p><input type="checkbox"/> New/Altered septic tank.</p> <p><input checked="" type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).</p> <p><input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).</p>
<p>Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *</p> <div style="border: 1px solid black; padding: 10px; min-height: 100px;"> <p>Treatment plant to soakaway to ditch.</p> </div>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<h2 style="margin: 0;">Assessment of Flood Risk</h2> <p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>

Trees

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

☒ Yes ☐ No

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

All Types of Non Housing Development – Proposed New Floorspace

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

☐ Yes ☒ No

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Do you have any agricultural tenants? *

☐ Yes ☒ No

Certificate Required

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

Certificate E

Land Ownership Certificate

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

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: *

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and *have/has been unable to do so –

Signed: Neil Grant

On behalf of: Mr Niall Mustard

Date: 17/02/2020

☒ 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)

Visibility splay

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Site Investigation & Drainage Assessment

Declare – For Application to Planning Authority

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

Declaration Name: Mr Neil Grant

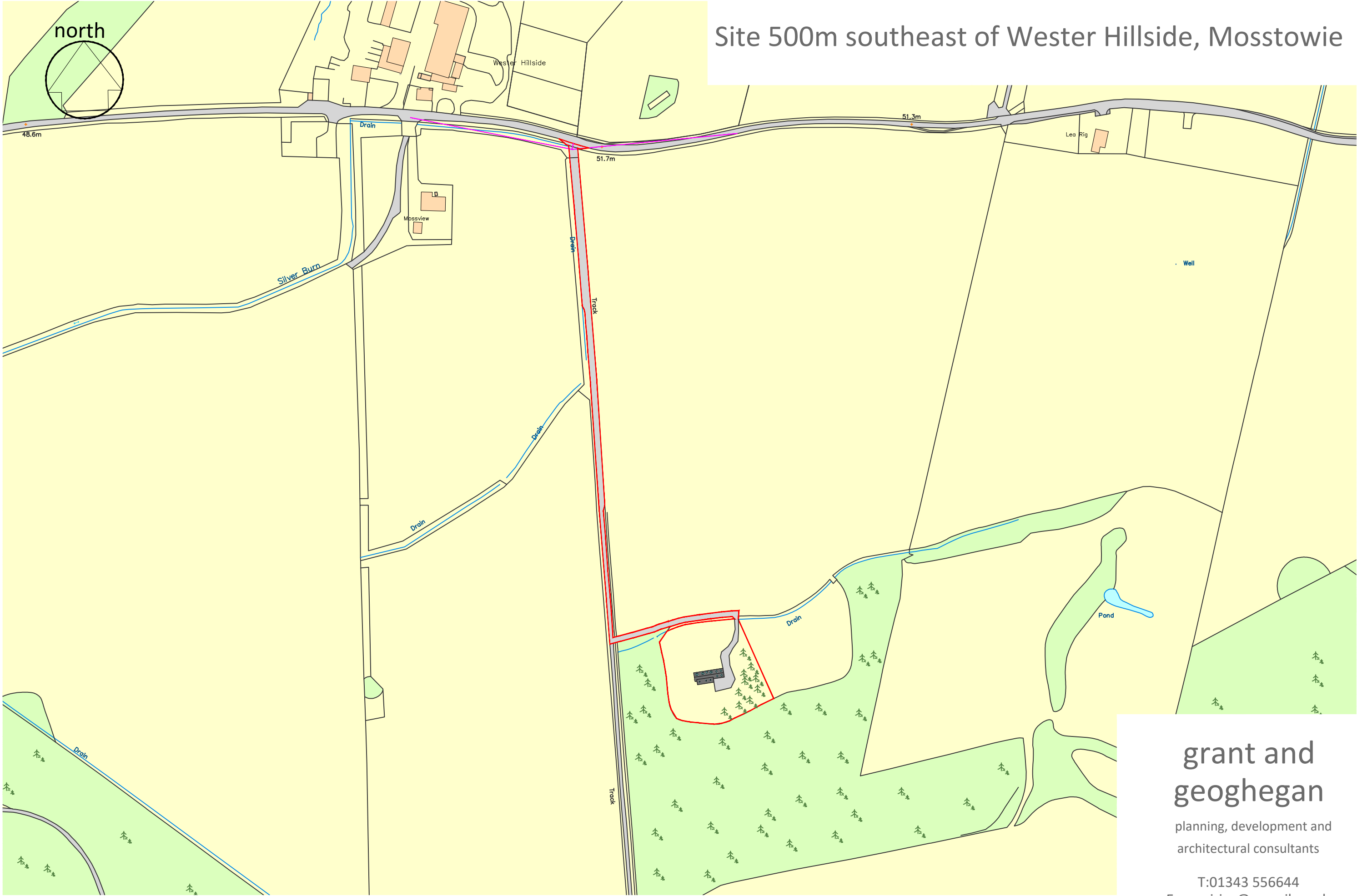
Declaration Date: 17/02/2020

Payment Details

Online payment: 088713

Payment date: 17/02/2020 10:56:02

Created: 17/02/2020 10:56



Site 500m southeast of Wester Hillside, Mosstowie

grant and
geoghegan

planning, development and
architectural consultants

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

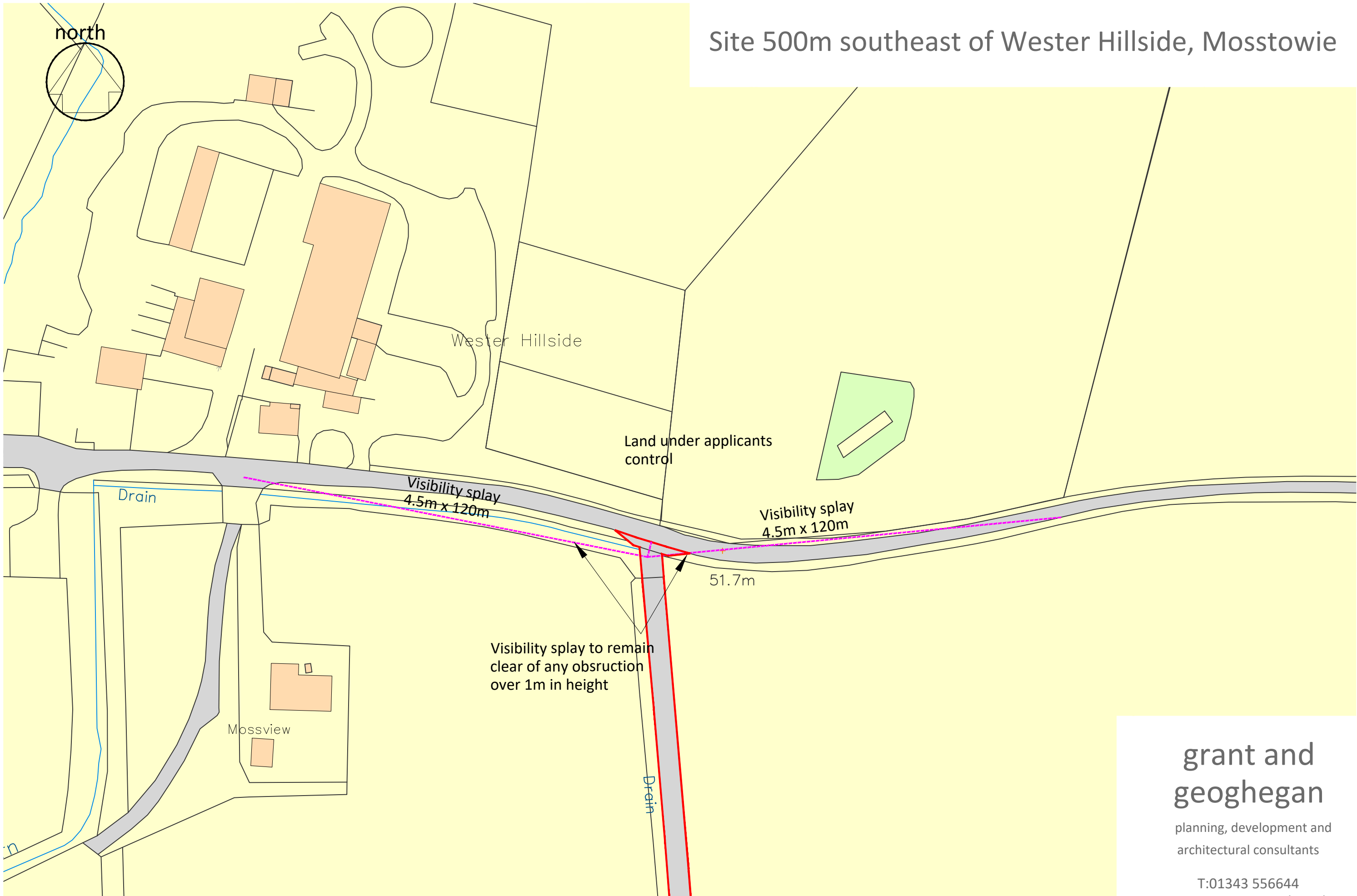
Site 500m southeast of Wester Hillside, Mosstowie



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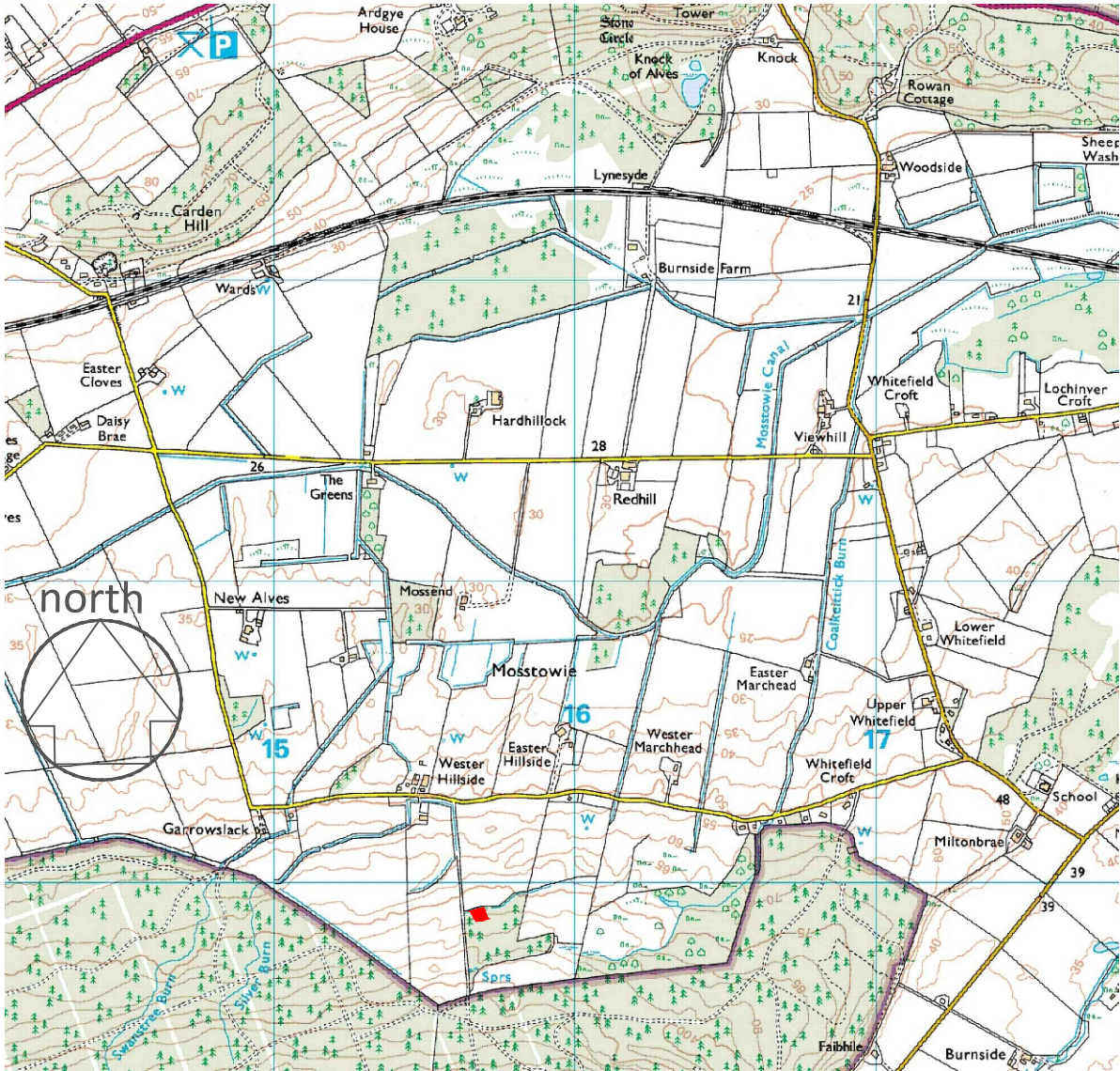
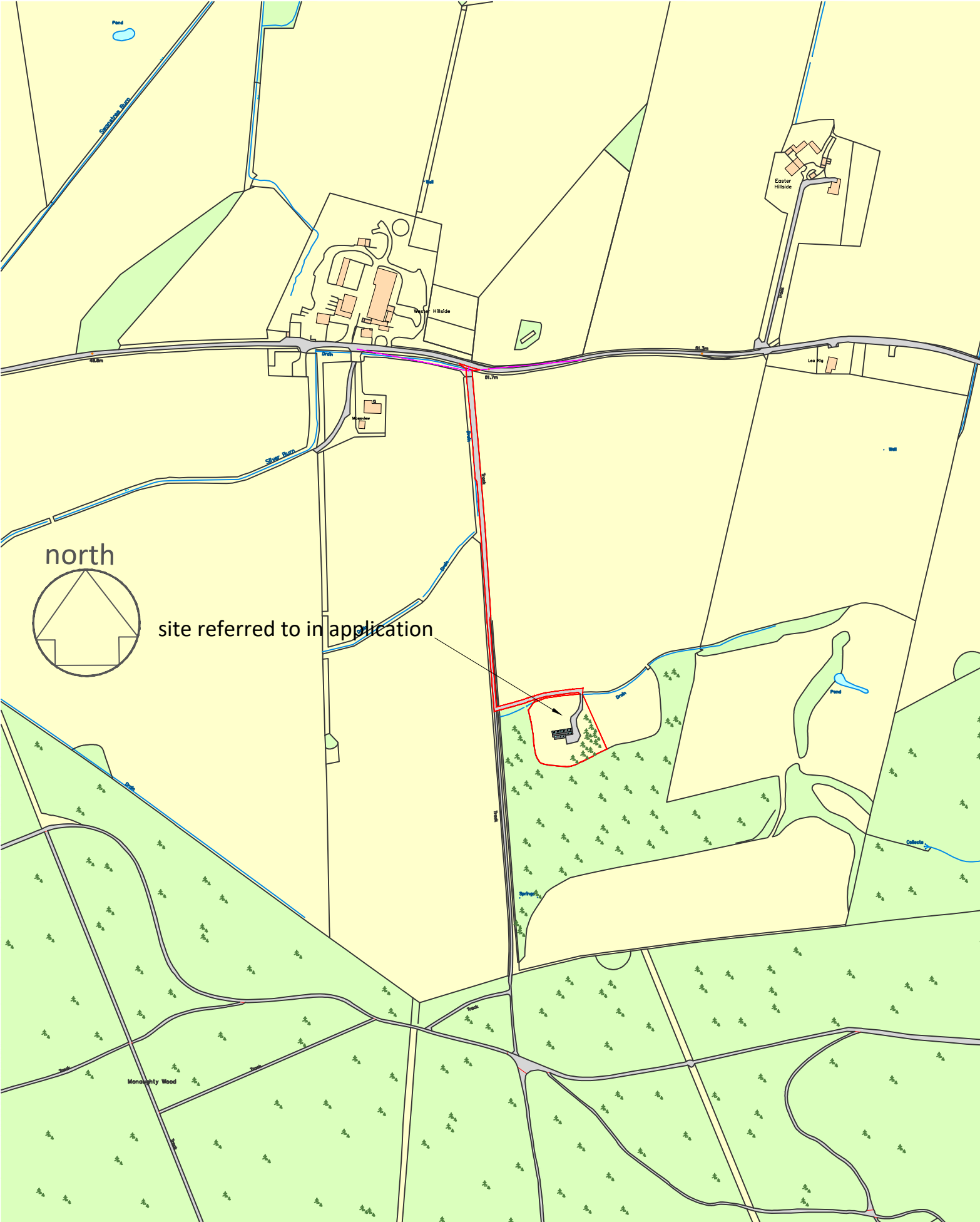


grant and
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planning, development and
architectural consultants

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

Site 500m southeast of Wester Hillside, Mosstowie



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planning, development and
architectural consultants

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

gmsurveys

Surveys, Setting-Out Civil Engineering Design

Site Investigation & Drainage Assessment

SITE TO SOUTH EAST OF HILLSIDE, MOSSTOWIE

Gary Mackintosh Bsc
gmsurveys@gmail.com

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Client:

Mr N Mustard

Site Address:

Site Approximately 500m South East of Hillside

Mosstowie

By Elgin

Planning Reference:

TBC

Date:

3rd February 2020

Job Number:

0618

Company Information:

Assessment completed by:

Gary Mackintosh Bsc

GMCSurveys

34 Castle Street

Forres

Moray

IV36 1PW

Email: gmcsurveys@gmail.com

Telephone: 07557431702

Site Description:

The site is located approximately 500m south east of Hillside, Mosstowie, by Elgin. The proposals are to erect a new private dwelling and associated infrastructure.

The SEPA Flood maps have been consulted which indicate that the site lies out with any areas of fluvial flood risk. There are isolated areas highlighted to be at risk of pluvial flooding during a 1:200year event. These areas relate to low points within the site within which, drainage ditches are located which channel excess surface water flows to the north and east of the site therefore it is considered that the site area itself is not at risk of surface water flooding during a 1:200year event. The location of the existing drainage ditches also ensure that the proposals do not pose a risk to the areas north/downstream of the plot.

GMC Surveys have been asked to carry out a Drainage Assessment to establish ground conditions and provide a drainage solution for the site.

Soil Conditions:

Excavations were carried out using a mechanical digger on 16th January 2020 to assess the existing ground conditions and carry out infiltration and percolation testing for the dispersal of foul and surface waters via soakaways.

The trial pits were excavated to depths of 1.8m.

The excavations provided existing ground conditions of 300 – 300mm Topsoil with some fibrous rootlets overlying light brown, turning brown medium to dense, coarse gravelly Sands to a depth of 1mbgl and brown/red, firm to stiff, slightly sandy Clays to the depth of the excavations.

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

Percolation/Soakaway Testing:

Percolation testing was carried out in full accordance with BS6297: 2007 + A1: 2008 and as described in Section 3.9 of the Scottish Building Standards Technical Handbook (Domestic). There was no change in the water level for the duration of the site visit.

Infiltration testing was carried out in full accordance with BRE digest 365. The results can be found in the table below. There was no change in the water level for the duration of the site visit.

Conclusion and Recommendations:

Based on the onsite investigations it can be confirmed that the underlying soils are not suitable for the use of standard stonefilled soakaways as a drainage solution for both foul and surface waters.

Foul Water Discharge:

As the use of sub surface soakaway is deemed unsuitable within the site it is proposed that the foul water drainage from the property is to discharge to an existing drainage ditch located within the northern boundary of the plot. The ditch flows north and east joining the wider network of drainage ditches in the area. Secondary treatment will be required by means of a 'packaged sewage treatment plant'. The treatment plant is to disperse to a soakpit to provide an additional level of treatment and storage prior to discharge to the ditch located to the west of the site.

SEPA require that the soakpit have a minimum base area of 25m², the proposed dimensions are therefore to be 5.0m x 5.0m with 1.0m below the invert of the inlet. The 100mm outlet is to be set 300mm below the invert of the incoming pipe.

It is therefore proposed to install a treatment plant and soakpit prior to discharging to the existing drainage ditch.

The treatment plant will be required to meet the minimum SEPA requirements for discharge of B.O.D – 20mg/l and Ammonia Nitrogen level of 5mg/l.

It is recommended to install a Graff One2Clean packed sewage treatment plant which produces a effluent quality of: B.O.D – 7.0mg/l and Ammonia Nitrogen of 0.5mg/l.

Surface Water Dispersal:

As infiltration is not available within the site, it is proposed that the surface water will also discharge to the existing drainage ditch to the north of the site. In order to do so, any surface water discharge will need to be attenuated to the pre - development runoff rate. Storage will be required to ensure that the surface waters can be attenuated and stored up to and including a 1:200year event.

It is proposed therefore proposed to install a small surface water detention basin to manage, store and discharge surface waters at 0.5l/s being a percentage of the overall greenfield runoff rate.

The detention basin is to be sized to and attenuate the surface water flows up to and including a 1:200year event with 35% allowance for climate change.

The proposed indicative drainage layout can be found within Appendix A and the supporting calculations in Appendix B.

The design of the drainage features can be found in Appendix C.

References

1. Scottish Planning Policy 7: Planning and Flooding. Scottish Executive, Feb 2004.
2. Planning Advice Note 61: Planning and Sustainable Drainage Systems. Scottish Executive, July 2001.
3. CIRIA C521 Sustainable Urban Drainage Systems, Design Manual for Scotland and Northern Ireland, 2000.
4. CIRIA C697 Sustainable Urban Drainage Systems, Design Manual for Scotland and Northern Ireland 2007.
5. CIRIA C753 – The Suds Manual
6. Building Research Establishment. BRE Digest 365 – Soakaway Design, 1991.
7. CIRIA, Report 156, Infiltration Drainage – Manual of Good Practice, 1996.
8. Sewers for Scotland 3rd Edition
9. Water Assessment and Drainage Assessment Guide (WADAG) January 2016
10. Suds for Roads

APPENDIX A

Site and Drainage Layout/Test Hole Locations



REV:	DESCRIPTION:	BY:	DATE:
STATUS: ISSUE			

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

CLIENT: Mr N Mustard

SITE: Site To SE of Hillside Mosstowie, Elgin			
TITLE: Test Hole Location/ Site Plan/Indicative Layout			
SCALE AT A4: NTS	DATE: FEB20	DRAWN: GM	CHECKED:
PROJECT NO: 0618	DRAWING NO: Appendix A	REVISION: -	

APPENDIX B

Storage Requirements/Basin Sizing

Drainage Sizing

Storage Calculations

Existing Greenfield Runoff Rate	= 1.85l/s
Proposed Discharge Rate	= 0.50l/s
Impermeable Area (Roof and hard standings)	= 150m ²
Total Storage Required	= <u>8.5m³ (1:200 year)</u>

Proposed Basin Sizing

The detention basin as shown within the appendix has a base area of 5.0m² with a plan area of 30m² and a depth of 750mm with 1:3 side slopes. The storage volume within the basin is therefore **8.75m³** with 250mm freeboard.

There is sufficient volume within the proposed basin to provide adequate storage up to and including a 1:200 year event.

The storage calculation sheets are shown below.



MasterDrain
SW 11.0

gmcsurveys
Surveys, Setting Out Civil Engineering Design

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

Job No. 0618		
Sheet no. 1		
Date 03/02/20		
By GM	Checked	Approved

Project **Site 500m SE of Hillside, Mosstowie**
Title **Greenfield Runoff Estimation**

Hydrological Data:-

FSR Hydrology:-

Location = ELGIN	Grid reference = NJ2162
M5-60 (mm) = 14	r = 0.24
Soil runoff = 0.40	SAAR (mm/yr) = 800
WRAP = 3	Area = Scotland & N. Ireland
Hydrological area = 1	Hydrological zone = 1

Soil classification for WRAP type 3

- i) Relatively impermeable soils in boulder and sedimentary clays, and in alluvium, especially in eastern England;
- ii) Permeable soils with shallow ground water in low-lying areas;
- iii) Mixed areas of permeable and impermeable soils, in approximately equal proportions.

Design data:-

Area = 0.00466 Km² - 0.466 Ha - 4660 m²

Calculation method:-

Runoff is calculated from:-

$$Q_{\text{BAR(rural)}} = 0.00108 \text{ AREA}^{0.89} \cdot \text{SAAR}^{1.17} \cdot \text{SOIL}^{2.17}$$

where

AREA = Site area in Km²
SAAR = Standard Average Annual Rainfall (mm/yr)
SOIL = Soil value derived from Winter Rainfall Acceptance Potential
 $Q_{\text{BAR(rural)}}$ = Runoff (cumecs)

$Q_{\text{BAR(rural)}}$ is then multiplied by a growth factor - GC(T) - for different storm return periods derived from EA publication W5-074/A.

Calculated data:-

For areas less than 50Ha, a modified calculation which multiplies the 50Ha runoff value by the ratio of the site area to 50Ha is used
Reducing factor used for these calculations is 0.009

Mean Annual Peak Flow $Q_{\text{BAR(rural)}}$ = 1.85 l/s



MasterDrain
SW 11.0

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Surveys, Setting Out Civil Engineering Design

Shireen Villa, 34 Castle Street
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Mobile: 07557 431 702

Job No. 0618		
Sheet no. 2		
Date 03/02/20		
By GM	Checked	Approved

Project **Site 500m SE of Hillside, Mosstowie**

Title **Greenfield Runoff Estimation**

Values for $Q_{BAR(rural)}$

Ret. per.	m ³ /hr	l/s	l/s/ha	Ret. per.	m ³ /hr	l/s	l/s/ha
1yr	5.672	1.576	3.381	100yr+20%	20.019	5.561	11.933
2yr	6.006	1.668	3.580	100yr+30%	21.687	6.024	12.927
5yr	8.208	2.280	4.892	100yr+40%	23.355	6.487	13.922
10yr	9.676	2.688	5.768	200yr	18.684	5.190	11.137
30yr	12.211	3.392	7.279	200yr + 30%	24.289	6.747	14.479
50yr	14.146	3.930	8.433	500yr	21.687	6.024	12.927
100yr	16.682	4.634	9.944	1000yr	24.222	6.728	14.439

Growth factors -

1yr	2yr	5yr	10yr	30yr	50yr	100yr	200yr	500yr	1000yr
0.85	0.90	1.23	1.45	1.83	2.12	2.50	2.80	3.25	3.63

The above is based on the Institute of Hydrology Report 124
to which you are referred for further details (see Sect 7).
Note that the 200 and above year growth curves were taken from W5-074.



MasterDrain
SW

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. 0618		
Sheet no. 1		
Date 03/02/20		
By GM	Checked	Approved

Project **Site 500m SE of Hillside, Mosstowie**

Title **Surface Water Storage Requirements**

Data:-

Location = ELGIN
M5-60 (mm) = 14
Soil index = 0.40
Return period = 200
UCWI = 0.0

Grid reference = NJ2162
r = 0.24
SAAR (mm/yr) = 800
WRAP = 3
Climate change = +35%

- i) Relatively impermeable soils in boulder and sedimentary clays, and in alluvium, especially in eastern England;
- ii) Permeable soils with shallow ground water in low-lying areas;
- iii) Mixed areas of permeable and impermeable soils, in approximately equal proportions.

Percentage runoff = 95.0% (manual setting)

Imperv. area = 180 m²
Total area = 180 m²
Total runoff = 16.4 m³

Pervious area = 0 m²
Equiv area = 171 m² (Tot. area x % runoff).
Discharge rate = 0.500 l/s

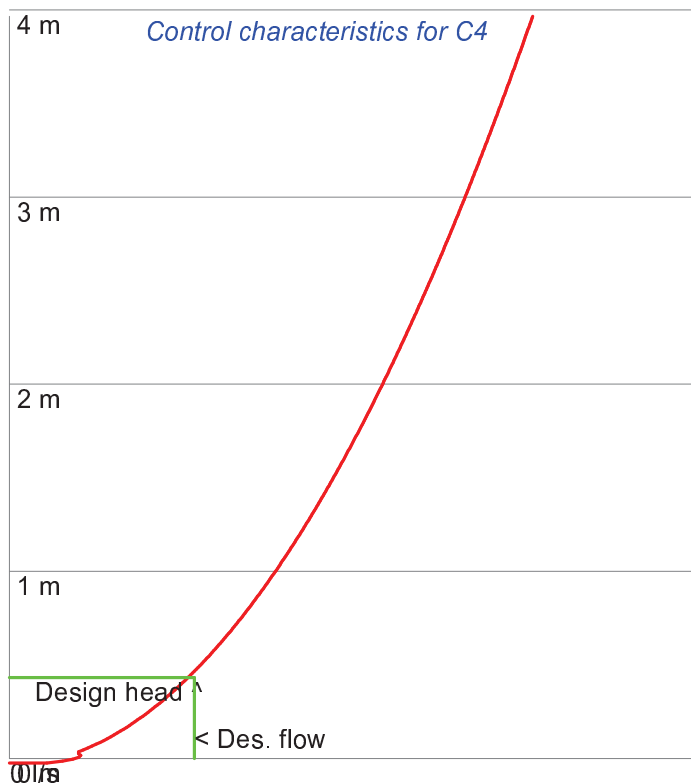
Design Head = 0.5m
Control device = C4
Max. calc. depth = 0.48 m

Peak flow = 0.49 l/s
Orifice diam = 25.2 mm
Available depth = 0.0 m³

Pipeline storage = 0.0 m³
Offline storage = 0.0 m³
Total storage = 8.5 m³

Available MH storage = 0.0 m³

Peak input flow = 1.14 l/s



Head (m)	Flow (l/s)	Head (m)	Flow (l/s)
0.01	0.10	2.01	1.00
0.05	0.19	2.05	1.01
0.10	0.22	2.10	1.02
0.15	0.27	2.15	1.04
0.20	0.32	2.20	1.05
0.25	0.35	2.25	1.06
0.30	0.39	2.30	1.07
0.35	0.42	2.35	1.08
0.40	0.45	2.40	1.10
0.45	0.47	2.45	1.11
0.50	0.50	2.50	1.12
0.55	0.52	2.55	1.13
0.60	0.55	2.60	1.14
0.65	0.57	2.65	1.15
0.70	0.59	2.70	1.16
0.75	0.61	2.75	1.17
0.80	0.63	2.80	1.18
0.85	0.65	2.85	1.19
0.90	0.67	2.90	1.20
0.95	0.69	2.95	1.21
1.00	0.71	3.00	1.22
1.05	0.72	3.05	1.23
1.10	0.74	3.10	1.24
1.15	0.76	3.15	1.25
1.20	0.77	3.20	1.26
1.25	0.79	3.25	1.27
1.30	0.81	3.30	1.28
1.35	0.82	3.35	1.29
1.40	0.84	3.40	1.30
1.45	0.85	3.45	1.31
1.50	0.87	3.50	1.32
1.55	0.88	3.55	1.33
1.60	0.89	3.60	1.34
1.65	0.91	3.65	1.35
1.70	0.92	3.70	1.36
1.75	0.94	3.75	1.37
1.80	0.95	3.80	1.38
1.85	0.96	3.85	1.39
1.90	0.97	3.90	1.40
1.95	0.99	3.95	1.41
2.00	1.00	4.00	1.41



MasterDrain
SW

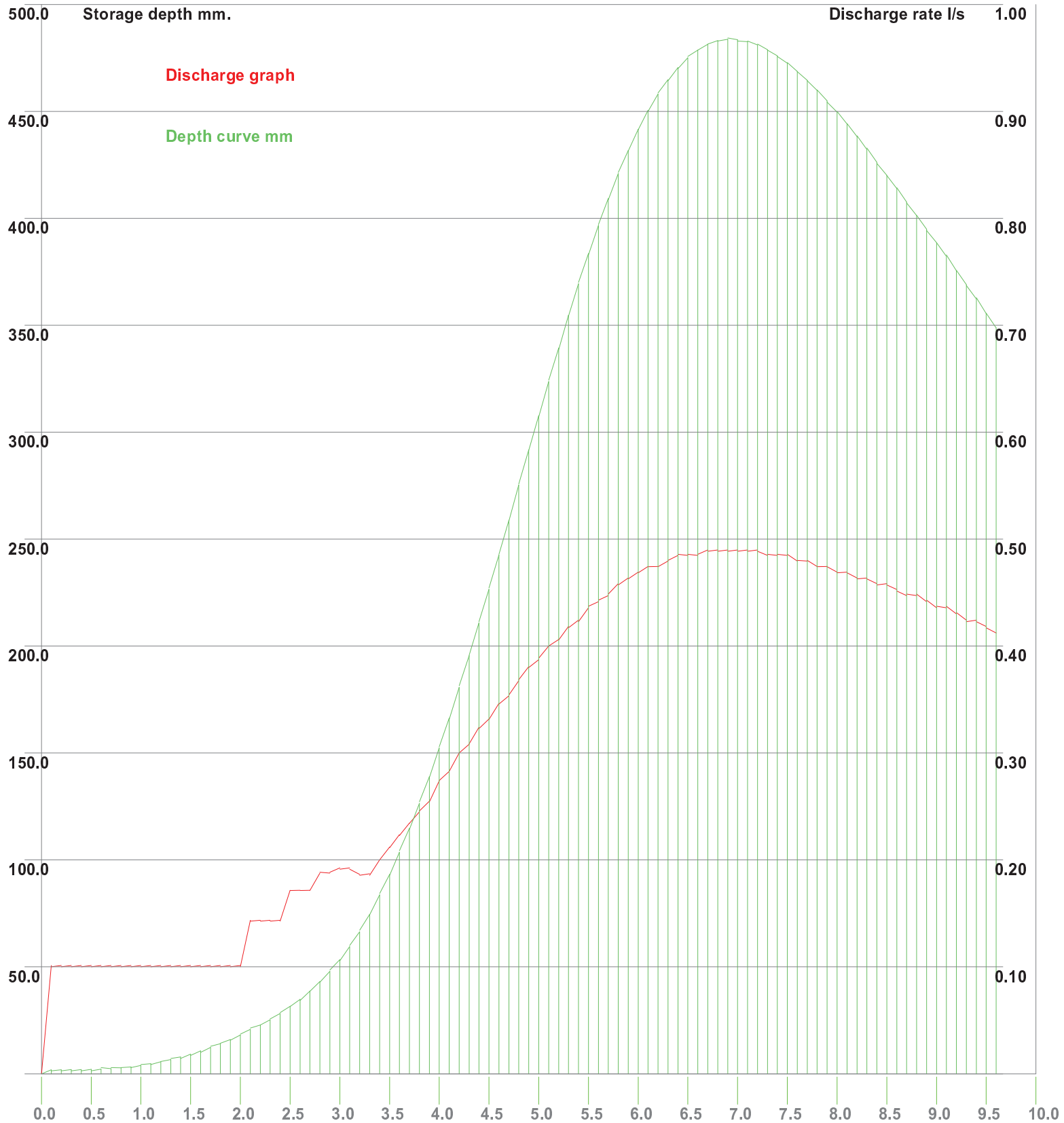
gmcsurveys
Surveys, Setting Out Civil Engineering Design

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

Job No. 0618		
Sheet no. 2		
Date 03/02/20		
By GM	Checked	Approved

Project **Site 500m SE of Hillside, Mosstowie**
Title **Surface Water Storage Requirements**

Storage curves for a 10 hours storm.





MasterDrain
SW

Job No.	0618		
Sheet no.	3		
Date	03/02/20		
By	GM	Checked	Approved
Title			

Project **Site 500m SE of Hillside, Mosstowie**
Title **Surface Water Storage Requirements**

Incremental rainfall figures.

Storm Mins	Storage Depth mm	Control Flow l/s	Storm Mins	Storage Depth mm	Control Flow l/s
6.0	1.9	0.10	306.0	323.7	0.40
12.0	1.9	0.10	312.0	339.3	0.41
18.0	2.0	0.10	318.0	354.6	0.42
24.0	2.0	0.10	324.0	369.4	0.42
30.0	2.1	0.10	330.0	383.5	0.44
36.0	2.2	0.10	336.0	396.8	0.44
42.0	2.4	0.10	342.0	409.2	0.45
48.0	2.8	0.10	348.0	420.9	0.46
54.0	3.2	0.10	354.0	431.7	0.46
60.0	3.9	0.10	360.0	441.6	0.47
66.0	4.7	0.10	366.0	450.4	0.47
72.0	5.7	0.10	372.0	458.1	0.47
78.0	6.7	0.10	378.0	464.8	0.48
84.0	7.9	0.10	384.0	470.4	0.48
90.0	9.2	0.10	390.0	475.1	0.48
96.0	10.7	0.10	396.0	478.6	0.48
102.0	12.3	0.10	402.0	481.4	0.49
108.0	14.1	0.10	408.0	483.1	0.49
114.0	16.0	0.10	414.0	483.7	0.49
120.0	18.2	0.10	420.0	483.5	0.49
126.0	20.8	0.14	426.0	482.6	0.49
132.0	22.8	0.14	432.0	481.0	0.49
138.0	25.3	0.14	438.0	478.8	0.48
144.0	28.2	0.14	444.0	476.0	0.48
150.0	31.6	0.17	450.0	472.6	0.48
156.0	34.8	0.17	456.0	468.7	0.48
162.0	38.6	0.17	462.0	464.5	0.48
168.0	43.1	0.19	468.0	459.9	0.47
174.0	47.9	0.19	474.0	454.9	0.47
180.0	53.4	0.19	480.0	449.6	0.47
186.0	59.5	0.19	486.0	444.0	0.47
192.0	66.4	0.19	492.0	438.2	0.46
198.0	74.6	0.19	498.0	432.2	0.46
204.0	83.6	0.20	504.0	426.2	0.46
210.0	93.2	0.21	510.0	420.1	0.46
216.0	103.6	0.22	516.0	413.9	0.45
222.0	114.7	0.23	522.0	407.6	0.45
228.0	126.5	0.24	528.0	401.3	0.45
234.0	139.0	0.25	534.0	394.9	0.44
240.0	152.3	0.27	540.0	388.6	0.44
246.0	166.3	0.28	546.0	382.2	0.44
252.0	180.8	0.30	552.0	375.5	0.43
258.0	195.6	0.31	558.0	368.9	0.42
264.0	210.9	0.32	564.0	362.3	0.42
270.0	226.5	0.33	570.0	355.5	0.42
276.0	242.6	0.35	576.0	348.8	0.41
282.0	258.9	0.35	582.0	342.1	0.41
288.0	275.3	0.37	588.0	335.4	0.41
294.0	291.6	0.38	594.0	328.7	0.40
300.0	307.7	0.39	600.0	322.2	0.40

Using the Get Max button causes the program to step through a series of storm durations until a maximum volume is obtained.

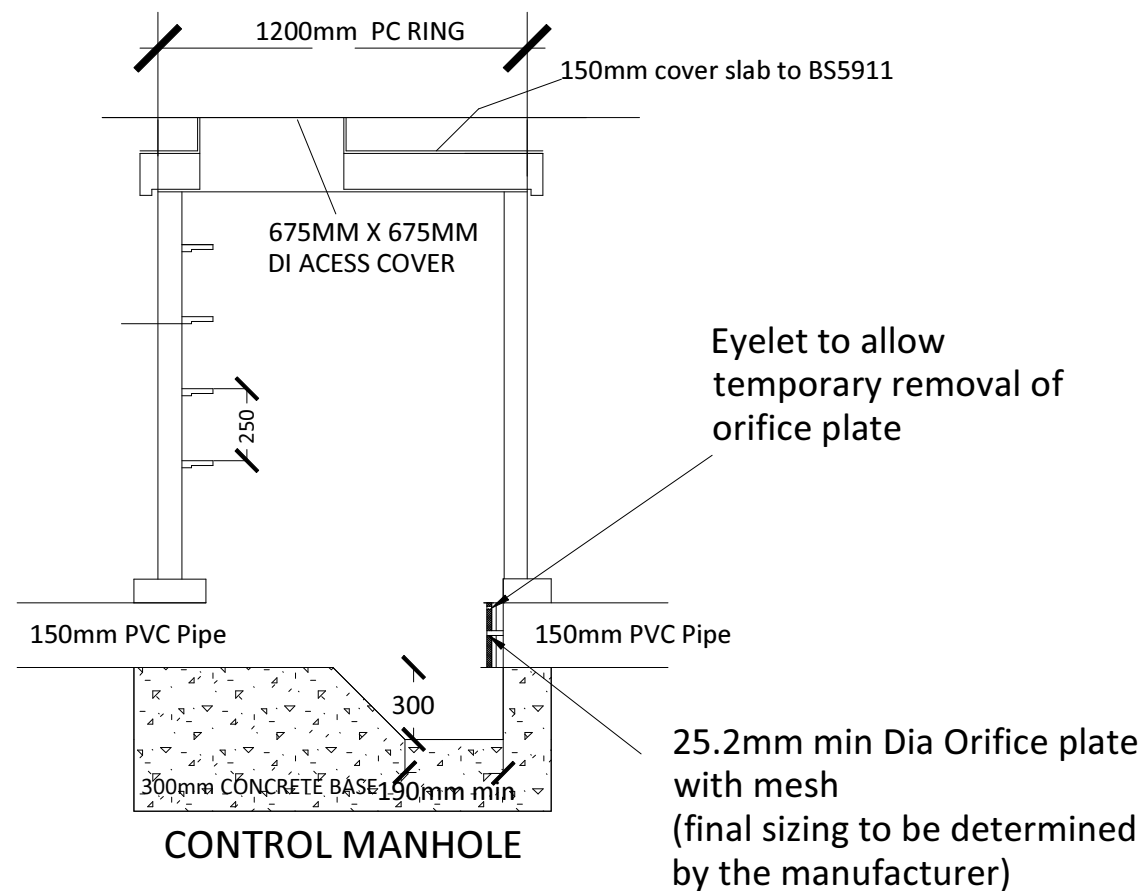
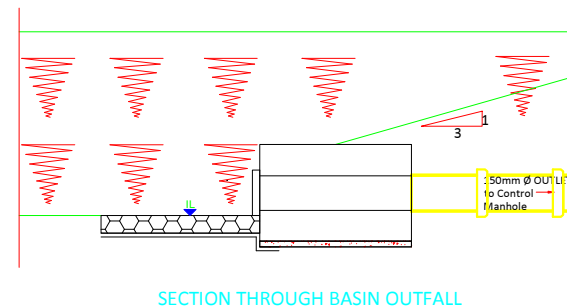
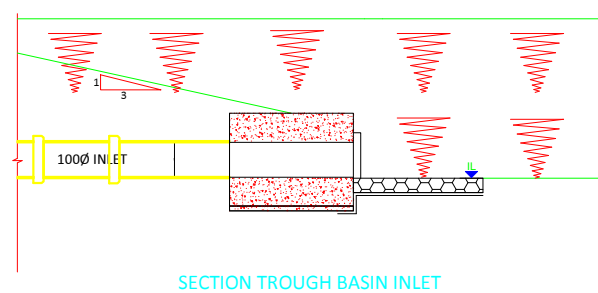
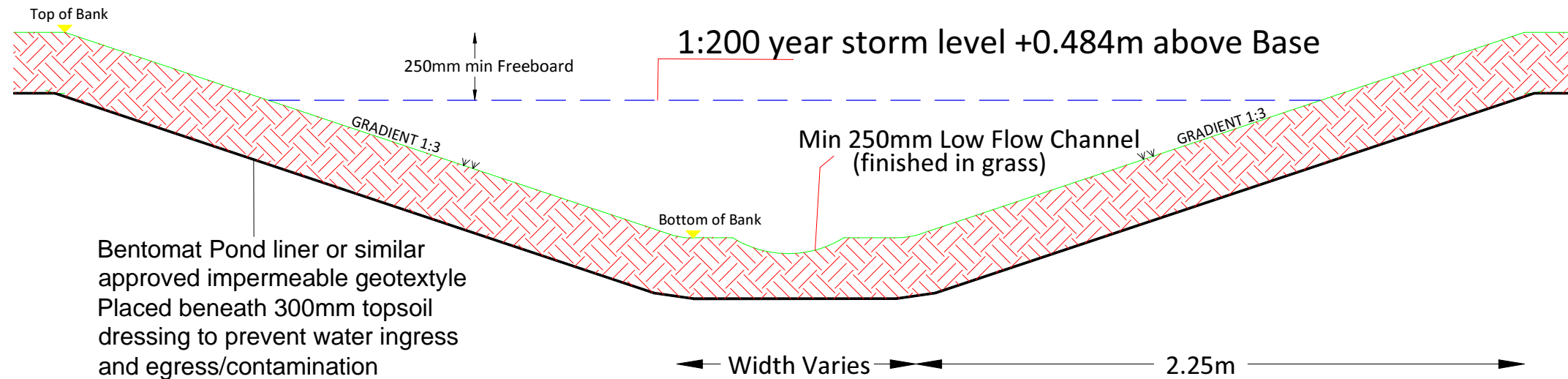
Each duration is sampled 600 times and the results recorded. The storm durations (hrs) are:-

0.25, 0.5, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 15, 18, 20, 24, 30, 36, 42, 48, 54, 60, 66, 72, 84, 96, 120, 150, 175, 200, 250, 300, 375, 500, 750, 1000, 1250, 1500, 1570, 2000, 2500, 3000, 3500, 4000

It should be noted that the six hour storm frequently requested rarely demonstrates the worst case for storage.

APPENDIX C

Drainage Details



REV:	DESCRIPTION:	BY:	DATE:
STATUS: ISSUE			

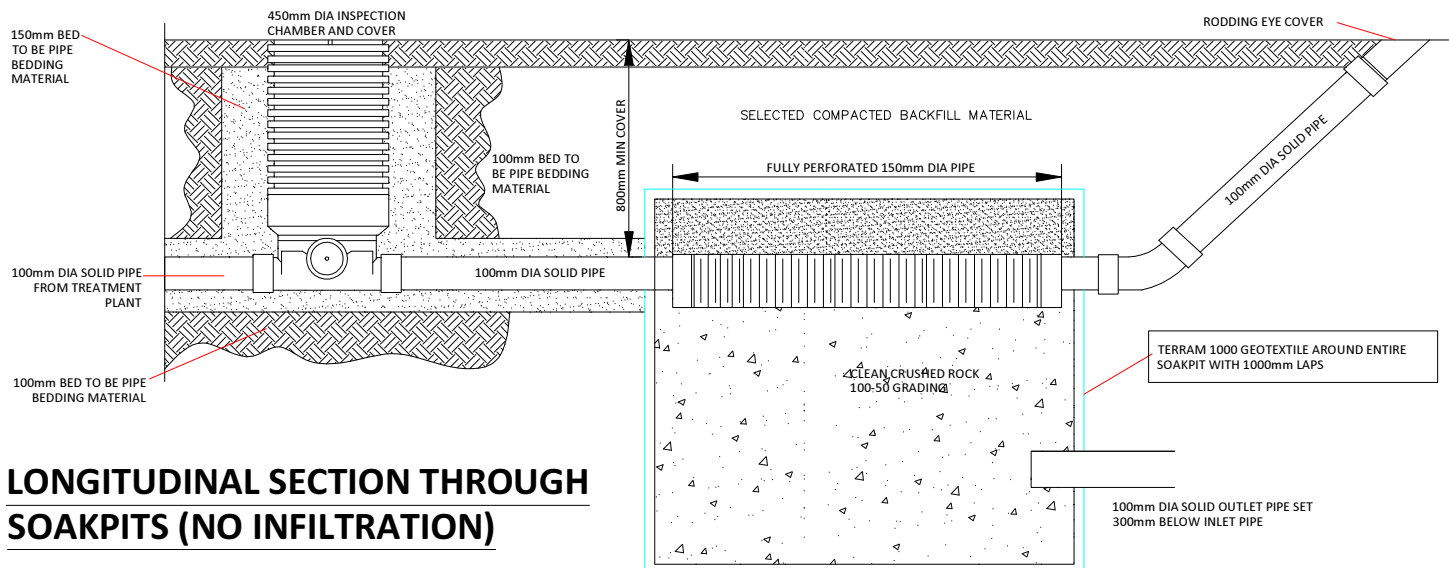
gmcsurveys
Surveys, Setting Out, Civil Engineering Design
T: 07557 431 702
E: gmcsurveys@gmail.com

CLIENT: Mr N Mustard

SITE: Site to SE of Hillside
Mosstown, Elgin

TITLE: Drainage Details

SCALE AT A4: NTS	DATE: FEB20	DRAWN: GM	CHECKED:
PROJECT NO: 0618	DRAWING NO: Appendix C1	REVISION:	-



LONGITUDINAL SECTION THROUGH SOAKPITS (NO INFILTRATION)

REV:	DESCRIPTION:	BY:	DATE:
STATUS: ISSUE			

gmcsurveys

Surveys, Setting Out, Civil Engineering Design

T: 07557 431 702

E: gmcsurveys@gmail.com

CLIENT: **Mr N Mustard**

SITE: **Site to SE of Hillside
Mosstowie, Elgin**

TITLE: **Foul Soakpit**

SCALE AT A4: NTS	DATE: FEB20	DRAWN: GM	CHECKED:
PROJECT NO: 0618	DRAWING NO: Appendix C2	REVISION:	-

From: DeveloperObligations
Sent: Thu, 20 Feb 2020 14:30:37 +0000
To: Emma Mitchell
Cc: DC-General Enquiries
Subject: 20/00195/PPP Erect dwellinghouse on Site 500M South East Of Wester Hillside, Mosstowie, Elgin
Attachments: 20-00195-PPP Erect dwellinghouse on Site 500M South East Of Wester Hillside, Mosstowie, Elgin.pdf

Hi

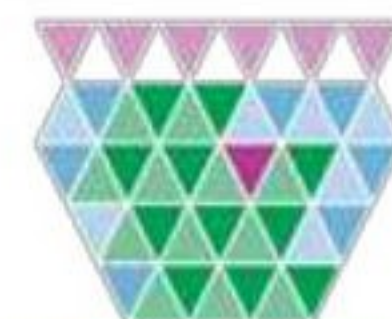
Please find attached the developer obligations assessment that has been undertaken for the above planning application. A copy of the report has been sent to the applicant.

Thanks,
Rebecca

Rebecca Morrison | Infrastructure Growth/Obligations Officer (Strategic Planning and Development) | Economic Growth and Development
rebecca.morrison@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) | [newsdesk](#)
01343 563583



Developer Obligations: ASSESSMENT REPORT



moray
council

Date: 20/02/2020

Reference: 20/00195/PPP

Description: Erect dwellinghouse on Site 500M South East Of Wester Hillside, Mosstowie, Elgin

Applicant: Mr Niall Mustard

Agent: Grant And Geoghegan Limited

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

The LDP and SG can be found at http://www.moray.gov.uk/moray_standard/page_100443.html

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare (<i>Contribution towards extension of Maryhill Medical Practice and 5 Additional Dental Chairs</i>)	
Sports and Recreation	Nil
Total Developer Obligations	

Breakdown of Calculation

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

3 bed = 1 SRUE

This assessment is therefore based on 1 SRUE.

Developer Obligations Discount for Small Scale Development

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



Moray Council DEVELOPER OBLIGATIONS

INFRASTRUCTURE

Education

Primary Education

Pupils generated by this development are zoned to Mosstowie Primary School. The school is currently operating at 97% functional capacity. Contributions are sought to mitigate the impact of a development when the functional capacity of a school is at, or above 90%. However, given that Mosstowie Primary School roll is expected to fall from 2021 onwards and the low development rate within the catchment area, Education Services has confirmed that no contribution towards mitigation is necessary in this instance.

Contribution towards Primary Education = Nil

Secondary Education

Pupils generated by this development are zoned to Elgin High School. The school is currently operating at 79% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Secondary Education = Nil

Transport

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

Contributions towards Transport = Nil

Healthcare

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

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

Maryhill Medical Practice is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Maryhill Medical Practice is currently working beyond design capacity and existing space will be required to be extended and that 5 Additional Dental Chairs will be required.

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

[REDACTED]

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

Existing sports provision within Mosstowie is considered to be adequate to serve the needs



of the residents anticipated to be generated by this development. Therefore, in this instance, no contribution will be required.

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



TERMS OF ASSESSMENT

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

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

PAYMENT OF CONTRIBUTIONS

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

INDEXATION

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

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



Consultee Comments for Planning Application 20/00195/PPP

Application Summary

Application Number: 20/00195/PPP

Address: Site 500M South East Of Wester Hillside Mosstowie Elgin Moray

Proposal: Erect dwellinghouse on

Case Officer: Emma Mitchell

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 20/00195/PPP

Application Summary

Application Number: 20/00195/PPP

Address: Site 500M South East Of Wester Hillside Mosstowie Elgin Moray

Proposal: Erect dwellinghouse on

Case Officer: Emma Mitchell

Consultee Details

Name: Mr EH Consultations

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

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

Comments

Approved Unconditionally - Andy Stewart

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management

Planning Application Ref. No: 20/00195/PPP

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"/> |

Contact:	Leigh Moreton	Date	20/02/2020
email address:	Leigh.moreton@moray.gov.uk	Phone No	01343 563773

Consultee: The Moray Council, Flood Risk Management



21st February 2020

Moray Council
Council Office High Street
Elgin
IV30 9BX

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

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

Dear Local Planner

**IV30 Elgin Wester Hillside Site 500M South East Of
PLANNING APPLICATION NUMBER: 20/00195/PPP
OUR REFERENCE: 789072
PROPOSAL: Erect dwellinghouse**

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

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

Foul

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

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**

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

Erin Drummond

Erin.Drummond@scottishwater.co.uk

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	4th March 2020
Planning Authority Reference	20/00195/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site 500M South East Of Wester Hillside Mosstowie Elgin Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133073024
Proposal Location Easting	315708
Proposal Location Northing	859887
Area of application site (M²)	6700
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=Q5VY8IBGIAM00
Previous Application	
Date of Consultation	19th February 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Niall Mustard
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Grant And Geoghegan Limited
Agent Organisation Name	
Agent Address	Unit 4 Westerton Road Business Centre 4 Westerton Road South Keith AB55 5FH
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Emma Mitchell
Case Officer Phone number	01343 563326
Case Officer email address	emma.mitchell@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: 20/00195/PPP

Erect dwellinghouse on Site 500M South East Of Wester Hillside Mosstowie Elgin Moray for Mr Niall Mustard

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. No development shall commence until a visibility splay 4.5 metres by 120 metres in both directions, has been provided at the access onto the public road, and maintained at all times thereafter free from any obstruction exceeding 0.26 metres above the level of the carriageway to the east, and free from any obstruction exceeding 0.60 metres above the level of the carriageway to the west.

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

2. No development shall commence until a detailed drawing (scale 1:500) showing the location and design of a passing place on the section of the U105E Garrowslack Road between the C26E Milnorduff – Lochside Road and the C4E Brodieshill – Cloves Road (to the Moray Council standards and specification), has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and thereafter the passing place shall be constructed in accordance with the approved drawing prior to any development works commencing (except for those works associated with the provision of the passing place).

Reason: To enable drivers of vehicles to have adequate forward visibility to see approaching traffic and for two vehicles to safely pass each other ensuring the safety and free flow of traffic on the public road.

3. No development shall commence until details have been submitted for the approval in writing of the Planning Authority, in consultation with the Roads Authority, to ensure no

water or loose material shall be permitted to drain or be carried onto the public footpath/carriageway for the life time of the development.

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

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

Reason: To ensure acceptable infrastructure at the development access.

5. Prior to the occupation of the dwelling house, an access lay-by 12.0m long by 2.5m wide with 30 degrees splayed ends shall be provided at the edge of the public road. The vehicular access should lead off the lay-by. The lay-by must be constructed in accordance with the Moray Council specification and surfaced with bituminous macadam.

Reason: To enable visiting service vehicles to park clear of the public road in the interests of road safety.

6. Any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe, agreed with the Roads Maintenance Manager (300mm minimum). The pipe shall be laid to a self-cleansing gradient and connected to an outfall.

Reason: To ensure the construction of an acceptable access in the interests of road safety and effective drainage infrastructure.

7. Parking provision shall be as follows:

- 2 spaces for a dwelling with three bedrooms or less; or
- 3 spaces for a dwelling with four bedrooms or more.

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

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

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

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

Further comment(s) to be passed to applicant

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

boundary.

Note: The provision of the visibility splays shall include the removal of gorse and vegetation, the removal/lowering of boundary fences/ walls within the splay and re-grading of an embankment within the road verge and of land to the north-east of the development access on the opposite side of the carrigeway.

Before commencing development the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The applicant will be required to provide technical information, including drawings and drainage calculations. Advice on this matter can be obtained from the Moray Council web site or by emailing constructionconsent@moray.gov.uk

Before starting any work on the existing public 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 public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

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

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

The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

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

Date 21 April 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.

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	4th March 2020
Planning Authority Reference	20/00195/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site 500M South East Of Wester Hillside Mosstowie Elgin Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133073024
Proposal Location Easting	315708
Proposal Location Northing	859887
Area of application site (M²)	6700
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=Q5VY8IBGIAM00
Previous Application	
Date of Consultation	19th February 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Niall Mustard
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Grant And Geoghegan Limited
Agent Organisation Name	
Agent Address	Unit 4 Westerton Road Business Centre 4 Westerton Road South Keith AB55 5FH
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Emma Mitchell
Case Officer Phone number	01343 563326
Case Officer email address	emma.mitchell@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: 20/00195/PPP

Erect dwellinghouse on Site 500M South East Of Wester Hillside Mosstowie Elgin Moray for Mr Niall Mustard

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"/> |

Note - A visibility splay 4.5 metres by 120 metres would be required in both directions, maintained at all times free from any obstruction exceeding 0.26 metres above the level of the carriageway to the east, and maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway to the west.

The visibility splay to the west passes over land which would be considered to be out with the public verge (over a private ditch) and it is not clear as to whether the applicant has control of the land required to provide and maintain the visibility splays.

The applicant to date has not provided any evidence of their ability to provide and maintain the required visibility splays.

Reason(s) for objection

The existing access serving the site is considered to be inadequate to serve the proposed development, by reason of its restricted visibility. There is no evidence at this time that the applicant has control of the land required to provide and maintain the required visibility splays. Transportation therefore considers that the proposal, if permitted, would result in an intensification of use of the access and be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies T2 Provision of Access and IMP1 Development Requirements

Contact: AG

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

Consultee: TRANSPORTATION

Date 07 April 2020

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.

MANAGERS

(DEVELOPMENT MANAGEMENT
& BUILDING STANDARDS)

02/03/2020

Dev Sec/Resdman

PLANNING

APPLICATIONS

20/00193/PPP+
20/00195/PPP+ 20/00076/PPP

IN ENC-1 CASE FULL POSSIBLE
PROTECTION OF ALL WILDLIFE
FLORA & FAUNA IN SITE

AWAREING MOLES POLE
LEGAL PROTECTION IS STILL
IN PROCESS BUT YOU ARE
REQUESTED TO ENSURE THAT
ALL POSSIBLE IS GIVEN BY
YOURSELVES AND APPLICANTS

06 MAR 2020

II

IN THE CASE OF 20/00076/
APP IT IS ESSENTIAL THAT
THOSE SHOPS AND HINDING
BE RESTRICTED WHILE EVEN
POSSIBLE THOSE AN ESSENTIAL
IN THIS ERA OF CLIMATE
CHANGE OR FEAR OF EXTINCTION
OF MANY SPECIES AMONG SO
MANY BUTTERFLIES AND MOTHS

Yours fraternally



REPORT OF HANDLING

Ref No:	20/00195/PPP	Officer:	Emma Mitchell
Proposal Description/ Address	Erect dwellinghouse on Site 500M South East Of Wester Hillside Mosstowie Elgin Moray		
Date:	05.05.2020	Typist Initials:	DM

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
Development Plans (Environment)	26/03/20	Object
Planning And Development Obligations	20/02/20	Developer Obligation sought
Moray Flood Risk Management	20/02/20	No objection
Environmental Health Manager	24/02/20	No objection
Contaminated Land	24/02/20	No objection
Transportation Manager	07/04/20	No objection subject to conditions and informatives
Scottish Water	21/02/20	No objection

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
Moray Local Development Plan 2015	N	MLDP 2015
PP3: Placemaking	N	MLDP 2015
H7: New Housing in the Open Countryside	Y	MLDP 2015
E4: Trees and Development	N	MLDP 2015
EP7: Control of Develop in FloodRiskArea	N	MLDP 2015
EP5: Sustainable Urban Drainage Systems	N	MLDP 2015
EP9: Contaminated Land	N	MLDP 2015
EP10: Foul Drainage	N	MLDP 2015
IMP1: Developer Requirements	Y	MLDP 2015

2020 Proposed Local Development Plan		PROPOSED MLDP 2020
PP3 Infrastructure & Services		PROPOSED MLDP 2020
DP1 Development Principles		PROPOSED MLDP 2020
DP4 Rural Housing		PROPOSED MLDP 2020
EP7 Forestry, Woodlands and Trees		PROPOSED MLDP 2020
EP12 Management and Enhancement of the		PROPOSED MLDP 2020
EP13 Foul Drainage		PROPOSED MLDP 2020
EP14 Pollution, Contamination & Hazards.		PROPOSED MLDP 2020

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		
<p>Issue:</p> <p>Environment</p> <ul style="list-style-type: none"> Concerns raised regarding the potential impact of the development on flora and fauna, especially in relation to impact on hedgehogs and moles. Hedges and landscaping should be provided where possible to encourage butterflies and moths. <p>Listed Buildings / Conservation Areas</p> <ul style="list-style-type: none"> Any work relative to Listed Building/Conservation Areas must be strictly carried out to the required standard. 		
<p>Comments (PO):</p> <p>Environment</p> <ul style="list-style-type: none"> The wider development has a high percentage of open space, landscaping and tree planting which may encourage all of the species mentioned within the representation if the proposal were to be permitted. <p>Listed Buildings / Conservation Areas</p> <ul style="list-style-type: none"> There are no Listed Buildings / Conservation near the proposal. 		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Proposal

- o Planning permission in principle is sought for the erection of a dwelling on a site 500m East of Wester Hillside, Mosstowie.
- o Access to the site is via a new track that leads of an existing track from the public road.
- o The application contains confirmation of intentions to install private foul drainage arrangements i.e. a new treatment system. A connection to the public water supply is proposed.

Site Characteristics

- o The almost square site is 6700 sqm in size and is surrounded by mature forestry to the south east and west. An agricultural site is located to the north of the site. The site itself is rough ground with some trees.
- o The site is located approx. 1.5 miles from Mosstowie.

Policy

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.

Siting (H7, IMP1, Housing in the Countryside Supplementary Guidance, Guidance Note on Landscape and Visual Impacts of Cumulative Build Up of Housing in the Countryside)

Policy H7: New Housing in the Open Countryside of the Moray Local Development Plan 2015 contains the necessary siting and design criteria for assessing new housing proposals in the countryside. This aims to allow new housing in the open countryside provided it can be easily absorbed into the landscape, and for new development to be low impact and to reflect the character of the surrounding area. Policy IMP1 Developer Requirements requires new development proposals to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area and to be comply with set criterion (detailed within policy). These include amongst others the requirement for new development to be of a scale and character appropriate to its setting and for development to integrate into the landscape.

Given the in principle nature of this application and subsequent lack of detail of the proposed house, consideration will be limited to the suitability of the site in terms of the policies requirements.

Mosstowie which is located less than 1.5 miles away from the site is identified as a cumulative build up hotspot in the Guidance Note on the Landscape and Visual Impacts of Cumulative Build Up of Houses in the Countryside. Despite the site not being located within Area A, B or C, the guidance makes clear that the hotspot boundaries are indicative and do not represent the extent of cumulative build up but instead provide a visual aid to identify areas where undesirable build-up is prevalent. The

location of the site is on the periphery of an identified hot spot where the sequential impact of new housing has been identified as having a negative landscape and visual impact. In any case it is legitimate to apply the cumulative build up indicators set out on page 3 of the guidance to any proposal. It is important to note the guidance is a snap shot in time and any assessment must also be informed by conditions presenting themselves on site and within the surrounding area.

Along the stretch of public road the proposal site is located off within the last 10 years there are numerous consents for dwellings where works have either started or the dwellings are complete, these include 18/00378/APP, 15/00659/APP, 15/00465/APP and 11/00827/APP.

There are also two further proposals for new dwellings (20/00196/PPP, located approx. 1/2 km to the west (refusal) and 20/00193/PPP, located behind woodland approx. 250m (approval)) that were submitted at the same time as this one.

Taking account of the landscape and visual impact advice for the Mosstowie hotspot and the site conditions, it is considered the proposal will further exacerbate already identified sequential visual effects of cumulative build up experienced when travelling along the minor roads in this location. It is accepted there is limited inter-visibility between houses in this area however a new house in this location will contribute to further eroding the rural character of the area by adding to the prevalence of new housing and undermining the traditional settlement pattern. In addition to this the impact of new access roads, visibility splays and bin storage associated with new development will also further diminish the rural character of this area.

On the basis of the above the proposal is considered contrary to H7, IMP1, the Housing in the Countryside SG and the Guidance Note on Cumulative Build Up of New Houses in the Countryside.

Access and Parking (T2 and T5)

Policy T2 requires that new development proposals are designed to provide the highest level of access and for end users. Under policy T5 proposals must conform with the Council's current policy on Parking Standards.

Transportation were consulted on the proposal and they have not objected to it subject to conditions and informatives being attached to the planning consent (if permitted).

Drainage (EP10)

In relation to EP10: Foul Drainage, and in the absence of any public foul drainage system being available, a septic tank and soakaway arrangement is proposed within the site. The acceptability of this non-mains drainage arrangement will be assessed further as part of Building Standards requirements.

A Drainage Statement was submitted with the proposal which was assessed by Moray Flood Risk Management and deemed acceptable therefore the proposal complies with the requirements of policy EP10.

Developer Obligations

As from 14 October 2016, the Council has adopted Supplementary Guidance on developer obligations as a material consideration in the determination of planning applications. The proposal has been subject to an assessment for developer obligations.

A contribution towards Healthcare (contribution towards extension at Maryhill Medical Practice and 5 additional dental chairs) is sought if the proposal was permitted.

Recommendation

Refuse.

REASON(S) FOR DECISION

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

The proposal is contrary to policies H7 and IMP1 of the Moray Local Plan 2015, the Housing in the Countryside Supplementary Guidance and the Guidance Note on Cumulative Build Up of New Houses in the Countryside

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None.

HISTORY

Reference No.	Description			
	Decision		Date Of Decision	

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development plan No Premises	19/03/20	
PINS	Departure from development plan No Premises	19/03/20	

DEVELOPER CONTRIBUTIONS (PGU)

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

DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Site Investigation and Drainage Assessment	
Main Issues:	Information on the sites drainage	

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)



20/00195/PPP



Legend

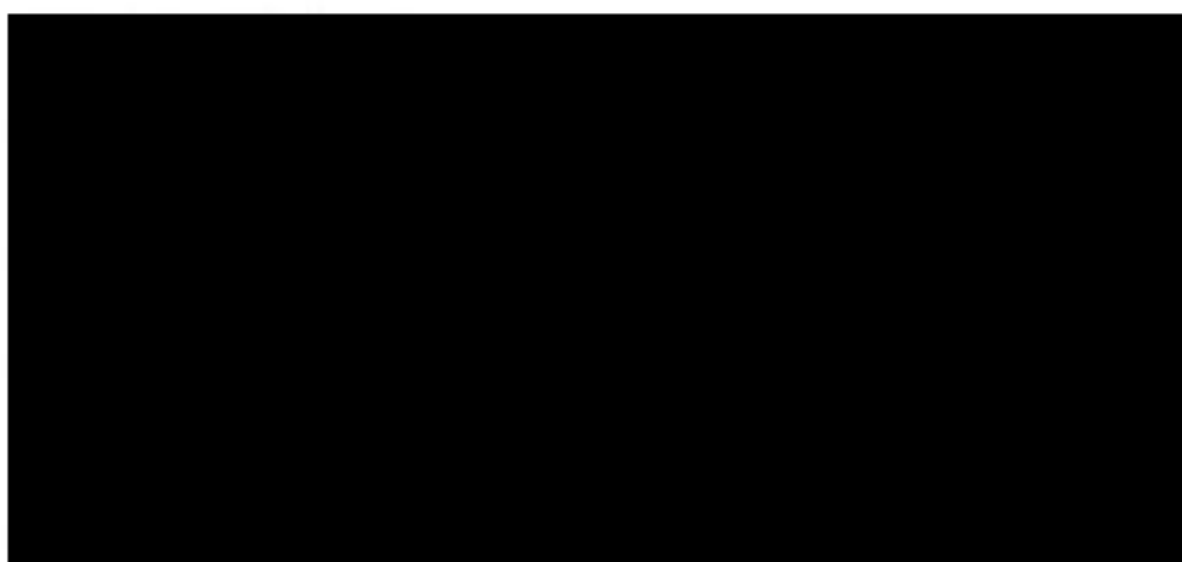


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Heldon And Laich]
Planning Permission in Principle**

TO



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

**Erect dwellinghouse on Site 500M South East Of Wester Hillside Mosstowie
Elgin Moray**

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

Date of Notice: **05 May 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 proposal is contrary to policies H7 and IMP1 of the Moray Local Plan 2015, the Housing in the Countryside Supplementary Guidance and the Guidance Note on Cumulative Build Up of New Houses in the Countryside for the following reasons:

- 1) The proposal will further exacerbate already identified sequential visual effects of cumulative build up experienced when travelling along the minor roads in this location.
- 2) A new house in this location will contribute to further eroding the rural character of the area by adding to the prevalence of new housing and undermining the traditional settlement pattern.
- 3) The impact of new access roads, visibility splays and bin storage associated with new development will also further diminish the rural character of this area.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
020/132/02		Block plan
020/132/01		Site plan
020/132/04		Visibility splay
020/132/03		Location plan

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

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

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 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.	20/00195/PPP
Forename	Niall	Forename	Neil
Surname	Mustard	Surname	Grant
Company Name		Company Name	Grant and Geoghegan
Building No./Name	Cloves Farm	Building No./Name	Unit 4
Address Line 1	Mosstowie	Address Line 1	Westerton Road Ind Est
Address Line 2		Address Line 2	
Town/City	Elgin	Town/City	Keith
Postcode		Postcode	AB55 5FH
Telephone		Telephone	07769744332
Mobile	07769744332	Mobile	07769744332
Fax		Fax	
Email	neil@ggmail.co.uk	Email	neil@ggmail.co.uk
3. Application Details			
Planning authority		Moray Council	
Planning authority's application reference number		20/00195/PPP	
Site address			
Site 500M South East Of Wester Hillside Mosstowie Elgin Moray			
Description of proposed development			
Erect dwellinghouse			

Date of application	18/2/20	Date of decision (if any)	5/5/20
---------------------	---------	---------------------------	--------

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

4. Nature of Application

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

5. Reasons for seeking review

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

6. Review procedure

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

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

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

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

7. Site inspection

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

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

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

The site can be accessed via 4x4 or by foot, or viewed from public road to the north of the site

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.

Grounds of Appeal stated in seperate document

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.

N/A

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

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

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at 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.

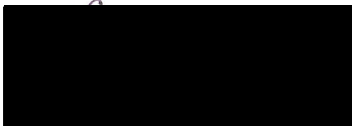


Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, 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: Neil Grant

Date: 04/08/20

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.

grant & geoghegan ltd.

Chartered Planning Development and Architectural Consultants

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

T: 01343 556644

E: enquiries@ggmail.co.uk

Grounds of Appeal

Site 500m South East of Wester Hillside, Mosstowie

Issue Date:
26th July 2020

CONTENTS

1.0. Introduction

2.0. The Proposal

3.0. Reason for Refusal

4.0. Grounds of Appeal

5.0 Moray Local Development Plan 2020

6.0. Conclusion

1.0 Introduction

These grounds for review of a decision to refuse planning permission in principle for a dwellinghouse on land 500 metres south east of Wester Hillside, Mosstowie are submitted under section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended). This notice of review has been lodged within the prescribed three month period from the refusal of permission dated the 5th of May 2020.

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

2.0 The Proposal

The proposal seeks planning permission in principle for a single dwelling served by the public water supply and private drainage (septic tank/soakaway and SUDS). Access will be from the Unclassified Road some 420 metres to the north.

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

3.0 Reasons for Refusal

The application under reference 20/00195/PPP was refused under the Council's Scheme of Delegation by the case officer on the 5th of May 2020. The reasons for refusal state that;

The proposal is contrary to policies H7 and IMP1 of the Moray Local Plan 2015, the Housing in the Countryside Supplementary Guidance and the Guidance Note on Cumulative Build Up of New Houses in the Countryside for the following reasons:

- 1) *The proposal will further exacerbate already identified sequential visual effects of cumulative build up experienced when travelling along the minor roads in this location.*
- 2) *A new house in this location will contribute to further eroding the rural character of the area by adding to the prevalence of new housing and undermining the traditional settlement pattern.*
- 3) *The impact of new access roads, visibility splays and bin storage associated with new development will also further diminish the rural character of this area.*

As part of this appeal, we wish to highlight inconsistency in the application of policy and guidance. The subjects of these grounds of review were assessed at the same time as another application for a house, under reference 20/00193/PPP, which was approved on the 6th of May 2020. In coming to this decision, the appointed officer sets out the following justification:-

Mosstowie is identified as a cumulative build up hotspot in the Guidance Note on the Landscape and Visual Impacts of Cumulative Build Up of Houses in the Countryside. Despite the site not being located within Area A, B or C, the guidance makes clear that the hotspot area boundaries are indicative and do not represent the extent of cumulative build up but instead provide a visual aid to identify areas where undesirable build-up is prevalent. The location of the site is on the periphery of an identified hot spot area and it is important to note

the guidance is a snap shot in time and any assessment must also be informed by conditions presenting themselves on site and within the surrounding area.

The guidance note makes reference to there being limited scope for a small number of compact 1.5 storey buildings within this area. Furthermore it is stated that new development should only be consented in less open areas where existing trees/woodlands and the rolling land provide a degree of containment to avoid contributing to existing build up issues. The proposed house plot was advertised as departure from policy however on visiting the site it was deemed that the proposal is sensitively located in that it benefits from being enclosed on all sides by existing woodland. This helps mitigate any landscape and visual impact and restricts longer views of the site from the existing local road network. On this basis the proposal is not considered to constitute an inappropriately located site which contributes to build-up of development nor does it have the effect of changing the rural character of the area.

The proposal at hand benefits from all of the attributes referred to by the appointed officer in making a positive decision on 20/00193/PPP and in the absence of any other matter that would lead to the refusal of this application, it is abundantly clear that any reasonable interpretation of planning policy/ guidance results in a recommendation of approval of this application. The following sections set out the appellant's case in relation to each of the reasons for refusal.

4.0 Grounds of Appeal

Refusal Reason 1 – sequential visual effects and cumulative build up when travelling along minor roads

This reason for refusal focuses on the visual impact of this proposal and other existing houses in the area, as experienced by road users on the nearby minor roads. We would strongly contend however that the visual impact of the proposal, by virtue of the surrounding undulating landform and woodland, would be largely confined to a short section of minor road 400m to the north.

In considering the acceptability of any visual impact, it should be noted that the proposed site would be set over 400 metres to the south of the road, have a substantial backdrop of landform and trees and would be set in an agricultural scene that is attractive but not identified as being of any particular landscape value. When these factors and landscape features are taken into account, it is considered that the landscape has ample capacity to absorb this modest development proposal and that the level of visual impact would be acceptable.

In our view, there is no reasonable assessment of visual impact in this case that would conclude the proposals would have such an overbearing visual impact on the experience of road users from the infrequently used minor road to the north, such as to warrant refusal of the application.

Refusal Reason 2 – erosion of rural character by adding to the prevalence of new housing and undermining the traditional settlement pattern

There is a clear commitment in National Planning Policy and Guidance and the Moray Local Development Plan to the principle of well sited and designed new housing in the countryside. The settlement pattern in this area of Moray is characterised by single and small groups of houses and outbuildings dispersed throughout the rural area.

As such, the introduction of a dwelling in an existing woodland clearing set in this wider scattering of houses and agricultural buildings can be seen to reflect the established settlement pattern.

In addition, the site does not meet with the Council's definition of obtrusive development i.e. on a skyline, artificially elevated ground or in open settings such as the central area of a field. Once built, it will not be possible to view this modest structure on the skyline from the surrounding countryside, and the house will not be built on artificially elevated ground (conditions relating to finished floor levels can be imposed to ensure control is retained over this matter).

In the proposed position, there is little or no impact on the character or setting of existing properties nor will it give rise to detriment upon neighbouring amenity (privacy, prejudice to sunlight/ daylight etc). On the basis of the above, it cannot reasonably be concluded that the proposed development detracts from the character or setting of existing buildings or the surrounding area.

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

Refusal Reason 3 – impact of new access roads visibility splays and bin storage

The site is served by an existing access and although we understand it will need to be upgraded, it is clearly already a feature in the landscape. It should also be noted that this access track could be upgraded without the express consent of the Local Authority.

However, sections 37 and 41 of the Town and Country Planning (Scotland) Act 1997 give the planning authority great scope to impose conditions. In this case, appropriately worded conditions could be imposed to ensure control is retained over the surfacing material of this access track, how the visibility splays are achieved and minimising the impact of bin storage with a high quality solution at the roadside.

In the circumstances, we consider the view taken by the appointed officer on these matters to an unsustainable position to maintain.

5.0 Moray Local Development Plan 2020

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

Siting Criteria

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

The design criteria set out in this policy would be addressed in any subsequent detailed planning application. As can be seen above and in the preceding paragraphs, there is an overwhelmingly positive case for the development whichever development plan policies are applied.

6.0 Conclusion

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

National Planning Policy and the Moray Local Development Plan all encourage well sited and designed houses in the countryside. The lead policy in the Local Plan for testing the acceptability of the site as a suitable location for a house in the countryside is Policy H7 and it contains specific criteria about the siting of new dwellings.

These Grounds of Appeal and the submitted plans clearly show that the reasons for refusal do not sit comfortably with the criteria set out in policy H7, including all its supplementary guidance. During the course of the application, the proposal has been shown to have been acceptable in relation to other relevant Local Development Plan policies and guidance and there are no outstanding objections from consultees.

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



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

Mr Lissa Rowan
Education, Communities & Organisational
Development Democratic Services
Moray Council
Dear Mr Rowan

21/08/2020

REFERENCES LR/LR 240
My Input With Plans To Planning
Applications 20/00195/APP

Was To Express My
Wish That All Wildlife Flora Fauna
On Each Site Be Fully Protected To Law
That Is Unbalanced But Wish ~~to~~ TO
Make Some Reiteration

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

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

II

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

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

Yours faithfully



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

PPS Is there anything of
archaeological interest on site

Lissa Rowan

From: DeveloperObligations
Sent: 01 September 2020 13:00
To: Lissa Rowan
Cc: Emma Mitchell
Subject: FW: 20/00195/PPP Erect dwellinghouse on Site 500M South East Of Wester Hillside, Mosstowie, Elgin

Hi Lissa,

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

Thanks
Rebecca

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



From: neil@ggmail.co.uk [mailto:neil@ggmail.co.uk]
Sent: 25 August 2020 5:38 PM
To: DeveloperObligations
Subject: RE: 20/00195/PPP Erect dwellinghouse on Site 500M South East Of Wester Hillside, Mosstowie, Elgin

Hi this is fine

From: DeveloperObligations <DeveloperObligations@moray.gov.uk>
Sent: 25 August 2020 09:16
To: 'neil@ggmail.co.uk' <neil@ggmail.co.uk>
Subject: 20/00195/PPP Erect dwellinghouse on Site 500M South East Of Wester Hillside, Mosstowie, Elgin

Dear Sir(s)

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

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

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

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

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

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

Kind regards,
Rebecca

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

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





APPENDIX 4

ADDENDUM TO REPORT OF HANDLING

ADDENDUM TO REPORT OF HANDLING

Ref No:	20/00195/PPP	Officer:	Emma Mitchell
Proposal Description/ Address	Erect dwellinghouse on Site 500M South East Of Wester Hillside Mosstowie Elgin Moray		
Date:	05/11/20	Typist Initials:	

RECOMMENDATION

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

DEVELOPMENT PLAN POLICY

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

POLICY ASSESSMENT OF PROPOSAL AGAINST 2020 LOCAL DEVELOPMENT PLAN

Policy Background

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

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

Principle

The application site lies in open countryside to the west of Elgin. Accordingly Policy DP4 Rural Housing and DP1 Development Principles of the 2020 Plan applies. The previous housing policy of the 2015 Plan (Policy H7 New Housing in the Open Countryside) presumed in favour of new housing in the open countryside providing it met various criteria on siting and design. Policy DP4 differs from the previous housing in the countryside policy in that it now identifies a clear hierarchy directing new rural housing to rural groupings which will accommodate the majority of rural housing, followed by re-use, replacement of traditional stone and slate buildings in the countryside and lastly to the open countryside. Within the open countryside a spatial strategy has been developed to direct new housing to the least sensitive locations by identifying “pressurised and sensitive area” within which new housing development will not be permitted and “areas of intermediate pressure” where new housing will be permitted where it meets a range of siting and design criteria.

Policy DP1 Development Principles seeks to ensure (amongst other things) that proposals meet siting and design requirements, these include development being of scale, density and character to its surroundings and integrating into the landscape.

Siting

The site is located within an area zoned as “Pressurised and Sensitive”. Within the pressurised and sensitive areas, no new housing will be permitted due the landscape and visual impacts associated with build-up and landscape and environmentally sensitive areas.

As this is an application for planning in principle there are no details of design to be considered, so it is simply the principle of whether or not the site itself complies with the siting criteria of Policy DP4 that is up for consideration, along with the suitability of the proposed servicing.

It is considered the proposal would further exacerbate already identified sequential visual effects of cumulative build up experienced when travelling along the minor roads in this location. It is accepted there is limited inter-visibility between houses in this area however a new house in this location will contribute to further eroding the rural character of the area by adding to the prevalence of new housing and undermining the traditional settlement pattern. In addition to this the impact of new access roads, visibility splays and bin storage associated with new development will also further diminish the rural character of this area.

In light of the above the proposal does not comply with policy DP4 or DP1.

Trees

Policy DP1 stipulates that the development must be integrated into the surrounding landscape which will include the safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are to be felled. It further details that a tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on the site or that may impact on trees outwith the site.

The application form states that trees are located on the site. No information regarding trees has been provided with this submission therefore the proposal does not comply with policy DP1.

Servicing

Policy PP3 Infrastructure and Services of the 2020 Plan sets out how new development should be coordinated with infrastructure to ensure that places function properly and are adequately serviced. Policy DP1 Development Requirements also sets out the need for appropriate servicing and access. (This is similar to the previous requirements of Policies T2 Provision of Access and T5

Parking Standards of the 2015 Plan). In this respect the development is accessed via an existing shared track where it is understood that the applicant controls the land at the junction onto the public road which is necessary to provide and safeguard the appropriate visibility splays and upgrading being sought by the Transportation Team. There is also space within the site to provide adequate car parking and turning provision. A new requirement of Policy PP3 Infrastructure Services of the 2020 Plan relates to the requirement for access to electric charging points to be provided for new residential development. This could be readily addressed by planning conditions requiring such provision to be shown at the detailed planning application stage.

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

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

Environmental Impacts

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

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

Developer Obligations and Affordable Housing Contributions

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

Under the policies and guidance of the new 2020 Plan the “cap” on developer obligations for single houses has been removed and the level of contributions required to be reassessed by the Team. This has now been done and the applicant has indicated willingness to pay the increased contribution. As the application is not considered to comply with planning policy and is being recommended for refusal payment has not been sought to date. Developer obligations would require

to be secured (whether up-front payment or through legal agreement) if any appeal was successful.

Policy DP 2(d): Housing of the 2020 Plan also now sets out that all housing developments must provide a contribution towards the provision of affordable housing. This differs from the 2015 Plan which only sought an affordable housing contribution for developments of more than 4 units. Therefore a contribution towards affordable housing would be sought if this proposal was to be permitted.

Conclusion

The proposed development is not considered to comply with the 2020 Local Development Plan policies due to the being located within an area zoned as “Pressurised and Sensitive” and a house on the proposed site would detract from rural landscape character of the wider area.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

RECOMMENDATION

Refuse for the following reasons:

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

1. It is located within an area zoned as “Pressurised and Sensitive”, within these areas no new housing is permitted.
2. A house on this site would detract from rural landscape character of the wider area.
3. No details have been provided regarding if trees are required to be felled or how the existing trees on or around the site will be safeguarded from the proposal.



APPENDIX 5

APPLICANT'S RESPONSE TO ADDENDUM

grant & geoghegan ltd.

Chartered Planning Development and Architectural Consultants

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

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

Grounds of Appeal

Site 500m South East of Wester Hillside, Mosstowie

Issue Date:
26th November 2020

CONTENTS

1.0. Introduction

2.0. The Proposal

3.0. Reason for Refusal

4.0. Grounds of Appeal

5.0 Moray Local Development Plan 2020

6.0. Conclusion

1.0 Introduction

These grounds for review of a decision to refuse planning permission in principle for a dwellinghouse on land 500 metres south east of Wester Hillside, Mosstowie are submitted under section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended). The original notice of review has been lodged within the prescribed three month period from the refusal of permission dated the 5th of May 2020.

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

2.0 The Proposal

The proposal seeks planning permission in principle for a single dwelling served by the public water supply and private drainage (septic tank/soakaway and SUDS). Access will be from the Unclassified Road some 420 metres to the north.

3.0 Reasons for Refusal

The updated reasons for refusal state that;

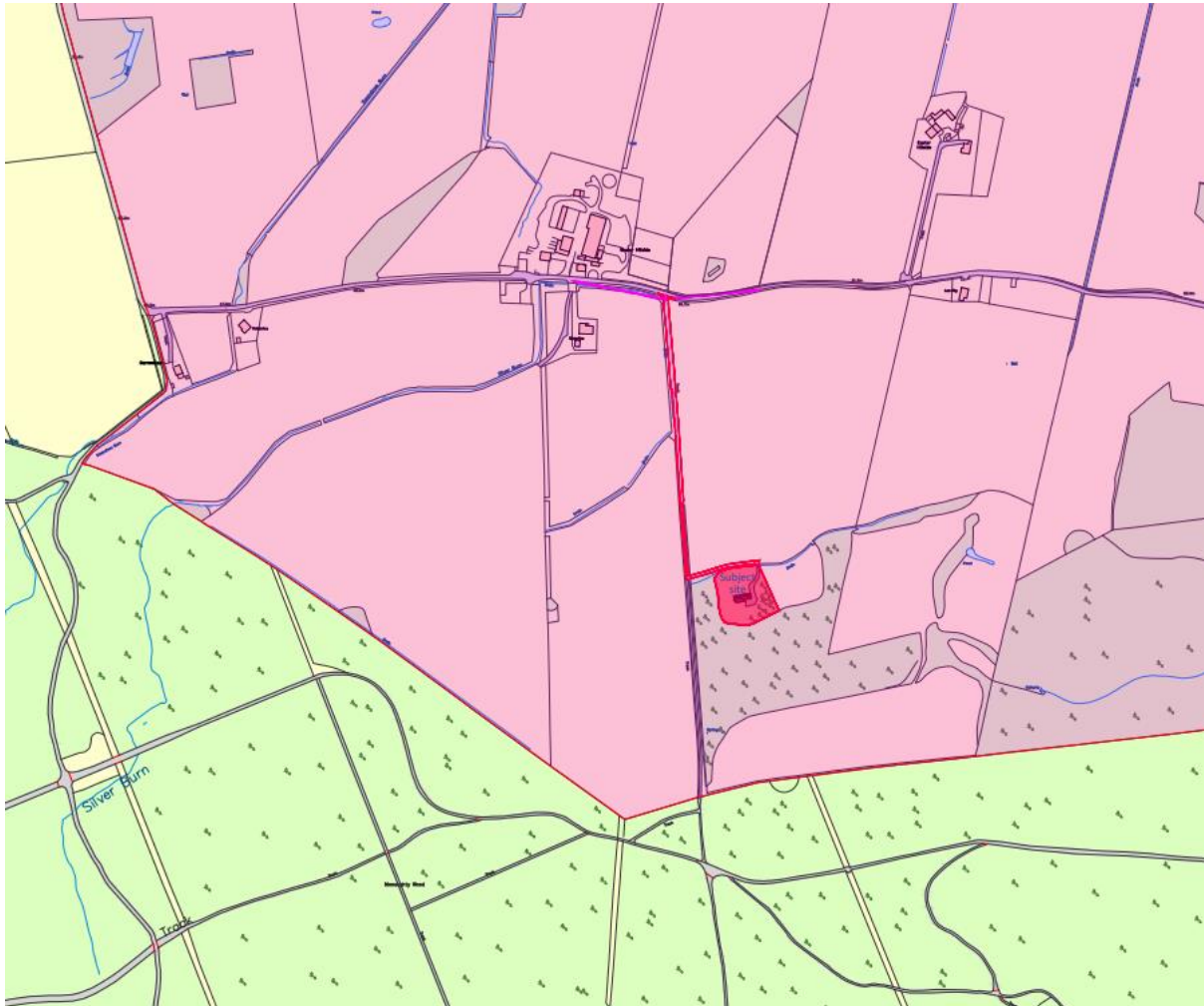
The development is contrary to Policy DP4: Rural Housing and DP1: Development Principles of the Moray Local Development Plan 2020 for the following reasons:

- 1) *It is located within an area zoned as “Pressurised and Sensitive”, within these areas no new housing is permitted.*
- 2) *A house on this site would detract from rural landscape character of the wider area.*
- 3) *No details have been provided regarding if trees are required to be felled or how the existing trees on or around the site will be safeguarded from the proposal.*

4.0 Grounds of Appeal

Refusal Reason 1 – It is located within an area zoned as “Pressurised and Sensitive”, within these areas no new housing is permitted.

The new rural housing policy DP4 has introduced a spatial strategy that seeks to direct new housing to the least sensitive locations in Moray. Although the subject site was out with the areas identified in the Guidance Note on the Landscape and Visual Impacts of Cumulative Build Up of Houses in the Countryside, it now lies within the edge of a “Pressured and Sensitive Area” (as defined in page 51 of the MLDP 2020).



The subject site in the context of the area identified as a “Pressurised and Sensitive Area”

The appointed Officer concludes that because the site is within a “Pressurised and Sensitive Area” that the application cannot be supported. However, whilst we agree that it is a departure from policy, one of the fundamental principles of the Scottish Planning System is that each application must be assessed on its own individual merits.

Part (d) (ii) of Policy DP4 aims to prevent proposals which have a, or add to, the landscape and visual impacts associated with a build-up of development. In this context, the test is whether a proposal which is within a “Pressurised and Sensitive Area” has a detrimental impact upon the rural character of the area. If it does not have such an impact, then the overall aims and objectives of the policy are met.

In the context of the proposal at hand, we would respectfully contend that there is sufficient justification for the application to be supported as an acceptable departure.

Refusal Reason 2 – A house on this site would detract from the rural character of the area

The traditional settlement pattern of the Moray countryside is characterised by single and small groups of houses and outbuildings dispersed throughout the rural area. As such, the introduction of a dwelling in an existing woodland clearing set in this wider scattering of houses and agricultural buildings can be seen to reflect the established pattern of settlement and compliment the rural character of the area.

In considering the acceptability of any visual impact, it should be noted that the proposed site would be set over 400 metres to the south of the road, have a substantial backdrop of landform and trees and would be set in an agricultural scene that is attractive but not identified as being of any particular landscape value. When these factors and landscape features are taken into account, it is considered that the landscape has ample capacity to absorb this modest development proposal and that the level of visual impact would be negligible.

Overall, we strongly disagree that this proposal detracts from the rural character of the area and would contend that it is in full accordance with the requirements set out in the siting criteria of policy DP4. In doing so it also satisfies the requirements of Policy DP1 which requires development to be integrated into the landscape and of a character appropriate to the surrounding area.

Reason for Refusal 3 - No details have been provided regarding if trees are required to be felled or how the existing trees on or around the site will be safeguarded from the proposal.

The appellants can confirm that the existing mature planting which bounds the subject site is not plantation and will not be felled- if Member's were minded to approve the application the appellants intention would be to implement a long term landscaping scheme, including a professional assessment of existing trees to ensure and dead or dying trees were removed and replanting was undertaken, as necessary.

We can also confirm that the woodland is under the control of the appellants. Members will be aware that sections 37 and 41 of the Town and Country Planning (Scotland) Act 1997 give the planning authority great scope to impose conditions. In this case, the appellants would welcome appropriately worded conditions to give Members comfort in this regard by ensuring control is retained over the woodland and its condition in perpetuity.

5.0 Conclusion

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

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

- The introduction of a new dwelling on this site reflects the traditional, dispersed settlement pattern of the Moray countryside. In the absence of an unacceptable impact on the rural character of the area, the proposal accords with the aims and objectives of part (d) (ii) of policy DP4.
- The proposed development would benefit from substantial enclosure, screening and backdrop made up of existing mature woodland in line with policy requirements (Reporter's recommendations);

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

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