



MORAY LOCAL REVIEW BODY

25 OCTOBER 2018

SUMMARY OF INFORMATION FOR CASE No LR215

Planning Application 18/00659/APP – Erect new dwelling house at a plot at Deerhill, Grange, Keith, AB55 6UN

Ward 2: Keith and Cullen

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 19 July 2018 on the grounds that:

The proposal is unacceptable and contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies H7 and IMP1) and, as a material consideration, the associated Supplementary Planning Guidance 'Housing in the Countryside' where, because of its siting/location characteristics, the proposal is located in a prominent location when viewed from the south west and given the size and scale of the house design proposed, the proposal would lead to an obtrusive form of development which does not relate to the surrounding countryside. As such, the location and siting characteristics of the proposal are unacceptable and in failing to integrate sensitively into the surrounding landscape, the development would detract from the character, appearance and amenity of the rural countryside area within which it is located.

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

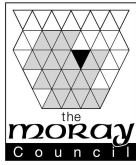
The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

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

Site Plan for Neighbour Notification purposes only

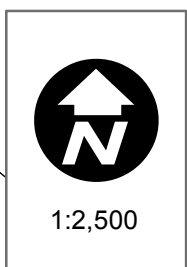
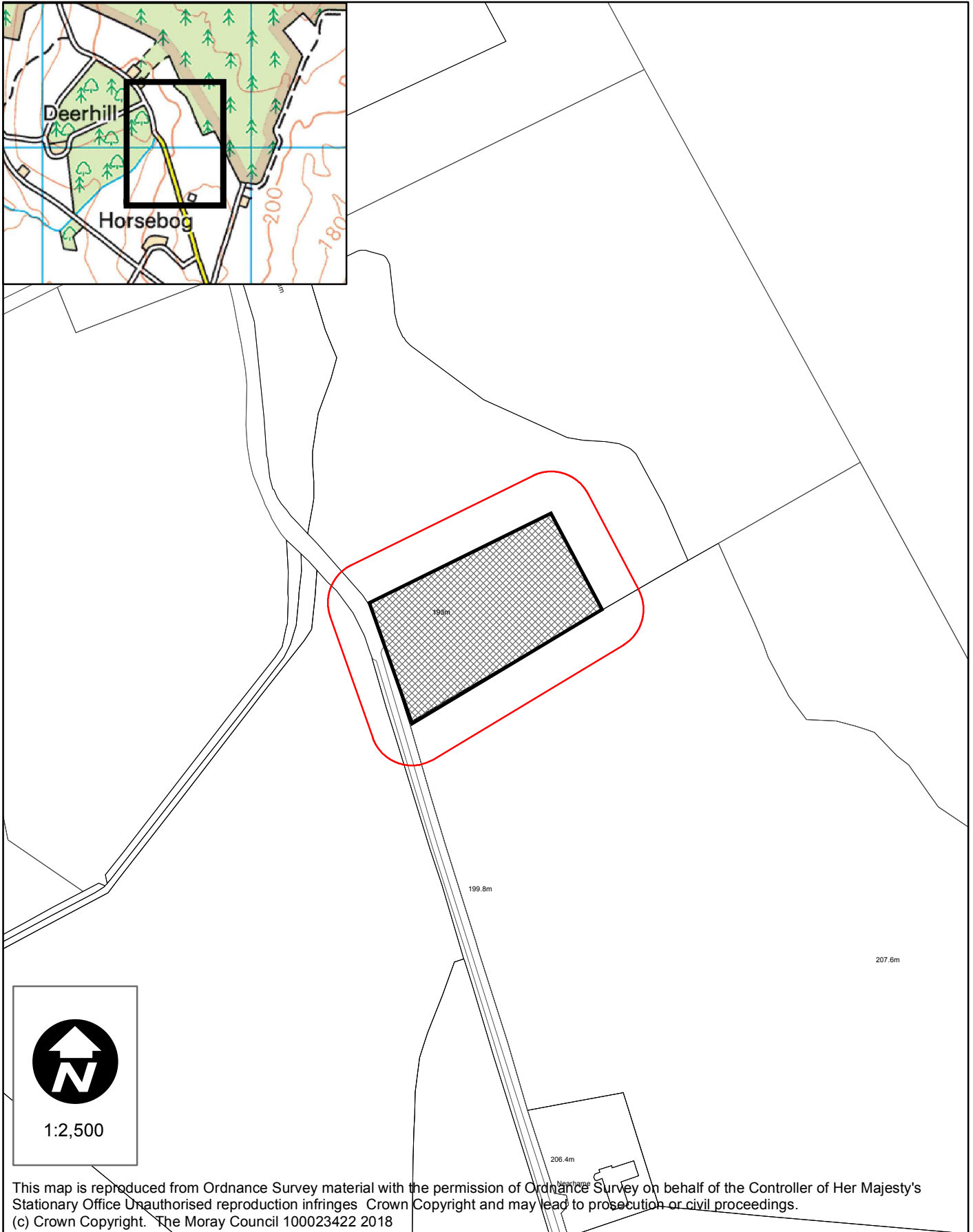
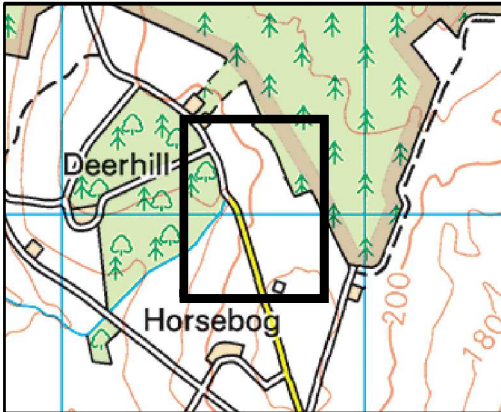
Town and Country Planning

(Development Management Procedure)(Scotland) Regulations 2008



Planning Application Reference Number:

18/00659/APP



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APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

18/00659/APP

16 MAY 2018

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997

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

Please refer to the accompanying Guidance Notes when completing this application
 PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
 ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR + MRS	Ref No.	17 / 40
Forename	JOHN	Forename	Colin
Surname	MUNING - HOLSE	Surname	Keir
Company Name	—	Company Name	Plans Plus
Building No./Name	THE MANOR	Building No./Name	Main Street Offices
Address Line 1	HOUSE	Address Line 1	Urquhart
Address Line 2	WEST END	Address Line 2	By Elgin
Town/City	SEDGEFIELD	Town/City	Moray
Postcode	G DUNHAM TS21 2BW	Postcode	IV30 8LG
Telephone	[REDACTED]	Telephone	01343 842635
Mobile	[REDACTED]	Mobile	07766 315501
Fax	—	Fax	n/a
Email	—	Email	ctkplans@aol.com
3. Postal Address or Location of Proposed Development (please include postcode)			
PLOT AT DEERHILL, GLENELG, KERRIN ABSS 6UN			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Type of Application			
What is the application for? Please select one of the following:			
Planning Permission			<input checked="" type="checkbox"/>
Planning Permission in Principle			<input type="checkbox"/>
Further Application*			<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*			<input type="checkbox"/>
Application for Mineral Works**			<input type="checkbox"/>
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:		Date:	

****Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

5. Description of the Proposal

Please describe the proposal including any change of use:

ERECT NEW DWELLING HOUSE AND GARAGE

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name:

Date:

Ref No.:

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

0.37

Square Metre (sq.m.)

8. Existing Use

Please describe the current or most recent use:

VACANT Ground WITH PPP APPROVED

9. Access and Parking

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

Yes ☒ No ☐

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

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

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

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

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

4

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☒ No ☐

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

Yes, connecting to a public drainage network

No, proposing to make private drainage arrangements

Not applicable – only arrangement for water supply required

☐
☒
☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway

Discharge to watercourse(s) (including partial soakaway)

Discharge to coastal waters

☐
☒
☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

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

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

☐
☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes ☒ No ☐

Note:- Please include details of SUDS arrangements on your plans

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

Yes ☒ No ☐

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

11. Assessment of Flood Risk

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

Yes ☐ No ☒

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

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

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

Yes ☐ No ☒

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

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

Yes ☒ No ☐

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

14. Residential Units Including Conversion

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

Yes ☒ No ☐

If yes how many units do you propose in total?

1

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☒

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

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

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

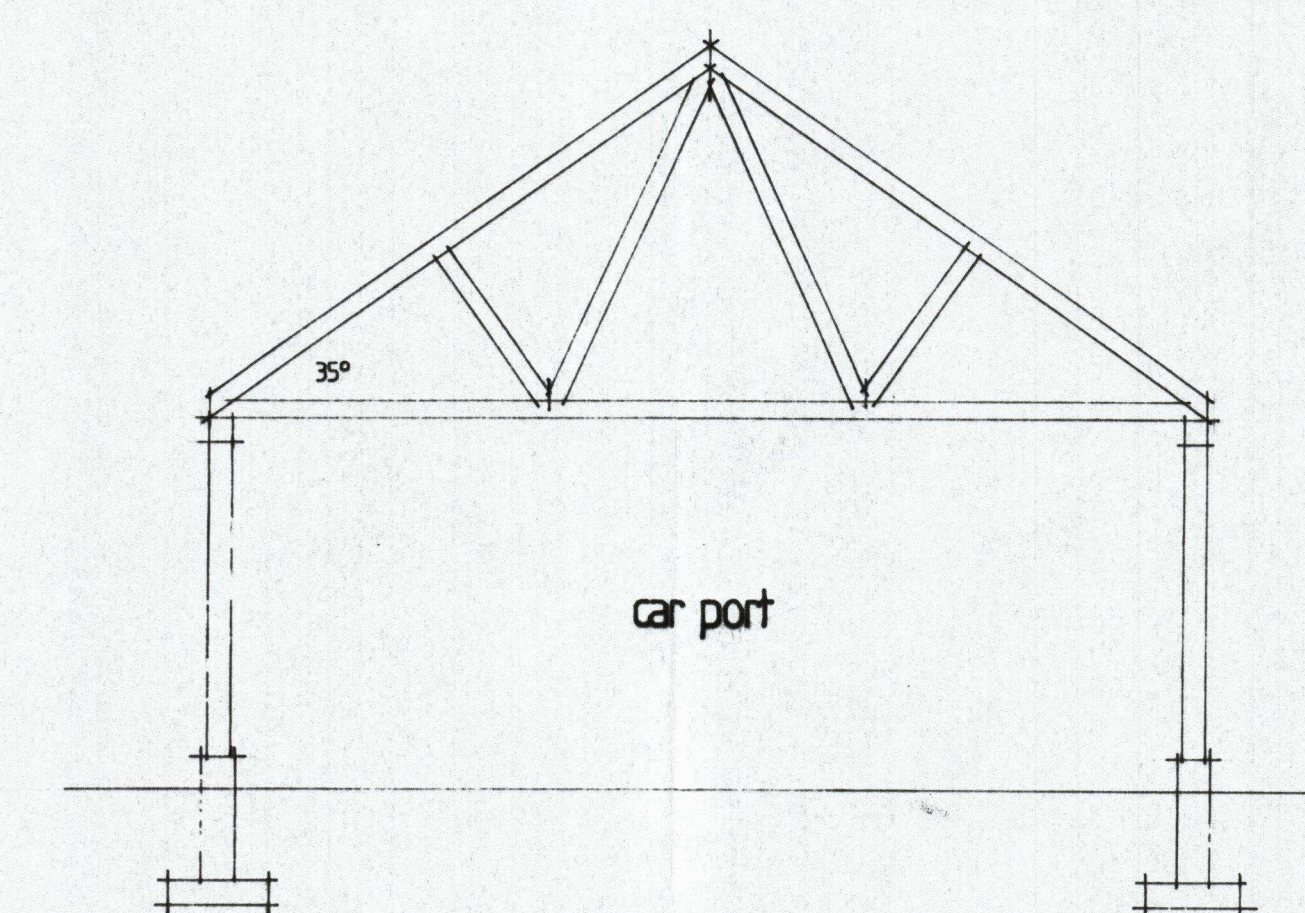
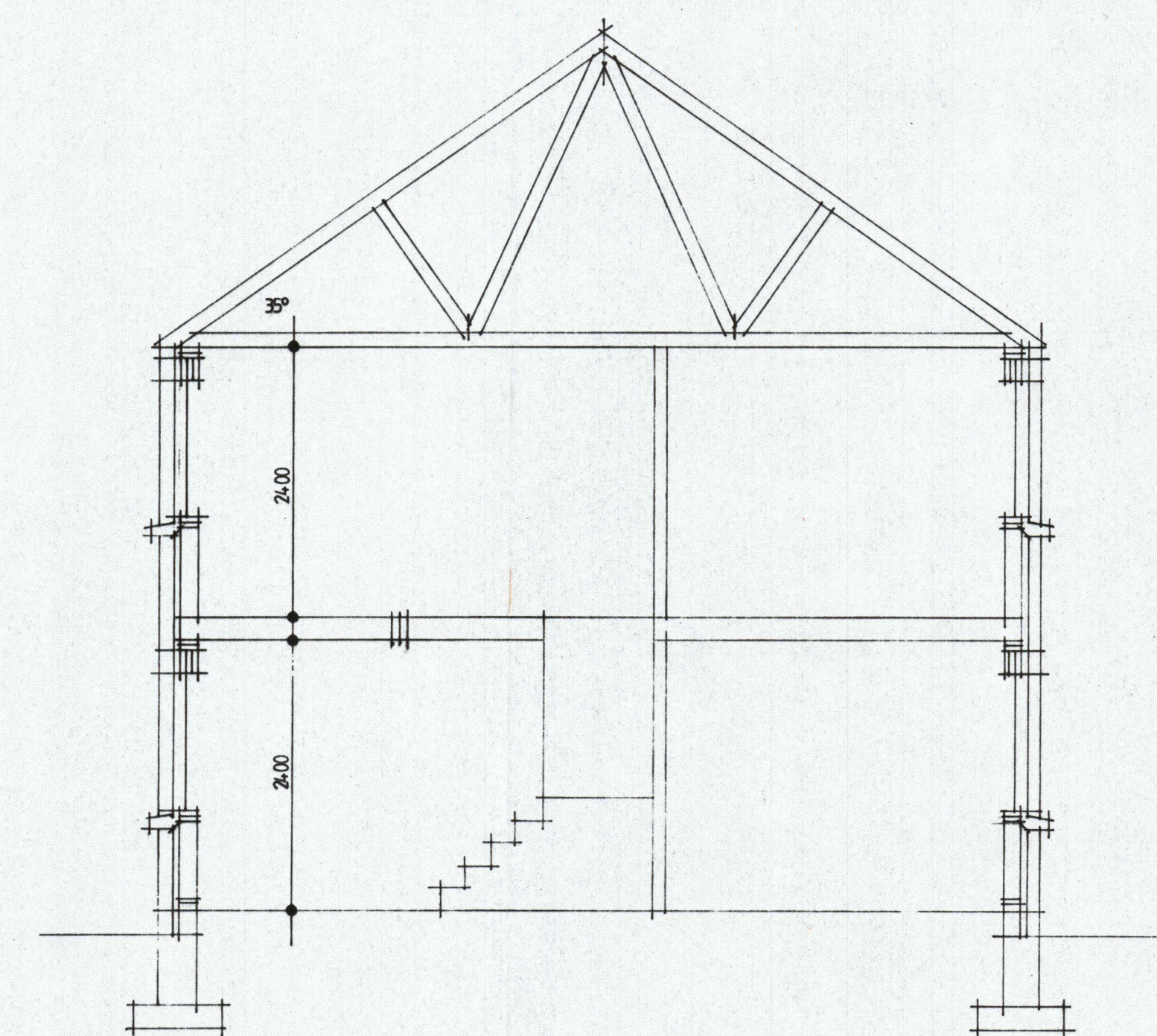
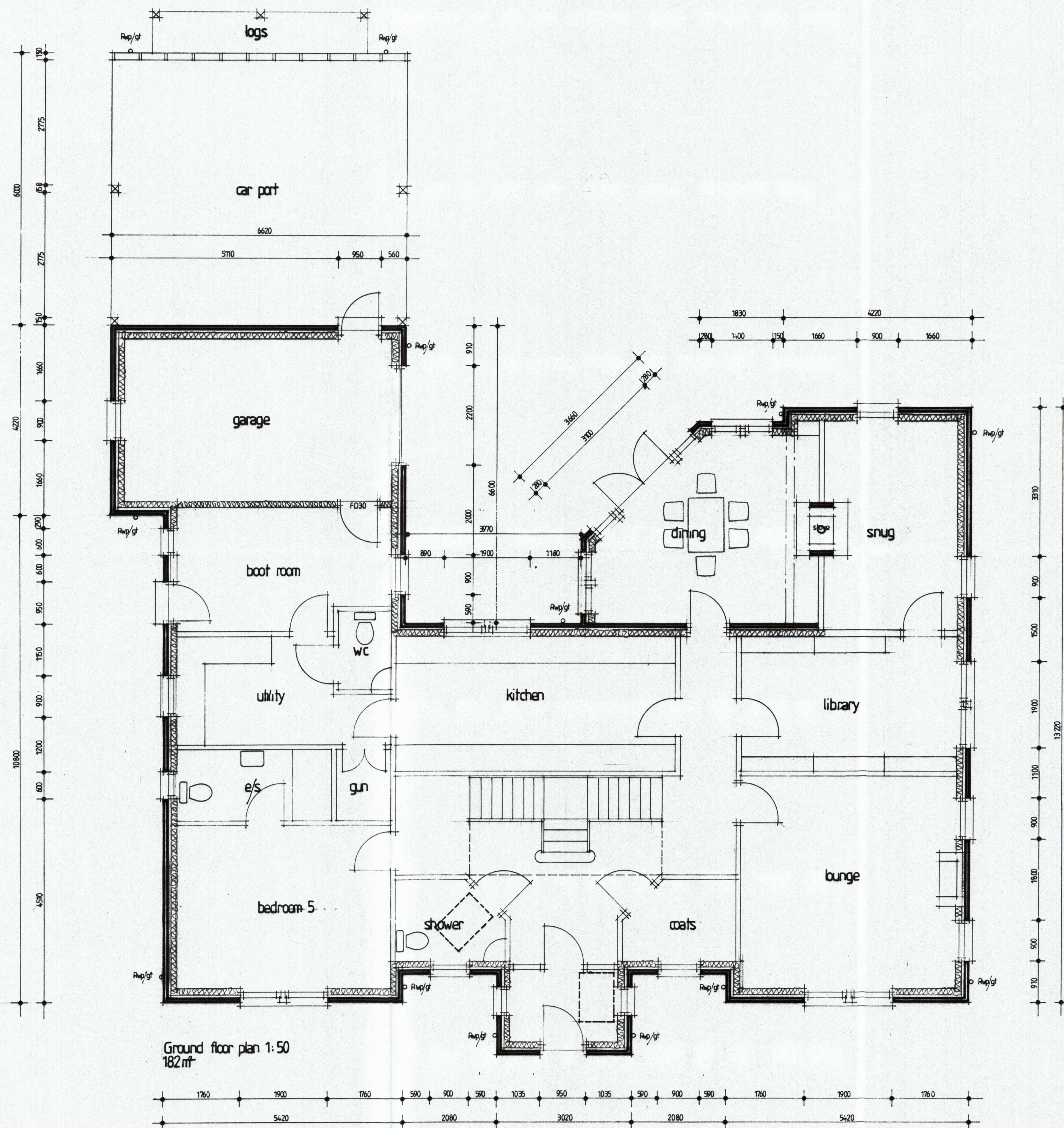
DECLARATIONI, ~~the applicant~~/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.I, ~~the applicant~~/agent hereby certify that the attached Land Ownership Certificate has been completed ☒I, ~~the applicant~~/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenantsYes ☒ No ☐ N/A ☐

Signature:

Name:

Date:

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.



NO WORKS TO COMMENCE ON SITE UNTIL THE RELEVANT PLANNING, BUILDING WARRANT OR GRANT APPROVAL HAS BEEN OBTAINED.

CONTRACTORS WILL HAVE DEEMED TO HAVE VISITED THE SITE TO FAMILIARIZE THEMSELVES WITH THE PROJECT PRIOR TO SUBMITTING ANY ESTIMATE FOR BUILDING WORKS.

CROWN COPYRIGHT. ALL RIGHTS RESERVED. LICENSE NUMBER 100041146

ANY DEVIATIONS TO THE APPROVED PLANS TO BE REPORTED TO THIS OFFICE.

CONTRACTORS TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING BUILDING WORKS. GIVEN DIMENSIONS ONLY TO BE USED. DO NOT SCALE PLANS.

ANY ROOF TRUSS TYING INTO AN EXISTING ROOF TO BE CHECKED ON SITE BY CONTRACTOR TO ENSURE HEIGHTS MEET CORRECTLY.

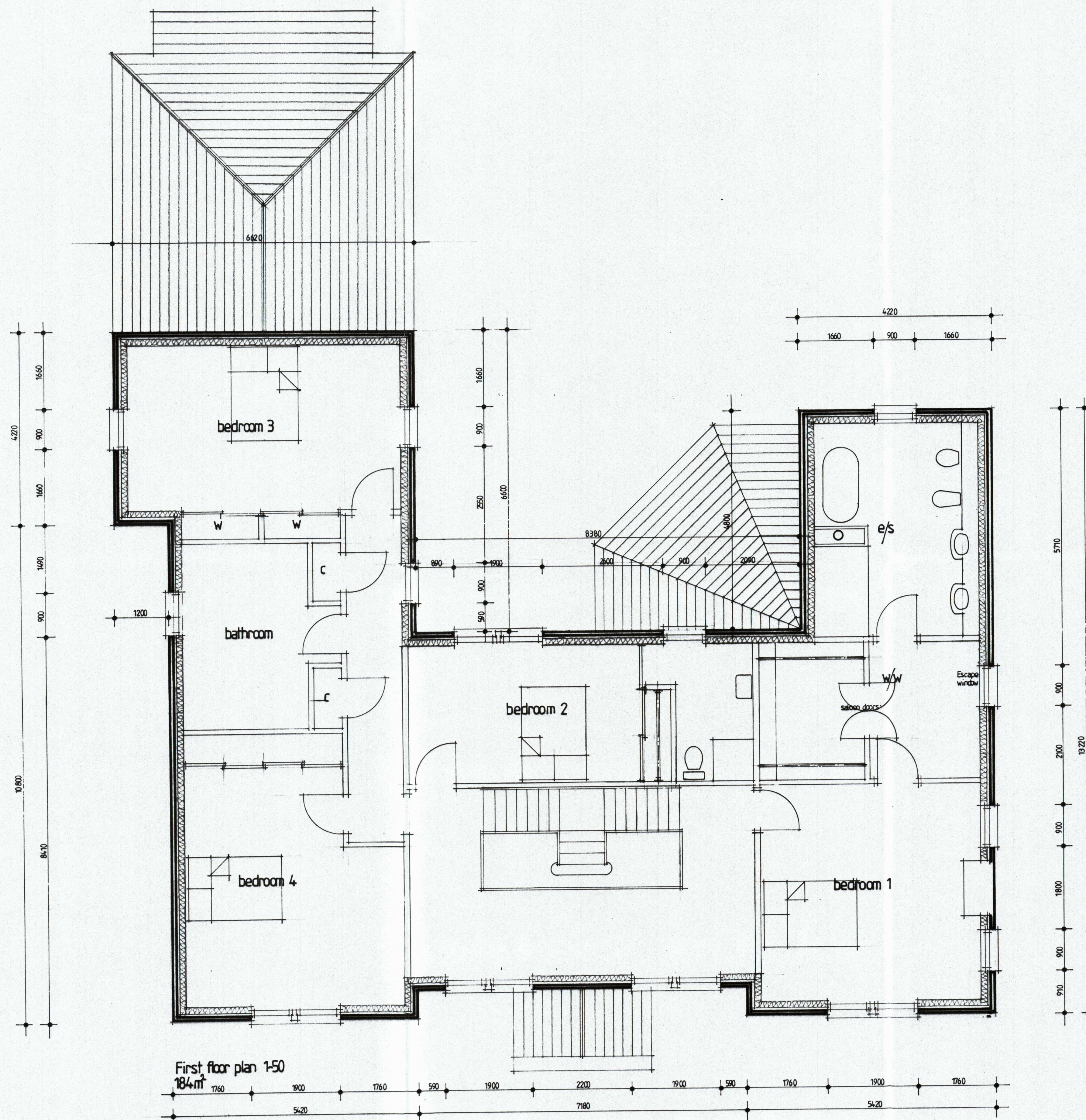
CLIENT Mr & Mrs J Irving-Morse	SCALE 150	DRAWN BY IR	DATE Mar 2018
PROJECT Proposed dwelling house and garage at Deerhill, Newmill, Keith	PROJECT No. 17-40 Dwg 1-4		



**ARCHITECTURAL
DESIGN CONSULTANTS**

TELEPHONE No. 01343 842635
MOBILE No. 07766 315501
EMAIL: ctkplans@aol.com
WEB: www.plans-plus.co.uk
PARTNERS: COLIN & CATRIONA KEIR

MAIN STREET OFFICES: URQUHART, BY ELGIN, IV30 8LG



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CLIENT	Mr & Mrs J Irving-Morse	SCALE	1:50	DRAWN BY	IR	DATE	Mar 2018
PROJECT	Proposed dwelling house and garage at Deerhill, Newmill, Keith	PROJECT No.	17-40	Dwg	2-4		



ARCHITECTURAL DESIGN CONSULTANTS

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Front elevation 1:100

Roof finished with blue black slates with mortared ridge tiles and precast concrete skews to gables

Black 100mm Dia h/r upvc rainwater rhones with 68mm Dia black upvc rainwater downpipes

Walls finished with buff dry dash roughcast finish with smooth cement render to base course around dwelling

Windows and doors to be upvc double glazed units in grey finish externally



Side elevation 1:100



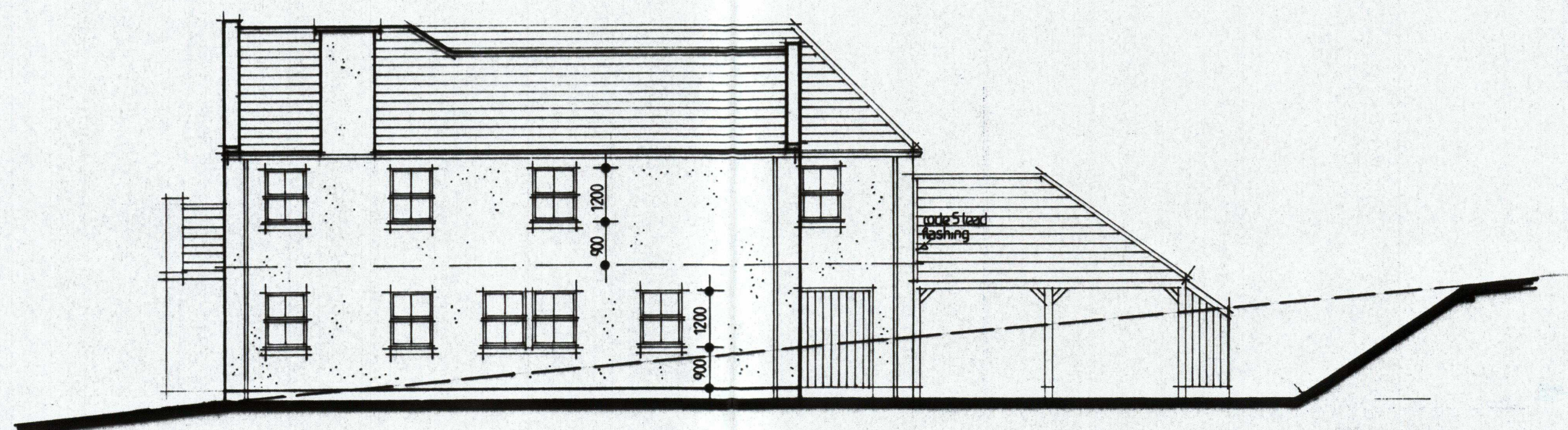
Rear elevation 1:100

Roof finished with blue black slates with mortared ridge tiles and precast concrete skews to gables

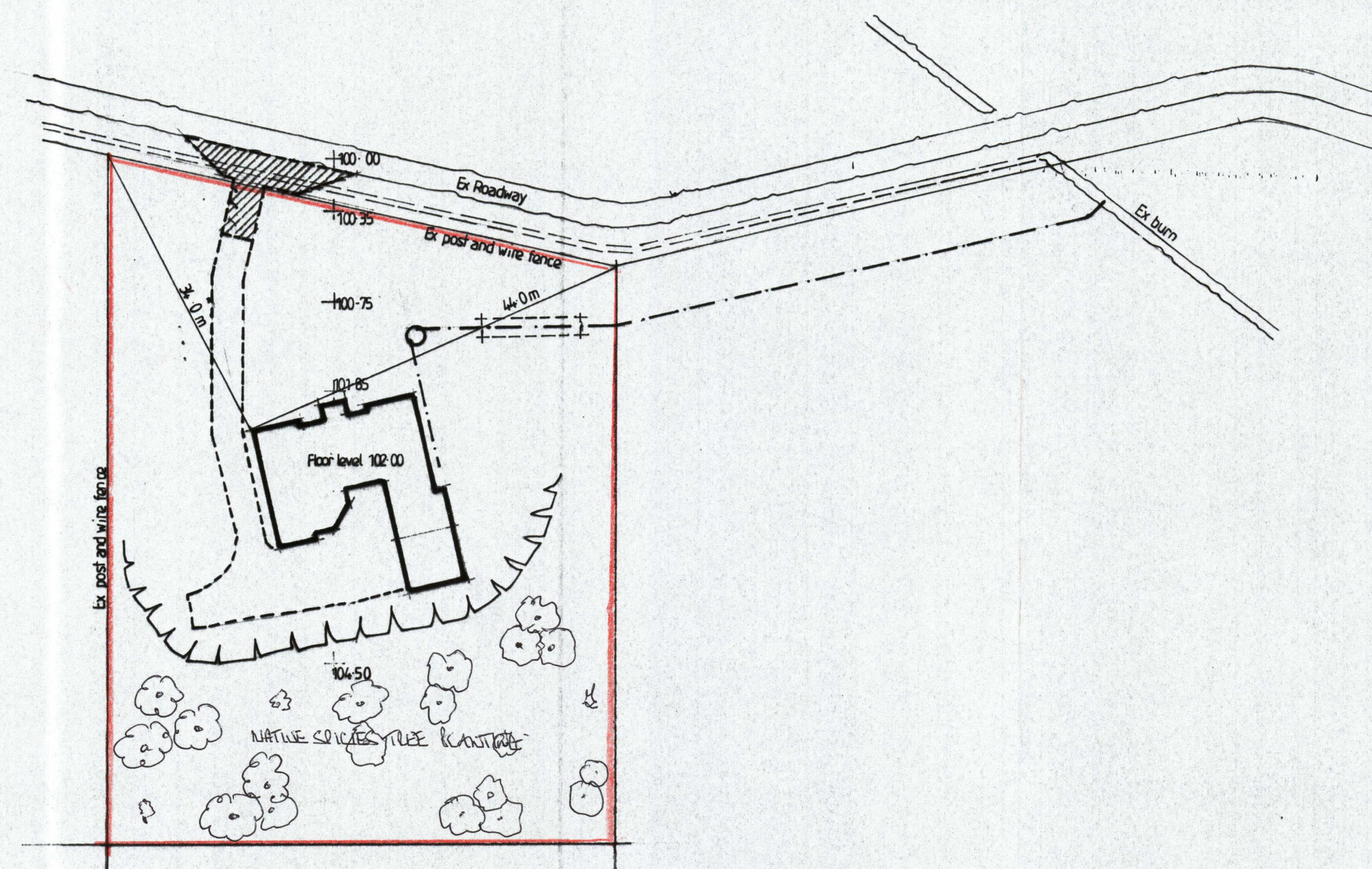
Black 100mm Dia h/r upvc rainwater rhones with 68mm Dia black upvc rainwater downpipes

Walls finished with buff dry dash roughcast finish with smooth cement render to base course around dwelling

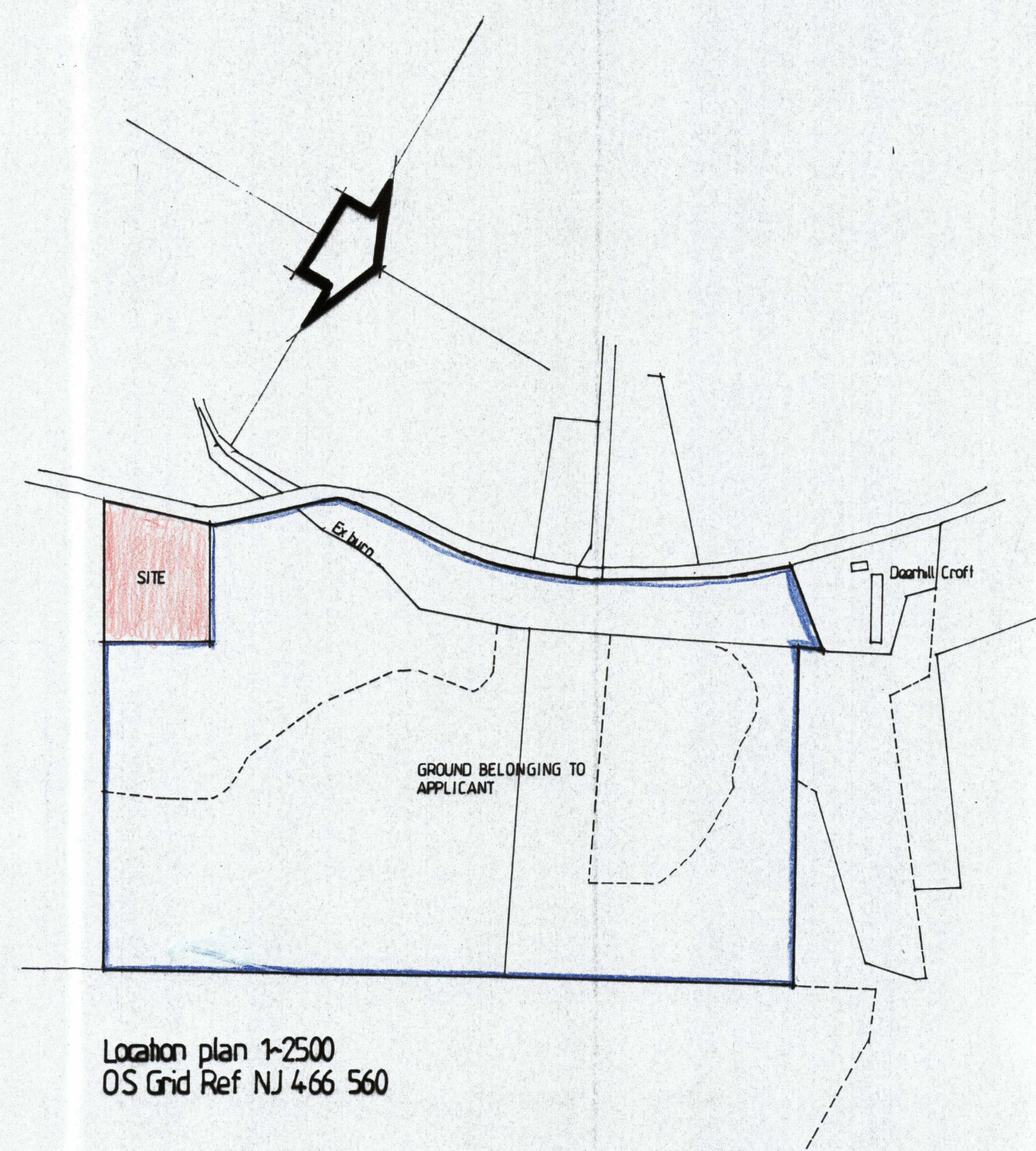
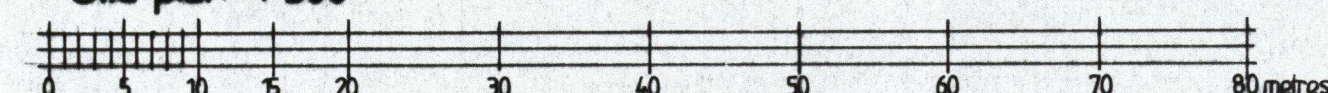
Windows and doors to be upvc double glazed units in grey finish externally



Side elevation 1:100



Site plan 1:500



Location plan 1:2500
OS Grid Ref NJ 466 560

Service layby
Access drive to lead off proposed new lay-by 8.0m long by 2.5m deep with 30° splayed ends, provided at road side and formed with 290 type 1 sub-base with 80mm Dense Bituminous Macadam road base topped with 40mm base course and 40mm wearing course. Min 1.0m wide verge provided around perimeter of lay-by.

Driveway
Driveway to be min 3.7m wide, with a min 3.7m headroom, and capable of supporting a vehicle axle load of 14 tonnes. Hammerhead provided at access to provide turning area and parking for desludging tanker / fire appliance

Parking / access
3.3x4.8m car parking hardstand to be provided within site as indicated formed with 50mm precast concrete slabs on 50mm sand base on 150mm thick well compacted hardcore. 900mm wide access path to be formed from hardstand area to base of concrete access ramp formed with 50mm precast concrete slabs on 50mm thick sand base

Landscaping proposals
25% of proposed new dwelling house site to be planted with native trees. Trees to be planted in species groups in random patterns at approximately 2.5m spacing. Sizes to be a mixture of standard, Half standard and Whips. Trees will be staked, tied and the smaller plants protected in growing shelters. Rabbit and Strimmer/vole guards will be fitted to all trees without shelters.

NO WORKS TO COMMENCE ON SITE UNTIL THE RELEVANT PLANNING, BUILDING WARRANT OR GRANT APPROVAL HAS BEEN OBTAINED.

CONTRACTORS WILL HAVE DEEMED TO HAVE VISITED THE SITE TO FAMILIARISE THEMSELVES WITH THE PROJECT PRIOR TO SUBMITTING ANY ESTIMATE FOR BUILDING WORKS.

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CLIENT Mr & Mrs J Irving-Morse	SCALE 1:100	DRAWN BY IR	DATE Mar 2018
PROJECT Proposed new dwelling house and garage at Deerhill, Newmill, Keith			PROJECT No. 17-40 Dwg 3-4



ARCHITECTURAL DESIGN CONSULTANTS

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PARTNERS: COLIN & CATRIONA KEIR

MAIN STREET OFFICES: URQUHART, BY ELGIN, IV30 8LG

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	6th June 2018
Planning Authority Reference	18/00659/APP
Nature of Proposal (Description)	Proposed dwellinghouse and garage at
Site	Site At Deerhill Croft Grange Crossroads Keith Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133062337
Proposal Location Easting	346566
Proposal Location Northing	856075
Area of application site (Ha)	m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=P8TCJ4BG0FU00
Previous Application	15/01495/PE 11/01002/PPP 08/02469/OUT
Date of Consultation	23rd May 2018
Is this a re-consultation of an existing application?	No
Applicant Name	Mr And Mrs John Irving-Morse
Applicant Organisation Name	
Applicant Address	The Manor House West End Sedgefield Co Durham TS21 2BW
Agent Name	Plans Plus
Agent Organisation Name	Plans Plus
Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@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.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Contaminated Land

Planning Application Ref. No: 18/00659/APP

Proposed dwellinghouse and garage at Site At Deerhill Croft Grange Crossroads Keith Moray for Mr And Mrs John Irving-Morse

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

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

Contact: Adrian Muscutt
email address:
Consultee:

Date..... 25/5/2018
Phone No 3496

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://public.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.

From: DeveloperObligations
Sent: 5 Jun 2018 10:03:06 +0100
To: Shona Strachan
Cc: DC-General Enquiries
Subject: 18/00659/APP Proposed dwellinghouse and garage on Site at Deerhill Croft, Grange Crossroads, Keith
Attachments: 18-00659-APP Proposed dwellinghouse and garage on Site at Deerhill Croft, Grange Crossroads, Keith.pdf

Hi

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

Regards
Hilda

Find us on 
[Moray Council Planning](#)

Hilda Puskas
Developer Obligations Officer
Development Plans
hilda.puskas@moray.gov.uk
01343 563265


The logo for Moray Council, featuring the word 'moray' in a stylized, lowercase, serif font with a pink-to-purple gradient, and the word 'council' in a smaller, lowercase, sans-serif font below it.

Developer Obligations: ASSESSMENT REPORT



MORAY
council

Date: 05/06/2018

Reference: 18/00659/APP

Description: Proposed dwellinghouse and garage on Site at Deerhill Croft, Grange Crossroads, Keith

Applicant: Mr and Mrs John Irving-Morse

Agent: Plans Plus

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 Replacement Health Centre in Keith</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:

5 bed = 1.4 SRUE

This assessment is therefore based on 1.4 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 Crossroads Primary School. The school is currently operating at 40% functional capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Primary Education = Nil

Secondary Education

Pupils generated by this development are zoned to Keith Grammar School. The school is currently operating at 69% 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).

Keith Medical Group is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Keith Medical Group is working well beyond design capacity with no room for expansion on existing site and contributions will be sought towards a replacement health centre.

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

[REDACTED]

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

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

Contribution for Sports and Recreation Facilities = Nil



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.



25th May 2018

Moray Council
Council Office High Street
Elgin
IV30 9BX



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

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

Dear Local Planner

AB55 Keith Grange Crossroads Site Deerhill Croft
PLANNING APPLICATION NUMBER: 18/00659/APP
OUR REFERENCE: 761544
PROPOSAL: Proposed dwellinghouse and garage at

Please quote our reference in all future correspondence

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

Water

- There is currently sufficient capacity in the Turriff Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.
- Please note the nearest water main is approximately 2.3km from the proposed site

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.

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

Surface Water

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

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

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

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

- Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

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

[services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h](#)

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

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

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

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

Yours sincerely

Hannah Ashby

Development Operations

Hannah.Ashby2@scottishwater.co.uk

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	6th June 2018
Planning Authority Reference	18/00659/APP
Nature of Proposal (Description)	Proposed dwellinghouse and garage at
Site	Site At Deerhill Croft Grange Crossroads Keith Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133062337
Proposal Location Easting	346566
Proposal Location Northing	856075
Area of application site (Ha)	m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=P8TCJ4BG0FU00
Previous Application	15/01495/PE 11/01002/PPP 08/02469/OUT
Date of Consultation	23rd May 2018
Is this a re-consultation of an existing application?	No
Applicant Name	Mr And Mrs John Irving-Morse
Applicant Organisation Name	
Applicant Address	The Manor House West End Sedgefield Co Durham TS21 2BW
Agent Name	Plans Plus
Agent Organisation Name	Plans Plus
Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@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.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 18/00659/APP

Proposed dwellinghouse and garage at Site At Deerhill Croft Grange Crossroads Keith Moray for Mr And Mrs John Irving-Morse

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 detailed drawing (scale 1:500) showing the location and design of a passing place on the section of the U18H Greenbog road, or the U17H Moss-side of Paithnick Road located between the site and the B9018 Keith – Cullen 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 road.

2. Three 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.

Further comment(s) to be passed to applicant

The development is not directly served by a public road. The applicant should note that it is their responsibility to establish any Rights of Vehicular Access with the party (parties) in control of the private road which serves the site.

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

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

Date 31 May 2018

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://public.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	The Moray Council
Response Date	6th June 2018
Planning Authority Reference	18/00659/APP
Nature of Proposal (Description)	Proposed dwellinghouse and garage at
Site	Site At Deerhill Croft Grange Crossroads Keith Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133062337
Proposal Location Easting	346566
Proposal Location Northing	856075
Area of application site (Ha)	m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=P8TCJ4BG0FU00
Previous Application	15/01495/PE 11/01002/PPP 08/02469/OUT
Date of Consultation	23rd May 2018
Is this a re-consultation of an existing application?	No
Applicant Name	Mr And Mrs John Irving-Morse
Applicant Organisation Name	
Applicant Address	The Manor House West End Sedgefield Co Durham TS21 2BW
Agent Name	Plans Plus
Agent Organisation Name	Plans Plus
Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@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.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 18/00659/APP

**Proposed dwellinghouse and garage at Site At Deerhill Croft Grange Crossroads Keith
Moray for Mr And Mrs John Irving-Morse**

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

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

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: James McLennan
email address:
Consultee:

Date: 24 May 2018
Phone No

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://public.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

REPORT OF HANDLING

Ref No:	18/00659/APP	Officer:	Shona Strachan
Proposal Description/ Address	Proposed dwellinghouse and garage at Site At Deerhill Croft Grange Crossroads Keith Moray		
Date:	19/07/18	Typist Initials:	FJA

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Planning And Development Obligations	05/06/18	Obligation towards healthcare required
Environmental Health Manager	24/05/18	No objection
Contaminated Land	25/05/18	No objection
Transportation Manager	31/05/18	No objection subject to conditions and informatives
Scottish Water	25/05/18	No objection but this does not guarantee connection to Scottish Water infrastructure. A copy of the consultation from Scottish Water has been sent to the agent as it advises that the closest water connection to the site is approx. 2.3km from the proposed development.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1: Sustainable Economic Growth		
PP3: Placemaking		
H7: New Housing in the Open Countryside	Y	
EP5: Sustainable Urban Drainage Systems		
EP9: Contaminated Land		
EP10: Foul Drainage		

T2: Provision of Access		
T5: Parking Standards		
IMP1: Developer Requirements	Y	
IMP3: Developer Obligations		

REPRESENTATIONS

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2015 (MLDP 2015) unless material considerations indicate otherwise. In this case the main planning issues are considered below.

Proposal

Planning permission is sought for a dwellinghouse and garage at a site at Deerhill Croft.

The proposed house is a two storey, twin gable dwelling which will accommodate 5 bedrooms. The material finishes include: blue black roof slates, buff dry dash roughcast and grey UPVC windows and doors.

The design includes an open ended attached carport and logstore on one end of the proposed dwelling.

The proposed access will be towards the south west corner of the site. The dwelling will be served by an on-site septic tank and soakaway for foul drainage and a separate on-site surface water soakaway. Associated works on site would include earth cutting to create a level platform to accommodate the dwelling.

Site Characteristics

Extending to 0.37 hectares, the site is located sloping ground at the corner of a field. The site is located in an area of rolling countryside with the site occupying an elevated and open location when viewed from the south west. The site occupies an elevated position above the Grange.

The private access road to the site is located by the western boundary of the site. The site is bounded by post and wire fencing to the south and west (with the access road located beyond). The northern and eastern boundaries are currently undefined. Approximately 250m to the east of the site beyond the extent of the field is an area of forestry plantation. There are no near neighbours in the immediate vicinity of the site.

Policy Assessment

Siting and Impact on the Rural Character of the Surrounding Area (H7, IMP1 + supplementary planning guidance: Housing in the Countryside)

Policy H7 contains the location/siting and design criteria for assessing the acceptability of applications for new build houses in the open countryside. In terms of location/siting, this policy requires proposals to reflect the existing traditional pattern of settlement in the locality, be sensitively integrated and not obtrusive in the landscape, not detract from the character or setting of existing development, and not contribute to a build-up of development that detracts from the rural character of the area. The development plan notes that particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications. Policy H7 also requires that at least 50% of the boundaries are long established and capable of distinguishing the site from the surrounding landscape. Thereafter, once location/siting requirements have been met, Policy H7 then requires development to be acceptable in design terms including requirements for landscape planting to be provided within the site.

With specific reference to the issue of obtrusive development, further advice is given in the Council's associated Supplementary Planning Guidance on Housing in the Countryside (SPG) "... An obtrusive structure means that it is designed or situated in a position where it would have a negative impact on the landscape or character of the area. Development that is obtrusive usually occupies an open 'elevated' position with no discernible backdrop or enclosure within reasonable proximity" (page 15). It is further advised: "A building whose scale and structure reflects the topography of the landform and uses a backdrop of trees for shelter will generally reflect the situation of traditional buildings in the countryside and is less likely to look out of place" (page 15)

Policy IMP1 seeks compatibility in terms of scale, density and character, requiring new development to integrate into the surrounding landscape and be sensitively sited, designed and serviced appropriate to the amenity and character of the area.

In this instance, the proposed site is located in an elevated and prominent location when viewed from the expansive open vista to the south west of the site. This sense of prominence will be exacerbated by the overall size and scale of the proposed dwelling. Furthermore, whilst the presence of the forestry plantation to the east of the site is noted, at a distance of approx. 250m this significant separation means the forestry would not afford sufficient enclosure and backdrop to the site. Given the site characteristics and the proposed siting and design of the dwelling, the proposal is likely to appear as a conspicuous and obtrusive form of development which will fail to integrate sensitively into the surrounding landscape.

It is also noted that the site boundaries to the north and east appear somewhat arbitrary and will necessitate extensive earth cutting to accommodate the large dwelling proposed. This arbitrary boundary definition and the extensive earth works on the site will combine to exacerbate the prominence and obtrusive nature of the site/the dwelling at this location. The longer established boundaries do not substantially separate the plot from the surrounding topography to remedy the issues of prevelance.

In terms of the proposed design, the dwelling of a size and scale which would reinforce and exacerbate the overall prominence and obtrusive nature of the site and is therefore considered to be an unacceptable design at this location.

Based on the foregoing, it is concluded that the site would occupy a prominent position in the surrounding landscape, with the prominence of the site exacerbated by the overall size and scale of the proposed dwelling, meaning that the proposal would fail to integrate sensitively to its landscape setting. As such, the proposal would detract from the character, amenity and appearance of its surroundings and therefore it is unacceptable in relation to the location/siting criteria of policies H7 and IMP1, and the associated SPG.

Water and Drainage (EP5 and EP10)

Scottish Water has raised no objection to the proposal but their consultation response advises the applicant that the closest water connection to the site is approx. 2.3km from the proposed development. Any future water connection for the site would require separate liaison between the applicant and Scottish Water.

The acceptability of the proposed arrangements for on-site disposal of foul and surface water drainage will require to be determined as part of any Building Standards application but generally, and in principle, the proposed arrangements are likely to satisfy the requirements of Policies EP10 and EP5. That said, such acceptability does not over-ride the main policy objection to this proposal in terms of it's inappropriate siting/location.

Access and Parking (T2 and T5)

The Transportation Manager has raised no objection to the proposal subject to conditions which would require the provision of a passing place and onsite parking arrangements. Therefore, subject to compliance with conditions the proposal would be acceptable in relation to Policies T2 and T5. This conditional approach over transport requirements does not over-ride the main policy objection to this proposal in terms of inappropriate siting/location. If the proposal had been approved, conditions would have been attached to ensure compliance with policies T2 and T5 regarding access and parking.

Developer Obligations (IMP3)

An assessment has been carried out in relation to Policy IMP3 Developer Obligations and associated Supplementary Guidance on Developer Obligations (March 2018). The assessment identifies that an obligation towards a replacement healthcare centre in Keith would be required.

The agent has confirmed acceptance of the identified obligation, adding that the obligation would be settled up-front before the issue of any planning consent. This acceptance of developer obligations does not over-ride the unacceptable nature of the proposal based upon its location/siting characteristics. Had the application been approved conditions from the Transportation Manager would have been attached to the consent.

Conclusion

The application is considered to result in an unacceptable form of development which does not comply with the provisions of the local development plan and is therefore recommended for refusal.

Recommendation

Refuse

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
15/01495/PE	Proposed dwellinghouse at Deerhill Croft Newmill Keith Moray AB55 6UN			
	Decision	ID/PE Answered	Date Of Decision	23/10/15
11/01002/PPP	Planning permission in principle for the construction of one new dwelling and relocate dwelling on existing approved site at Deerhill Croft Newmill Keith Moray AB55 6UN			
	Decision	Permitted	Date Of Decision	18/08/11

08/02469/OUT	Outline for change of use of agricultural land to residential site and the erection of new dwellinghouse at Site Adjacent To Deerhill Croft Newmill Keith Moray AB55 6UN			
	Decision	Permitted	Date Of Decision	17/02/09
08/00384/OUT	Outline application for change of use of agricultural land to residential site with surrounding paddock and the erection of one new dwellinghouse at Site Adjacent To Deerhill Croft Newmill Keith Moray AB55 6UN			
	Decision	Refuse	Date Of Decision	12/05/08
07/00782/OUT	Outline application for change of use of agricultural land to residential site with surrounding paddock and the erection of one dwellinghouse at Deerhill Croft Newmill Keith Moray AB55 6UN			
	Decision	Refuse	Date Of Decision	24/08/07

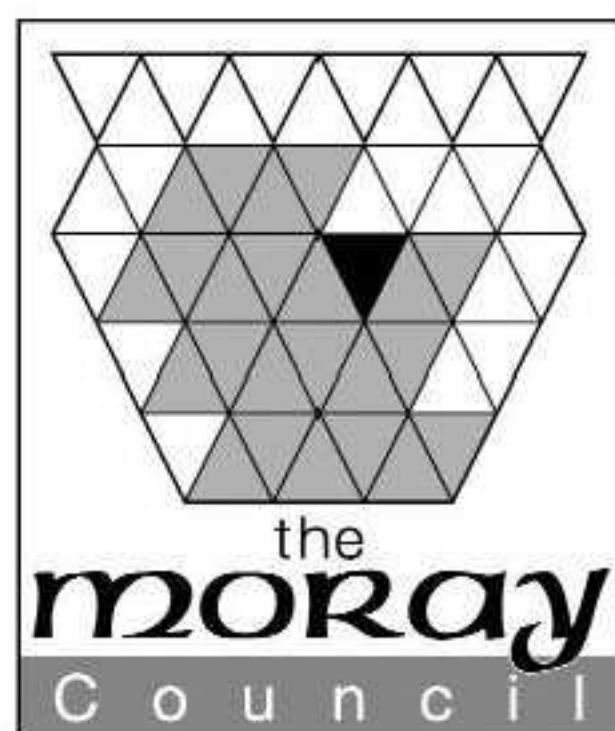
ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Herald	No Premises	21/06/18
PINS	No Premises	21/06/18

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?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

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

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

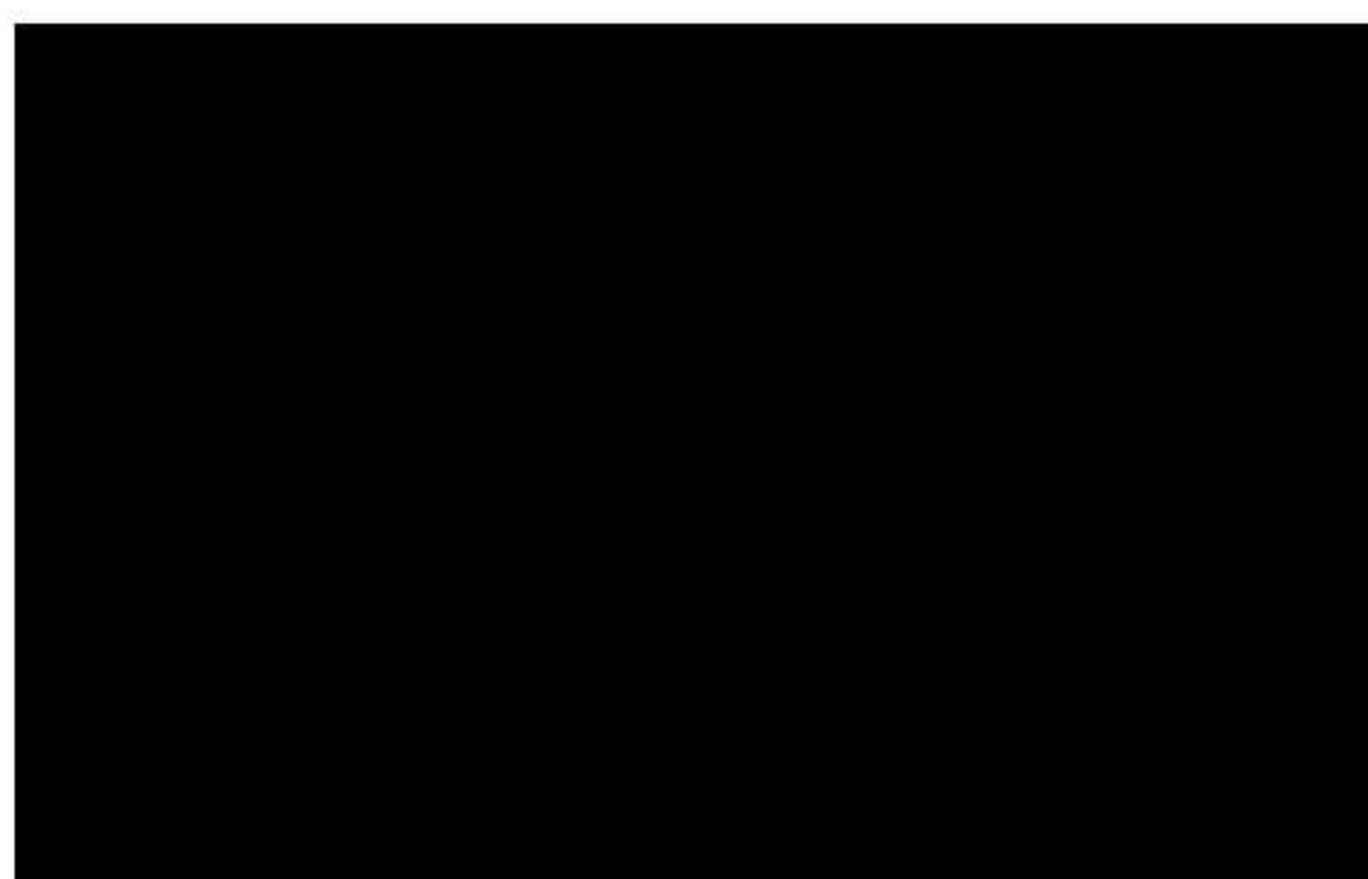


**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

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

TO

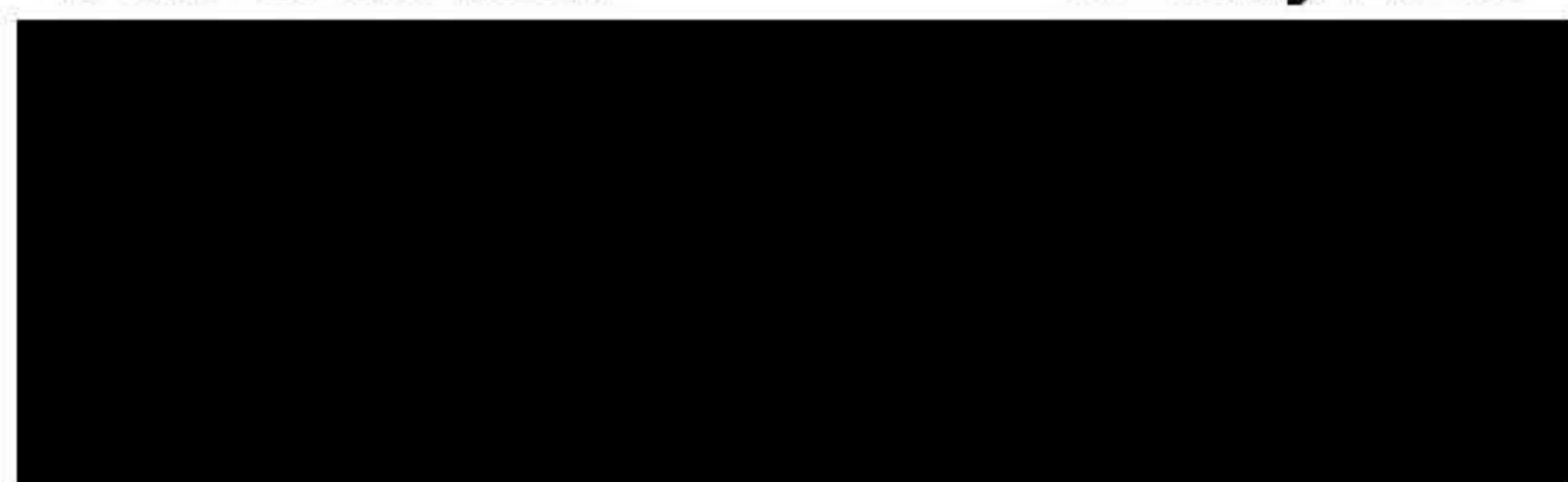


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Proposed dwellinghouse and garage at Site At Deerhill Croft Grange
Crossroads Keith Moray**

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

Date of Notice: **19 July 2018**



HEAD OF DEVELOPMENT SERVICES
Environmental Services Department
The 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, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposal is unacceptable and contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies H7 and IMP1) and, as a material consideration, the associated Supplementary Planning Guidance 'Housing in the Countryside' where, because of its siting/location characteristics, the proposal is located in a prominent location when viewed from the south west and given the size and scale of the house design proposed, the proposal would lead to an obtrusive form of development which does not relate to the surrounding countryside. As such, the location and siting characteristics of the proposal are unacceptable and in failing to integrate sensitively into the surrounding landscape, the development would detract from the character, appearance and amenity of the rural countryside area within which it is located.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		SUDS details
DWG 1~4		Ground floor plan
DWG 2~4		First floor plan
DWG 3~4		Elevations site and location plan

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

N/A

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

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, The 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



design consultants

Phone: 01343 842635
Fax: 01343 842785
Mobile: 07766 315501
Email: ctkplans@aol.com
Web: <http://members.aol.com/ctkplans>

Main Street, Urquhart, Elgin, Moray, IV30 8LG

Mrs Lissa Rowan
Legal and Democratic Services
The Moray Council
High Street
ELGIN

Our Ref CTK/CK/17-40 **(Please quote on all future correspondence)**
Your Ref
Date 14 September 2018

Dear Sir/Madam

PLOT AT DEERHILL, GRANGE, BY KEITH.

Please find enclosed our Review papers for the above. We trust you find our paperwork in order and we are happy for this to be dealt with using a site visit with supporting documents.

Yours faithfully



Colin T Keir

enc.





design consultants

Phone: 01343 842635
Fax: 01343 842785
Mobile: 07766 315501
Email: ctkplans@aol.com
Web: <http://members.aol.com/ctkplans>

Main Street, Urquhart, Elgin, Moray, IV30 8LG

Mrs Lissa Rowan
Legal and Democratic Services
The Moray Council
High Street
ELGIN

Our Ref CTK/CK/17-40 **(Please quote on all future correspondence)**
Your Ref
Date 14 September 2018

Dear Sir/Madam

PLOT AT DEERHILL, GRANGE, BY KEITH.

Please find enclosed our Review papers for the above. We trust you find our paperwork in order and we are happy for this to be dealt with using a site visit with supporting documents.

Yours faithfully



Colin T Keir

enc.



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	MRS	Ref No.	17/40
Forename	ANDREA	Forename	COLIN
Surname	IRVING-MORSE	Surname	KEIR
Company Name	—	Company Name	PLANS PLUS
Building No./Name	—	Building No./Name	MAIN STREET
Address Line 1	—	Address Line 1	OFFICES
Address Line 2	—	Address Line 2	URQUHART
Town/City	—	Town/City	BY ELGIN
Postcode	—	Postcode	IV30 8LG
Telephone	—	Telephone	01843 842635
Mobile	—	Mobile	07766 315501
Fax	—	Fax	—
		Email	CEKplans@aol.com
3. Application Details			
Planning authority	MORAY COUNCIL		
Planning authority's application reference number	18/00659/APP		
Site address	PLOT AT DEERHILL, GLANGE, KEITH. AB55 6UN		
Description of proposed development	ERECT NEW DWELLING HOUSE		

Date of application

18/5/18

Date of decision (if any)

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

4. Nature of Application

Application for planning permission (including householder application)

☒

Application for planning permission in principle

☐

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

☐

Application for approval of matters specified in conditions

☐

5. Reasons for seeking review

Refusal of application by appointed officer

☒

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

☐

Conditions imposed on consent by appointed officer

☐

6. Review procedure

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

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

☐
☐
☒
☐

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

7. Site inspection

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

Can the site be viewed entirely from public land?

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

☒

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

8. Statement

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

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

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

SEE SEPARATE SHEET.

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

Yes ☐ No ☒

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

9. List of Documents and Evidence

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

APPEAL STATEMENT,
COPY OF PLAN,
APPLICATION FORMS
DECISION NOTICE

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:

[Redacted Signature]

Name:

Colin Keir

Date:

14/9/18

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.

REVIEW

PLANNING REFERENCE NUMBER 18/00659/APP

**ERECT NEW DWELLING HOUSE AT DEERHILL
CROFT, GRANGE, KEITH.**

REVIEW SUPPORTING STATEMENT.

An outline application for a house on this plot was made and approved back in August 2011 under reference number 11/01002/PPP. Our client purchased this plot because they felt secluded and surrounded by beautiful countryside. An application was made under reference number 18/00659/APP and subsequently turned down.

Discussions with the planning office took place and it was agreed that the house design in principal was acceptable. For the planner, the house was too prominent and it was felt that the house should be moved further North back towards the trees. We could not agree to the re-positioning of the house as it would have been in a dark corner of the approved plot with little or no outlook and would not give any views of the countryside.

Setting.

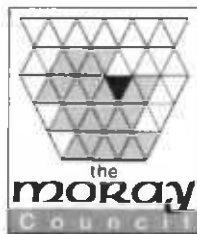
To the South of the plot is a house which although only a bungalow in design sits higher on the landscape than our client's 2 storey design. This house has the advantage of all the views down the valley and sunshine most of the day.

The proposed house takes advantage of the hill to the rear (East) and with the tree planting proposed this house would never be considered as skyline development. The house cannot be seen from any road network and you would have to be close to the plot on a no through track before you would find the house.

Conclusions.

If we are to encourage people to use carbon friendly heating systems surely tucking houses away in the dark is not the way to promote this. The plot is not readily visible from anywhere and we feel that the tree planting on the hillside to the rear of the house will achieve the same outcome as pushing the house back against the tree belt to the North. Only our clients will have the benefit of sun light and the views across the countryside.

This house is what my clients have worked all their days to have and they will be bitterly disappointed if they have to locate the house back into possibly the worst location on the plot. We would ask that you look at this situation sympathetically and overturn the planners decision to have the house refused.



DEVELOPMENT SERVICES

Shona Strachan

Planning Officer

The Moray Council

PO Box 6760 High Street Elgin Moray IV30 9BX

Telephone: 01343 563303 Fax: 01343 563990

Mr And Mrs John Irving-Morse
c/o Plans Plus
Main Street
URQUHART
By Elgin
Moray
IV30 8LG

E-mail: shona.strachan@moray.gov.uk

Website: www.moray.gov.uk

Your reference: 17/40

Our reference: 18/00659/APP

23 May 2018

Dear Sir(s)/Madam

Town and Country Planning (Scotland) Act 1997

Application Number 18/00659/APP

**Proposed dwellinghouse and garage at Site At Deerhill Croft Grange Crossroads
Keith Moray**

Your application was received as valid on **18 May 2018**. If on **13 July 2018** the Council has not:

- (a) given notice of its decision and;
- (b) you have not agreed in writing with the Council to extend the period allowed for deciding the application (normally 2 months unless otherwise agreed) then, in most cases, you may submit a written Notice of Review to the Moray Local Review Board
 - (i) within three months of the date of the Council's decision on the application; and
 - (ii) the Notice of Review should be addressed to The Clerk, The Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. The Notice of Review form can be obtained from the Council at http://www.moray.gov.uk/moray_standard/page_61754.html or from <http://www.scotland.gov.uk/Topics/Built-Environment/planning/Appeals/appealformsguidancenotes>.

I herewith acknowledge receipt of the payment(s) £401.00. In the event of any over-payment of fees this will be refunded under separate cover.

Please note that when you submit an application, information about the application will appear on the Council's planning register and will be published on the Council's website at <http://public.moray.gov.uk/eplanning/> (You can also use this site to track progress of your 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.

Where provided, for example on the application form, an applicant's home address will be published on the website. Once a decision has been made on the application, the address details will be removed (i.e. redacted) and/or the application form will be withdrawn from display.

If you have included an email address with the application, the Council would prefer to forward any further communications about the application using that address, unless you indicate otherwise.

If this application was submitted using the online application and appeal service (www.eplanning.scotland.gov.uk), you are deemed to have agreed to the use of electronic communications for all purposes relating to the application and the electronic address provided will be incorporated into the application, unless you indicate otherwise (online Guidance Notes refer).

Your proposals may also require a Building Warrant and if this is the case, you are reminded that no development including change of use should commence until such time as you have received both Planning Permission and a Building Warrant. Other consents may also be required.

As part of the application process an unaccompanied site visit will be carried out by myself to the property/land which is the subject of the proposal. If you are the agent for this application please bring this matter to the attention of the applicant/occupier of the site, and if access cannot be gained you will be contacted as soon as is practicable to make an appointment that is convenient to all parties.

Yours faithfully

Shona Strachan
Planning Officer

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal is unacceptable and contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies H7 and IMP1) and, as a material consideration, the associated Supplementary Planning Guidance 'Housing in the Countryside' where, because of its siting/location characteristics, the proposal is located in a prominent location when viewed from the south west and given the size and scale of the house design proposed, the proposal would lead to an obtrusive form of development which does not relate to the surrounding countryside. As such, the location and siting characteristics of the proposal are unacceptable and in failing to integrate sensitively into the surrounding landscape, the development would detract from the character, appearance and amenity of the rural countryside area within which it is located.

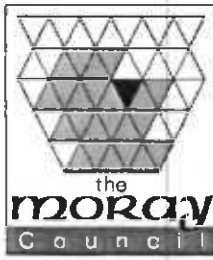
LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		SUDS details
DWG 1~4		Ground floor plan
DWG 2~4		First floor plan
DWG 3~4		Elevations site and location plan

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

N/A



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

REFUSAL OF PLANNING PERMISSION

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

TO Mr And Mrs John Irving-Morse
c/o Plans Plus
Main Street
URQUHART
By Elgin
Moray
IV30 8LG

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

**Proposed dwellinghouse and garage at Site At Deerhill Croft Grange
Crossroads Keith Moray**

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

Date of Notice: **19 July 2018**

Pp [REDACTED]

HEAD OF DEVELOPMENT SERVICES
Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

**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, The 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.

REVIEW

PLANNING REFERENCE NUMBER 18/00659/APP

**ERECT NEW DWELLING HOUSE AT DEERHILL
CROFT, GRANGE, KEITH.**

REVIEW SUPPORTING STATEMENT.

An outline application for a house on this plot was made and approved back in August 2011 under reference number 11/01002/PPP. Our client purchased this plot because they felt secluded and surrounded by beautiful countryside. An application was made under reference number 18/00659/APP and subsequently turned down.

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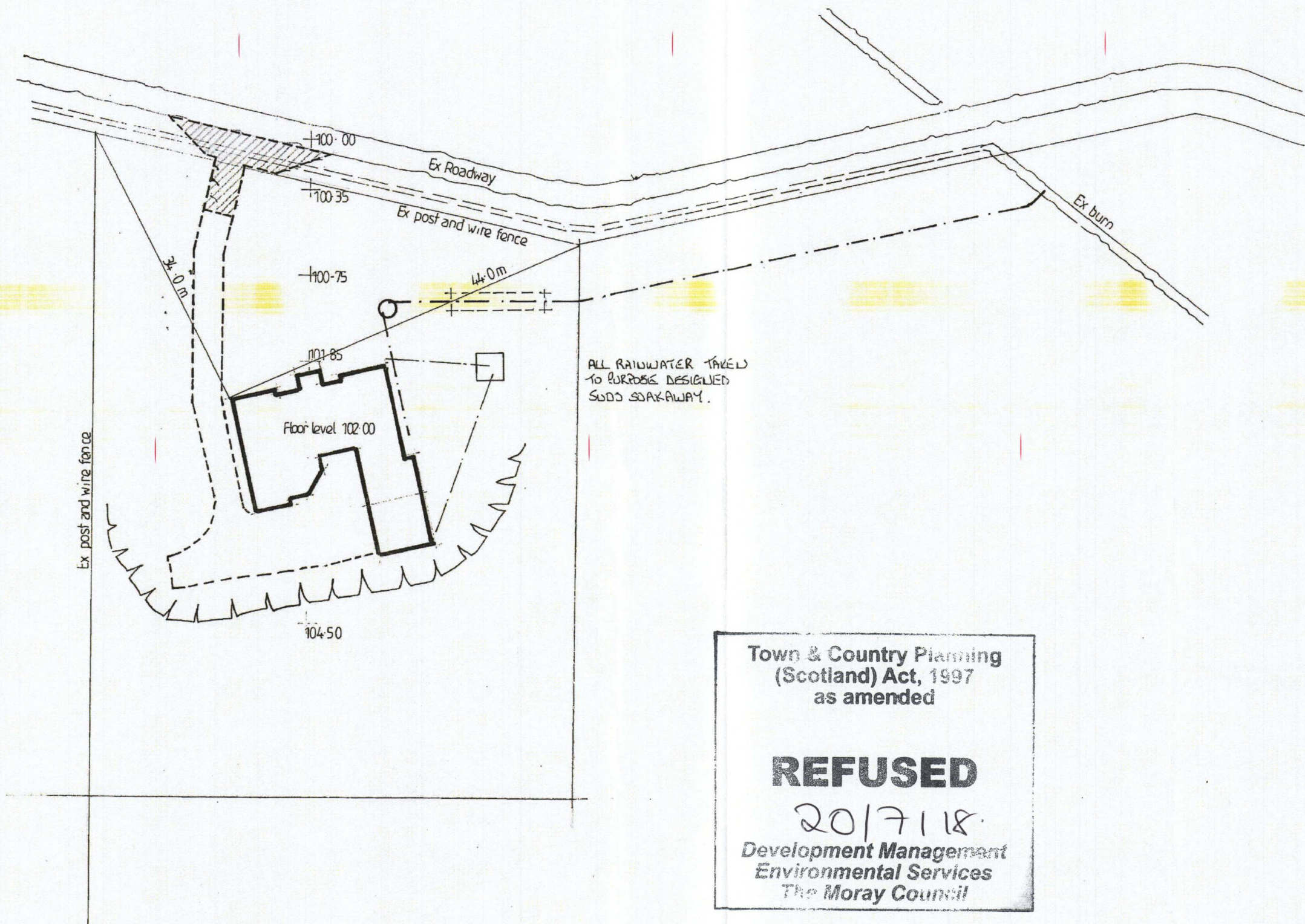
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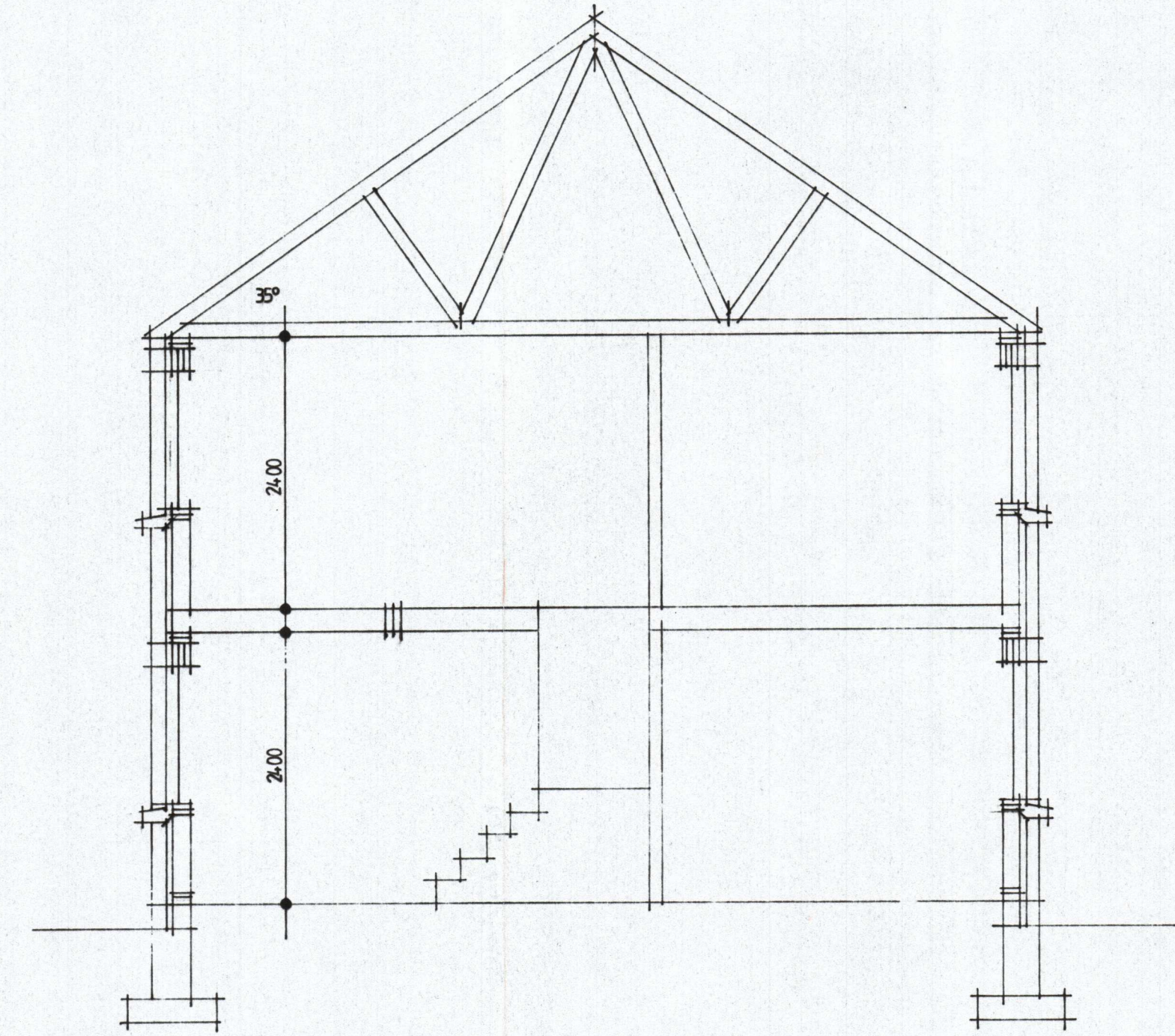
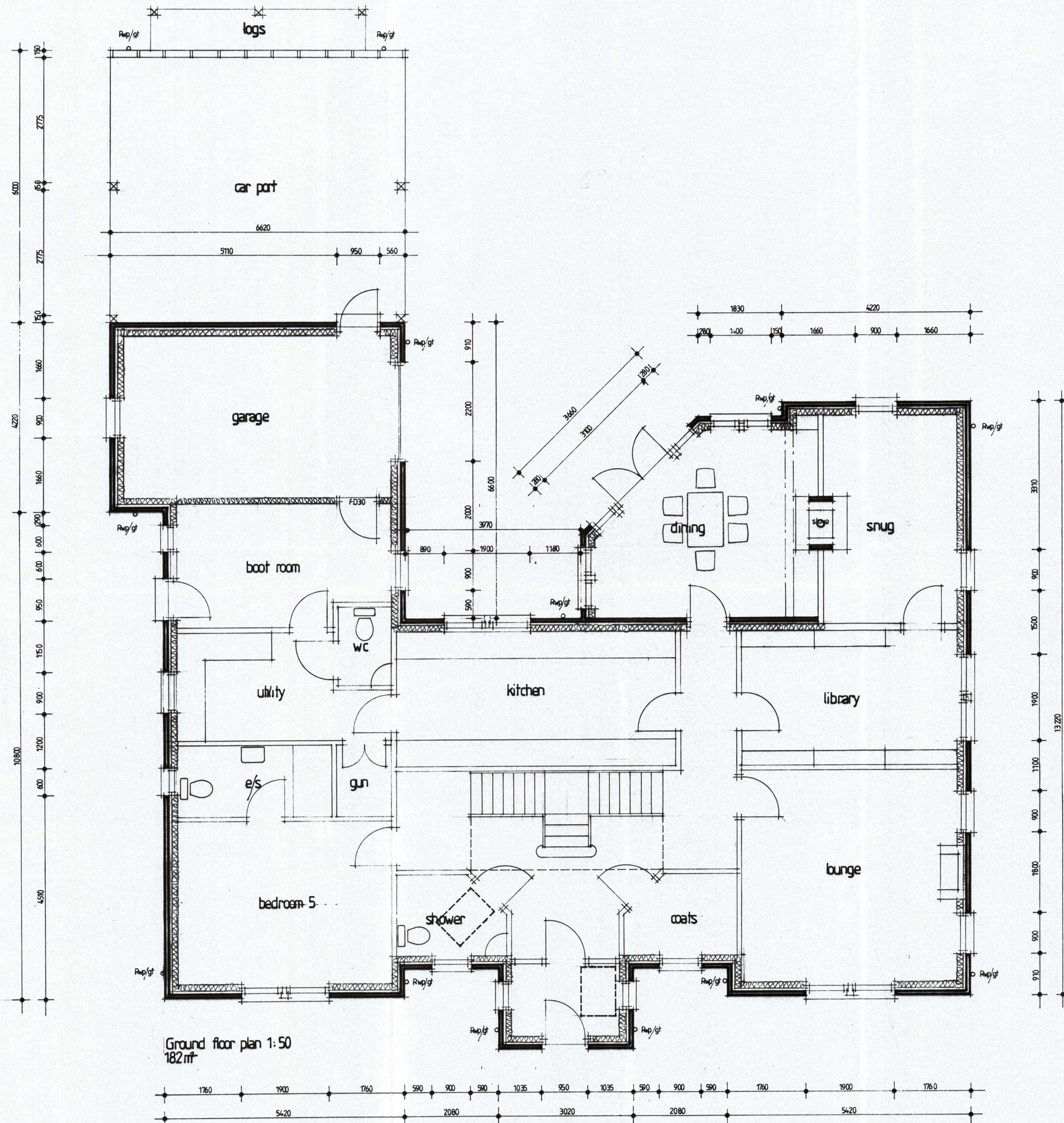
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Conclusions.

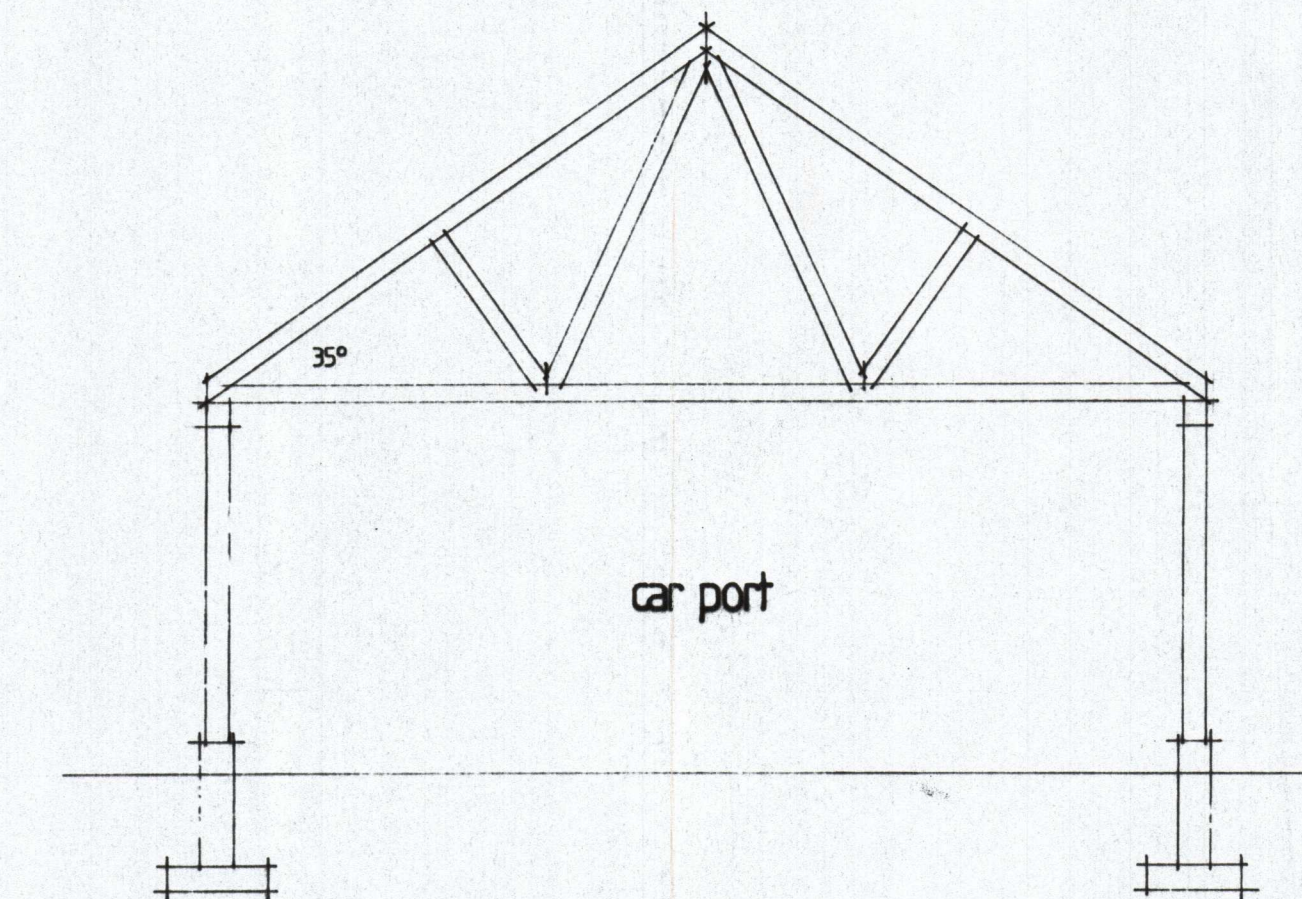
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Cross section



Cross section

NO WORKS TO COMMENCE ON SITE UNTIL THE RELEVANT PLANNING, BUILDING WARRANT OR GRANT APPROVAL HAS BEEN OBTAINED.

CONTRACTORS WILL HAVE DEEMED TO HAVE VISITED THE SITE TO FAMILIARIZE THEMSELVES WITH THE PROJECT PRIOR TO SUBMITTING ANY ESTIMATE FOR BUILDING WORKS.

CROWN COPYRIGHT. ALL RIGHTS RESERVED. LICENSE NUMBER 100041145

ANY DEVIATIONS TO THE APPROVED PLANS TO BE REPORTED TO THIS OFFICE. CONTRACTORS TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING BUILDING WORKS. GIVEN DIMENSIONS ONLY TO BE USED. DO NOT SCALE PLANS.

ANY ROOF TRUSS TYPING INTO AN EXISTING ROOF TO BE CHECKED ON SITE BY CONTRACTOR TO ENSURE HEIGHTS MEET CORRECTLY.

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

REFUSED

2017/118
Development Management
Environmental Services
The Moray Council

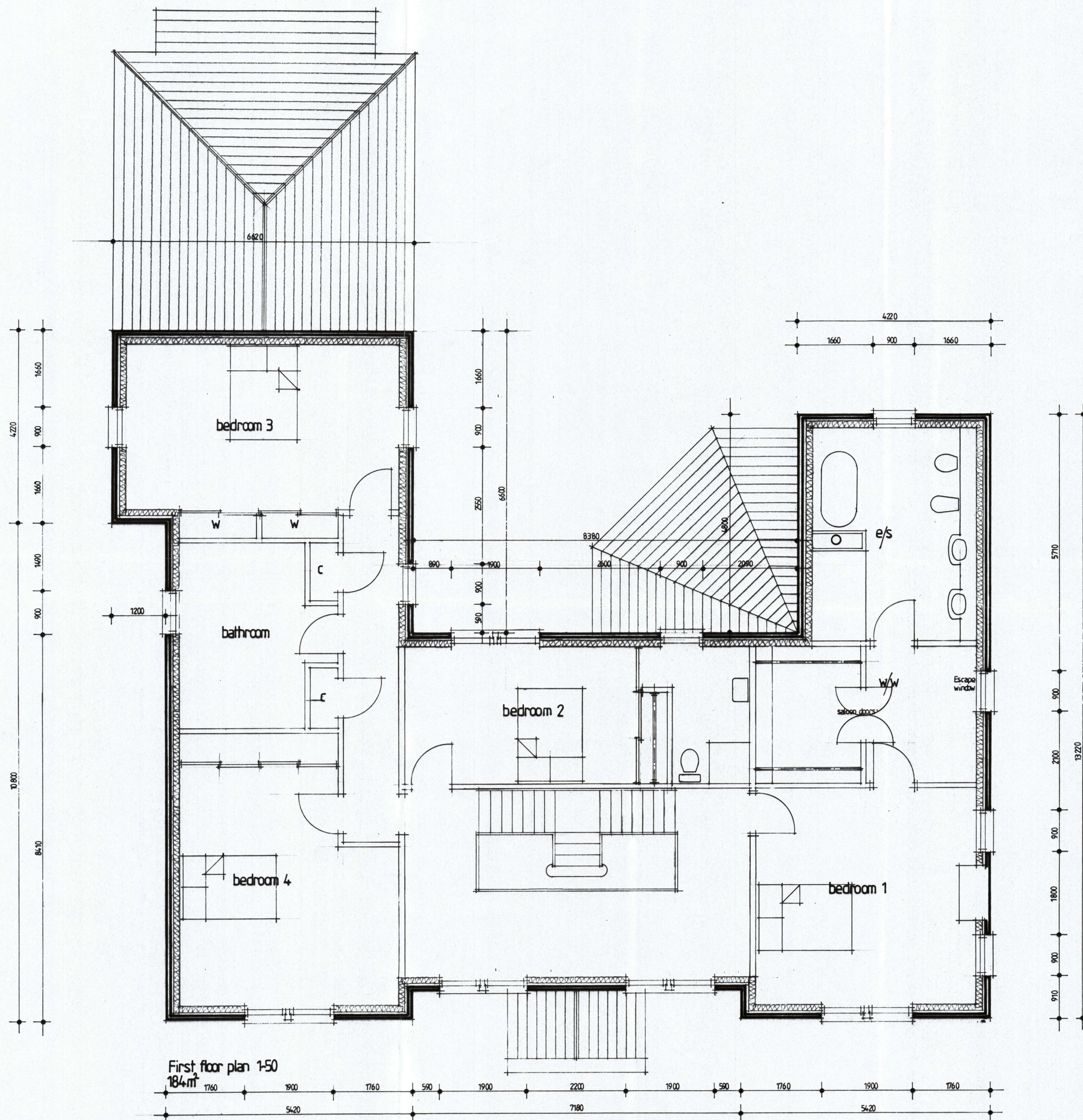
CLIENT Mr & Mrs J Irving-Morse	SCALE 1:50	DRAWN BY IR	DATE Mar 2018
PROJECT Proposed dwelling house and garage at Deerhill, Newmill, Keith	PROJECT No. TH40 Dwg 1-4		



**ARCHITECTURAL
DESIGN CONSULTANTS**

TELEPHONE No. 01343 842635
MOBILE No. 07766 315501
EMAIL: ctkplans@aol.com
WEB: www.plans-plus.co.uk
PARTNERS: COLIN & CATRIONA KEIR

MAIN STREET OFFICES: URQUHART, BY ELGIN, IV30 8LG



Town & Country Planning
(Scotland) Act, 1997
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REFUSED

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CLIENT Mr & Mrs J Irving-Morse	SCALE 1:50	DRAWN BY IR	DATE Mar 2018
PROJECT Proposed dwelling house and garage at Deerhill, Newmill, Keith	PROJECT No. 17-40 Dwg 2-4		



ARCHITECTURAL DESIGN CONSULTANTS

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PARTNERS: COLIN & CATRIONA KEIR

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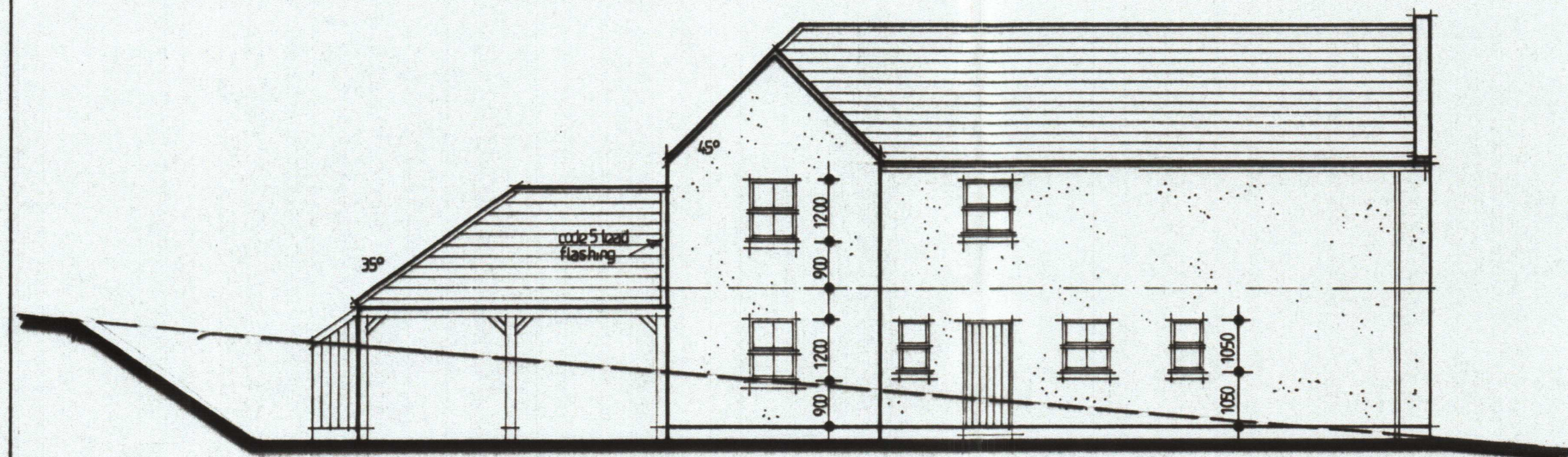
Front elevation 1-100

Roof finished with blue black slates with mortared ridge tiles and precast concrete skewers to gables

Black 100mm Dia h/r upvc rainwater rhones with 68mm Dia black upvc rainwater downpipes

Walls finished with buff dry dash roughcast finish with smooth cement render to base course around dwelling

Windows and doors to be upvc double glazed units in grey finish externally



Side elevation 1-100



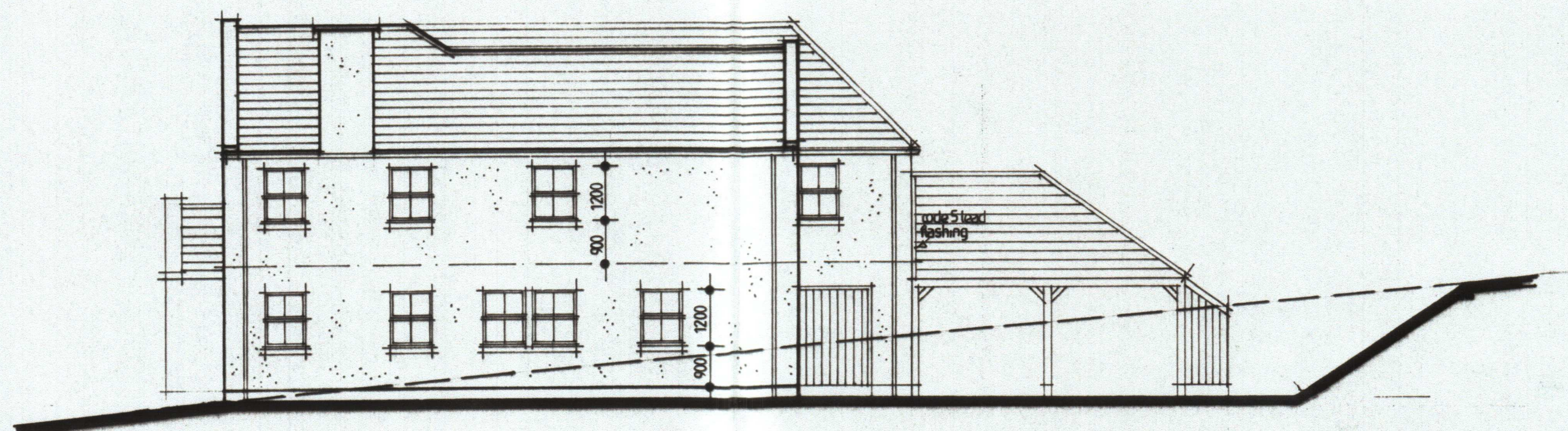
Rear elevation 1-100

Roof finished with blue black slates with mortared ridge tiles and precast concrete skewers to gables

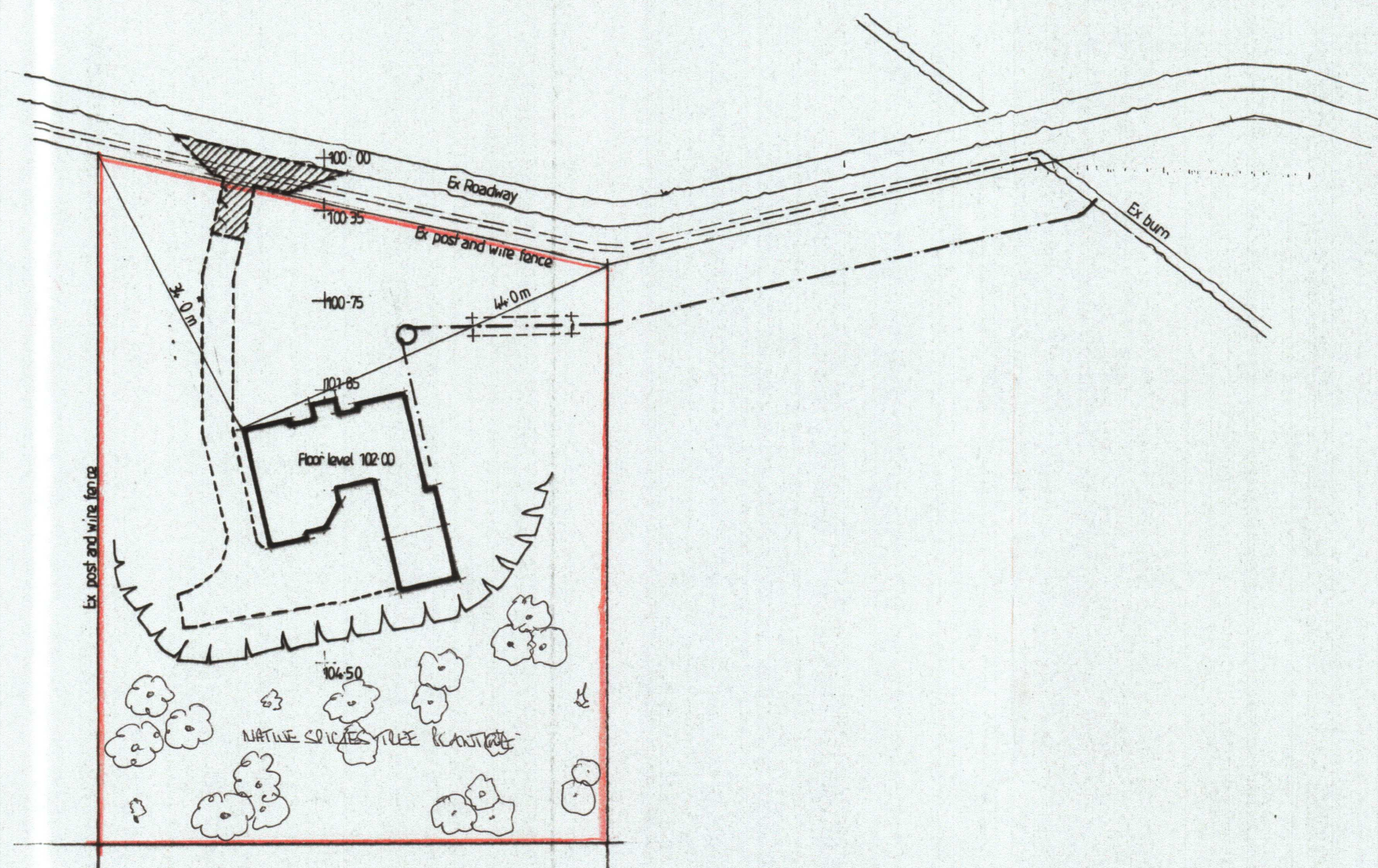
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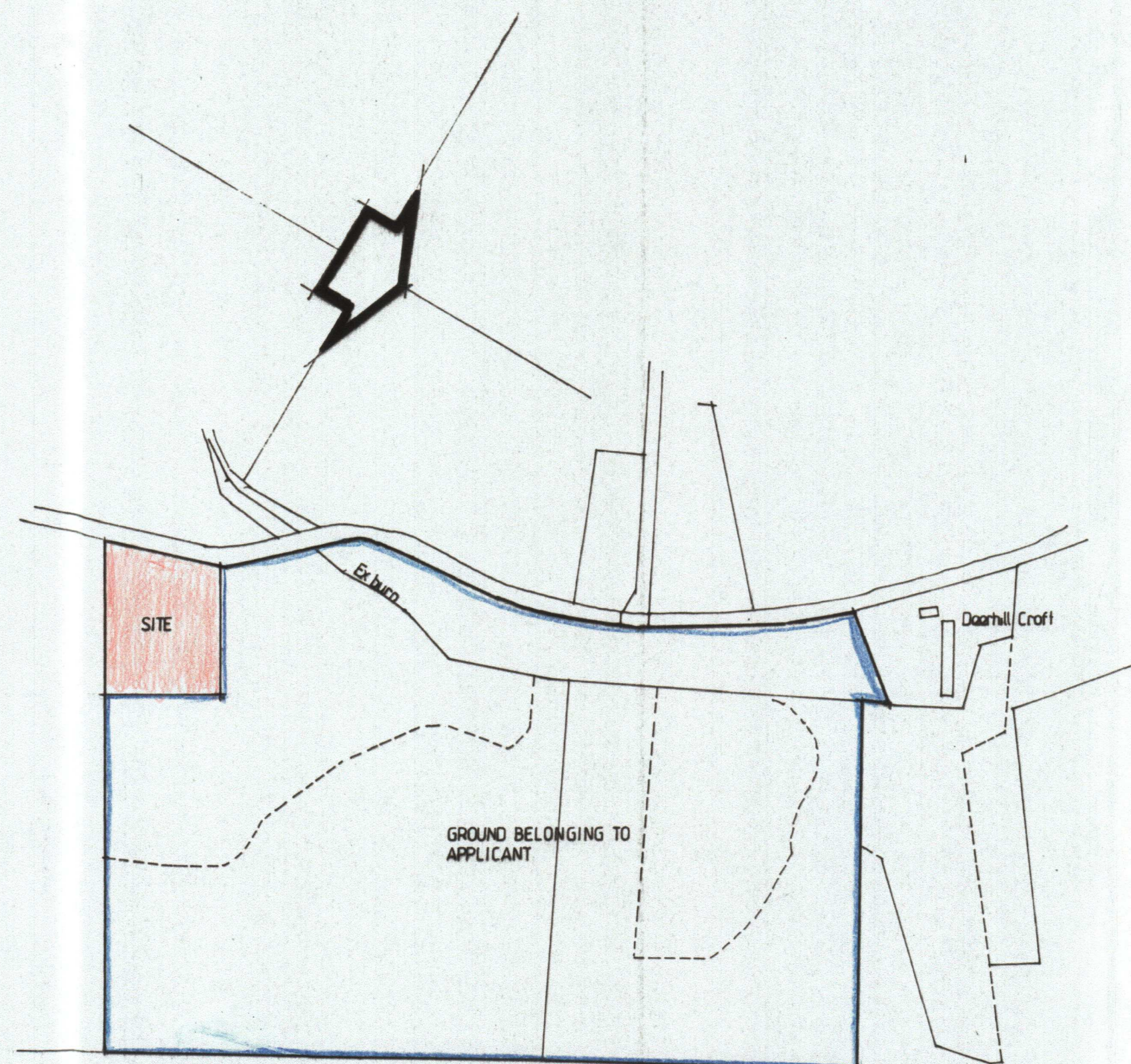
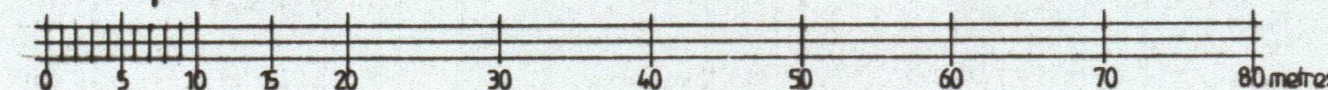
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Side elevation 1-100



Site plan 1-500



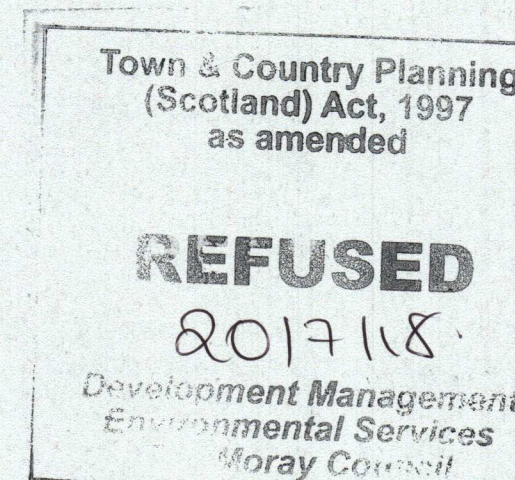
Location plan 1-2500
OS Grid Ref NJ 466 560

Service layby
Access drive to lead off proposed new lay-by 8.0m long by 2.5m deep with 30° splayed ends, provided at road side and formed with 250 type 1 sub-base with 80mm Dense Bituminous Macadam road base topped with 40mm base course and 40mm wearing course. Min 1.0m wide verge provided around perimeter of lay-by.

Driveway
Driveway to be min 3.7m wide, with a min 3.7m headroom, and capable of supporting a vehicle axle load of 14 tonnes. Hammerhead provided at access to provide turning area and parking for desludging tanker / fire appliance

Parking / access
3.3x4.8m car parking hardstand to be provided within site as indicated formed with 50mm precast concrete slabs on 50mm sand base on 150mm thick well compacted hardcore. 900mm wide access path to be formed from hardstand area to base of concrete access ramp formed with 50mm precast concrete slabs on 50mm thick sand base

Landscaping proposals
25% of proposed new dwelling house site to be planted with native trees. Trees to be planted in species groups in random patterns at approximately 2.5m spacing. Sizes to be a mixture of standard, Half standard and Whips. Trees will be staked, tied and the smaller plants protected in growing shelters. Rabbit and Squirrel/vole guards will be fitted to all trees without shelters.



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