MORAY LOCAL REVIEW BODY

30 AUGUST 2018

SUMMARY OF INFORMATION FOR CASE No LR210

Planning Application 18/00581/PPP – to erect a dwelling house and detached garage on a site north of Dowalls Croft, Craigellachie, Moray

Ward 1: Speyside Glenlivet

Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 14 June 2018 on the grounds that:

The proposal would be contrary to policies H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (MLDP 2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside for the following reason:

The proposal is considered to constitute an inappropriately located site that would contribute to an unacceptable cumulative build-up of development given the large number of built and consented dwellings already along the U64H on 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**.

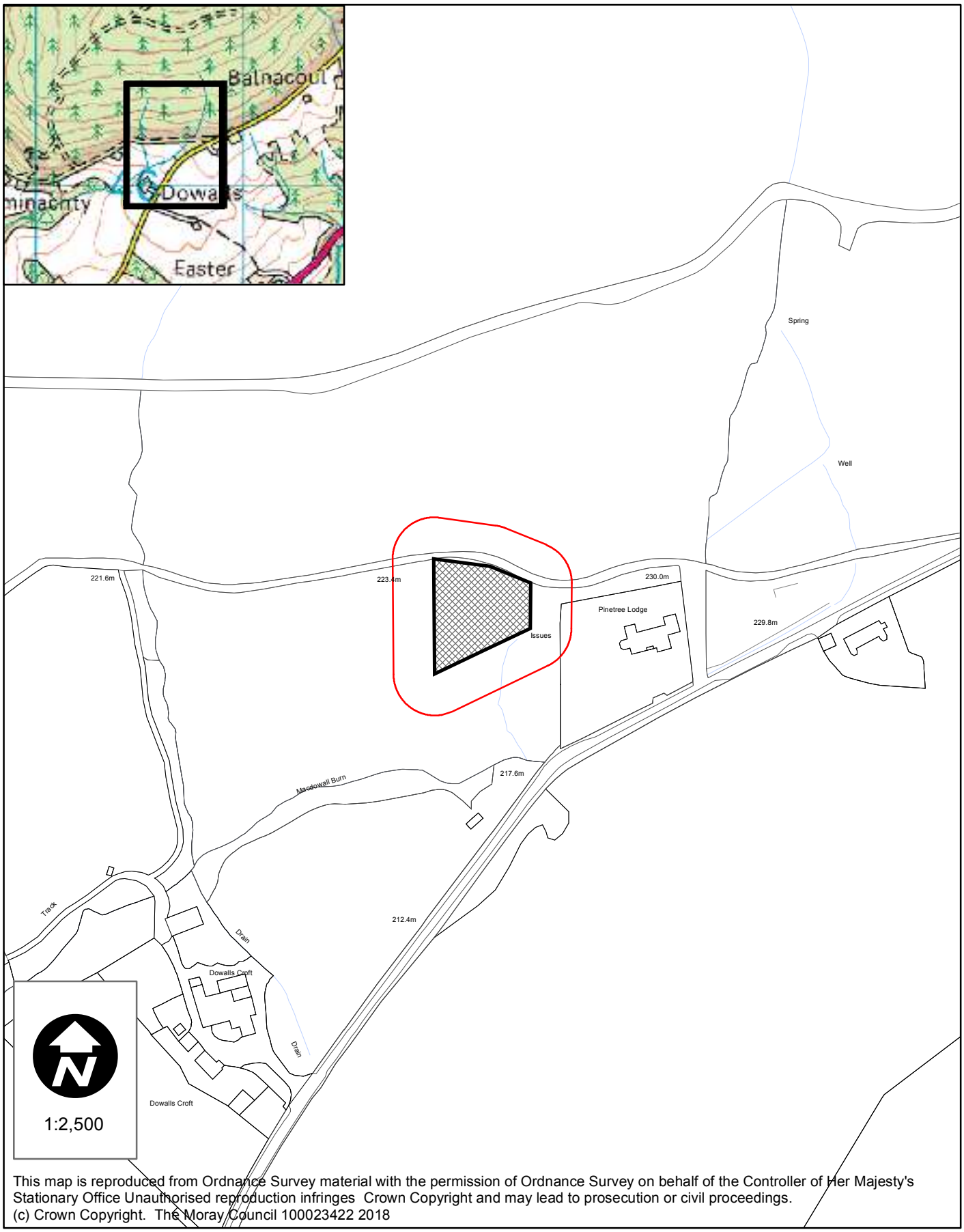
No Further Representations were received in response to the Notice of Review

Site Plan for Neighbour Notification purposes only

Town and Country Planning
(Development Management Procedure)(Scotland) Regulations 2008

Planning Application Reference Number:

18/00581/PPP



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APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

The Moray Council Council Office High Street Elgin IV30 1BX Tel: 01343 563 501 Fax: 01343 563 263 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 100094547-001

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)

PPP APPLICATION FOR HOUSE & DETACHED GARAGE AT GROUND NORTH OF DOWELLS CROFT CRAIGELLACHIE

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:	JWS Design Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Jake	Building Name:	Hillcrest
Last Name: *	Smith	Building Number:	75
Telephone Number: *	01542836147	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Buckie
Fax Number:		Country: *	Scotland
		Postcode: *	AB56 1HX
Email Address: *	Info@jws-design.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:	DOWALLS CROFT
First Name: *	Ian	Building Number:	
Last Name: *	Cormack	Address 1 (Street): *	CRAIGELLACHIE
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	ABERLOUR
Extension Number:		Country: *	SCOTLAND
Mobile Number:	[redacted]	Postcode: *	AB38 9JR
Fax Number:			
Email Address: *			

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 846211 Easting 330673

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☒ Letter ☐ Email

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

Application previously granted consent on 3rd September 2014: Erect dwellinghouse and detached garage on Ground North Of Dowells Croft Craigellachie Moray Ref: 14/01387/PPP

Title: Mr

Other title: Principle Planning Officer

First Name: Richard

Last Name: Smith

Correspondence Reference Number: 14/01387/PPP

Date (dd/mm/yyyy): 03/09/2014

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

Site Area

Please state the site area: 1047.00

Please state the measurement type used: ☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

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

Building Plot

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? * ☐ Yes ☒ No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ☐ Yes ☒ No

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * ☒ Yes ☐ No

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

☐ Yes – connecting to public drainage network

☒ No – proposing to make private drainage arrangements

☐ Not Applicable – only arrangements for water supply required

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

What private arrangements are you proposing? *

☐ New/Altered septic tank.

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

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

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

Waste water to be treated via a bio treatment plant followed by partial soakaway with discharge to nearby water course. Rain water via partial soakaway discharging to water course.

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) * ☐ Yes ☒ No

Note:-

Please include details of SUDS arrangements on your plans

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

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

☒ Yes

☐ No, using a private water supply

☐ No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * ☐ Yes ☒ No ☐ Don't Know

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

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

Trees

Are there any trees on or adjacent to the application site? * ☒ Yes ☐ No

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

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * ☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * ☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ☐ Yes ☒ No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? * ☒ Yes ☐ No

Is any of the land part of an agricultural holding? * ☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Jake Smith

On behalf of: Mr Ian Cormack

Date: 27/04/2018

☒ 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 principal where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	☐ 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)

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.

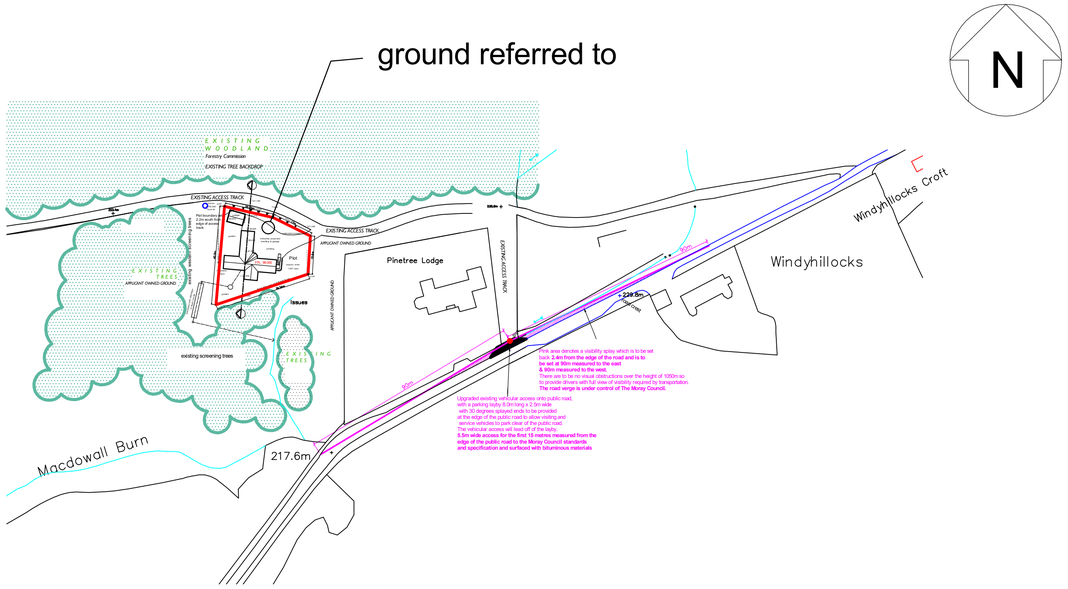
Declaration Name: Mr Jake Smith

Declaration Date: 27/04/2018

Payment Details

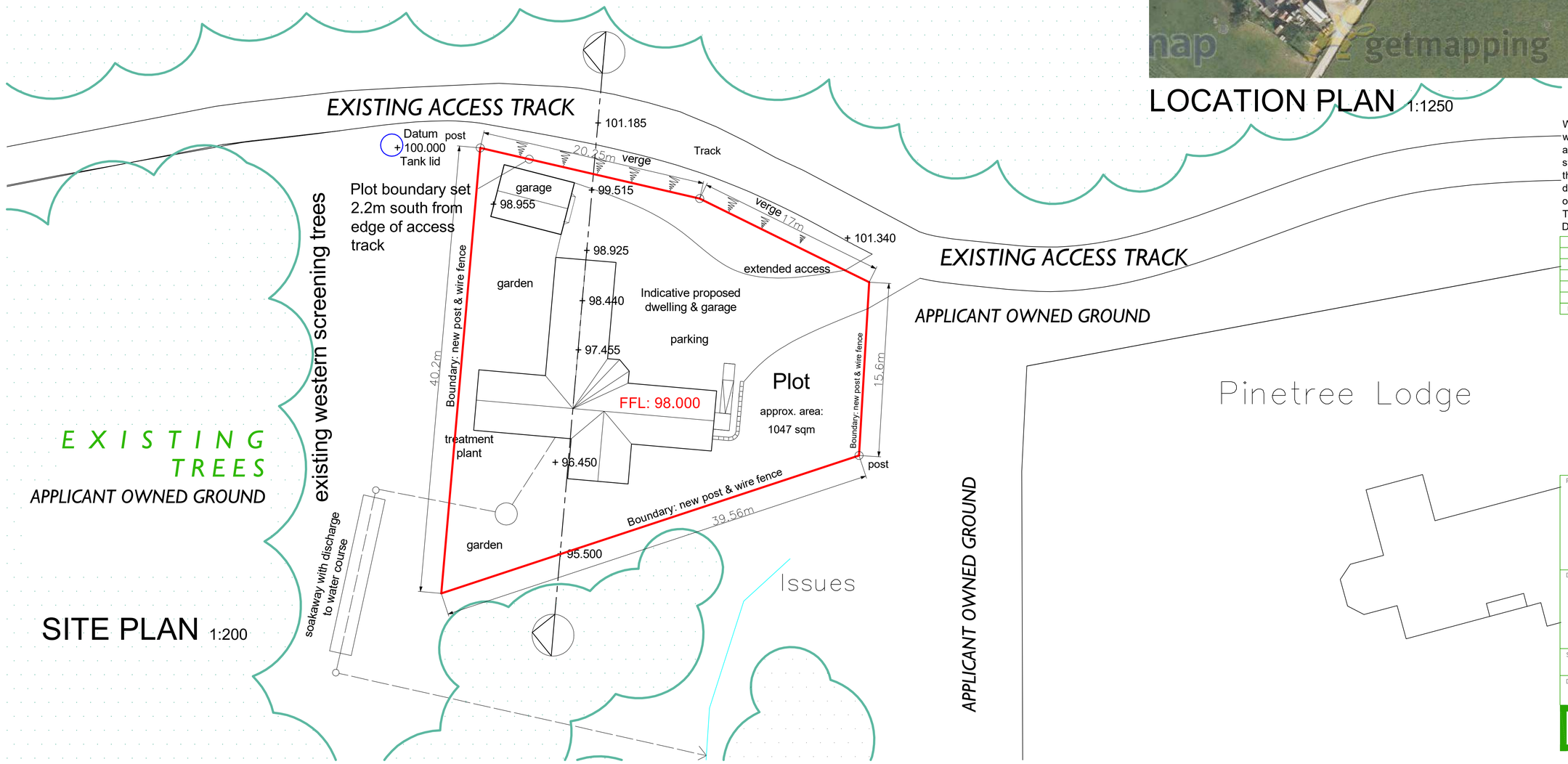
Cheque: Mr Ian Cormack , 00001382601620108759

Created: 27/04/2018 17:05



LOCATION PLAN 1:1250

LOCATION PLAN 1:1250



SITE PLAN 1:200

Warning: This drawing is not a building warrant drawing and has not been approved by Moray Councils building standards therefore does not comply with the Scottish building regulations. This drawing is part of a planning application only. Do not scale from this drawing. This drawing is copy right of J W S Design Ltd.

Revision	Date

JWS DESIGN LTD
BUILDING CONSULTANT
BSC ARCHITECTURAL TECHNOLGY
Berrybauds Clochan Buckie AB56 5HX
Tel/Fax: 01542 850336
E-mail: info@jws-design.co.uk

Do not scale from this drawing
If in doubt ask the designer
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Project
Proposed House & Garage
North of Dowells Croft
Craigellachie for Mr & Mrs
Ian Cormack

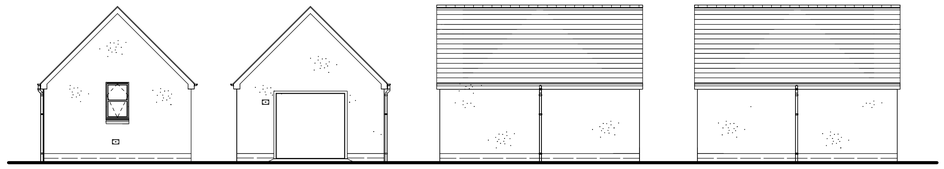
Drawing
PPP Submission Drawing
Site Plans
Consent 14/01387/PPP

Scale
Var @ A1

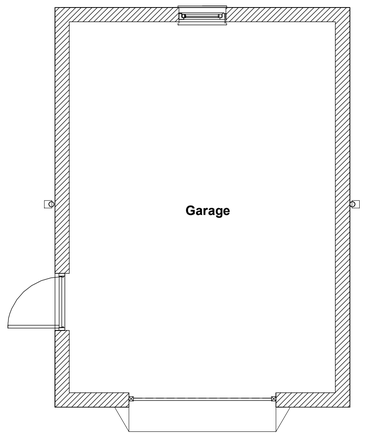
Date	Drawn By
April 2018	–

Drawing No.	Revision No.
1	–

External Finishes:
Roof: Natural Slate
Walls: Smooth White Render
Rainwater Items: Black Upvc
Windows & Doors: Brown Upvc



Rear Elevation (1:100) Front Elevation (1:100) Side Elevation (1:100) Side Elevation (1:100)



Plan (1:50)

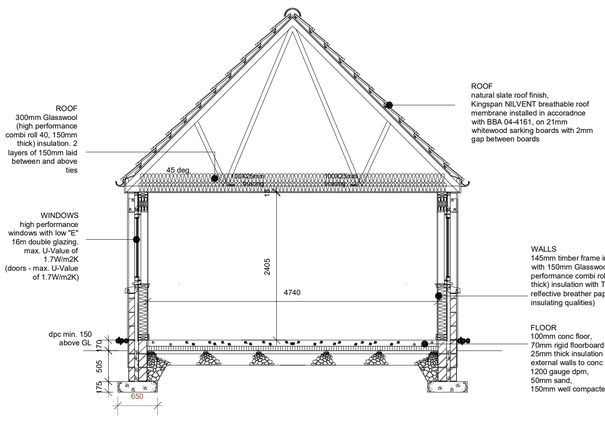
Warning: This drawing is not a building warrant drawing and has not been approved by Moray Councils building standards therefore does not comply with the Scottish building regulations. This drawing is part of a planning application only. Do not scale from this drawing. This drawing is copy right of J W S Design Ltd.

North East Elevation (1:100)

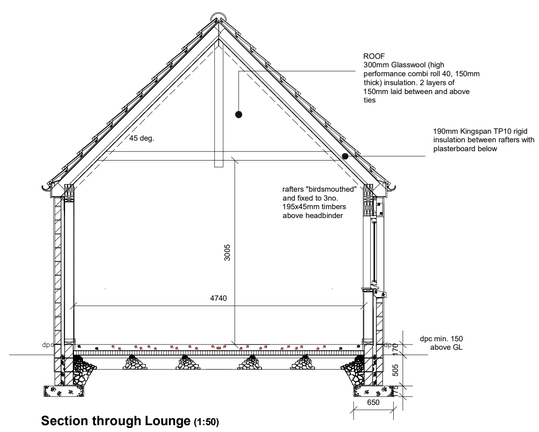
South West Elevation (1:100)

North West Elevation (1:100)

South East Elevation (1:100)



Typical Section (1:50)



Section through Lounge (1:50)

Revision	Date

JWS DESIGN LTD
BUILDING CONSULTANT
BSC ARCHITECTURAL TECHNOLGY
Berrybauds Clochan Buckie AB56 5HX
Tel/Fax: 01542 850336
E-mail: info@jws-design.co.uk

Do not scale from this drawing
If in doubt ask the designer

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Project
Proposed House & Garage
North of Dowells Croft
Craigellachie for Mr & Mrs
Ian Cormack

Drawing
PPP Submission Drawing
Indicative House
& Garage Details

Scale
Var @ A1

Date
April 2018

Drawn By
–

Drawing No.
2

Revision No.
–

Consultation Request Notification

Planning Authority Name	**The Moray Council**
Response Date	**23rd May 2018**
Planning Authority Reference	**18/00581/PPP**
Nature of Proposal (Description)	**Erect dwellinghouse and detached garage on**
Site	**Site North Of Dowalls Croft Craigellachie Moray**
Site Postcode	**N/A**
Site Gazetteer UPRN	**000133068433**
Proposal Location Easting	**330659**
Proposal Location Northing	**846202**
Area of application site (Ha)	**1047 m^2**
Additional Comment	
Development Hierarchy Level	**LOCAL**
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=P7ZURTBGH5V00
Previous Application	**14/01387/PPP**
Date of Consultation	**9th May 2018**
Is this a re-consultation of an existing application?	**No**
Applicant Name	**Mr Ian Cormack**
Applicant Organisation Name	
Applicant Address	**Dowells Croft Craigellachie Moray**
Agent Name	**J W S Design Limited**
Agent Organisation Name	
Agent Address	**Hillcrest 75 High Street Buckie Moray AB56 1AX**
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.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Contaminated Land

Planning Application Ref. No: 18/00581/PPP
Erect dwellinghouse and detached garage on Site North Of Dowalls Croft Craigellachie Moray for Mr Ian Cormack

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	❑
(b)	I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal	X
(c)	I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below	❑
(d)	Further information is required in order to consider the application as set out below	❑

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Adrian Muscutt **Date……10/5/18……..**
email address: **Phone No ……..**
Consultee:

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://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 – Development Plans

Planning Authority Name	**The Moray Council**
Response Date	**5th June 2018**
Planning Authority Reference	**18/00581/PPP**
Nature of Proposal (Description)	**Erect dwellinghouse and detached garage on**
Site	**Site North Of Dowells Croft Craigellachie Moray**
Site Postcode	**N/A**
Site Gazetteer UPRN	**000133068433**
Proposal Location Easting	**330659**
Proposal Location Northing	**846202**
Area of application site (Ha)	**1047 m2**
Additional Comments	
Development Hierarchy Level	**LOCAL**
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=P7ZURTBGH5V00
Previous Application	**14/01387/PPP**
Date of Consultation	**22nd May 2018**
Is this a re-consultation of an existing application?	**No**
Applicant Name	**Mr Ian Cormack**
Applicant Organisation Name	
Applicant Address	**Dowells Croft Craigellachie Moray**
Agent Name	**J W S Design Limited**
Agent Organisation Name	
Agent Address	**Hillcrest 75 High Street Buckie Moray AB56 1AX**
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.

Please respond using the attached form:-

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

MORAY COUNCIL
PLANNING CONSULTATION RESPONSE

From: Development Plans

Planning Application Ref. No: 18/00581/PPP
Erect dwellinghouse and detached garage on Site North Of Dowells Croft Craigellachie Moray for Mr Ian Cormack

Ward: 01_17 Speyside Glenlivet

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

		Page No	Policy No(s)	Yes	No
1	**Departure from Moray Local Development Plan 2015**	29	H7 *New Housing in the Countryside*	X	
		39	E4 *Trees and Development*	N/A	N/A
		63	ER2 *Development in Woodland*	N/A	N/A
		84	IMP1 *Developer Requirements*	X	
2	**Further Discussion Required**				

REASONING FOR THIS DECISION:

The proposal is for planning permission in principle to erect a dwellinghouse and detached garage on Site North of Dowells Croft, Craigellachie.

Siting and Build-Up (Policy H7 and IMP1)

Policy H7 *New Housing in the Open Countryside* states that a proposal must not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area, with particular focus placed where there has been a significant growth in the number of new house applications.

In recent years, there has been a significant growth in the number of new house applications in this area and the proposed site falls within the Craigellachie Housing in the Countryside Hotspot, as identified within the *'Guidance Note on Landscape and Visual*

Impacts of Cumulative Build-Up of Houses in the Countryside'. The number of new houses located along, and taking access from, the U64H Balnacoul Road has led to an unacceptable cumulative and incremental build-up of development. The incidence and inter-visibility of new houses result in these being a major characteristic of the landscape and a sequential visual impact when travelling along roads, particularly the U64H, in the vicinity of the proposed site.

Policy IMP1 *Developer Requirements* requires that the scale, density and character of new developments must be appropriate to the surrounding area and be sensitively sited and designed.

The proposal is considered to constitute an inappropriately located site and would contribute to an unacceptable cumulative build-up of development and is therefore contrary to Policies H7 and IMP1.

Woodland (Policies E4 and ER2)

Policies E4 *Trees and Development* and ER2 *Development in Woodlands* aim to give protection to trees and woodland from development. The site is entirely situated within woodland identified on the National Forest Inventory; however the trees have already been permanently removed from the proposed area. As intimated in Forestry Commission Scotland's response dated 16 May 2018, there are no current Forestry Grant Schemes or outstanding felling licence obligations on the area in question and therefore clarification is required as to whether the works have been carried out in accordance with the Forestry Act 1967.

As there are no longer any trees on the site to protect and safeguard, the requirements of Policies E4 and ER2 do not apply.

Conclusion

The proposal is considered to be contrary to Policies H7 and IMP1 on the grounds that the proposal constitutes an inappropriately located site and would contribute to an unacceptable cumulative build-up of development.

The site is entirely situated within woodland identified on the National Forest Inventory; however the trees have been removed from the proposed area.

Contact: Darren Westmacott **Date:**
Email Address: Darren.Westmacott@moray.gov.uk **Phone No: 01343 563358**
Consultee: Development Plans

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://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: 10 May 2018 15:52:56 +0100
To: Emma Mitchell
Cc: DC-General Enquiries
Subject: 18/00581/PPP Erect dwellinghouse and detached garage on Site North of Dowalls Croft, Craigellachie
Attachments: 18-00581-PPP Erect dwellinghouse and detached garage on Site North of Dowalls Croft, Craigellachie.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

moray council

Developer Obligations: ASSESSMENT REPORT

Date: 10/05/2018

Reference: 18/00581/PPP

Description: Erect dwellinghouse and detached garage on Site North of Dowalls Croft, Craigellachie

Applicant: Mr Ian Cormack

Agent: J W S Design 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 *(Contribution towards reconfiguration of Aberlour Health Centre and 1 Additional Dental Chair)*	[redacted]
Sports and Recreation	Nil
Total Developer Obligations	[redacted]

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:

4 bed = 1.2 SRUE

This assessment is therefore based on 1.2 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.

INFRASTRUCTURE

Education

Primary Education

Pupils generated by this development are zoned to Craigellachie Primary School. The school is currently operating at 58% 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 Speyside High School. The school is currently operating at 75% 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 271m^2.

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).

Aberlour Health Centre is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Aberlour Health Centre is working beyond design capacity and existing space will be required to be reconfigured and that 1 Additional Dental Chair will be required.

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

[redacted]

Contribution towards Healthcare= [redacted]

Sports and Recreational Facilities

Sports and Recreation Facilities

Existing sports provision within Craigellachie 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.

Consultation Request Notification

Planning Authority Name	**The Moray Council**
Response Date	**23rd May 2018**
Planning Authority Reference	**18/00581/PPP**
Nature of Proposal (Description)	**Erect dwellinghouse and detached garage on**
Site	**Site North Of Dowalls Croft Craigellachie Moray**
Site Postcode	**N/A**
Site Gazetteer UPRN	**000133068433**
Proposal Location Easting	**330659**
Proposal Location Northing	**846202**
Area of application site (Ha)	**1047 m^2**
Additional Comment	
Development Hierarchy Level	**LOCAL**
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=P7ZURTBGH5V00
Previous Application	**14/01387/PPP**
Date of Consultation	**9th May 2018**
Is this a re-consultation of an existing application?	**No**
Applicant Name	**Mr Ian Cormack**
Applicant Organisation Name	
Applicant Address	**Dowells Croft Craigellachie Moray**
Agent Name	**J W S Design Limited**
Agent Organisation Name	
Agent Address	**Hillcrest 75 High Street Buckie Moray AB56 1AX**
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.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 18/00581/PPP
Erect dwellinghouse and detached garage on Site North Of Dowalls Croft Craigellachie Moray for Mr Ian Cormack

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	❑
(b)	I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal	X
(c)	I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below	❑
(d)	Further information is required in order to consider the application as set out below	❑

Contact: Kevin Boyle **Date…… 16/5/2018……..**
email address: **Phone No …… 3354 ……..**
Consultee:

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

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11th 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

AB38 Craigellachie Dowalls Croft Site North Of
PLANNING APPLICATION NUMBER: 18/00581/PPP
OUR REFERENCE: 760882
PROPOSAL: Erect dwellinghouse and detached garage on

Please quote our reference in all future correspondence

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

Water

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

Foul

- 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

Robert Lamont
Development Operations Technical Analyst
Robert.Lamont@scottishwater.co.uk

Consultation Request Notification

Planning Authority Name	**The Moray Council**
Response Date	**23rd May 2018**
Planning Authority Reference	**18/00581/PPP**
Nature of Proposal (Description)	**Erect dwellinghouse and detached garage on**
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Site Gazetteer UPRN	**000133068433**
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Development Hierarchy Level	**LOCAL**
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=P7ZURTBGH5V00
Previous Application	**14/01387/PPP**
Date of Consultation	**9th May 2018**
Is this a re-consultation of an existing application?	**No**
Applicant Name	**Mr Ian Cormack**
Applicant Organisation Name	
Applicant Address	**Dowells Croft Craigellachie Moray**
Agent Name	**J W S Design Limited**
Agent Organisation Name	
Agent Address	**Hillcrest 75 High Street Buckie Moray AB56 1AX**
Agent Phone Number	
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Case Officer	**Emma Mitchell**
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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: 18/00581/PPP
Erect dwellinghouse and detached garage on Site North Of Dowalls Croft Craigellachie Moray for Mr Ian Cormack

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

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

Condition(s)

1. Notwithstanding the submitted details no development shall commence until:
   i) a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 2.4 metres by 70 metres to the east, and 2.4 metres by 90 metres to the west, and a schedule of maintenance for the splay area has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and
   ii) thereafter the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
   iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

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

2. Prior to the completion or first occupation of the dwellinghouse, 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 minimum 3.5m 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

3. Prior to the occupation of the dwellinghouse an access lay-by 8.0m 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.

4. Any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe (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.

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

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

6. 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.

Further comment(s) to be passed to applicant

The formation of the required visibility splay to the east may require the regrading/lowering of the existing high verge.

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

Before starting any work on the existing public road 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 **Date 17 May 2018**
email address: transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

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

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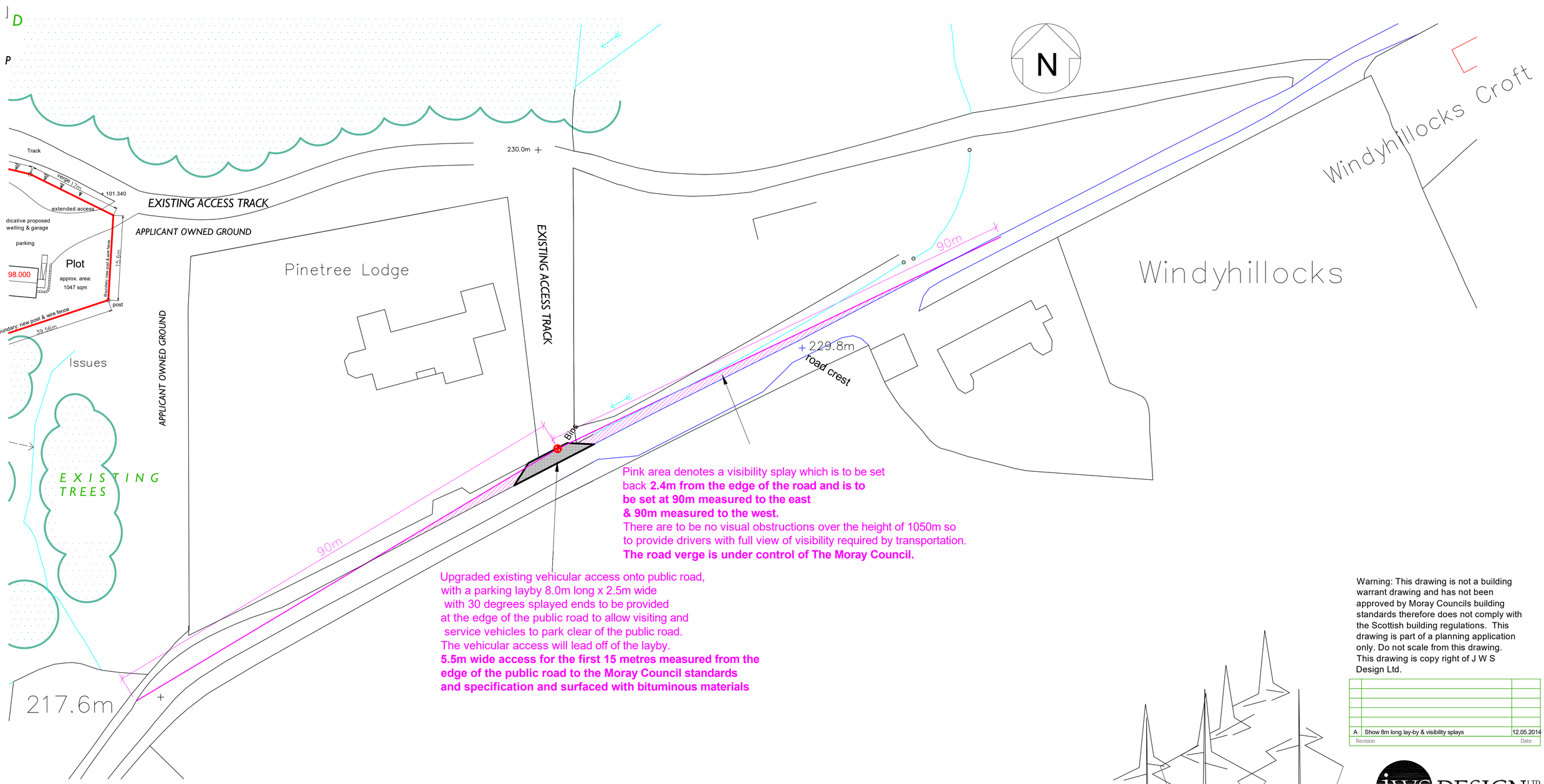
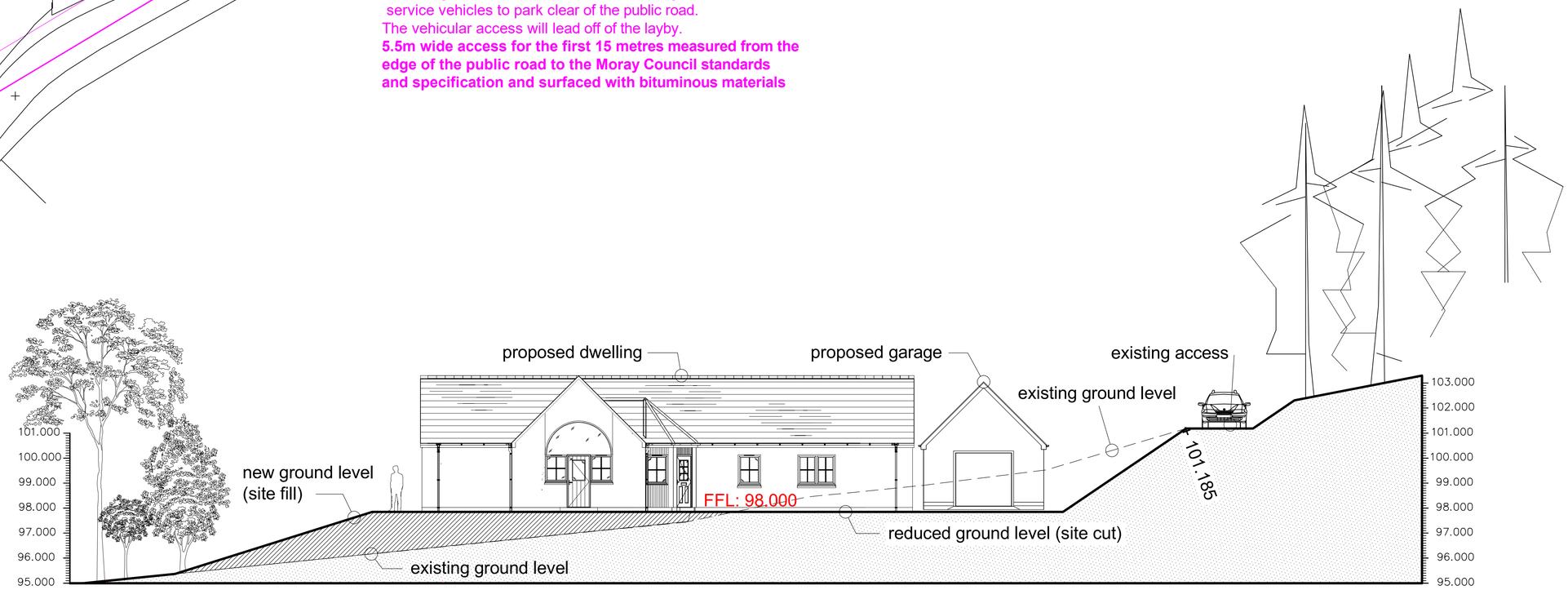


PLAN nts



SITE CROSS SECTION 1:100

Warning: This drawing is not a building warrant drawing and has not been approved by Moray Councils building standards therefore does not comply with the Scottish building regulations. This drawing is part of a planning application only. Do not scale from this drawing. This drawing is copy right of J W S Design Ltd.

Revision		Date
A	Show 8m long lay-by & visibility splays	12.05.2014

jWS DESIGN LTD
BUILDING CONSULTANT
BSC ARCHITECTURAL TECHNOLGY
Berrybauds Clochan Buckie AB56 5HX
Tel/Fax: 01542 850336
E-mail: info@jws-design.co.uk

Do not scale from this drawing
If in doubt ask the designer
This drawing and all parts of it is copy right of JWS Design Limited

Project
Proposed House & Garage
North of Dowells Croft
Craigellachie for Mr & Mrs
Ian Cormack

Drawing
PPP Submission Drawing
Transportation
Consent 14/01387/PPP

Scale: Var @ A1

Date: April 2018

Drawn By: –

Drawing No.: 3

Revision No.: –

Title: Plot North of Dowells Croft Craigellachie for Mr Ian Cormack

Planning Ref: 18/00581/APP

COMPENSATORY REPLANTING SCHEME
May 2018

1.0 INTRODUCITON

This document provides the compensatory tree planting proposals for Plot North of Dowells Croft Craigellachie. This scheme has been prepared by JWS Design Ltd and aims to satisfy the Development managements replanting requirements and condition:

"No tree felling shall commence on site until a woodland planting scheme to compensate for the removal of 0.105 hectares of existing woodland ("the Replanting Scheme") has been submitted to and approved in writing by Moray Council in consultation with Forestry Commission Scotland. The Replanting Scheme must comply with the requirements set out in the UK Forestry Standard (Forestry Commissions, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers. The Replanting Scheme submitted for approval must include:-

a. details of the location of the area to be planted;
b. details of land owners and occupiers of the land to be planted;
c. the nature, design and specification of the proposed woodland to be planted;
d. details of all Necessary Consents for the Replanting Scheme and timescales within which each shall be obtained;
e. the phasing and associated timescales for implementing the Replanting Scheme;
f. proposals for the maintenance and establishment of the Replanting Scheme, including; annual checks; replacement planting; fencing; ground preparation; and drainage."

2.0 OUTLINE PROPOSAL
The Replanting Strategy aims to replace the loss of circa 0.105ha of existing woodland to the location shown on Drawing 1 FCS The location of the proposed replanting scheme is owned by Mr Ian Cormack, who is the Applicant for this planning permission.

3.0 DETAILED PROPOSALS
3.1 Compensatory Tree Planting
Approximate Nos:
The area of proposed tree planting will comprise of a total of 100 trees, as illustrated on Drawing 1 FCS, to be planted during the next growing season.
Trees will be supplied from an approved source with traceable provenance for the local area. This will include provision of a seed certificate illustrating quantities plus provenance and native seed zones (201, 202). Trees will be planted in a randomised order to provide a naturally vegetated appearance.

Broadleaf Mix:	**Coverage**	**No.**
Species		
Silver Birch	70%	70
Rowan	15%	15
Willow	15%	15
Total	**100%**	**100**

Year 2 Aftercare (January 2021 – December 2021)
Site visits to carry out tree guard maintenance and litter pick, twice annually.
Carry out beat-up (replacement) planting of any failed trees.
Spring weeding of trees with spot application of glyphosate, second application in July, if required.
Application of selective broadleaved herbicide outwith tree spots to control invasive noxious weeds, if required (e.g. thistles, docks and nettles).
August - beating-up assessment to spot mark any guards containing failed trees.
Maintenance site visits to monitor tree health and growth, weeding requirements, vermin activity and advisory reports.

Year 3 Aftercare (January 2022 – December 2022)
Site visits to carry out tree guard maintenance and litter pick, twice annually.
Carry out beat-up (replacement) planting of any failed trees.
Spring weeding of trees with spot application of glyphosate, second application in July, if required.
Application of selective broadleaved herbicide outwith tree spots to control invasive noxious weeds, if required (e.g. thistles, docks and nettles).
Maintenance site visits to monitor tree health and growth, weeding requirements, vermin activity and advisory reports.
Production of a Maintenance Report for issue to the Council.

Year 4 Aftercare (January 2023 – December 2023)
Site visits to carry out tree guard maintenance and litter pick, twice annually
Formative pruning of trees to concentrate growth on one leading shoot to prevent future splitting.
Spring weeding of trees with spot application of glyphosate, second application in July, if required.
Application of selective broadleaved herbicide outwith tree spots to control invasive noxious weeds, if required (e.g. thistles, docks and nettles).
Maintenance site visits to monitor tree health and growth, weeding requirements, vermin activity and advisory reports.

Year 5 Aftercare (January 2024 – December 2024)
Site visits to carry out tree guard maintenance and litter pick, twice annually.
Maintenance site visits to monitor tree health and growth, weeding requirements, vermin activity and advisory reports.
Production of a Maintenance Report for issue to the Council.

Scheme to be signed off in agreement with the Council and/or the relevant Statutory Bodies. (only upon successful establishment of the scheme).

Location Plan nts

Detailed site Plan 1:1250

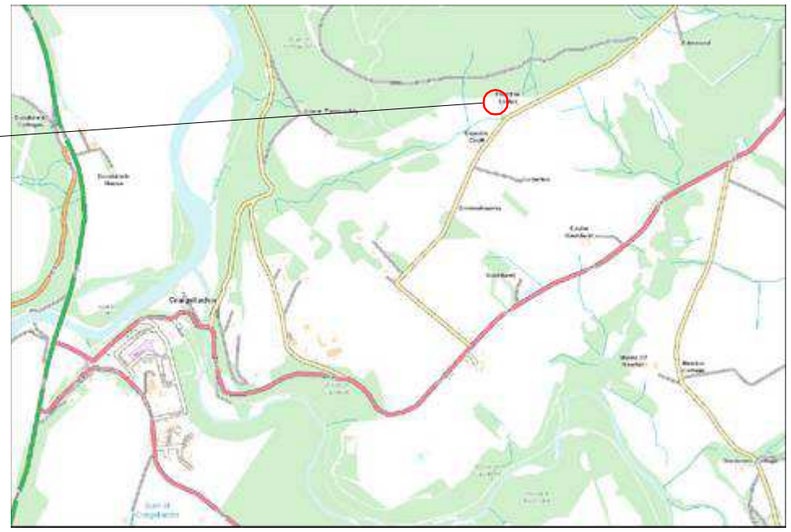
Area of compensatory tree replanting.
Replanting open area to be equal to plot area.

N

plot referred to

Ordnance Survey (c) Crown Copyright 2014. All rights reserved. Licence number 100022432

SITE PLAN 1:1250



LOCATION PLAN NTS

COMPENSATORY TREE REPLANTING
Tree Planting (broad leaf species)

Silver birch	20%
Rowan	15%
Willow	15%

Trees 1500mm tall minimum in protective plastic tubes, planted at 1500mm centres

Refer to Compensatory Replanting Report May 2018 for further information.

Warning: This drawing is not a building warrant drawing and has not been approved by Moray Councils building standards therefore does not comply with the Scottish building regulations. This drawing is part of a planning application only. Do not scale from this drawing. This drawing is copyright of J W S Design Ltd.

Revision	Date

JWS DESIGN LTD
BUILDING CONSULTANT
BSC ARCHITECTURAL TECHNOLGY
Berrybauds Clochan Buckie AB56 5HX
Tel/Fax: 01542 850336
E-mail: info@jws-design.co.uk

Do not scale from this drawing
If in doubt ask the designer
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Project:
House Plot
North of Dowells Croft
Craigellachie for Mr & Mrs
Ian Cormack

Drawing
PPP Submission Drawing
Site Plans
18/00581/PPP

Scale 1:1250 @A3

Date May 2018

Drawn By –

Drawing No. 1 FCS

Revision No. –

Lissa Rowan

From: Planning Consultation
Subject: FW: [GCSX] RE: Forestry Commission - The Moray Council Planning Application Consultation for 18/00581/PPP

From: Hay, David [mailto:David.Hay@forestry.gsi.gov.uk]
Sent: 21 May 2018 3:10 PM
To: Emma Mitchell
Subject: [GCSX] RE: Forestry Commission - The Moray Council Planning Application Consultation for 18/00581/PPP

Dear Emma,

Forestry Commission Scotland (FCS) is satisfied with the compensatory planting plan submitted by the applicant. As the plan meets the requirements of the Scottish Governments Control of Woodland Removal Policy and the UK Forestry Standard(UKFS), FCS is willing to remove the requirement for a tree survey at this time.

FCS would be willing to offer the council support in ratifying the delivery of the compensatory planting condition if required.

If you require clarification or additional information please do not hesitate to contact me.

Kind regards

David

David Hay BSc(Hons) MICFor | Woodland Officer (Moray) | **Forestry Commission Scotland** |Grants and Regulations|Grampian Conservancy | Huntly | Aberdeenshire | AB54 4SJ
Office 0300 067 6210 | Direct Dial: 0300 067 6281 | Mob: 07733308259

www.forestry.gov.uk/scotland
www.facbook.com/forestrycommissionscotland
www.twitter.com/fcscotlandnews

Forestry Commission Scotland is the Scottish Government's forestry advisor and regulator.

From: Emma Mitchell [mailto:Emma.Mitchell@moray.gcsx.gov.uk]
Sent: 21 May 2018 10:31
To: Hay, David
Subject: FW: Forestry Commission - The Moray Council Planning Application Consultation for 18/00581/PPP

Hi David

Please see proposed compensatory planting scheme for application 18/00581/APP. I gather that if this is satisfactory you will remove the need for a tree survey. Can you please send a revised consultation response.

Please get in touch if you wish to discuss further.

Kind Regards

Emma Mitchell MRTPI | Planning Officer | Development Management
emma.mitchell@moray.gov.uk | website | facebook | twitter | newsdesk
01343 563249
moray council

Lissa Rowan

From: Jake Smith <info@jws-design.co.uk>
Sent: 17 May 2018 15:57
To: Emma Mitchell
Subject: RE: Forestry Commission - The Moray Council Planning Application Consultation for 18/00581/PPP
Attachments: Compensatory_Replanting_Scheme.pdf; Replanting_Scheme_FCS_Drg_1.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Emma,

Thank you for that. Had a good conversation with David, (very helpful guy) we discussed the background of the proposal and options available i.e. Fee payable to the council for replanting elsewhere or compensatory replanting scheme

I have been in touch with the applicant Ian and discussed these options. A compensatory replanting scheme is proposed due to there being ample ground available for replanting. I can confirm that no NID was sent to the council.

David has said that he will be retracting the tree survey requirement provided that he receives a satisfactory compensatory replanting scheme. See attached Scheme & Drawing 1 FCS. (can you please forward to David for comment)

I hope this is of assistance and helps you in your decision process.

Best regards

Jake

From: Emma Mitchell
Sent: 17 May 2018 12:08
To: 'Jake Smith '
Subject: RE: Forestry Commission - The Moray Council Planning Application Consultation for 18/00581/PPP

Hi Jake

Thank you for the for the information regarding the start of works on the previous application, just to clarify can you confirm that no NID was sent to the council?

I emailed David whilst on the phone to you. I will attach the pictures I sent him to this email. David's phone number - [redacted]

I will be in touch next week to discuss further.

Kind Regards

Emma Mitchell MRTPI | Planning Officer | Development Management
emma.mitchell@moray.gov.uk | website | facebook | twitter | newsdesk
01343 563249

moray council

From: Jake Smith [mailto:info@jws-design.co.uk]
Sent: 17 May 2018 12:01 PM
To: Emma Mitchell
Subject: RE: Forestry Commission - The Moray Council Planning Application Consultation for 18/00581/PPP

Hello Emma,

Just spoken with Ian the applicant. Ian only spoke with Teresa, no letter or photos where sent in regarding the formation of the plot access hence no record.

Re the tree info, can you please cc me your email & photos to David Hay, I've taken his number down incorrectly so I need his number please.

Re David's access comment, the access is the old public road from Craigellachie and is a shared access according to the applicants deeds.

I look forward to hearing from you next week re your investigation on the site and relevant policies.

Thanks for your time this morning

Regards

Jake

From: Emma Mitchell <Emma.Mitchell@moray.gov.uk>
Sent: 16 May 2018 17:15
To: 'Jake Smith ' <info@jws-design.co.uk>
Subject: RE: Forestry Commission - The Moray Council Planning Application Consultation for 18/00581/PPP

Hi Jake

I will call you tmw morning to discuss.

Kind Regards

Emma Mitchell MRTPI | Planning Officer | Development Management
emma.mitchell@moray.gov.uk | website | facebook | twitter | newsdesk
01343 563249

moray council

From: Jake Smith [mailto:info@jws-design.co.uk]
Sent: 16 May 2018 4:56 PM
To: Emma Mitchell
Subject: RE: Forestry Commission - The Moray Council Planning Application Consultation for 18/00581/PPP

Hello Emma,

Thank you for your email, can you please give me a call, as need to discuss these comments and requirements with you.

Regards

Jake

From: Emma Mitchell <Emma.Mitchell@moray.gov.uk>
Sent: 16 May 2018 16:18
To: 'J W S DESIGN' <info@jws-design.co.uk>
Subject: Forestry Commission - The Moray Council Planning Application Consultation for 18/00581/PPP

Dear Jake

Please see comments below for planning application 18/00581/APP from the Forestry Commission.

The planning application area as shown is recorded on the National Forest Inventory (NFI) as broadleaved woodland.

There are no current Forestry Grant Schemes or outstanding felling licence obligations on the area in question. It appears from our initial desk based analysis that trees may have already been removed from the proposal area possibly to pre-empt this application. FCS will have to investigate further to ascertain whether or not this has been carried out in accordance with the Forestry Act (1967).

As the red line boundary is entirely situated within woodland and would denote a change in land-use and subsequent permanent removal of approximately 0.105 ha from the NFI then the Scottish Government (SG) policy Control of Woodland Removal (2009) will apply.

It is unclear from the documentation provided as to whether there is an intention to remove additional woodland in association with this development or whether contiguous woodland will be adversely affected, I therefore recommend that the applicant prepares a tree survey, which details;

- *Trees/woodland to be removed*
- *Trees/woodland to remain*
- *Tree protection measures*
- *On-site mitigation planting or off-site compensatory planting.*

Once this information has been provided, FCS will be better placed to advise further.

The intended access track to the north is shown on the ownership deeds of the National Forest Estate (NFE) which is managed by Forest Enterprise. I have forwarded a copy of the application to them for their comment.

Can you please submit the required information as soon as possible. Please get in touch if you wish to discuss further.

Kind Regards

Emma Mitchell MRTPI | Planning Officer | Development Management
emma.mitchell@moray.gov.uk | website | facebook | twitter | newsdesk
01343 563249
moray council

From: Hay, David [mailto:David.Hay@forestry.gsi.gov.uk]
Sent: 16 May 2018 12:44 PM

To: Emma Mitchell
Subject: [GCSX] The Moray Council Planning Application Consultation for 18/00581/PPP

Hi Emma,

I was supposed to attach this to the previous email.

Thanks

David

REPORT OF HANDLING

Ref No:	18/00581/PPP	**Officer:**	Emma Mitchell
Proposal Description/ Address	Erect dwellinghouse and detached garage on Site North Of Dowalls Croft Craigellachie Moray		
Date:	14.06.2018	**Typist Initials:**	LMC

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

CONSULTATIONS		
Consultee	**Date Returned**	**Summary of Response**
Planning And Development Obligations	10/05/18	
Forestry Commission	05/06/18	
Development Plans (Environment)	11/06/18	
Environmental Health Manager	16/05/18	
Contaminated Land	10/05/18	
Transportation Manager	17/05/18	
Scottish Water	11/05/18	

DEVELOPMENT PLAN POLICY		
Policies	**Dep**	**Any Comments (or refer to Observations below)**
PP1: Sustainable Economic Growth	N	
PP2: Climate Change	N	
PP3: Placemaking	N	
H7: New Housing in the Open Countryside	Y	
E3: Protected Species	N	
E4: Trees and Development	N	
EP5: Sustainable Urban Drainage Systems	N	
EP9: Contaminated Land	N	
T2: Provision of Access	N	
T5: Parking Standards	N	
IMP1: Developer Requirements	Y	

IMP3: Developer Obligations	N	
ER2: Development with Woodland	N	
E2: Local Nature Conservation Sites and Biodiversity	N	

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

Proposal

- Planning permission in principle is sought for the erection of a dwellinghouse and detached garage on a site north of Dowalls Croft, Craigellachie.
- The application includes an indicative site layout which shows a house positioned within the plot with access via an existing access track of the U64H to the north. It also contains confirmation of intentions to install private foul drainage arrangements i.e. septic tank and with soakaway and a connection to the public water supply.

Planning permission was previously granted on the site (14/01387/PPP) in September 2014 for a dwelling. This consent lapsed in September 2017.

Site Characteristics

- The almost rectangular site is 1047 sqm in size; it has been recently cleared of woodland.
- The site is recorded within the National Forest Inventory for Scotland.
- The hillside site is located approx. 1.5 miles north east of Craigellachie.
- An access track runs along with the northern boundary of the site with mature woodland beyond it. Woodland is located to the west of the site. To the south of the site a new access has been constructed of the U64H (please note this is not the proposed access for the application site), young woodland is located to the west of the newly constructed access track.

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. The main planning issues are considered below.

Siting (H7, IMP1, Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside and Supplementary Guidance - 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. It also states that proposals must not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the 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.

There has been a significant growth in the number of new house applications in the area where the proposed site is located. The proposed site falls within the Craigellachie Housing in the Countryside Hotspot, as identified within the 'Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside'. The number of new houses located along, and taking access from, the U64H Balnacoul Road has led to an unacceptable cumulative and incremental build-up of development in terms of policies H7 and IMP1 and 'Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside'. The incidence and inter-visibility of new houses result in these being a major characteristic of the landscape and a sequential visual impact when travelling along roads, particularly the U64H, in the vicinity of the proposed site. There has been a total of 11 dwellings granted planning permission along the U64H since the previous application for the site (14/01387/PPP) was approved. The most recent 3 were approved by the Moray Councils Local Review Body. Given the high volume of new dwellings consented and built since the previous application it has been determined that yet another dwelling within the stretch of the U64H is unacceptable in terms of cumulative build-up. The proposal is therefore considered to constitute an inappropriately located site and would contribute to an unacceptable cumulative build-up of development and is therefore contrary to Policies H7 and IMP1.

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 have no objections subject to conditions and informatives being attached to the consent if it were to be approved.

Trees and Woodland (E4 and ER2)
The aim of this policy is to give protection to trees and woodlands which are considered to be of significant amenity value to the community as a whole. The Forestry Commission Scotland (FCS) were consulted on the proposal due to it lying within the National Forest Inventory for Scotland. The planning application area as shown is recorded on the National Forest Inventory (NFI) as broadleaved woodland; however the trees have already been permanently removed from the proposed area.

The red line boundary is entirely situated within woodland and would denote a change in land-use and subsequent permanent removal of approximately 0.105 ha from the NFI then the Scottish Government (SG) policy Control of Woodland Removal (2009) would apply.

It was unclear from documentation provided as to whether there is an intention to remove additional woodland in association with this development or whether contiguous woodland will be adversely affected. A Tree Survey was requested by the FCS to be undertaken.

The agent undertook discussions with the FCS where it was decided that a compensatory replanting scheme could remove the requirement for a tree survey. A compensatory replanting scheme was submitted which the FCS was satisfied with. The plan meets the requirements of the Scottish Governments Control of Woodland Removal Policy and the UK Forestry Standard (UKFS), and as such no tree survey was required to be submitted.

If the application was to be approved a condition would be attached to the planning consent regarding the compensatory replanting scheme.

Drainage and Water (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 would be determined as part of Building Standards requirements.

Connection to the public water supply is proposed. Scottish Water were consulted on the proposal and have no objections.

Developer Obligations (IMP3)
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.

If planning permission were to be granted a developers contribution of £491.76 towards Healthcare would be required to be paid prior to the consent being issued.

Recommendation
Refuse.

REASON(S) FOR DECISION
The Council's reason(s) for making this decision are:-

> The proposal does not comply with the necessary policies of the Moray Local Plan 2015 nor does it comply with the required Supplementary Guidance (Housing in the Countryside and the Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside).

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
14/01387/PPP	Erect dwellinghouse and detached garage on Ground North Of Dowells Croft Craigellachie Moray			
	Decision	Permitted	**Date Of Decision**	03/09/14

ADVERT

Advert Fee paid?	No	
Local Newspaper	**Reason for Advert**	**Date of expiry**
Northern Scot	Departure from development plan	14/06/18
Northern Scot	No Premises	07/06/18
PINS	Departure from development plan	14/06/18
PINS	No Premises	07/06/18

DEVELOPER CONTRIBUTIONS (PGU)

Status	N/A

DOCUMENTS, ASSESSMENTS etc. * ** Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*		
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name: Main Issues:		

.

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

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

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

REFUSAL OF PLANNING PERMISSION

[Speyside Glenlivet]
Planning Permission in Principle

TO [redacted]

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

Erect dwellinghouse and detached garage on Site North Of Dowalls Croft Craigellachie Moray

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

Date of Notice: **14 June 2018**

[redacted]

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

Ref: 18/00581/PPP

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 Councils reason(s) for this decision are as follows: -

The proposal would be contrary to policies H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (MLDP 2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside for the following reason:

The proposal is considered to constitute an inappropriately located site that would contribute to an unacceptable cumulative build-up of development given the large number of built and consented dwellings already along the U64H on 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
1	Site and location plan
2	Indicative house plans
3	Transport drawings

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.scot/eplanningClient

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase

notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS

The Moray Council Council Office High Street Elgin IV30 1BX Tel: 01343 563 501 Fax: 01343 563 263 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 100126294-001

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

Applicant or Agent Details

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

Agent Details

Please enter Agent details

Company/Organisation:	JWS Design Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Jake	Building Name:	Hillcrest
Last Name: *	Smith	Building Number:	75
Telephone Number: *	01542836147	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Buckie
Fax Number:		Country: *	Scotland
		Postcode: *	AB56 1HX
Email Address: *	Info@jws-design.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:	Dowalls Croft
First Name: *	Ian	Building Number:	
Last Name: *	Cormack	Address 1 (Street): *	Craigellachie
Company/Organisation		Address 2:	
Telephone Number: *	[redacted]	Town/City: *	Aberlour
Extension Number:		Country: *	Scotland
Mobile Number:	[redacted]	Postcode: *	AB38 9RJ
Fax Number:			
Email Address: *			

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	846210	Easting	330659

Description of Proposal

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

Local Review Body Application for Planning Application Reference 18/00581/PPP to Erect dwelling house and detached garage on Site North Of Dowalls Croft Craigellachie Moray

Type of Application

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

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

☒ Application for planning permission in principle.

☐ Further application.

☐ Application for approval of matters specified in conditions.

What does your review relate to? *

☒ Refusal Notice.

☐ Grant of permission with Conditions imposed.

☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

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

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

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

Please refer to Grounds For Review Supporting Statement.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * ☐ Yes ☒ No

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

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

Grounds For Review Supporting Statement_LRB_18.06.2018 Refusal Document: 1800581 - FINAL (LMC) 1800581PPP-Indicative house plans.pdf 1800581PPP-Site and location plan.pdf 1800581PPP-Transport drawings.pdf

Application Details

Please provide details of the application and decision.

What is the application reference number? *	18/00581/PPP
What date was the application submitted to the planning authority? *	27/04/2018
What date was the decision issued by the planning authority? *	14/05/2018

Review Procedure

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

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

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? *	☒ Yes ☐ No
Is it possible for the site to be accessed safely and without barriers to entry? *	☒ Yes ☐ No

Checklist – Application for Notice of Review

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

Have you provided the name and address of the applicant?. *	☒ Yes ☐ No
Have you provided the date and reference number of the application which is the subject of this review? *	☒ Yes ☐ No
If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *	☒ Yes ☐ No ☐ N/A
Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *	☒ Yes ☐ No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *	☒ Yes ☐ No

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

Declare – Notice of Review

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

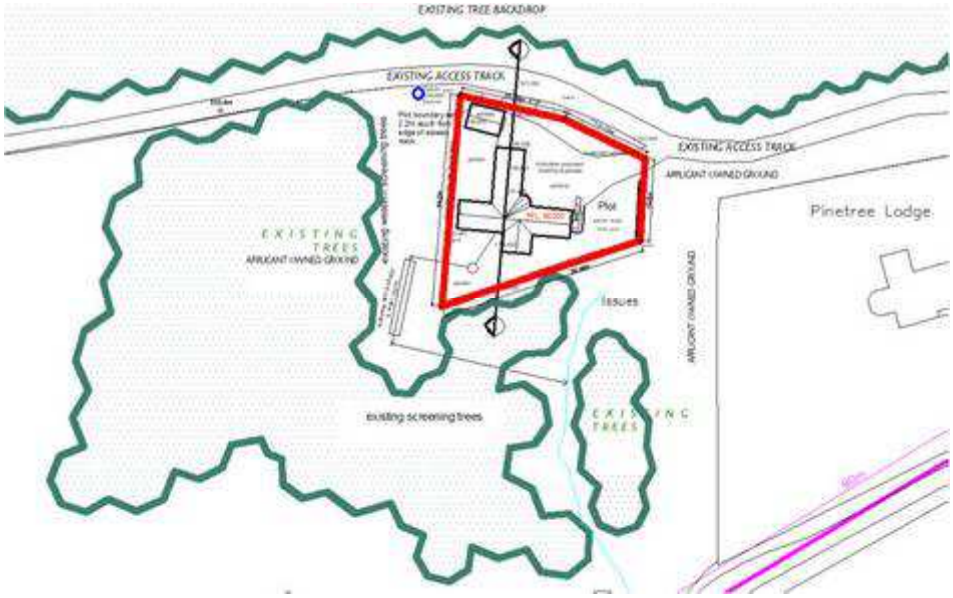
Declaration Name: Mr Jake Smith

Declaration Date: 26/06/2018

Erect dwellinghouse and detached garage on Site North Of Dowalls Croft Craigellachie Moray

18th June 2018

Grounds for Review of Refusal of Planning Permission Application Ref No: 18/00581/PPP



Prepared on behalf of Mr Ian Cormack (Applicant) by

JWS Design Ltd

info@jws-design.co.uk

01542 850336

Consent History:

Planning consent reference 14/0138/PPP was granted on 3rd September 2014.

A significant amount of time was spent working on the proposals in order to provide Planning officer Richard Smith with an acceptable proposal. The application was a PPP application however a single storey house and dethatched garage with a substantial site cut was designed in order to satisfy Richards requirements of a visually low impact design.

The 2014 Planning consent has expired only relatively recently and was an oversite by the applicant. The Plot was under offer with the purchaser developing a single-story house design for the submission of a full planning application. A deed plan for the plot was also prepared to completed the sale.

REASON(S) FOR REFUSAL

The proposal would be contrary to policies H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (MLDP 2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside for the following reason:

The proposal is considered to constitute an inappropriately located site that would contribute to an unacceptable cumulative build-up of development given the large number of built and consented dwellings already along the U64H on which it is located.

Site Fundamentals:

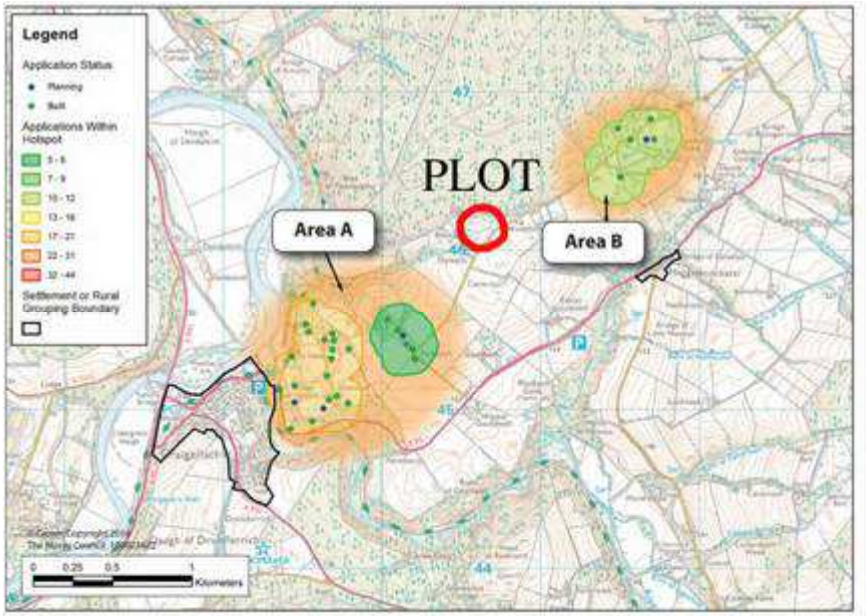
The plot proposals are contrary to the planning officers above statement:

"The proposal is considered to constitute an inappropriately located site that would contribute to an unacceptable cumulative build-up of development given the large number of built and consented dwellings already along the U64H on which it is located."

As mentioned above the planning consent for a house and detached garage expired relatively recently, fundamentally therefore if the consent had not lapsed then a full planning application would have been submitted to Development Services and most likely approved by this time with construction commencement, all in accordance with the planning policy of the time.

No further houses have been approved or built within the direct vicinity of the site therefore no additional build up in this area has occurred. The site would simply be reinstated thus not adding to cumulative build up.

The location of the site is also a substantial distance away from and not within the Area A or B exclusion zone on the Craigiellachie map of "Guidance Note On Land and Visual Impacts of Cumulative Build-Up Of Houses In The Countryside" document as referred to by the planning officer. See below map.



Furthermore

The guidance given within “Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside” states:

“Additional houses should only be accommodated on these hill slopes in exceptional circumstances where adequate screening is provided by mature woodland.”

The land in question is surrounded by existing mature screening to the south as approached from the public road, east and west. The above existing screening combined with the initial houses siting and design work results with a proposal that complies with the above guidance.

Forestry:

A Compensatory Tree Replanting Scheme which will further enhance the sites screening has been submitted to the satisfaction of the Forestry Commission Scotland.

Transportation & Road Safety:

In the interest of Road Safety in relation to the proposed access we have successfully met with Transportations visibility splay requirements resulting in the plot having safe vehicular access with regards to any future occupant usage including passing public road users and pedestrians.

Online Representations / Neighbour Objections

No objections have been made.

Based on all of the above facts we believe the application provides an entirely acceptable visually low impact plot that has safe vehicle ingress and egress. The application is also in accordance with H7 and IMP1.

Jake Smith

JWS Design Ltd.

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

REFUSAL OF PLANNING PERMISSION

[Speyside Glenlivet]
Planning Permission in Principle

TO Mr Ian Cormack
c/o J W S Design Limited
Hillcrest
75 High Street
Buckie
Moray
AB56 1AX

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

Erect dwellinghouse and detached garage on Site North Of Dowalls Croft Craigellachie Moray

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

Date of Notice: **14 June 2018**

[redacted]

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

Ref: 18/00581/PPP

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 Councils reason(s) for this decision are as follows: -

> The proposal would be contrary to policies H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (MLDP 2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside for the following reason:
>
> > The proposal is considered to constitute an inappropriately located site that would contribute to an unacceptable cumulative build-up of development given the large number of built and consented dwellings already along the U64H on 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
1	Site and location plan
2	Indicative house plans
3	Transport drawings

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.scot/eplanningClient

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase

notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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

PERMISSION FOR DEVELOPMENT

[Speyside Glenlivet]
Planning Permission in Principle

TO Mr Ian Cormack
c/o J W S Design Limited
Berrybauds
Claochan
BUCKIE
AB56 5HX

With reference to your application for planning permission in principle under the above-mentioned Act, the Moray Council in exercise of its powers hereby **GRANT** planning permission for the following development:-

Erect dwellinghouse and detached garage on Ground North Of Dowells Croft Craigellachie Moray

in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, and where appropriate, subject to the condition(s) and reason(s) as set out in the attached schedule.

This permission does not carry with it any necessary consent or approval to the proposed development under the building regulations or other statutory enactments and the development should not be commenced until all consents have been obtained.

Date of Notice: **3rd September 2014**

[redacted]

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

Ref: 14/01387/PPP

IMPORTANT NOTE

YOU ARE OBLIGED TO COMPLY WITH THESE CONDITIONS AND NOTES

SCHEDULE OF CONDITIONS

By this Notice the Moray Council has **GRANTED PLANNING PERMISSION IN PRINCIPLE** for this proposal subject to conditions as appropriate to ensure implementation of the proposal under the Town & Country Planning (Scotland) Act 1997, as amended. **It is important that these conditions are adhered to and failure to comply may result in enforcement action being taken.**

CONDITION(S)
Permission is granted subject to the following conditions: -

1 (a) That in the case of any matter specified in conditions attached to the planning permission in principle, application for approval must be made before:-

(i) that expiration of 3 years from the date of the grant of planning permission in principle; or

(ii) the expiration of 6 months from the date on which an earlier application for such approval for the same matters was refused; or

(iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest: provided that only one such application for approval of matters specified in conditions may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (i) above.

(b) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-

(i) the expiration of 3 years from the date of the grant of planning permission in principle; or

(ii) the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.

2 The approval hereby granted is for planning permission in principle and prior to the commencement of the development approval of matters specified in conditions, including the siting, design and external appearance of the building(s) the means of access thereto and the landscaping of the site shall be obtained from the Council, as Planning Authority.

3 The grant of planning permission in principle hereby granted for the proposed development shall be carried out only in accordance with detailed drawings

which shall previously have been submitted to and approved by the Council, as Planning Authority. These drawings shall show the matters specified in conditions numbered 4-8 below.

4 Plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes shall be submitted in accordance with condition no. above.

5 The proposed layout of the site showing the exact position of the site boundaries, the position of all buildings, the means of access, areas for vehicle parking and the arrangements for the disposal of foul and surface water (i.e. a SUDS system or equivalent) shall be submitted in accordance with condition no. above.

6 Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening shall be submitted in accordance with condition no. above.

7 Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. above.

8 Landscaping proposals showing any existing trees/hedges/shrubs to be retained or removed together with details of the type, position and number of all planting to be undertaken and details of all surfacing materials shall be submitted in accordance with condition no. above.

9 Prior to any development works commencing:
   i) a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 2.4 metres by 70 metres to the east and 2.4 metres by 90 metres to the west and a schedule of maintenance for the splay area shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
   ii) the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
   iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

10 Prior to the commencement of development details shall be 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.

11 The width of the vehicular access shall be a minimum of 3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The first 10m of the access track, measured from the edge of the public road, shall be constructed to the Moray Council specification and surfaced with bituminous macadam.

12 An access lay-by 8.0m long by 2.5m wide with 30 degrees splayed ends shall be provided at the edge of the public road to allow visiting service vehicles to park clear 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.

13 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.

14 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.

15 The house hereby approved shall not be occupied until an adequate and wholesome supply of water has been provided.

The Council's reason(s) for imposing the above condition(s) are:-

1 The time limit condition is imposed in order to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

2 In order to ensure that the matters specified can be fully considered prior to the commencement of development.

3 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

4 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

5 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

6 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

7 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

8 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

9 To enable drivers of vehicles entering or exiting the site to have a clear view

so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

10 To ensure acceptable infrastructure at the development access through the provision of details currently lacking.

11 To ensure acceptable infrastructure at the development access.

12 To ensure the provision of facilities for deliveries to the development in the interests of road safety.

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

14 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.

15 In order to ensure a suitable water supply.

REASON(S) FOR DECISION

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

The Proposal was considered to be in accordance with the development plan and there were no material considerations which outweighed the proposal's accordance with the development plan.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference Version	Title
1	Site and location plan
2	House and garage details
3	Site section and access

IMPORTANT NOTES ABOUT THIS DECISION

DURATION OF THIS PERMISSION

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended:

(a) That in the case of any matter specified in conditions attached to the planning permission in principle, application for approval of matters specified in conditions must be made before:-
   (i) that expiration of 3 years from the date of the grant of planning permission in principle; or
   (ii) the expiration of 6 months from the date on which an earlier application for such approval for the same matters was refused; or
   (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest, and

(b) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
   (i) the expiration of 3 years from the date of the grant of planning permission in principle; or
   (ii) the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.

If an application for approval of matters specified in conditions has not been made or the development has not begun within the specified dates this planning permission in principle shall lapse unless there is a specific condition attached to this permission which varies the stated timescales.

COMMENCEMENT AND COMPLETION OF THE DEVELOPMENT

The following are statutory requirements of the Town & Country Planning (Scotland) Act 1997, as amended. Failure to meet their respective terms represents a breach of planning control and may result in formal enforcement action. Copies of the notices referred to below are attached to this permission for your use.

NOTIFICATION OF INITIATION OF DEVELOPMENT

S.27A of the 1997 Act, as amended requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, as soon as practicable after deciding the date they will start work on the development, give notice to the planning authority of that date. This ensures that the planning authority is aware that the development is underway and can follow up on any suspensive conditions attached to the permission. Therefore, prior to any work commencing on site, the applicant/developer must complete and submit to the Moray Council, as planning authority, the attached Notification of Initiation of Development.

NOTIFICATION OF COMPLETION OF DEVELOPMENT

S.27B of the 1997 Act, as amended requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority. This will ensure that the planning authority is aware that the development is complete and can follow up any planning conditions. Therefore, on completion of the development or as soon as practicable after doing so, the applicant/developer must complete and submit to the Moray Council, as planning authority the attached Notification of Completion of Development.

NOTIFICATION OF COMPLETION OF PHASED DEVELOPMENT

Under S.27B(2) of the 1997 Act, as amended where permission is granted for phased development, the permission is subject to a condition (see Schedule of Conditions above) requiring the applicant/developer as soon as practicable after each phase to give notice of that completion to the planning authority. This will allow the planning authority to be aware that particular phase(s) of the development is/are complete. When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.

ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

The following notes are provided for your information including comments received from consultees:-

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

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 permission to modify the existing public road, in accordance with Section 48 of the Roads (Scotland) Act. The applicant will be required to provide technical information, including drawings and drainage calculations, a programme for the proposed works. Advice on the application process can be obtained by emailing transport.develop@moray.gov.uk

Before staring any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 85 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.

If required, street furniture will need to be repositioned at the expense of the developer. In addition any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by emailing road.maint@moray.gov.uk

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

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into his property.

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

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

Visibility splays relate to the visibility available to a driver at or approaching a junction in both directions. It is related to the driver's eye height, object height above the road, distance back from the main road known as the 'X' distance and a distance along the main road known as the 'Y' distance. The Y distance is related either to the design speed of the road and a corresponding 'stopping sight distance' or in some circumstances may be based on observed '85th

percentile vehicle speeds'. Advice on this matter can be obtained by emailing transport.develop@moray.gov.uk and reference to the following pages on the Council web site
Transportation Service Requirements for Small Developments in the Countryside
Full document http://www.moray.gov.uk/downloads/file79761.pdf
Checklist http://www.moray.gov.uk/downloads/file68812.pdf

MANAGER (DEVELOPMENT MANAGEMENT) has commented that:-

It is noted that your planning application proposes a septic tank and soakaway/infiltration drainage system and the suitability of the ground condition to accommodate this will be dealt with as part of your Building Warrant application. Full details of a ground assessment, trial pit investigations and percolation test results, from a suitably qualified person as contained within the Council's List of Approved Certifiers, will be required prior to obtaining a Building Warrant

An application for a Building Warrant and compliance with the Building Regulations are entirely separate from Planning procedures. Furthermore, the granting of Planning Consent does not guarantee approval of a Building Warrant.

If you have not already done so and you may wish to satisfy yourself about the adequacy of ground conditions separately at this stage, if so I recommend that you contact the Building Standards Section directly at Environmental Services, The Moray Council, Council Offices, High Street, Elgin, IV30 1BX, telephone(01343) 563243.

Please note that any proposed discharges to land or the water environment will require authorisation from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011. For further details refer to SEPA website http://www.sepa.org.uk/water/water_regulation/regimes.aspx.

Prior to the commencement of development the developer should contact Scottish Water and ensure all the requirements of that authority are complied with.

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

None

DETAILS WHERE DIFFERENT TIME-PERIOD(S) FOR DURATION OF PLANNING PERMISSION IMPOSED (S.58/59 of 1997 ACT)

None

TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION

The terms, or summary of terms of the Agreement can be inspected at:-

None

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

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

The Moray Council

NOTIFICATION OF INITIATION OF DEVELOPMENT

Section 27A Town and Country Planning (Scotland) Act 1997

Planning Application Reference No: 14/01387/PPP

Date issued:

I hereby give notice that works as detailed under the above planning application will commence on:

Signed: ---------- Date: ----------

THE FOLLOWING INFORMATION MUST BE PROVIDED:

1. Name and address of person carrying out the development:

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2. The full name and address of the landowner, if a different person:

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3. Where a site agent is appointed, their full name and contact details:

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4. The date of issue and reference number of the grant of planning permission:

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office,
High Street
Elgin IV30 1BX

Or email to: - development.control@moray.gov.uk

IMPORTANT

It is important that the Environmental Services Department is advised when you propose to start work as failure to do so may result in enforcement action be taken.

Please complete and return this form.

The Moray Council

NOTIFICATION OF COMPLETION OF DEVELOPMENT

Section 27B Town and Country Planning (Scotland) Act 1997

Planning Application Reference No: 14/01387/PPP

Date issued:

I hereby give notice that works as detailed under the above planning application will be completed on: ----------

Signed: ---------- Date: ----------

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office
High Street
Elgin IV30 1BX

Or email to: - development.control@moray.gov.uk

IMPORTANT

It is important that the Environmental Services Department is advised when the development has been completed as failure to do so may result in enforcement action be taken.

Please complete and return this form.

Consultation Request Notification – Development Plans

Planning Authority Name	**The Moray Council**
Response Date	**5th June 2018**
Planning Authority Reference	**18/00581/PPP**
Nature of Proposal (Description)	**Erect dwellinghouse and detached garage on**
Site	**Site North Of Dowells Croft Craigellachie Moray**
Site Postcode	**N/A**
Site Gazetteer UPRN	**000133068433**
Proposal Location Easting	**330659**
Proposal Location Northing	**846202**
Area of application site (Ha)	**1047 m2**
Additional Comments	
Development Hierarchy Level	**LOCAL**
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=P7ZURTBGH5V00
Previous Application	**14/01387/PPP**
Date of Consultation	**22nd May 2018**
Is this a re-consultation of an existing application?	**No**
Applicant Name	**Mr Ian Cormack**
Applicant Organisation Name	
Applicant Address	**Dowells Croft Craigellachie Moray**
Agent Name	**J W S Design Limited**
Agent Organisation Name	
Agent Address	**Hillcrest 75 High Street Buckie Moray AB56 1AX**
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.

Please respond using the attached form:-

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

MORAY COUNCIL
PLANNING CONSULTATION RESPONSE

From: Development Plans

Planning Application Ref. No: 18/00581/PPP
Erect dwellinghouse and detached garage on Site North Of Dowells Croft Craigellachie Moray for Mr Ian Cormack

Ward: 01_17 Speyside Glenlivet

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

		Page No	Policy No(s)	Yes	No
1	**Departure from Moray Local Development Plan 2015**	29	H7 *New Housing in the Countryside*	X	
		39	E4 *Trees and Development*	N/A	N/A
		63	ER2 *Development in Woodland*	N/A	N/A
		84	IMP1 *Developer Requirements*	X	
2	**Further Discussion Required**				

REASONING FOR THIS DECISION:

The proposal is for planning permission in principle to erect a dwellinghouse and detached garage on Site North of Dowells Croft, Craigellachie.

Siting and Build-Up (Policy H7 and IMP1)

Policy H7 *New Housing in the Open Countryside* states that a proposal must not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area, with particular focus placed where there has been a significant growth in the number of new house applications.

In recent years, there has been a significant growth in the number of new house applications in this area and the proposed site falls within the Craigellachie Housing in the Countryside Hotspot, as identified within the *'Guidance Note on Landscape and Visual*

Impacts of Cumulative Build-Up of Houses in the Countryside'. The number of new houses located along, and taking access from, the U64H Balnacoul Road has led to an unacceptable cumulative and incremental build-up of development. The incidence and inter-visibility of new houses result in these being a major characteristic of the landscape and a sequential visual impact when travelling along roads, particularly the U64H, in the vicinity of the proposed site.

Policy IMP1 *Developer Requirements* requires that the scale, density and character of new developments must be appropriate to the surrounding area and be sensitively sited and designed.

The proposal is considered to constitute an inappropriately located site and would contribute to an unacceptable cumulative build-up of development and is therefore contrary to Policies H7 and IMP1.

Woodland (Policies E4 and ER2)

Policies E4 *Trees and Development* and ER2 *Development in Woodlands* aim to give protection to trees and woodland from development. The site is entirely situated within woodland identified on the National Forest Inventory; however the trees have already been permanently removed from the proposed area.

It is noted that the Applicant has submitted a compensatory planting plan to the satisfaction of Forestry Commission Scotland.

Conclusion

The proposal is considered to be contrary to Policies H7 and IMP1 on the grounds that the proposal constitutes an inappropriately located site and would contribute to an unacceptable cumulative build-up of development.

The site is entirely situated within woodland identified on the National Forest Inventory; however the trees have been removed from the proposed area. It is noted that a compensatory planting plan has been submitted to the satisfaction of Forestry Commission Scotland.

Contact: Darren Westmacott **Date: 08/06/2018**
Email Address: Darren.Westmacott@moray.gov.uk **Phone No: 01343 563358**
Consultee: Development Plans

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://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.

Title: Plot North of Dowells Croft Craigellachie for Mr Ian Cormack

Planning Ref: 18/00581/APP

COMPENSATORY REPLANTING SCHEME
May 2018

1.0 INTRODUCITON

This document provides the compensatory tree planting proposals for Plot North of Dowells Croft Craigellachie. This scheme has been prepared by JWS Design Ltd and aims to satisfy the Development managements replanting requirements and condition:

"No tree felling shall commence on site until a woodland planting scheme to compensate for the removal of 0.105 hectares of existing woodland ("the Replanting Scheme") has been submitted to and approved in writing by Moray Council in consultation with Forestry Commission Scotland. The Replanting Scheme must comply with the requirements set out in the UK Forestry Standard (Forestry Commissions, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers. The Replanting Scheme submitted for approval must include:-

a. details of the location of the area to be planted;
b. details of land owners and occupiers of the land to be planted;
c. the nature, design and specification of the proposed woodland to be planted;
d. details of all Necessary Consents for the Replanting Scheme and timescales within which each shall be obtained;
e. the phasing and associated timescales for implementing the Replanting Scheme;
f. proposals for the maintenance and establishment of the Replanting Scheme, including; annual checks; replacement planting; fencing; ground preparation; and drainage."

2.0 OUTLINE PROPOSAL
The Replanting Strategy aims to replace the loss of circa 0.105ha of existing woodland to the location shown on Drawing 1 FCS The location of the proposed replanting scheme is owned by Mr Ian Cormack, who is the Applicant for this planning permission.

3.0 DETAILED PROPOSALS
3.1 Compensatory Tree Planting
Approximate Nos:
The area of proposed tree planting will comprise of a total of 100 trees, as illustrated on Drawing 1 FCS, to be planted during the next growing season.
Trees will be supplied from an approved source with traceable provenance for the local area. This will include provision of a seed certificate illustrating quantities plus provenance and native seed zones (201, 202). Trees will be planted in a randomised order to provide a naturally vegetated appearance.

Broadleaf Mix:	**Coverage**	**No.**
Species		
Silver Birch	70%	70
Rowan	15%	15
Willow	15%	15
Total	**100%**	**100**

Year 2 Aftercare (January 2021 – December 2021)
Site visits to carry out tree guard maintenance and litter pick, twice annually.
Carry out beat-up (replacement) planting of any failed trees.
Spring weeding of trees with spot application of glyphosate, second application in July, if required.
Application of selective broadleaved herbicide outwith tree spots to control invasive noxious weeds, if required (e.g. thistles, docks and nettles).
August - beating-up assessment to spot mark any guards containing failed trees.
Maintenance site visits to monitor tree health and growth, weeding requirements, vermin activity and advisory reports.

Year 3 Aftercare (January 2022 – December 2022)
Site visits to carry out tree guard maintenance and litter pick, twice annually.
Carry out beat-up (replacement) planting of any failed trees.
Spring weeding of trees with spot application of glyphosate, second application in July, if required.
Application of selective broadleaved herbicide outwith tree spots to control invasive noxious weeds, if required (e.g. thistles, docks and nettles).
Maintenance site visits to monitor tree health and growth, weeding requirements, vermin activity and advisory reports.
Production of a Maintenance Report for issue to the Council.

Year 4 Aftercare (January 2023 – December 2023)
Site visits to carry out tree guard maintenance and litter pick, twice annually
Formative pruning of trees to concentrate growth on one leading shoot to prevent future splitting.
Spring weeding of trees with spot application of glyphosate, second application in July, if required.
Application of selective broadleaved herbicide outwith tree spots to control invasive noxious weeds, if required (e.g. thistles, docks and nettles).
Maintenance site visits to monitor tree health and growth, weeding requirements, vermin activity and advisory reports.

Year 5 Aftercare (January 2024 – December 2024)
Site visits to carry out tree guard maintenance and litter pick, twice annually.
Maintenance site visits to monitor tree health and growth, weeding requirements, vermin activity and advisory reports.
Production of a Maintenance Report for issue to the Council.

Scheme to be signed off in agreement with the Council and/or the relevant Statutory Bodies. (only upon successful establishment of the scheme).

Location Plan nts

Detailed site Plan 1:1250

Area of compensatory tree replanting.
Replanting open area to be equal to plot area.

N

plot referred to

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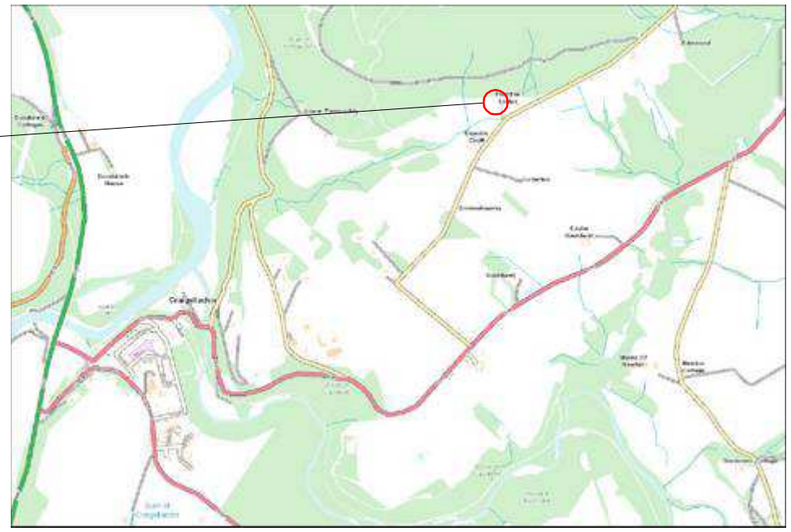
SITE PLAN 1:1250



LOCATION PLAN NTS

COMPENSATORY TREE REPLANTING
Tree Planting (broad leaf species)

Silver birch	20%
Rowan	15%
Willow	15%

Trees 1500mm tall minimum in protective plastic tubes, planted at 1500mm centres

Refer to Compensatory Replanting Report May 2018 for further information.

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Revision	Date

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Project:
House Plot
North of Dowells Croft
Craigellachie for Mr & Mrs
Ian Cormack

Drawing
PPP Submission Drawing
Site Plans
18/00581/PPP

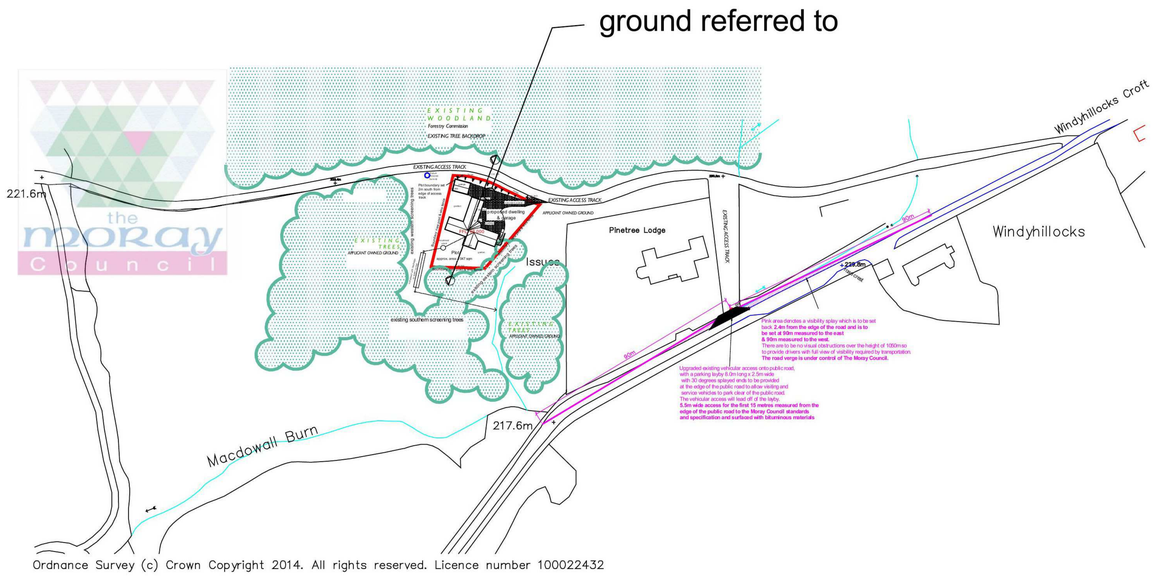
Scale 1:1250 @A3

Date May 2018

Drawn By –

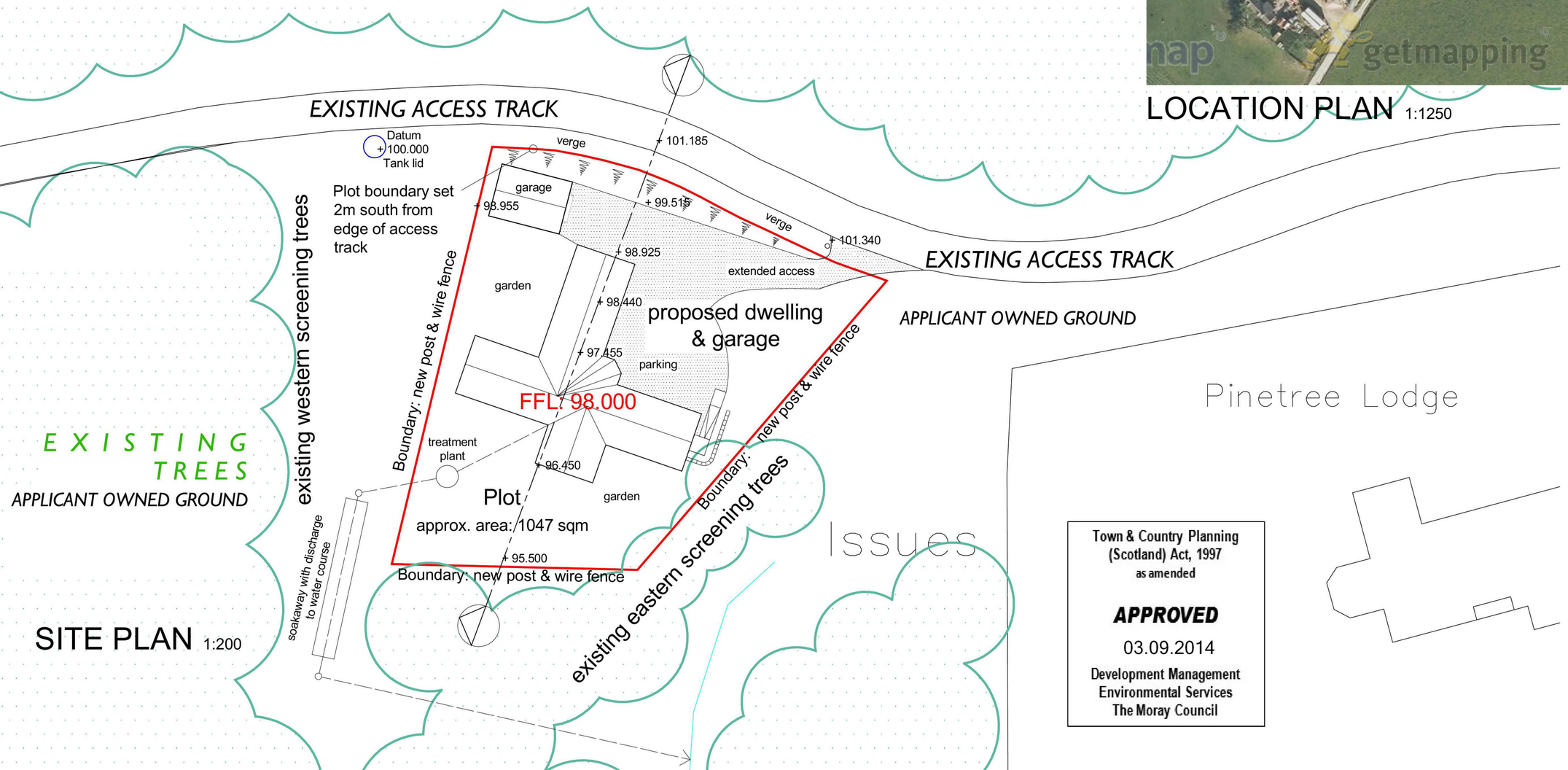
Drawing No. 1 FCS

Revision No. –



LOCATION PLAN 1:1250

LOCATION PLAN 1:1250



SITE PLAN 1:200

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

APPROVED

03.09.2014

Development Management
Environmental Services
The Moray Council

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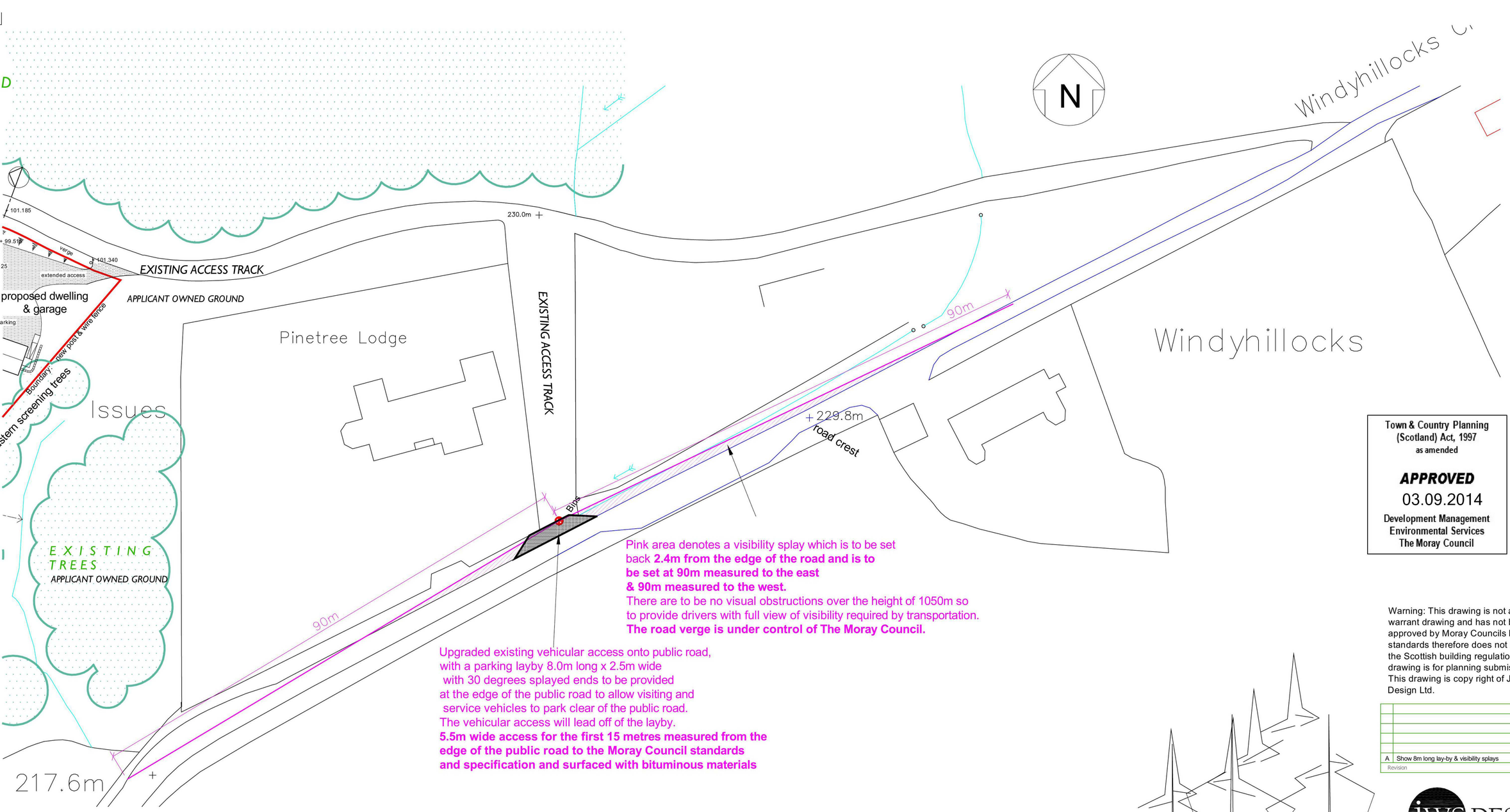
Project
Proposed House & Garage North of Dowells Croft
Craigellachie for Mr & Mrs Ian Cormack

Drawing
PPP Submission Drawing Site Plans

Scale: **Var @ A1**

Date: **June 2014** | Drawn By: **-**

Drawing No.: **1** | Revision No.: **-**



PLAN 1:500

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

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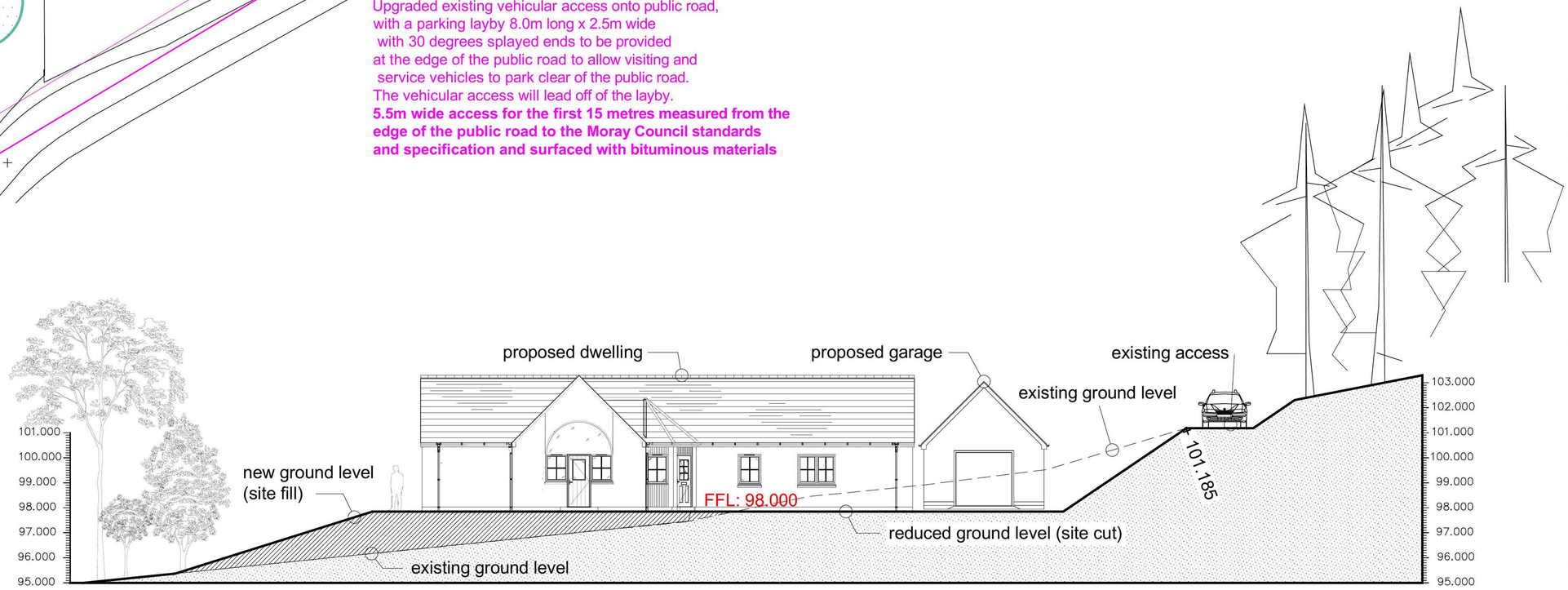

SITE CROSS SECTION 1:100

Revision		Date
A	Show 8m long lay-by & visibility splays	12.05.2014

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Project
Proposed House & Garage North of Dowells Croft
Craigellachie for Mr & Mrs Ian Cormack

Drawing
PPP Submission Drawing Transportation

Scale: **Var @ A1**

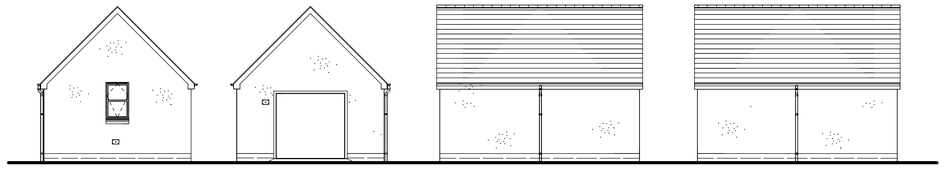
Date: **March 2014**

Drawn By: **-**

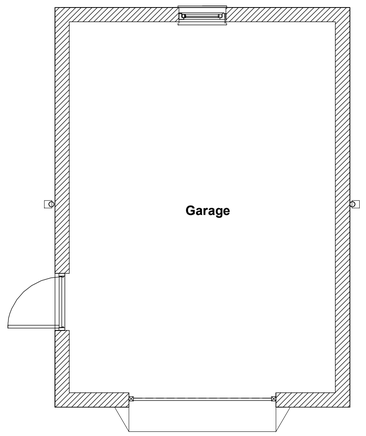
Drawing No.: **3**

Revision No.: **-**

External Finishes:
Roof: Natural Slate
Walls: Smooth White Render
Rainwater Items: Black Upvc
Windows & Doors: Brown Upvc



Rear Elevation (1:100) Front Elevation (1:100) Side Elevation (1:100) Side Elevation (1:100)



Plan (1:50)

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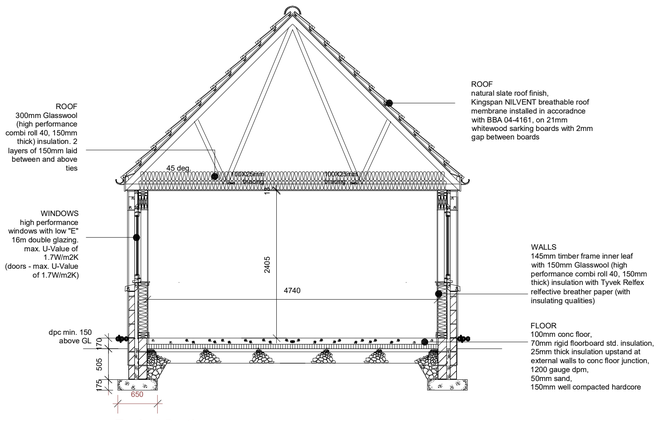
North East Elevation (1:100)

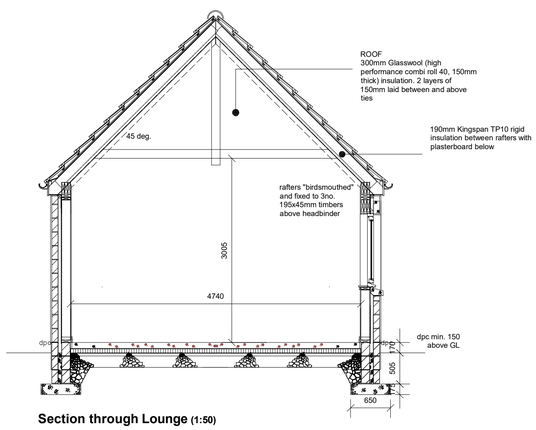
South West Elevation (1:100)

North West Elevation (1:100)

South East Elevation (1:100)



Typical Section (1:50)



Section through Lounge (1:50)

Revision	Date

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Project
Proposed House & Garage
North of Dowells Croft
Craigellachie for Mr & Mrs
Ian Cormack

Drawing
PPP Submission Drawing
Indicative House
& Garage Details

Scale: Var @ A1

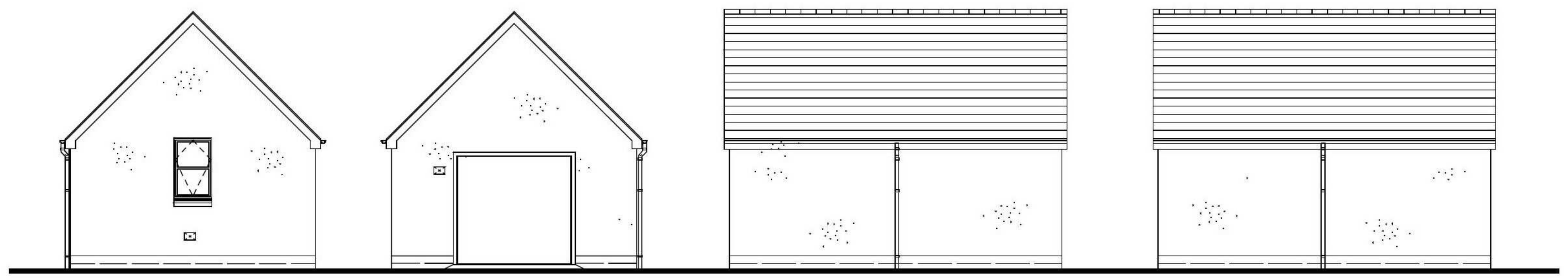
Date: April 2018

Drawn By: –

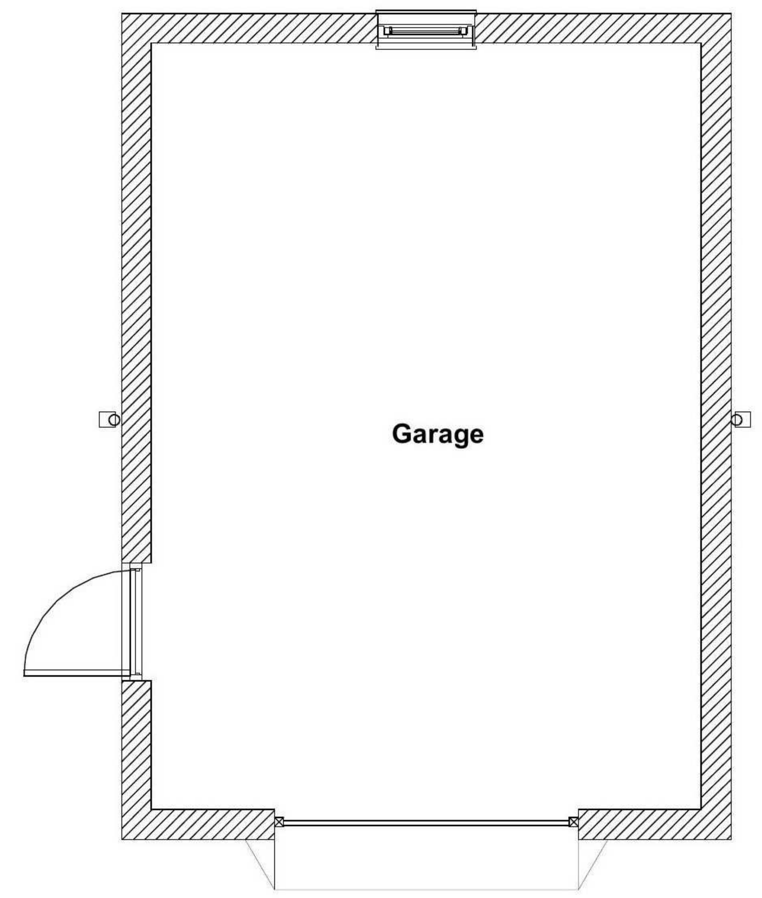
Drawing No.: 2

Revision No.: –

External Finishes:
Roof: Natural Slate
Walls: Smooth White Render
Rainwater Items: Black Upvc
Windows & Doors: Brown Upvc



Rear Elevation (1:100) Front Elevation (1:100) Side Elevation (1:100) Side Elevation (1:100)



Plan (1:50)

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Revision		Date

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

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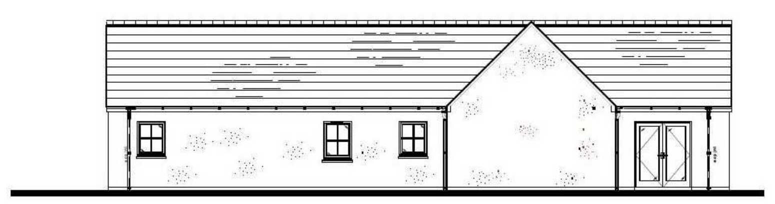
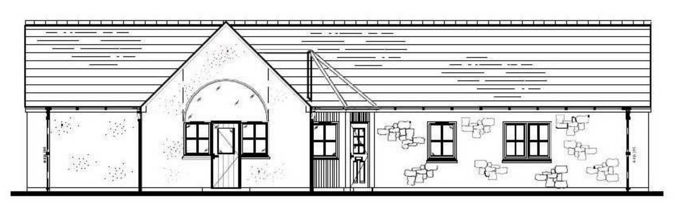
North East Elevation (1:100)

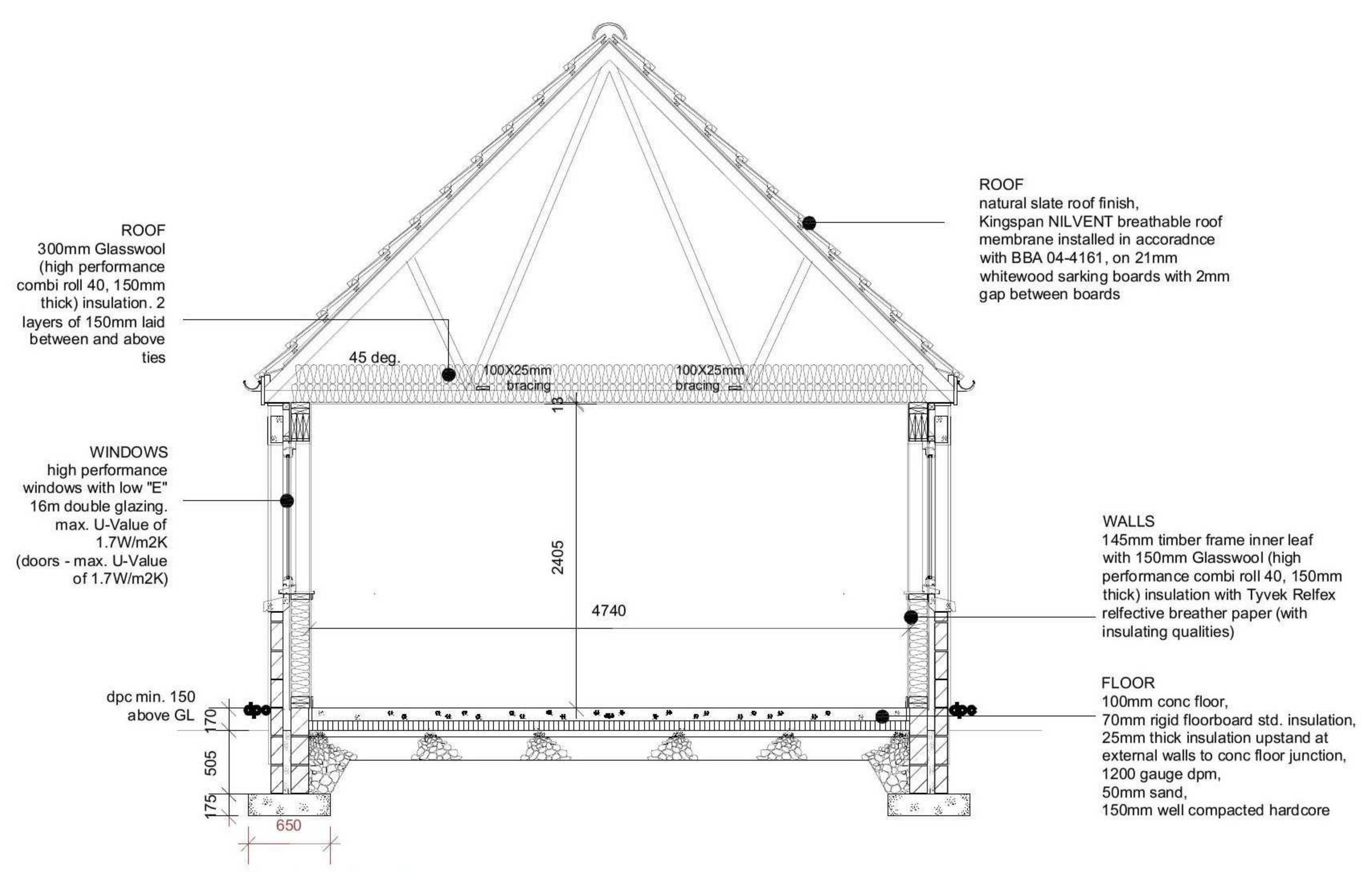
South West Elevation (1:100)



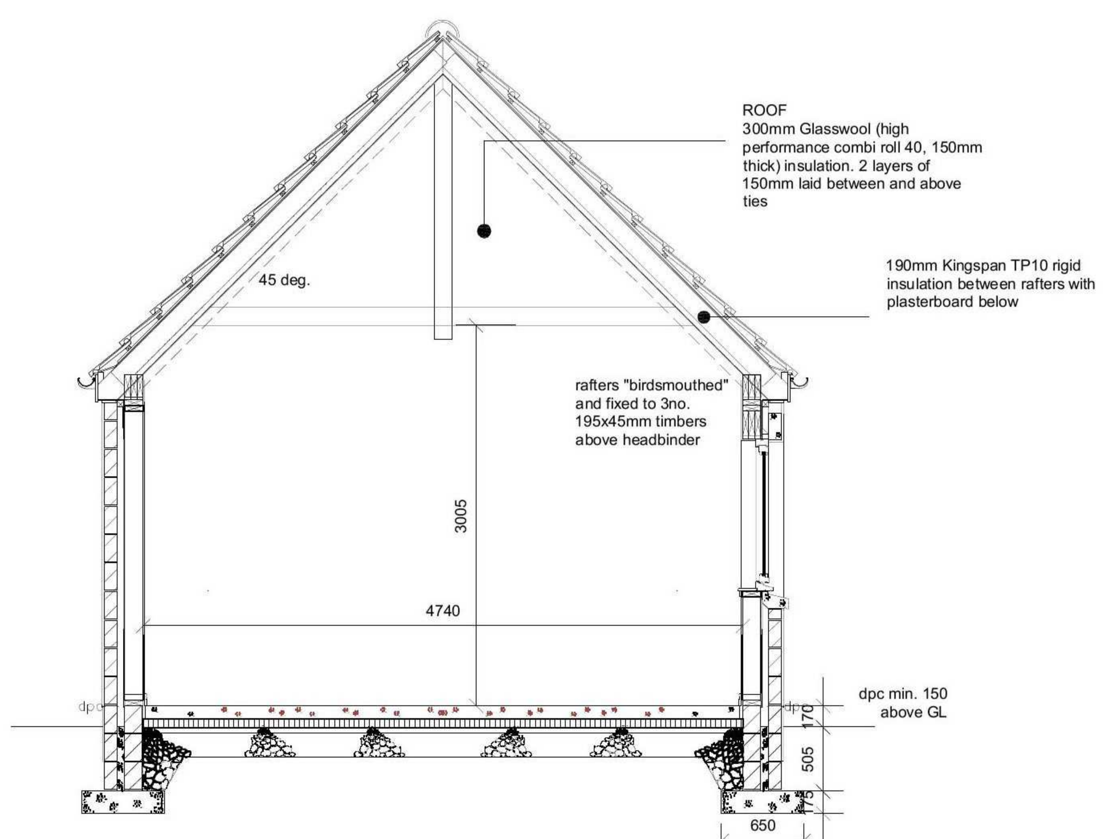
North West Elevation (1:100)



South East Elevation (1:100)

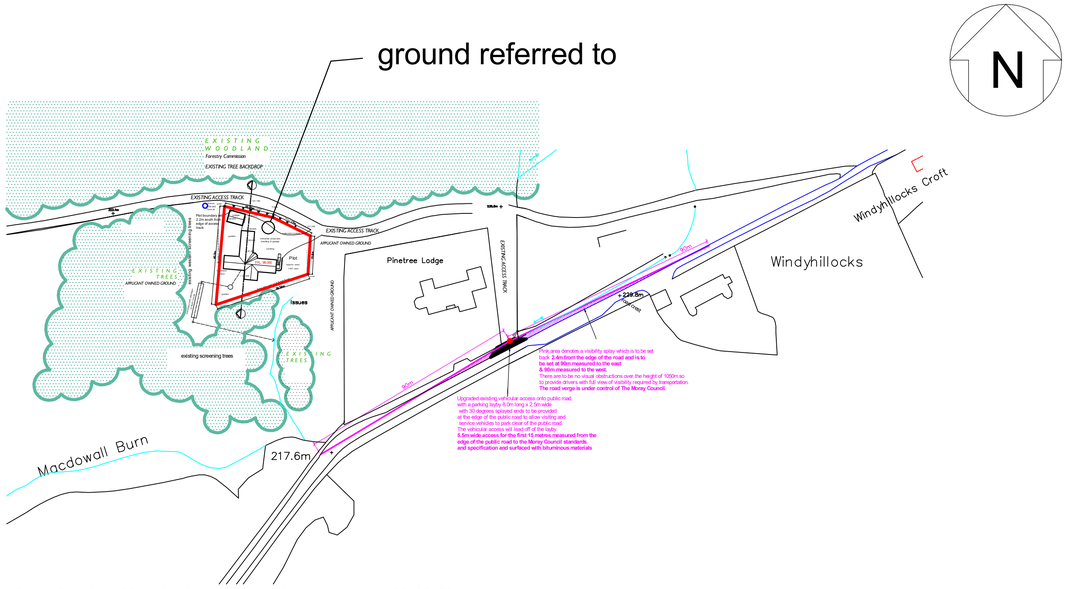


Typical Section (1:50)



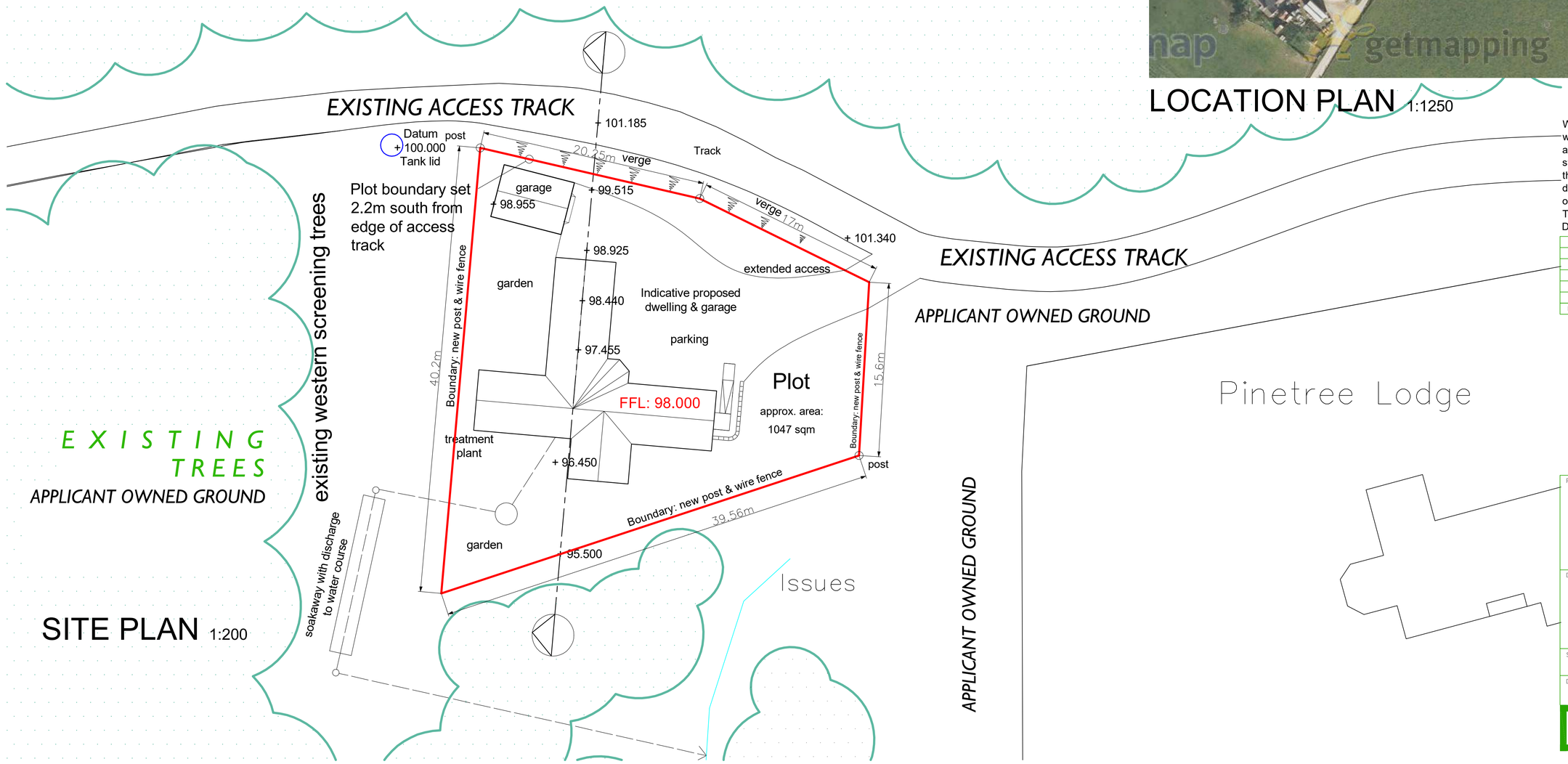
Section through Lounge (1:50)

Project	**Proposed House & Garage North of Dowells Croft Craigellachie for Mr & Mrs Ian Cormack**
Drawing	**PPP Submission Drawing Main Details**
Scale	Var @ A1
Date: June 2014	Drawn By: -
Drawing No.: 2	Revision No.: -



LOCATION PLAN 1:1250

LOCATION PLAN 1:1250



SITE PLAN 1:200

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Project
Proposed House & Garage
North of Dowells Croft
Craigellachie for Mr & Mrs
Ian Cormack

Drawing
PPP Submission Drawing
Site Plans
Consent 14/01387/PPP

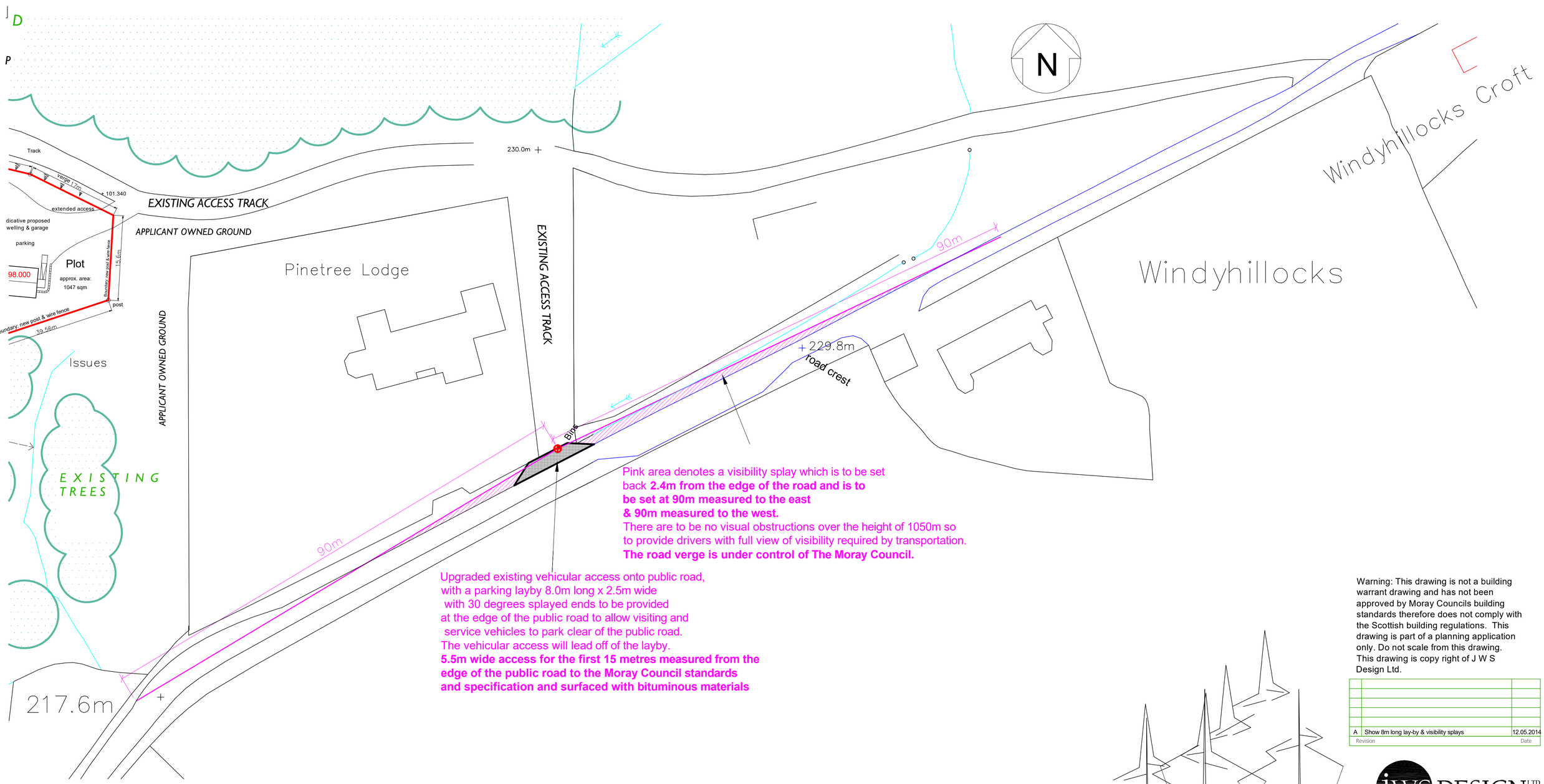
Scale: Var @ A1

Date: April 2018

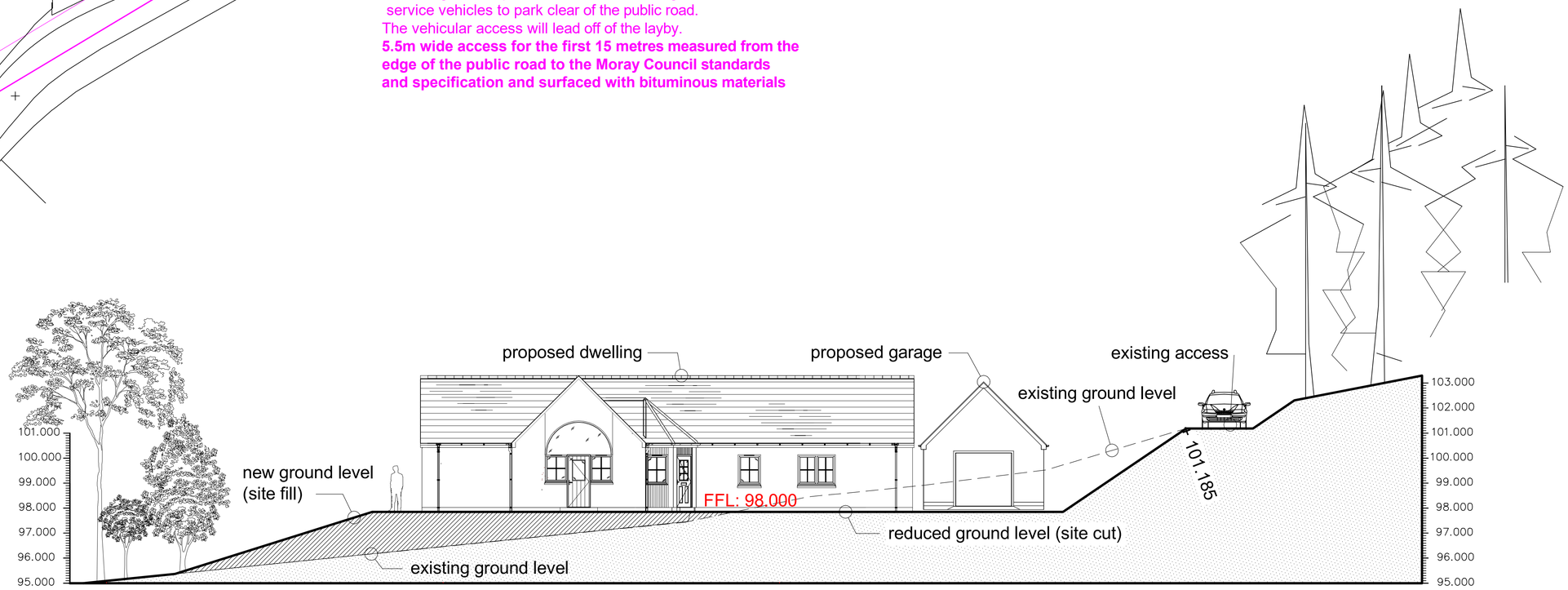
Drawn By: –

Drawing No.: 1

Revision No.: –



PLAN nts



SITE CROSS SECTION 1:100

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Revision		Date
A	Show 8m long lay-by & visibility splays	12.05.2014

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Project
Proposed House & Garage
North of Dowells Croft
Craigellachie for Mr & Mrs
Ian Cormack

Drawing
PPP Submission Drawing
Transportation
Consent 14/01387/PPP

Scale: Var @ A1

Date: April 2018

Drawn By: –

Drawing No.: 3

Revision No.: –