



Moray Local Review Body

Thursday, 16 November 2023

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Local Review Body** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Thursday, 16 November 2023 at 09:30.**

BUSINESS

1. **Sederunt**
2. **Declaration of Group Decisions and Members Interests ***
3. **Minute of the meeting held 14 September 2023** **5 - 8**
4. **LR292 - Ward 5 - Heldon and Laich** **9 - 114**
Planning Application 23/00132/APP - Alter and extend dwellinghouse at 9 Pitgaveny Street, Lossiemouth.
5. **LR295 - Ward 1 - Speyside Glenlivet** **115 - 270**
Planning Application 23/00432/PPP - Erect dwelling house and detached garage on site at Boharm Neuk, Boharm, Craigellachie.

Summary of Local Review Body functions:

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

GUIDANCE NOTES

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

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

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

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

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

MORAY COUNCIL

Moray Local Review Body

SEDERUNT

Councillor Marc Macrae (Chair)
Councillor Amber Dunbar (Depute Chair)

Councillor Neil Cameron (Member)
Councillor Juli Harris (Member)
Councillor Sandy Keith (Member)
Councillor Paul McBain (Member)
Councillor Derek Ross (Member)
Councillor Draeyk Van Der Horn (Member)
Councillor Sonya Warren (Member)

Clerk Name:	Lissa Rowan
Clerk Telephone:	07765 741754
Clerk Email:	committee.services@moray.gov.uk

Minute of Meeting of the Moray Local Review Body

Thursday, 14 September 2023

Council Chambers, Council Office, High Street, Elgin, IV30 1BX

PRESENT

Councillor Neil Cameron, Councillor Juli Harris, Councillor Sandy Keith, Councillor Marc Macrae, Councillor Paul McBain, Councillor Draeyk Van Der Horn, Councillor Sonya Warren

APOLOGIES

Councillor Amber Dunbar, Councillor Derek Ross

IN ATTENDANCE

Lisa MacDonald, Senior Planning Officer, as Planning Adviser, Sean Hoath, Senior Solicitor, and Jennifer Smith, Solicitor as Legal Advisers and Lindsey Robinson, Committee Services Officer.

1. Chair

Councillor Macrae, being Chair of the Moray Local Review Body (MLRB), chaired the meeting.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 21 and 23 and the Councillor's Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Members interests in respect of any item on the agenda.

3. Minute of the meeting held 17 August 2023

The minute of the meeting dated 17 August 2023 was submitted as an accurate account of the meeting.

4. LR291 - Ward 1 - Speyside and Glenlivet

Planning Application 21/01545/APP - Change of use of bakery to restaurant and hot food takeaway with flat above and 2 no low cost housing units to the rear 9 New Street, Rothes.

A request was submitted by the Applicant, seeking a review of the decision of the Appointed Officer, in terms of the Scheme of delegation, to refuse planning permission on the grounds that:

The proposal is contrary to the development plan (i.e. National Planning Framework 4 and the Moray Local Development Plan 2020) because the site is at risk of fluvial

flooding from the nearby Broad Burn, as identified via SEPA flood maps and noted in the Flood Risk assessment that accompanied this application. The site is offered a degree of protection from flooding via the Rothes Flood Alleviation Scheme however during a 1 in 200 year event along with an allowance for climate change, flood water is likely to overtop the flood defences. The site is therefore at risk of flooding and a safe and flood free route to and from a secure place that is connected to ground above the design flood level and/or wider area. On this basis the proposal therefore fails to comply with the following development plan policies:

- NPF4 Policy 22 – Flood Risk and Water Management
- MLDP Policy EP12 – Management and Enhancement of the Water Environment
- NPF4 Policy 1 – Tackling the Climate and Nature Crises
- NPF4 Policy 2 – Climate Mitigation and Adaption

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal and Planning Advisers had any preliminary matters to raise, the Planning Adviser advised that she had nothing to raise at this time.

Mr Hoath, Legal Adviser, advised Members that there was a requirement to notify the Scottish Government if they intended to grant the application. There is an unresolved objection from SEPA who are a statutory consultee. He further advised that, if the LRB were so minded, it could only be a proposal to grant not full permission and full planning reasons would need to be stated for the proposal. The case would then be carried over to the next meeting in November. The MLRB would only be able to proceed after all of the documents have been provided to and reviewed by the Scottish Government.

The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review. In response the MLRB unanimously agreed that it had sufficient information to determine the case.

Councillor Van der Horn moved that the original decision made by planning officer should be upheld given the response from SEPA. This was seconded by Councillor Harris, who had attended the site visit and knows the location.

Councillor Harris was also of the opinion that the proposal does not comply with NPF4 guidelines for transport.

In response the Planning Adviser advised that the Transportation Manager did not object to the original planning application as the bakery would already have attracted traffic and that the change to a take away would not increase this.

Councillor McBain moved an amendment that the review be granted and the original decision be overturned. He went to the site visit and was of the opinion that the risk of flood was not as great as had been stated. He sought clarification as to whether NPF4 was in place at the time of application.

The Planning Adviser advised that the application was valid before NPF4 but after its adoption all applications had to be assessed against it. SEPA had submitted an objection before NPF4 and then revised their position to include the NPF4 guidance.

The Legal Adviser reminded Members that if they were looking to propose to grant the application they needed to set out how it complies with the policies.

Councillor McBain was of the opinion that the Moray Local Development Plan (MLDP) EP12 should not apply as it uses the same footprint so there would be the same water dispersal.

Councillor Macrae agreed and seconded Councillor McBain's proposal to grant. Councillor Macrae was satisfied that flood defences put in place by Moray Council were sufficient mitigation of the risk of flooding to allow development to take place.

In response the Planning Adviser advised that the application was a departure from EP12 and NPF4 22 as the site will flood and confirmed that SEPA had no issue with the takeaway but has issues with the flat and proposed houses.

Councillor Harris sought clarification as to whether the application could be split into two separate applications.

In response the Planning Adviser advised that it was up to the applicant to decide how to apply and that the LRB could not say that they would agree one part and not another.

The Planning Adviser further added that if Members were looking to propose to grant the application then they should look at what conditions, if any, they would want to add.

Councillor Macrae stated that he would be happy for a full construction plan to be part of the conditions alongside biodiversity, tying the flat to the business, building materials, road issues, opening hours and noise issues. Councillor McBain agreed with this and that authority to draft the proposed conditions would be delegated to the planning officer.

The Planning Adviser stated that she could provide a list of conditions for Members if required.

On a division there voted:

Motion (4)	Councillors Van der Horn, Harris, Cameron and Keith
Amendment (2)	Councillors McBain and Macrae
Abstention (1)	Councillor Warren

Accordingly the motion became the finding of the meeting and the MLRB agreed to uphold original decision of the Appointed Officer to refuse Planning Application 21/01545/APP as the proposal does not comply with the Moray Local Development Plan Policy EP12 - Management and Enhancement of the Water Environment, National Planning Framework 4 Policy 1 - Tackling the Climate and Nature Crises, National Planning Framework 4 Policy 2 - Climate Mitigation and Adaptation, and National Planning Framework 4 Policy 22 - Flood Risk and Water Management.



MORAY LOCAL REVIEW BODY

16 NOVEMBER 2023

SUMMARY OF INFORMATION FOR CASE No LR292

Ward 5 – Heldon and Laich

Planning Application 23/00132/APP – Alter and extend dwellinghouse at 9 Pitgaveny Street, Lossiemouth

Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 17 April 2023 on the grounds that:

The proposed extended box dormer to the front and new box dormer to the rear of the existing dwelling are contrary to the Moray Local Development Plan (2020) and National Planning Framework 4 for the following reasons:

1. The proposals are unacceptable in terms of policy DP1(g) which precludes box dormers. Furthermore, the dormers are of a poor design which is incongruous with the character and scale of the existing property and surrounding area due to the unnecessary bulk and box-like appearance which the box dormers would introduce. The dormers would also be considered overdevelopment of the existing front and rear roofplanes and as such would fail to comply with MDLP2020 Policy DP1 and NPF4 Policies 14 and 16.
2. The Moray Local Landscape Review Designation Review for the Burghead to Lossiemouth SLA specifically states that development should be of the highest quality and of a scale and style that reflects buildings within the original core of the settlement. It is noted that proposed extended box dormer and new rear box dormer would have a detrimental impact on the character of the wider SLA and is therefore not considered to comply with MLDP 2020 policy EP3 and NPF4 Policy 4.

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

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

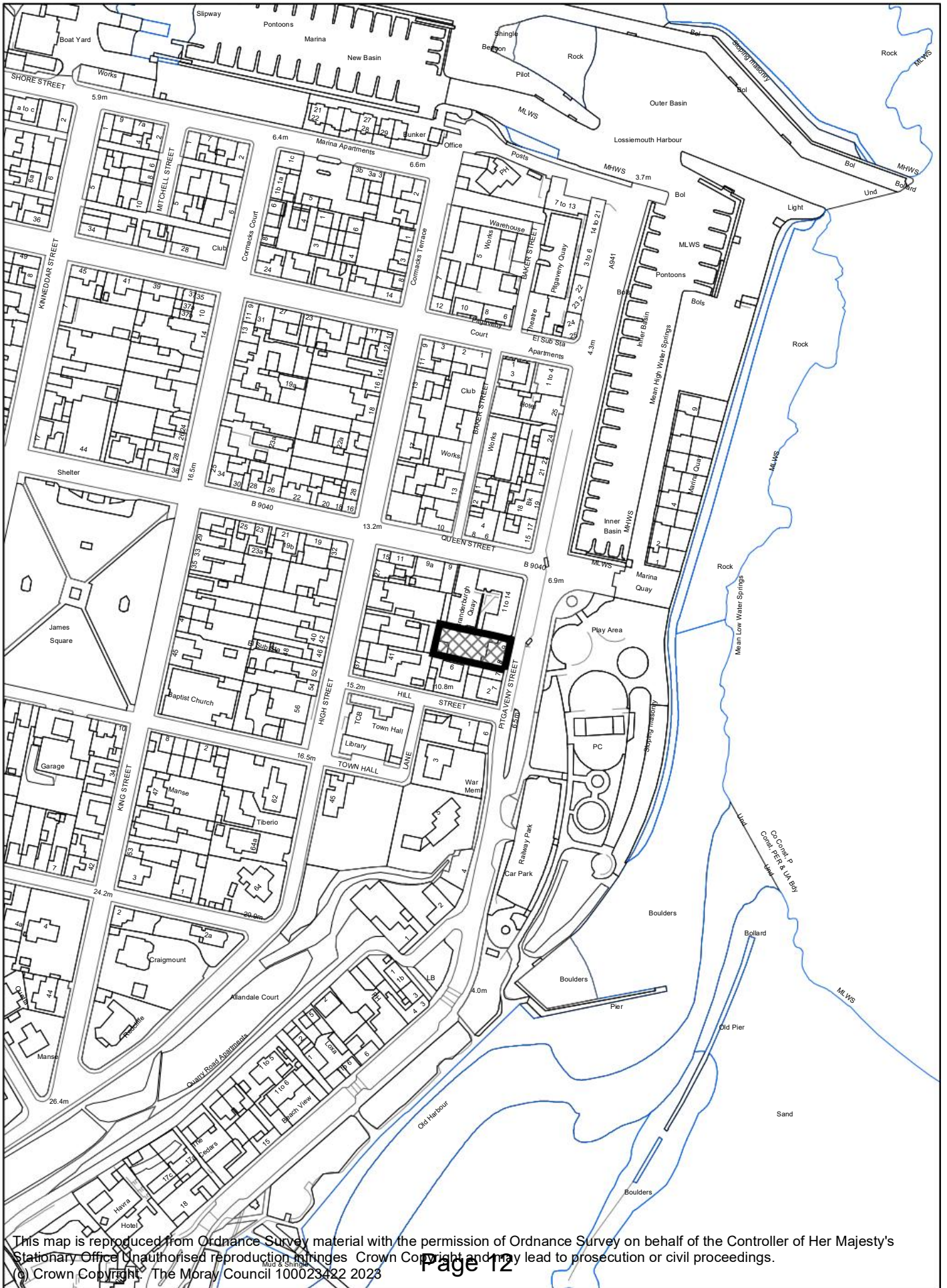
Further Representations received in response to the Notice of Review are attached as **Appendix 3**.

The Applicant's response to Further Representations is attached as **Appendix 4**.

At the meeting of the Moray Local Review Body (MLRB) on 16 February 2023, the MLRB noted that National Planning Framework 4 (NPF4) had been adopted by the Council on Monday 13 February 2023 and that all planning applications determined beyond this date would have to take NPF4 into consideration, as this is now part of the MLDP 2020 and deferred consideration of the above Review to request further information from the Appointed Officer and Interested Parties after considering the planning application in light of NPF4 with any response received being forwarded to the Applicant for comment.



Location plan for Planning Application Reference Number : 23/00132/APP





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100614284-002

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

Description of Proposal

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

Internal Alteration & Extension: erection of an extension to the existing box dormer to the front, new box dormer to the rear, and small boot room extension on Ground floor. New roof to existing conservatory

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:	<input type="text" value="CM Design"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Craig"/>	Building Name:	<input type="text" value="St Brendans"/>
Last Name: *	<input type="text" value="Mackay"/>	Building Number:	<input type="text" value="69"/>
Telephone Number: *	<input type="text" value="01343540020"/>	Address 1 (Street): *	<input type="text" value="South Guildry Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Elgin"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="IV30 1QN"/>
Email Address: *	<input type="text" value="office@cmdesign.biz"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Susie"/>	Building Number:	<input type="text" value="9"/>
Last Name: *	<input type="text" value="Brennan"/>	Address 1 (Street): *	<input type="text" value="Pitgaveny Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Lossiemouth"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="REDACTED"/>	Postcode: *	<input type="text" value="IV31 6NS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

9 PITGAVENY STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

LOSSIEMOUTH

Post Code:

IV31 6NS

Please identify/describe the location of the site or sites

Northing

870931

Easting

323823

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Craig Mackay

On behalf of: Ms Susie Brennan

Date: 19/01/2023

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

Existing and Proposed elevations.

Existing and proposed floor plans.

Cross sections.

Site layout plan/Block plans (including access).

Roof plan.

Photographs and/or photomontages.

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

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

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

Declare – For Householder Application

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

Declaration Name: Mr Craig Mackay

Declaration Date: 26/01/2023

Payment Details

Online payment: 744656

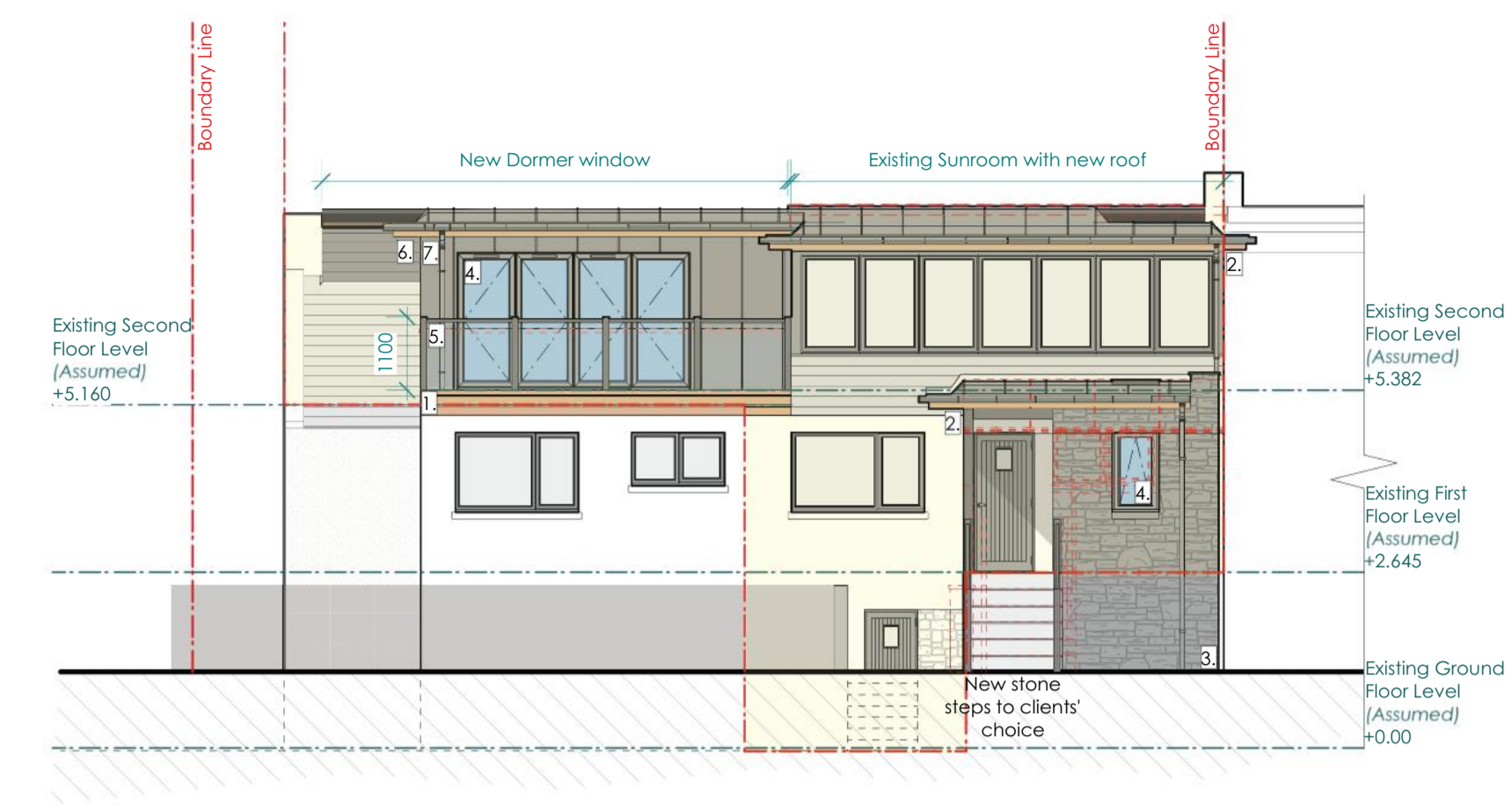
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Created: 26/01/2023 13:40

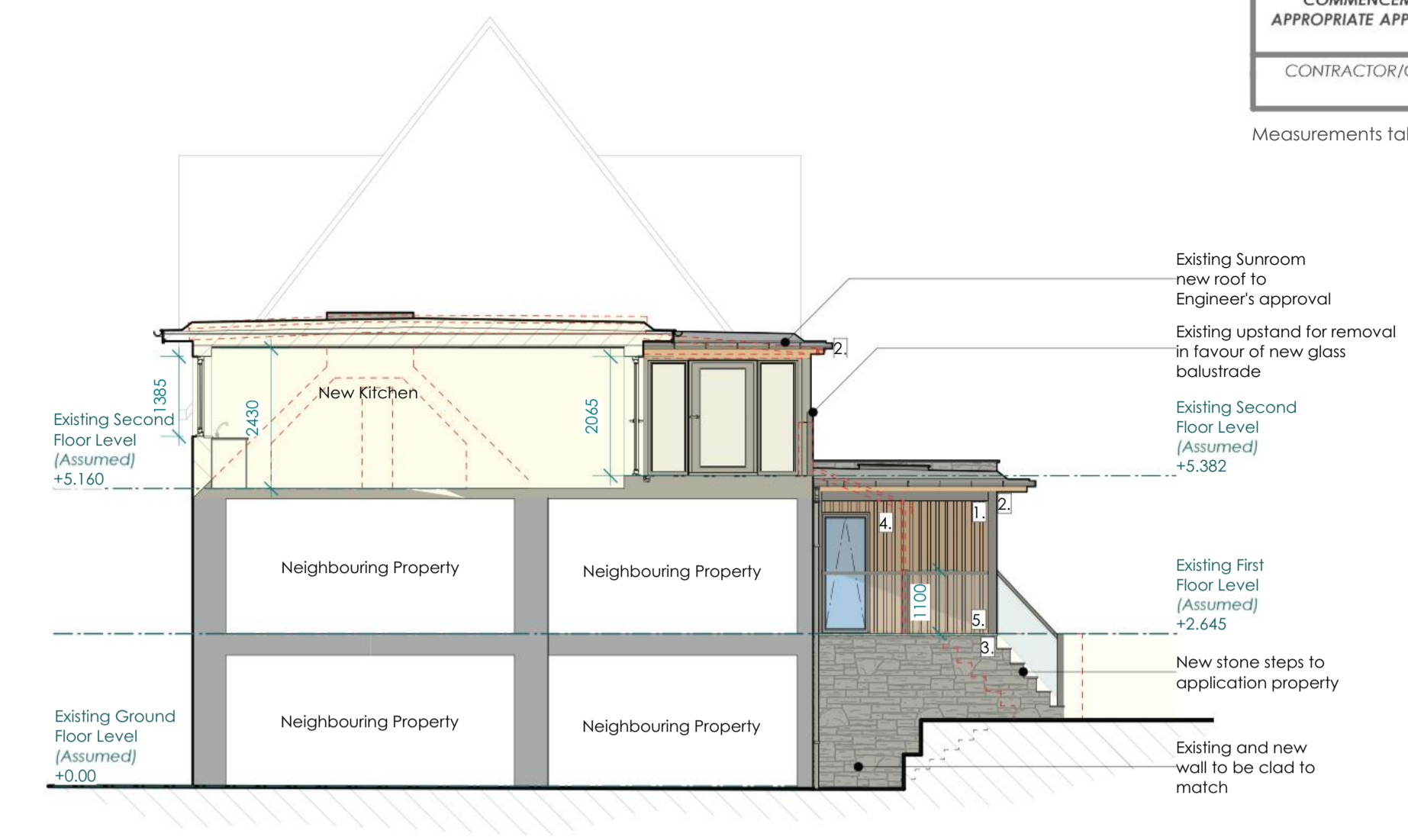
DO NOT SCALE OFF DRAWINGS. ALL SITES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS
 CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION
 Measurements taken from Martin Archibald drawing No. 5:2005:1.5:2005:2a, 5:2005:3a



Proposed Front Elevation
 Scale: 1:100
 Elevation not surveyed

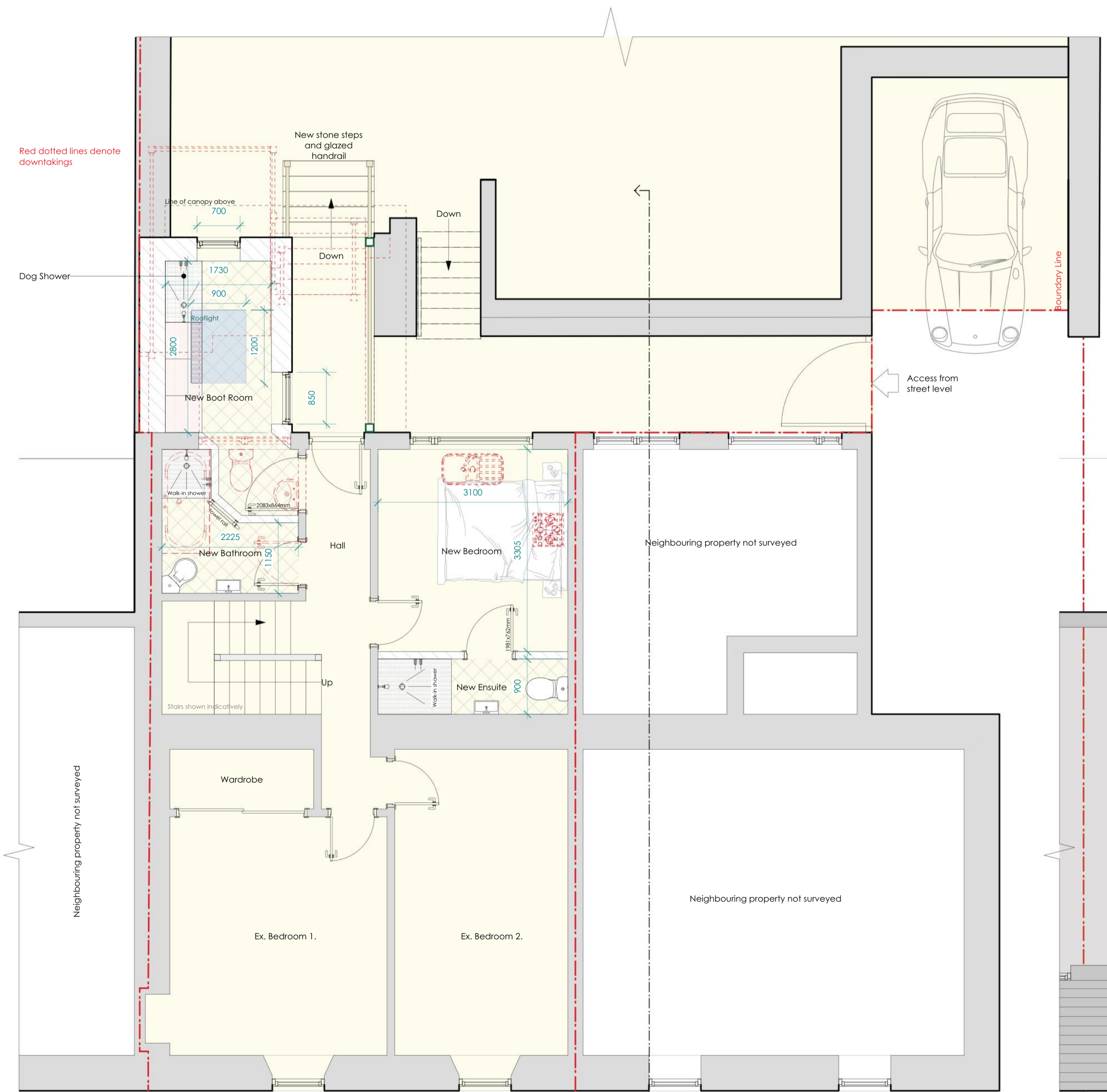


Proposed Rear Elevation
 Scale: 1:100
 Elevation not surveyed

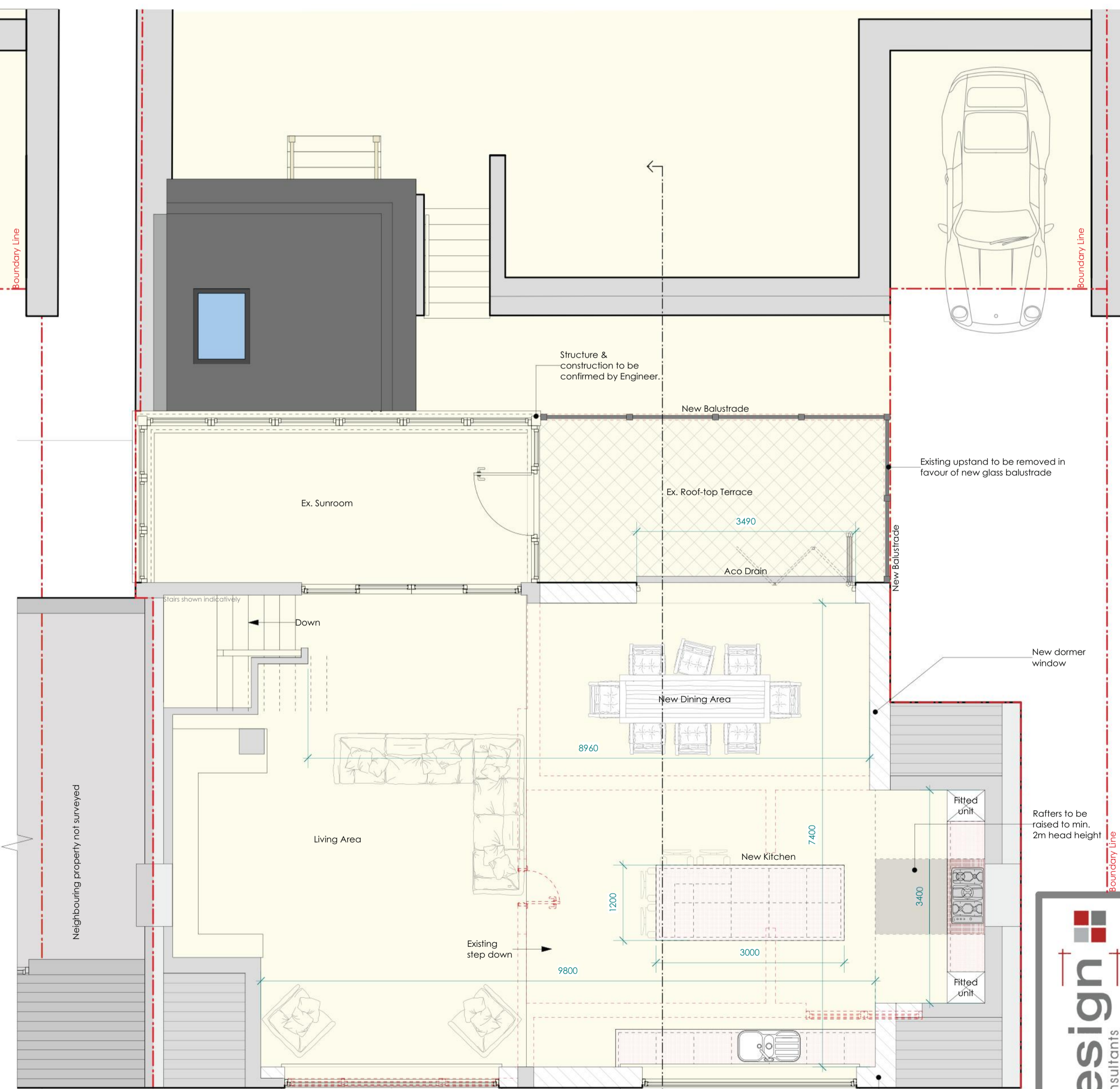


Proposed Side Elevation
 Scale: 1:100
 Elevation not surveyed

1. New timber cladding to clients' choice
2. New standing seam zinc flat roof
3. New Fernhill clad wall
4. New UPVC windows and doors to clients' choice
5. New Glazed balustrade to Engineer's approval
6. New dormer flat roof
7. New Zinc clad half

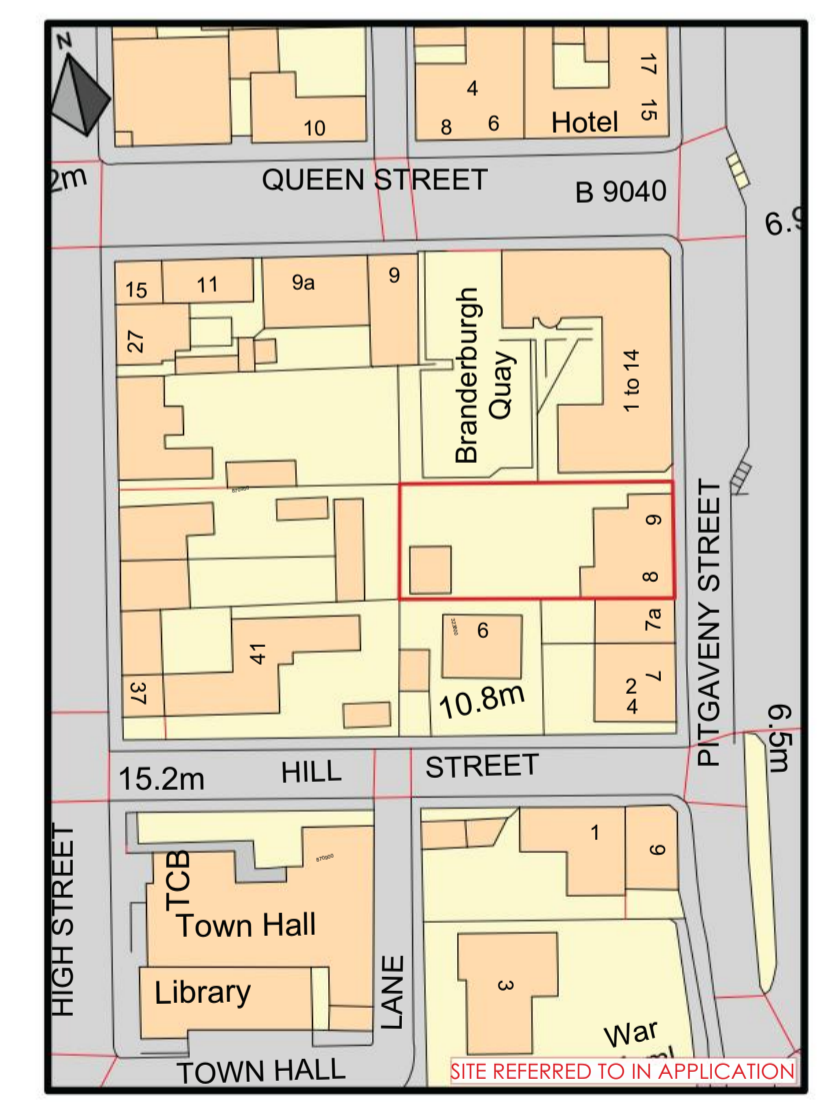


Proposed First Floor Plan
 Scale: 1:50
 Approx 62.5m²



Proposed Second Floor Plan
 Scale: 1:50
 Approx 98m²

Key to Ownership
 Area under applicant's ownership
 Area others' ownership



cmdesign
 architectural consultants

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LOSSIEMOUTH OFFICE
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 01343 810175
 DEVON OFFICE
 01392 345566

Ms. S Brennan
 9 PITGAVENY STREET, LOSSIEMOUTH, MORAY, IV31 6NS
 PLANNING PROPOSALS
 SURVEY DRAWING
 Date: 03.11.22
 Amendments: Finish Amendments
 Rev: A
 Drawn By: M.D
 Date: 26.09.22
 Checked By:
 Date:
220104.BRENNAN.03PP A

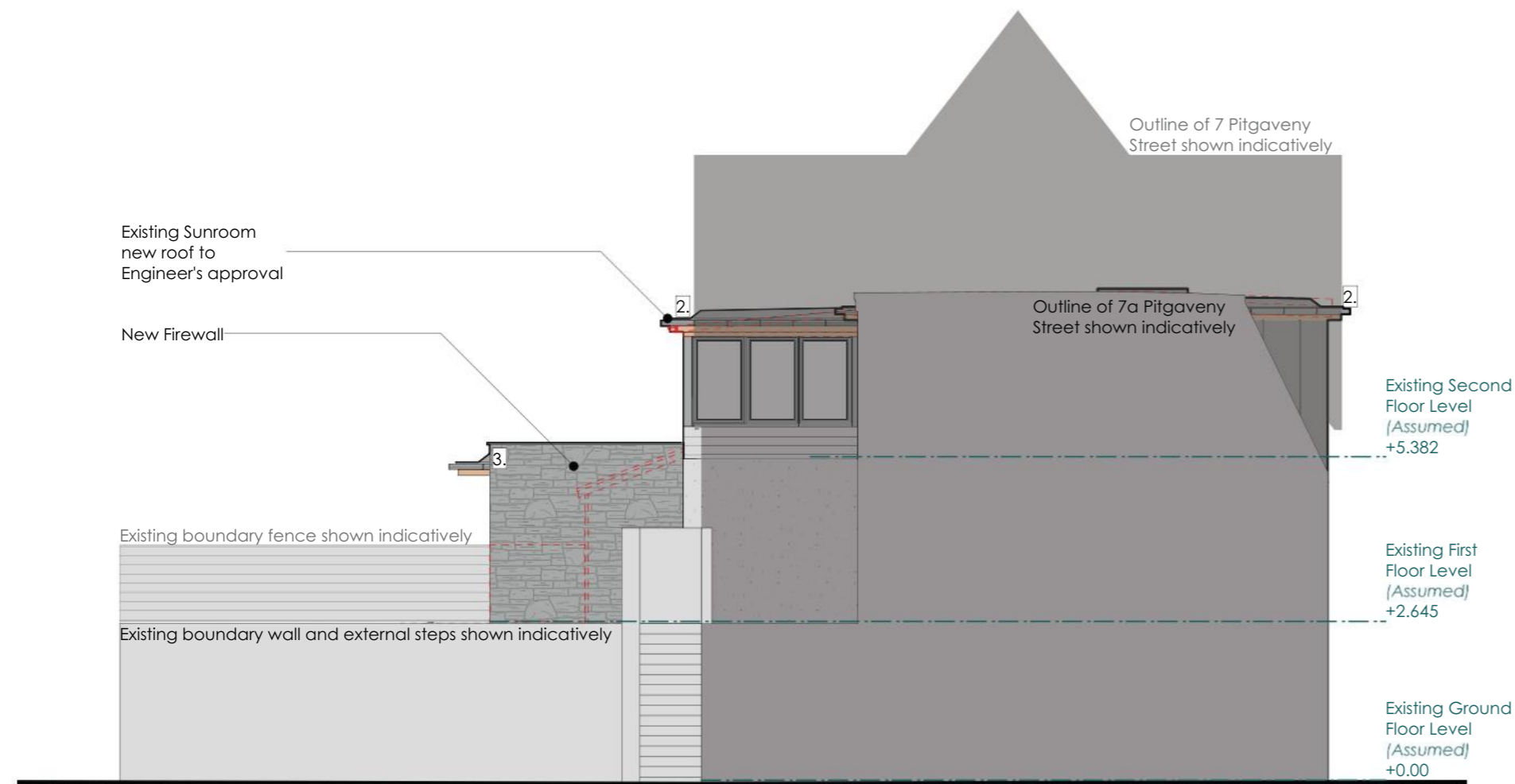


Proposed North Elevation
Scale: 1:100
Elevation not surveyed

1. New timber cladding to clients' choice
2. New standing seam zinc flat roof
3. New Fernhill clad wall
4. New UPVC windows and doors to clients' choice
5. New Glazed balustrade to Engineer's approval
6. New dormer flat roof
7. New Zinc clad halfit

Key to Ownership

- Area under applicant's ownership
- Area others' ownership



Proposed South Elevation
Scale: 1:100
Elevation not surveyed



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DEVON OFFICE
t 01392 345566

Ms. S Brennan

9 PITGAVENY STREET, LOSSIEMOUTH, MORAY, IV31 6NS

PLANNING PROPOSALS
FLOOR PLANS, ELEVATIONS & SECTION

Date:	Amendments:	Rev:
16.03.23	Elevation Amendment	A
22.03.23	Elevation Amendment	B

Drawn By: M.D	Date: 26.09.22	Checked By:	Date:
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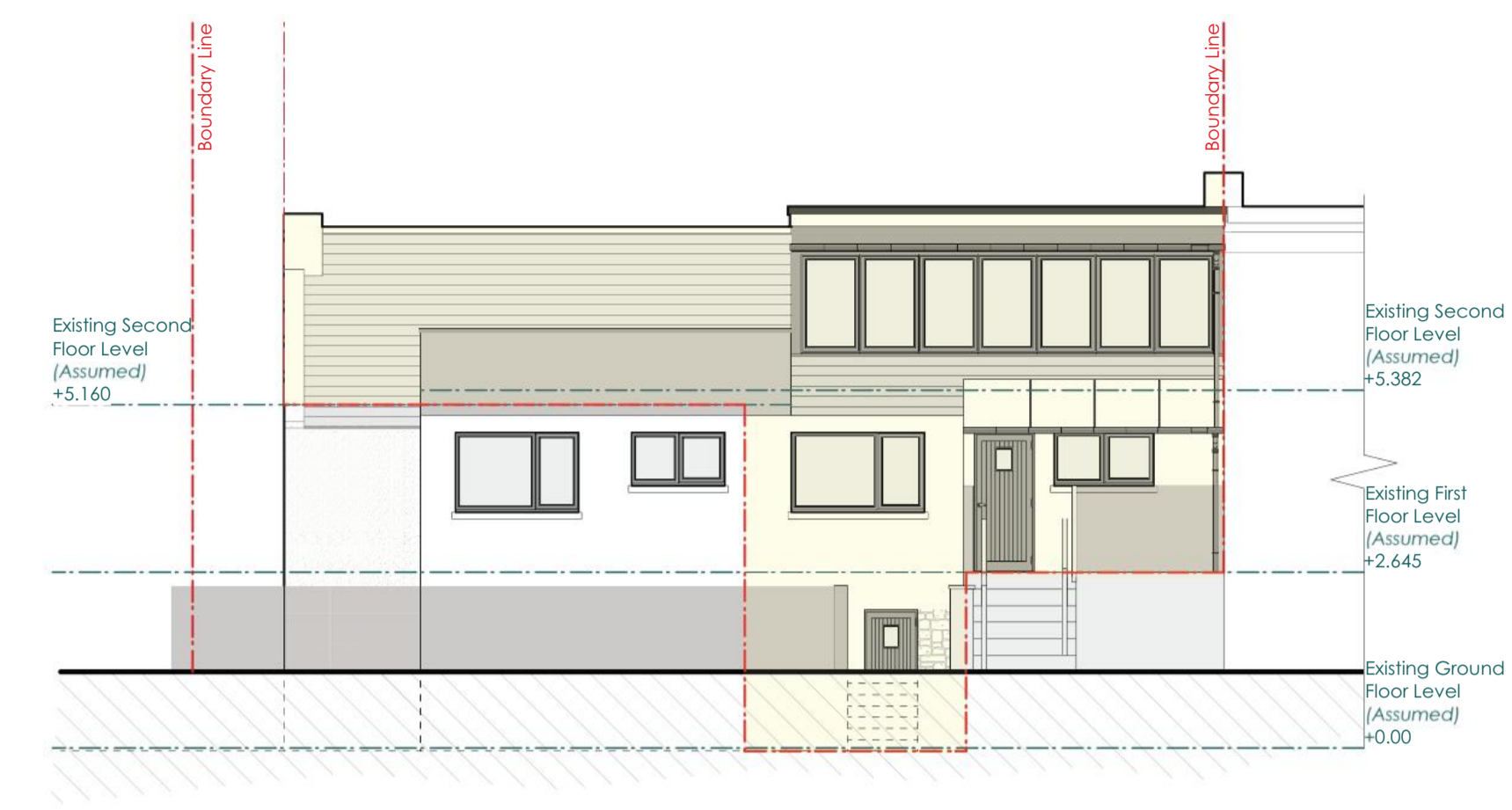
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DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS
 CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION
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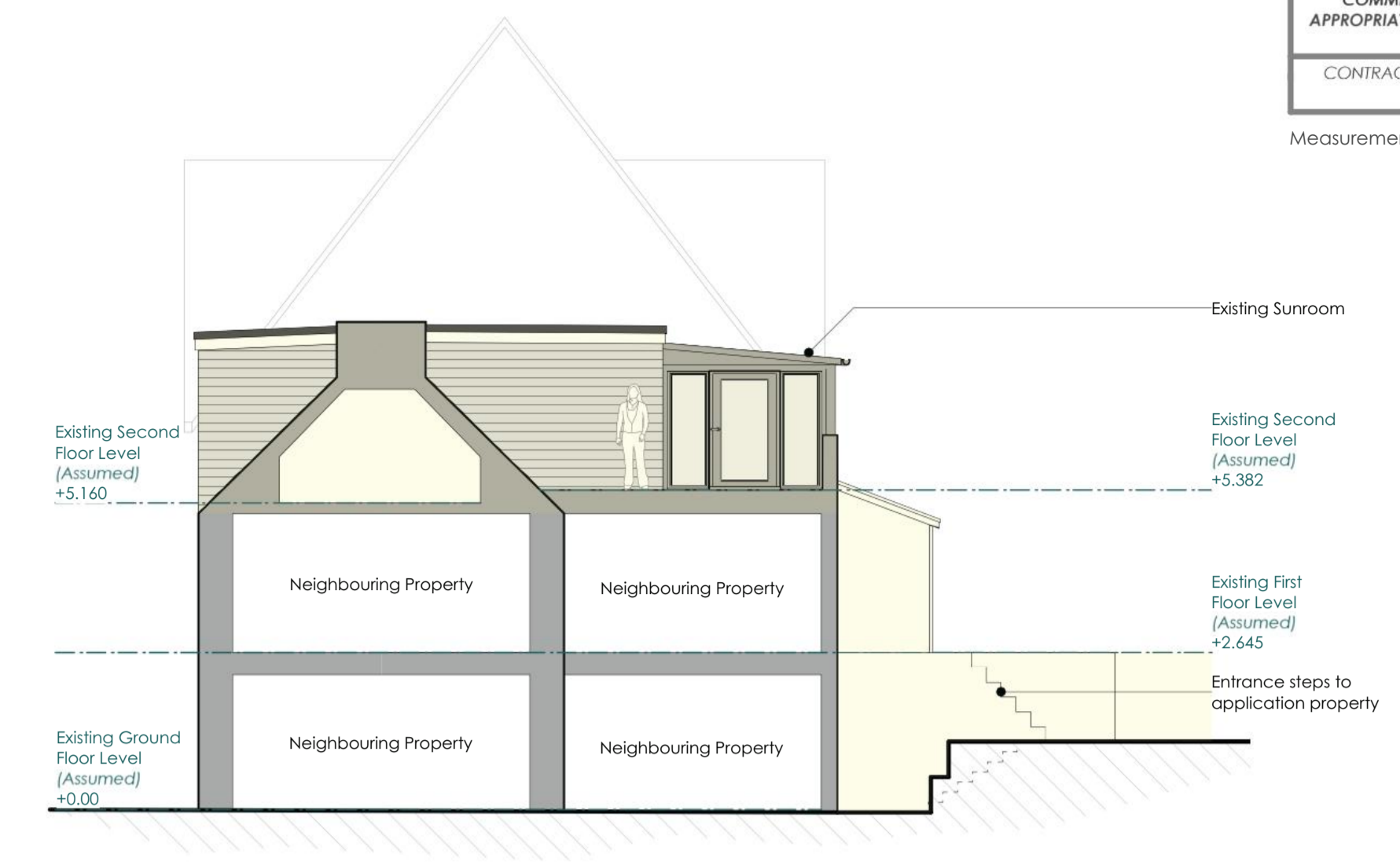
Area under applicant's ownership



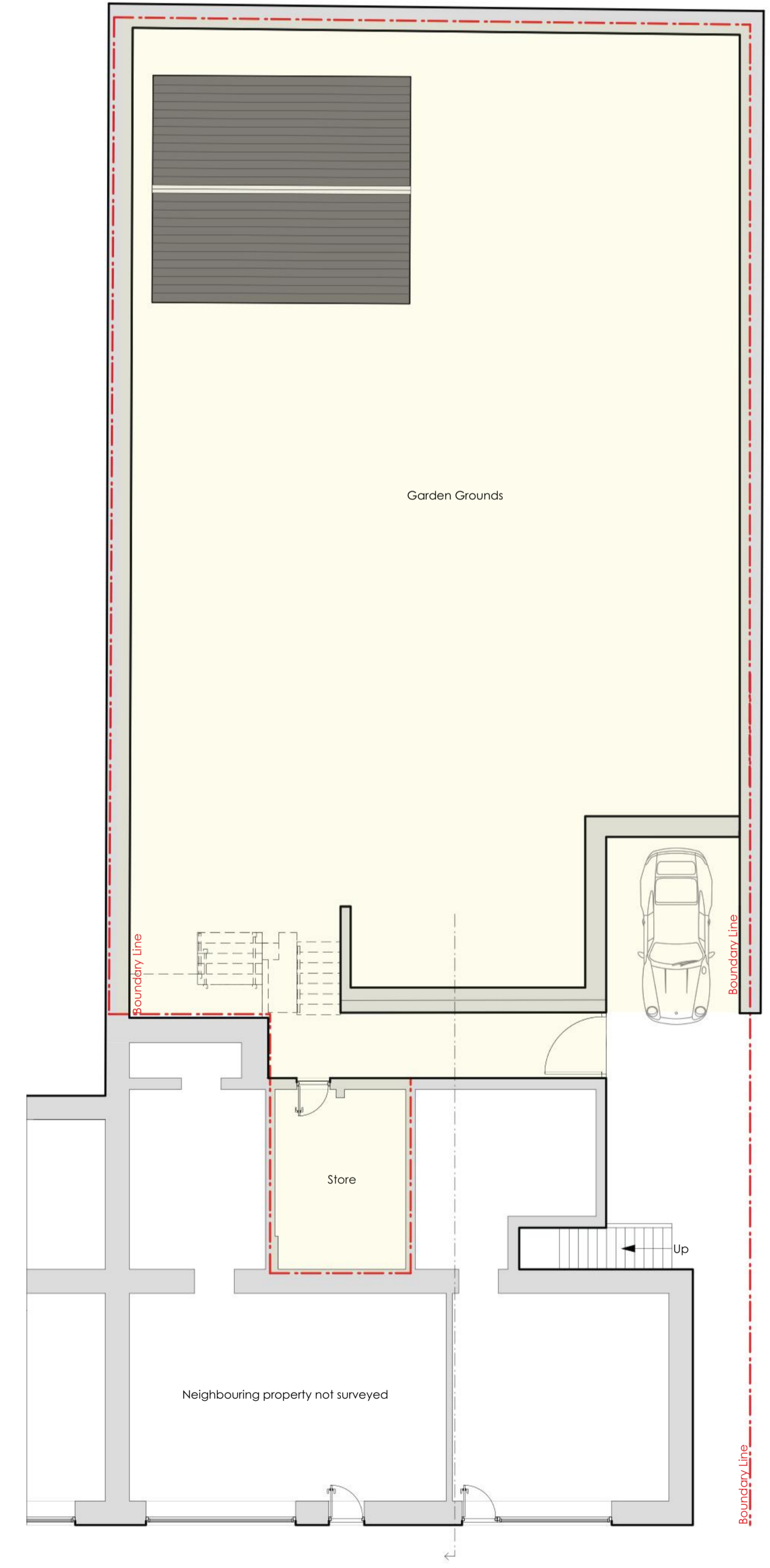
Existing Front Elevation
 Scale: 1:100
 Elevation not surveyed



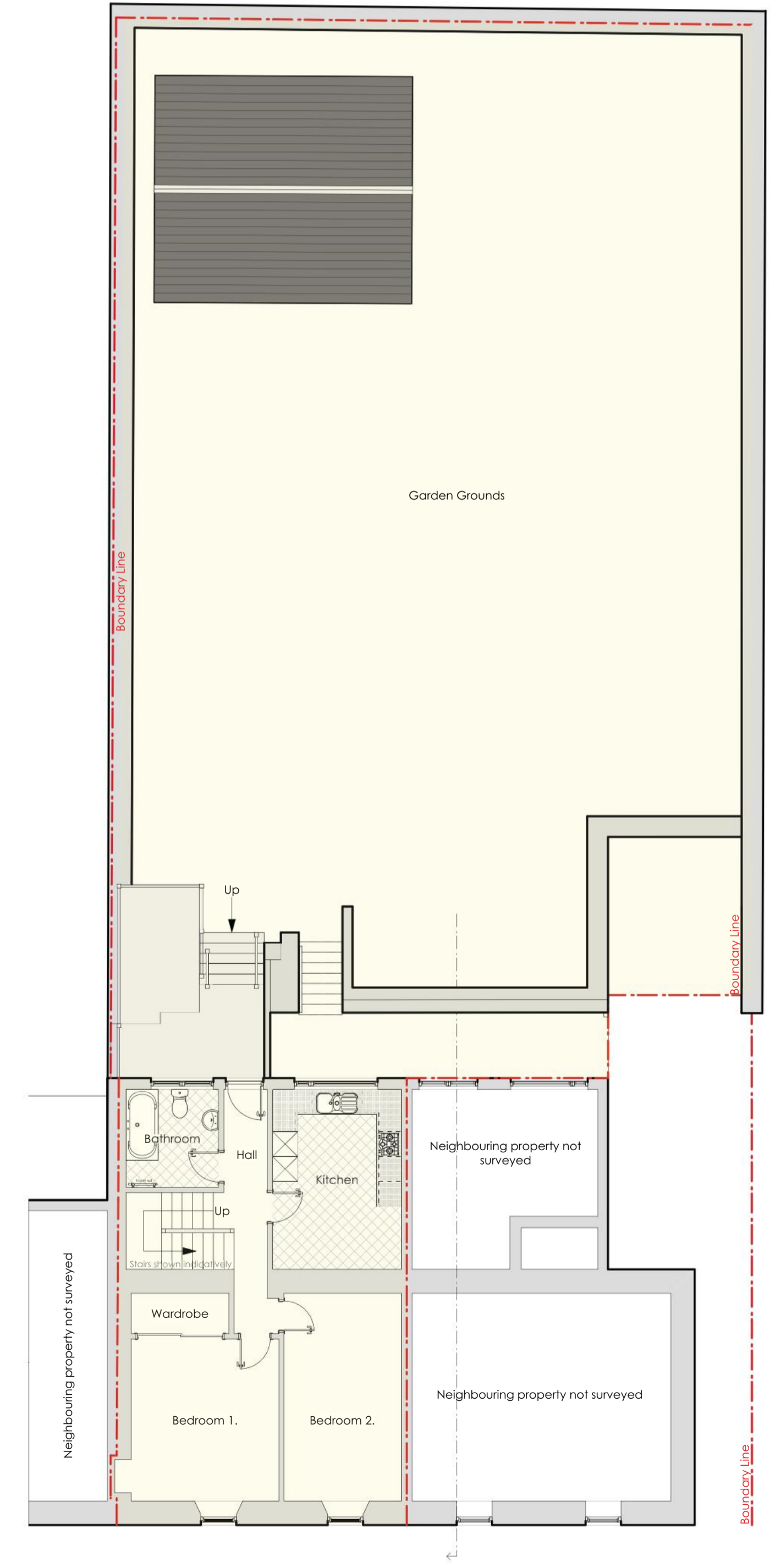
Existing Rear Elevation
 Scale: 1:100
 Elevation not surveyed



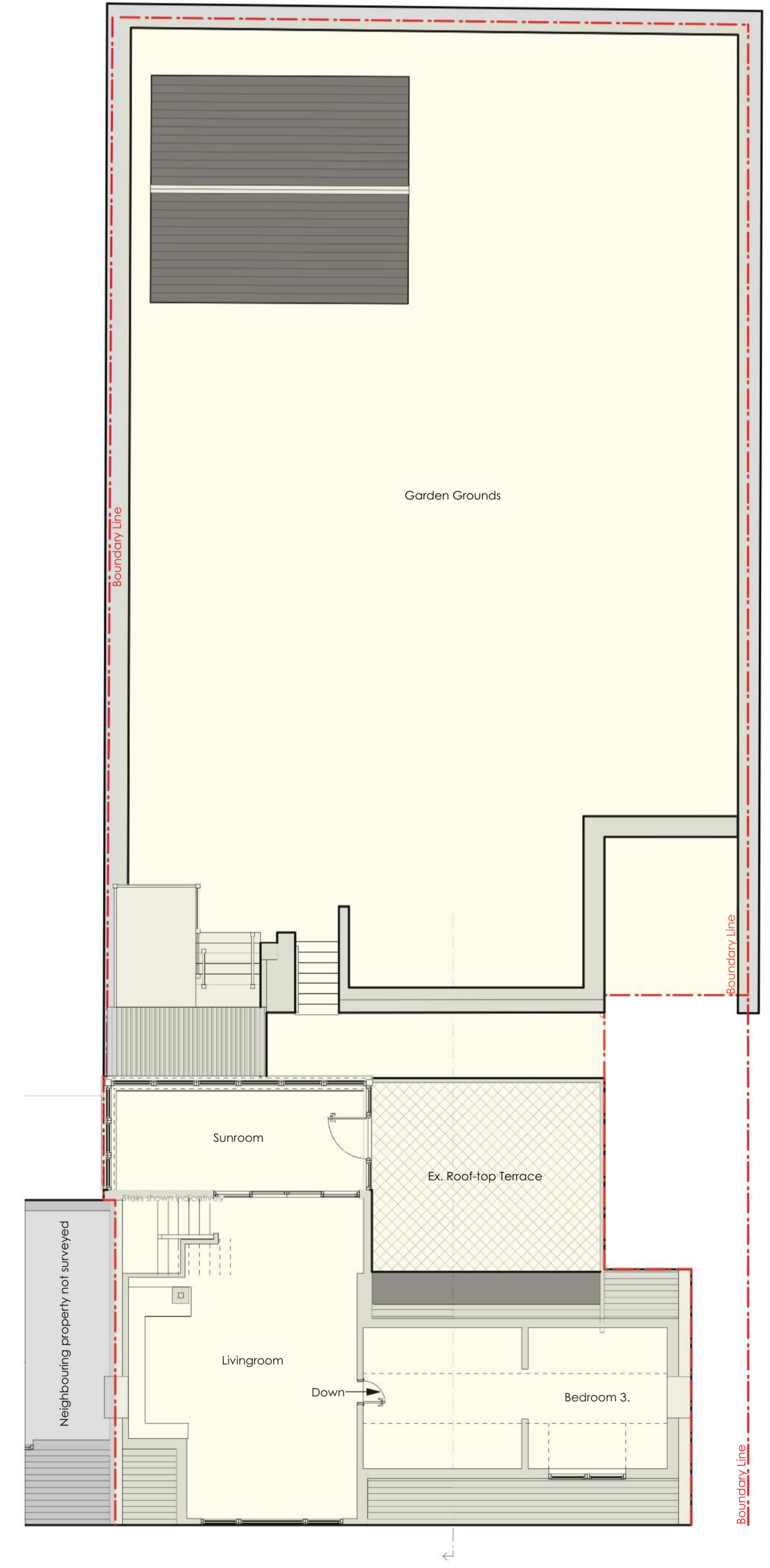
Existing Side Elevation
 Scale: 1:100
 Elevation not surveyed



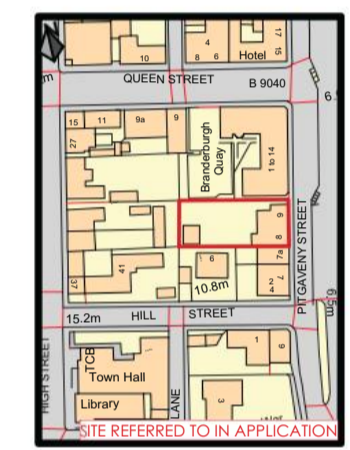
Existing Ground Floor Plan
 Scale: 1:100
 Floorplan not surveyed



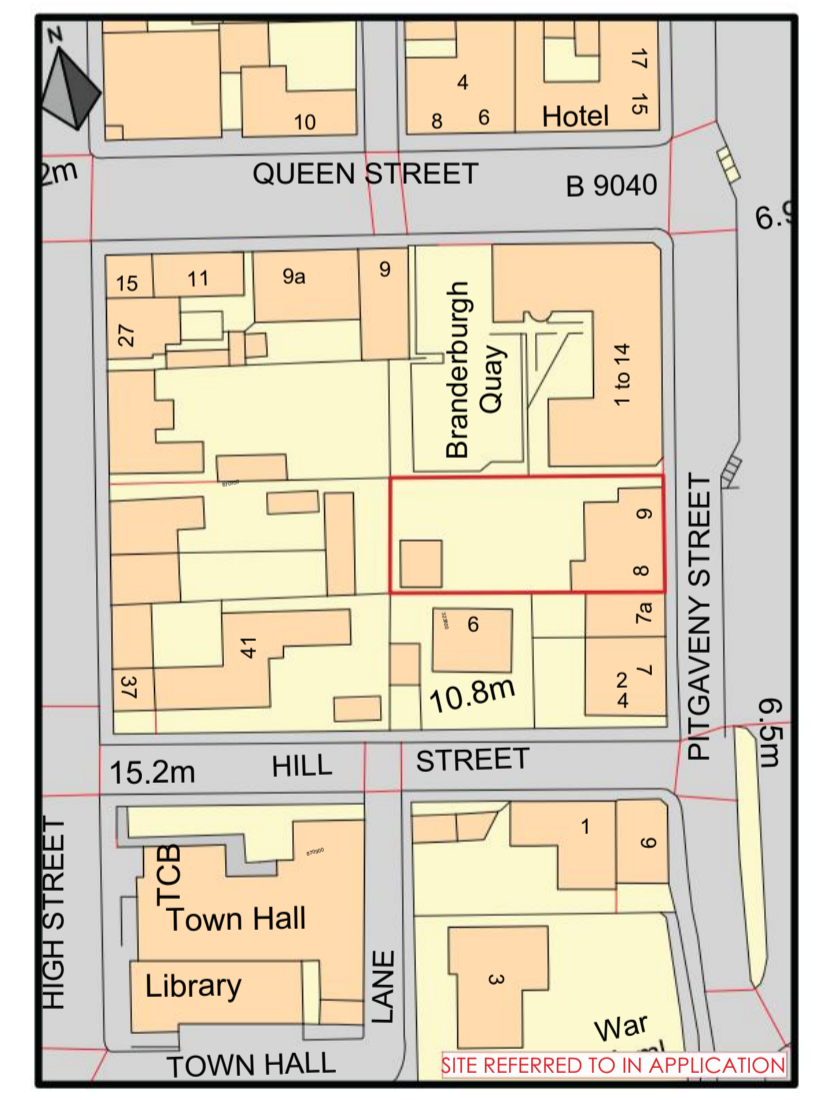
Existing First Floor Plan
 Scale: 1:100
 Floorplan not surveyed
 Approx: 57.5m²



Existing Second Floor Plan
 Scale: 1:100
 Floorplan not surveyed
 Approx: 76.5m²



Location Plan
 Scale: 1:2500



Location Plan
 Scale: 1:1000

cmdesign
 architectural consultants

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 m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

LOSSEMOUTH OFFICE
 Etie, James Street, Moray, IV30 6BX
 T 01343 810175
 DEVON OFFICE
 T 01392 345566

Ms. S Brennan

9 PITGAVENY STREET, LOSSEMOUTH, MORAY, IV31 6NS

PLANNING PROPOSALS
 SURVEY DRAWING

Date: Amendments: Rev:

Drawn By: M.D Date: 01.09.22 Checked By: Date:

220104.BRENNAN.01SV A

Our Ref: 220104.BRENNAN.PP

DESIGN STATEMENT

Alteration & Extension to
9 Pitgaveny Street, Lossiemouth, IV31 6NS

1.0 Introduction.

1.1 This **Design Statement** has been prepared by **CM Design, Town Planning and Architectural Consultants** in pursuit of detailed Planning Consent to extend the existing dormer arrangement, revise the internal layout and add a small extension to the rear of 9 Pitgaveny Street, Lossiemouth.



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1.2 This proposal seeks to enhance and expand the existing first floor box dormer by extending it and by doing so, present a more cohesive 3rd floor, and a more balanced elevation.

1.3 Neighbouring properties already host a mixture of box dormer interventions that allow context for this proposal (See pic at 2.7)

2.0 Site

2.1 The property is located overlooking The Moray Firth and is surrounded mainly by dwelling houses and flats of varying design.

2.2 The topography of the site gently slopes up from east to west and the property sits on Pitgaveny Street, Lossiemouth with outstanding views towards the Moray Firth to the front.

2.3 The existing property occupies part of the first floor and the entire second floor of the property, as shown in DWG 220104.BRENNAN.01SV (A) with access provided from the rear.

2.4 The existing property provides accommodation over two storeys, with a store below on the ground floor.

2.5 The original property has been altered and extended at various historical points with two dormers of differing sizes to the front and a conservatory to the rear.

2.6 The ad-hoc alterations of the property have resulted in a poorly laid out floorplan that under-utilises the available space and fails to take advantage of the views over the Firth.

2.7 Most of the surrounding homes on Pitgaveny Street and Clifton Road employ dormer windows, though it is more usual for there to be only one style of dormer per property, as per the images below:



2 Clifton Road



6 Clifton Road

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2.8 The applicant property currently hosts two very different and less than practical dormer window styles.

2.9 The surrounding dwellings range from single storey to two and a half storey dwellings, oriented facing towards Pitgaveny Street. The external materials of the dwellings are predominantly sandstone with slate roofs. Many of the windows appear to have been replaced with uPVC windows.

2.10 The property has a garden to the rear and an off-street parking space.

3.0 Design Principals

3.1 **Layout** - Historic ad-hoc alterations have resulted in accommodation that is poorly laid out and limited in utility. This is further exacerbated by insufficient head-height in the rooms leading off the Lounge, which are almost unusable.



The current arrangement presents the Kitchen on the first floor, whilst all other living areas (including the only currently feasible dining area) are on the second floor. This is not conducive to comfortable, or safe living.

The proposals seek to extend the existing dormer to consolidate differing floor levels and improve the ad-hoc layout. The extended dormer will provide a more cohesive layout internally and more balanced front elevation. The consolidated scheme would be achieved by:

- Rearranging the internal layout on the second floor to provide open plan living, kitchen and dining all on one floor,
- The addition of new doors and a small dormer to the rear existing roof terrace.
- Replacement of the existing conservatory roof to provide better insulation performance.
- Reconfiguration of the first floor layout is to give an additional Ensuite
- New Boot Room in a small extension to the rear.

3.2 **Landscaping** - There are no proposals to alter the existing landscaping surrounding the property.

3.3 **Scale & Mix** - The picture below shows the varying heights and scales of the surrounding dwellings. The applicant seeks to extend the existing dormer to reflect the scale and proportions of the neighbouring property south of the proposal and the previously included examples. This allows the proposal to make better use of the second floor, while improving the character of the street.

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3.4 **Appearance** - The proposals seek to balance the existing front elevation by extending the existing dormer symmetrically on the front elevation. The altered dormer would be reclad in standing seam zinc to unify the structure, and present something of architectural merit. New UPVC windows seek to replicate the proportions seen in other dormers on Pitgaveny Street/Clifton Road, and provide views over the Moray Firth. The proposed new standing seam zinc dormer roof will provide the opportunity to upgrade the insulation, and therefore the energy performance of the home.

To the rear, the replacement of the existing dormer and conservatory rooves to match that of the proposed rear extension seek to unify the rear elevation, whilst again upgrading the energy performance of the home. The use of timber cladding and Fernhill stone to the rear, seek to integrate the new extension into the natural landscape of the garden.



4.0 Conclusion

4.1 This application presents an interesting, sympathetic, and useful extension that provides the opportunity to bring the front elevation more in-line with other homes on the street, rectify the issues caused by previous ad hoc alteration and upgrade energy performance. The proposed alterations guarantee the property's flexibility and longevity of use for modern living. We respectfully request this application be given positive consideration.

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DRAINAGE STATEMENT

Alteration to

9 Pitgaveny Street, Lossiemouth, IV31 6NS

Ref: 220104

INTRODUCTION:

This Drainage Statement has been prepared by CM Design Architectural & Planning Consultants in response to recent changes in Moray Council Policy, which seek to steer development away from areas at risk of flooding and to ensure that any new development does not impact upon flooding issues in Moray.

Scottish Planning Policy (SPP) requires Planning Authorities to take into account Flood risk when considering new development. This Drainage Statement confirms there to be no flood risk issues on the application site whatsoever.

This statement has been prepared in line with the Supplementary Guidance produced by Moray Council dated Feb 2019.

SITE DESCRIPTON:

The proposal site contains an established house that is served by mains drainage on Pitgaveny Street to the East.

The SEPA Flood Maps have been consulted which indicate that there is **no risk of flooding**.

A basic site level survey has also been carried out demonstrating how the site slopes West to East on well-draining grounds.

The proposed development is to erect a new dormer window and alterations to the Existing house. The extension is less than 25m² and therefore no additional soakaway will be required

SITE CONDITIONS:

The site is believed to have good infiltration rates based on a walkover survey and previous planning approvals. There have been no excavation or percolation tests carried out at this stage.

The house is surrounded by existing dwellings in which drainage measures have been implemented without difficulty.

DRAINAGE DESIGN:

All foul water and storm water arrangements are both dealt with robustly at the Building Warrant stage of any development.

As the proposed extension is less than 25m², a new soakaway will not be required, and the house already has connection to the mains sewerage system.



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Devon Office

The Generator Quay House
The Gallery, Kings Wharf
Exeter
EX2 4AN

t 01392 345566

Friday 2nd April 2021

We trust this Drainage Statement alleviates any flooding concerns in the meantime

Sincerely yours,

MIRIAM DUNCAN

ARCHITECTURAL TECHNICIAN

MIRIAM@CMDESIGN.BIZ



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Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	13th February 2023
Planning Authority Reference	23/00132/APP
Nature of Proposal (Description)	Alter and extend dwellinghouse at
Site	9 Pitgaveny Street Lossiemouth Moray IV31 6NS
Site Postcode	N/A
Site Gazetteer UPRN	000133003885
Proposal Location Easting	323823
Proposal Location Northing	870931
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=RP4U5HBGLDH00
Previous Application	06/02122/FUL 05/00585/FUL
Date of Consultation	30th January 2023
Is this a re-consultation of an existing application?	No
Applicant Name	Ms Susie Brennan
Applicant Organisation Name	
Applicant Address	9 Pitgaveny Street Lossiemouth Moray IV31 6NS
Agent Name	C M Design
Agent Organisation Name	
Agent Address	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen
Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Aberdeenshire Council Archaeology Service

Planning Application Ref. No: 23/00132/APP

Alter and extend dwellinghouse at 9 Pitgaveny Street Lossiemouth Moray IV31 6NS for Ms Susie Brennan

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

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

Reason(s) for objection

None

Condition(s)

None

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Claire Herbert
email address:
archaeology@aberdeenshire.gov.uk
Consultee: Archaeology service

Date...07/02/2023.....
Phone No01467537717

Return response to

consultation.planning@moray.gov.uk

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

Consultee Comments for Planning Application 23/00132/APP

Application Summary

Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

Consultee Details

Name: Mr EH Consultations

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

Email: Not Available

On Behalf Of: Environmental Health C12

Comments

Approved unconditionally by Tim Betts (03.02.2023)

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management
Planning Application Ref. No: 23/00132/APP

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

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

Contact: Stefania Brady Date 30/01/2023
email address: Stefania.brady@moray.gov.uk Phone No

Consultee: The Moray Council, Flood Risk Management

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	13th February 2023
Planning Authority Reference	23/00132/APP
Nature of Proposal (Description)	Alter and extend dwellinghouse at
Site	9 Pitgaveny Street Lossiemouth Moray IV31 6NS
Site Postcode	N/A
Site Gazetteer UPRN	000133003885
Proposal Location Easting	323823
Proposal Location Northing	870931
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=RP4U5HBGLDH00
Previous Application	06/02122/FUL 05/00585/FUL
Date of Consultation	30th January 2023
Is this a re-consultation of an existing application?	No
Applicant Name	Ms Susie Brennan
Applicant Organisation Name	
Applicant Address	9 Pitgaveny Street Lossiemouth Moray IV31 6NS
Agent Name	C M Design
Agent Organisation Name	
Agent Address	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen
Case Officer Phone number	01343 563189
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PA Response To	consultation.planning@moray.gov.uk

NOTE:

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For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 23/00132/APP

Alter and extend dwellinghouse at 9 Pitgaveny Street Lossiemouth Moray IV31 6NS for Ms Susie Brennan

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

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

This proposal is for alterations and extension to an existing property which does not trigger the requirement to provide additional parking. No alterations are proposed to the existing access and the existing parking is unaffected by the proposed extension. Transportation therefore has no objections to the proposal.

Further comment(s) to be passed to applicant

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

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

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

Date 03 February 2023

Return response to

consultation.planning@moray.gov.uk

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

Comments for Planning Application 23/00132/APP

Application Summary

Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

Comments for Planning Application 23/00132/APP

Application Summary

Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Height of proposed development
- Over-development of site
- Poor design
- Precedent

Comment:As a regular visitor to Lossiemouth and being cognisant of the area being one of an ever reducing number of relatively unspoilt areas of natural beauty in the UK, I think this proposal is too extreme and not in keeping with the area aesthetic.

I would personally classify it as over development and likely to impinge of the quality of life of local residents and visitors alike.

Comments for Planning Application 23/00132/APP

Application Summary

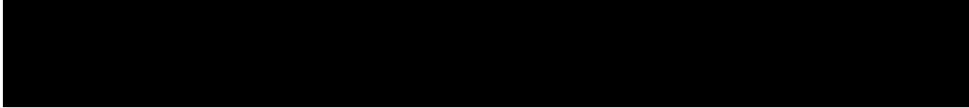
Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Height of proposed development
- Inadequate plans
- Inappropriate materials/finishes
- Over-development of site
- Poor design
- Precedent

Comment: This building is a traditional building on the seafront.

Scale, size, height, material is out of keeping for the local area. Box dormer deviates from the local plan.

A serious danger of setting precedent along the seafront.

Received by email
FAO Development Management and Building Standards Manager

Hello,

As per the advice in the Neighbour Notification that I received by post, I am emailing you to register my objections to planning application 23/00132/APP, which includes roof changes, and modifications and augmentations to the front-facing dormer windows to 9 Pitgaveny Street, Lossiemouth, IV31 6NS. I have also submitted my objections online.

Objection 1: Inadequate Plans

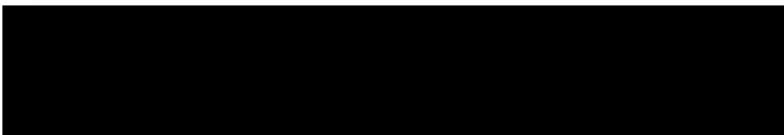
The new plans do not include specific information on the routing of rainwater goods from the new roof into a drain; there is only a generic drainage statement. As the owner of an adjacent property, I would like to know where the run-off from the roof would be, so that I can be satisfied as to the full impact on my property of any modifications, and be sure that they would have no adverse effect on the drainage to the rear of my property when there is heavy rain.

Objection 2: Contrary to Local Development Plan

The above planning application has been advertised in The Northern Scot because the application does not accord with DP1 of the Moray Council Local Development Plan. Having referred to the plan at <http://www.moray.gov.uk/downloads/file134782.pdf>, I feel that the proposed changes to the front dormer windows, particularly the enlargement of the right window to become a large box dormer, are not in keeping with the character of the adjacent properties.

DP1(i) Design criterion a) of the Local Development Plan states that when considering development proposals, the “scale, density and character must be appropriate to the surrounding area and create a sense of place”. Additionally, according to DP1 (i) Design criterion g), box dormer windows are not acceptable. The changes and augmentations to the front windows of the property, which is highly visible from the seafront, would therefore play a part in eroding the distinctive appearance of Lossiemouth. The town’s character and sense of place are cherished by local residents and are key attractions for tourists to the area; therefore, I feel that it would be detrimental, and also possibly unwise from the town’s economic perspective, to permit changes that contribute to a gradual disappearance of Lossiemouth’s unique character.

Regards,



Mrs Fiona Olsen
By email only

23/00132/APP | Alter and extend dwellinghouse at 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

I am in receipt of the neighbour notification for the above application and submit this objection as the owner of 26years of the property immediately below the proposed building works.

Initially, I wish to note my disappointment at the way the applicant has progressed this project, whilst I understand it was not legally binding, they did promise that they would discuss any proposals to alter their property with me prior to progressing. Regrettably, this was never done and now I feel I have no option but to submit this letter raising my objections against this development as detailed below:

1. Submission & Plans

The submitted drawing fails to show the entrance to my property, this omission is considered material in this case as it leads the decision maker to fail to understand the impact the development will have on my property and the peaceful enjoyment of my house. As such, my property should be clearly shown on the submission to ensure the development is fully and properly assessed.

The application form notes that the site contains no trees and the plans also shown no trees within the red line boundary, both of which are incorrect, as there is several trees within the applicants rear garden. The location and proximity of these trees should be established as they might impinge on the ability to construction the rear extension.

2. Design & Streetscape

Following discussion with the Planning Officer, I understand that the application has been advertised as a departure from the Council Local Development Plan on the grounds of design, I concur with this completely.

Whilst it is accepted that the existing property has a number of 'box dormer' windows within the roof-slope, NPF4 Policy 14 (Design, quality and place) makes it clear that all proposals are required to '...be designed to improve the quality of an area whether in urban or rural locations and regardless of scale...' And where they are '...poorly designed, detrimental to the amenity of the surrounding area...[they]...will not be supported.'

The Council's own Moray Local Development Plan notes in Policy DP1 (i) g) that '...box dormers are not acceptable...' and at Policy DP1 (i) d) that development proposals must demonstrate how it will '...enhance the built environment...'

The proposed design goes against these adopted policies and instead seeks to further erode the traditional character of the area, by arguing in the supporting statement that '...Most of the surrounding homes on Pitgaveny Street and Clifton Road employ dormer windows...' (2.7), this statement is justified by just two examples of very long established box dormers from differing locations along Clifton Road.

The established streetscape along Pitgaveny Street at the application site, is however fundamentally different and one which is viewed as a complete streetscape from several long-distance vistas around Lossiemouth (See Streetscape Photographs Below), including from Station Park (opposite the application site). This park area hosts the annual Seafest and is an area undergoing enhancements to improve the tourist offering. Therefore due to this prominence, the Council has ensured that modern developments in close proximity adopt a traditional dormer design, as demonstrated by the modern apartment block adjoining the northern boundary of the site, and as shown in the photographs below.



Additionally, this adjacent build, has been designed to respect the traditional vertical window emphasis found across Lossiemouth, maintains the traditional symmetry of building design and utilises natural slate. Whereas the applicant's proposal abandons all these traditions and proposes something completely at odds with the location and built heritage, this includes the proposed use zinc cladding. All resulting in a proposal which delivers a very unpleasing form of development and one that neither enhances the built environment nor improves the quality of the existing building or area.

For these reasons, the design is considered to have such a damaging impact on the design integrity of the building and wider urban landscape it is considered wholly unacceptable and should be refused in accordance with the aforementioned planning policies. Thus also ensuring that an undesirable precedent is not set for other similar proposals in this location.

3. Privacy

As noted in Section 1, my sole access and outdoor space for my property is via the external steps off the communal access to the side (as demonstrated in the photograph below), this access is directly below the roof terrace. The current arrangement with the timber panel (again as shown in the photograph below) offers me a degree of privacy and amenity when accessing and exiting my property.

Unfortunately, the proposal to remove this panel and replace with glass balustrade, whilst concurrently intensifying the use of the flat roof terrace will result in a significant loss to my current amenity and privacy and that of surrounding properties. This loss is judged to be excessive and should be strongly resisted.



4. Construction

Whilst I understand the actual construction process is generally not a material planning consideration, given the unusual property sub-division it is important to appreciate the likely difficulties developing the roof-space of this property will bring.

My entire apartment is directly below the main body of building works (the proposed kitchen and dining area) and it's my understanding that such extensive work will have an unacceptable impact on the enjoyment of my property due to noise, disturbance and dust during the construction phase and then the ongoing noise and disturbance from its use based on the property intensification.

Moreover, it is likely the existing building will need upgrading to support the additional construction weight of the development, including the reinforcement of my ceiling joists and the lintels over the windows in my (and possible the ground floor) property/ies. At this stage I do not consent to this intrusive work to my private house and/or the impact on my rights to enjoy my right to peaceful enjoyment of my dwellinghouse (UN Human Right).

This is likely to have a direct impact on the design and method of construction, which in turn is likely to affect the overall design of the scheme and therefore in this case needs to be fully considered as part of the planning process.

I trust these points will be duly considered as part of the application process and please do not hesitate to contact me, if you wish to discuss any of the above in more detail.

Yours sincerely,

[Redacted signature]

Comments for Planning Application 23/00132/APP

Application Summary

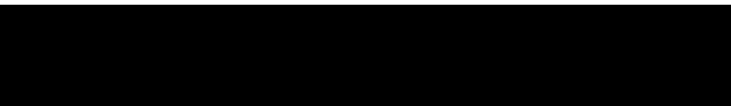
Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Height of proposed development
- Inappropriate materials/finishes
- Over-development of site
- Poor design
- Precedent
- View affected

Comment: I look forward to my frequent trips to Lossiemouth not only for the opportunity to catch up with my friends, but also for the peace, tranquillity and beauty of the area. I am very upset to find out that an ill-considered planning application had been submitted for 9 Pitgaveny Street. The proposed design is not in keeping with the scale, character, or appearance of the area. The development (or should I say overdevelopment) is particularly ill-considered with its zinc clad exterior which is out of keeping with the strong historic character of this neighbourhood and will spoil the views for both visitors and residents. I sincerely hope that Moray Council will see sense and refuse this application.

Comments for Planning Application 23/00132/APP

Application Summary

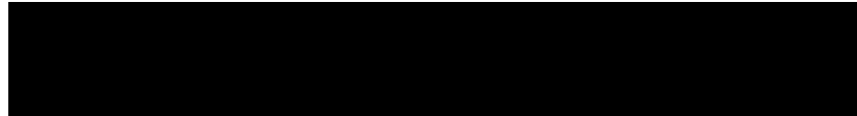
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Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Height of proposed development
- Over-development of site
- Poor design
- Precedent

Comment: I am a frequent visitor to Lossiemouth. What attracts me back is the historic feeling of the town and that the building landscape along the sea front still mostly retains its original built features.

if this development is allowed to proceed it sets a precedent for other buildings to be converted into larger properties and will spoil the look and feel of the characterful sea front street.

The new box dormer to the front is large and imposing on a 19th century building and will change the character of the building completely. I believe this is contrary to the local plan.

Comments for Planning Application 23/00132/APP

Application Summary

Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Height of proposed development
- Inappropriate materials/finishes
- Over-development of site
- Poor design
- Precedent

Comment: I often stay at a holiday let located in the building associated with the plans. I am concerned these plans will change a traditional building into something that will not fit in with the surroundings using the materials planned. The scale of the design does not fit the surrounding area.

I really enjoy staying in an old seafront town and its traditional buildings are very much part of the charm and appeal of Lossiemouth.

Comments for Planning Application 23/00132/APP

Application Summary

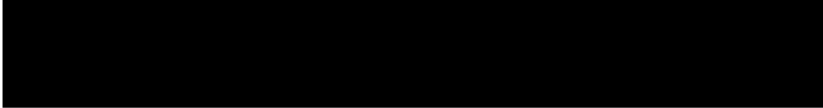
Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Height of proposed development
- Precedent

Comment: I would like the planning department to carefully consider if the proposed development fits in suitably to surrounding properties.

Comments for Planning Application 23/00132/APP

Application Summary

Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Inadequate plans
- Inappropriate materials/finishes

Comment: The main issue is the box dormer (against local plan), inappropriate materials and design for a traditional home but PRECEDENT for the historic seafront - totally out of character for the seafront area.

Please keep Lossiemouth heritage

Comments for Planning Application 23/00132/APP

Application Summary

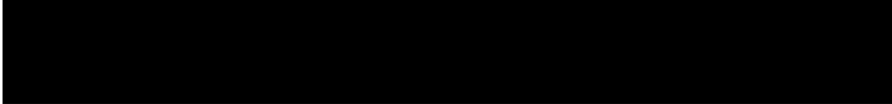
Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Height of proposed development
- Precedent

Comment: The plans deviate from the Local Plan due to design of the seafront. It would significantly change the look of the original building (circa 140-180 years old) and would ruin the look of the seafront which is not what tourists want to see. This proposed building development would forever change the look of the Lossiemouth sea front, a sea front that has been a popular tourist attraction for many, many years.

REPORT OF HANDLING

Ref No:	23/00132/APP	Officer:	Fiona Olsen
Proposal Description/ Address	Alter and extend dwellinghouse at 9 Pitgaveny Street Lossiemouth Moray IV31 6NS		
Date:	14.04.2023	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
Environmental Health Manager	07/02/23	No Objections
Transportation Manager	03/02/23	No Objections subject to informatives
Moray Flood Risk Management	30/01/23	No Objections
Aberdeenshire Council Archaeology Service	07/02/23	No Objections

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
NPF1 - Tackling the Climate	N	Complies
NPF2 - Climate mitigation and adaptation	N	Complies
NPF3 - Biodiversity	N	Complies
NPF4 - Natural Places		See below
NPF7 - Historic assets and places	N	Complies
NPF13 - Sustainable transport	N	Complies
NPF14 - Design, quality and place		See below
NPF16 - Quality homes		See below
NPF22 - Flood risk	N	Complies
PP1 Placemaking	N	Complies
PP2 Sustainable Economic Growth	N	Complies
PP3 Infrastructure and Services	N	Complies

DP1 Development Principles		See below
EP2 Biodiversity	N	Complies
EP3 Special Landscape Areas		See below
EP8 Historic Environment	N	Complies
EP12 Management and Enhancement Water	N	Complies
EP13 Foul Drainage	N	Complies
EP14 Pollution Contamination Hazards	N	Complies

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: 11 (10 Objections and 1 Support)		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: Comments received in support of application.</p> <p>Comments (PO): These are noted.</p>		
<p>Issue: Design is not in keeping with surrounding area.</p> <p>Comments (PO): This is noted and forms part of the basis for the reasons for refusal.</p>		
<p>Issue: Zinc cladding is out of keeping with character of building.</p> <p>Comments (PO): Whilst zinc is a modern material, it is commonly used on traditional buildings and here would be deemed acceptable against a natural slate roof. The application will however be refused as it would fail to comply with MLDP2020 Policies DP1, EP3 and NPF4 Policies 4, 14 and 16.</p>		
<p>Issue: Design would erode unique character of Lossiemouth.</p> <p>Comments (PO): Again, this is noted and forms part of the basis for the reasons for refusal.</p>		
<p>Issue: Design would set a precedent for other buildings along seafront.</p> <p>Comments (PO): Each planning application must be considered on its own individual merits, in relation to planning policy. In this case the application will be refused as it does not comply with the design requirements of MLDP 2020 Policies DP1, EP3 and NPF4 Policies 4, 14 and 16.</p>		
<p>Issue: Proposal is overdevelopment of site.</p> <p>Comments (PO): Again, this is noted and forms part of the basis for the reasons for refusal.</p>		
<p>Issue: Box dormer would not comply with local plan policy.</p> <p>Comments (PO): This is correct. Policy DP1 (g) states that box dormers are not acceptable.</p>		

<p>Issue: Plans do not include route of rainwater drain which could have adverse effect on neighbouring drains.</p> <p>Comments (PO): As the increase in roof area is less than 25sqm no formal drainage statement was required to be submitted however it is confirmed that all surface and foul water will be directed to the existing combined sewer, as per the existing drainage arrangements.</p>
<p>Issue: Plans do not show all openings on northern elevation.</p> <p>Comments (PO): Additional and amended plans have been submitted which now show all openings on each elevation.</p>
<p>Issue: Proposals were not discussed with neighbours prior to submission.</p> <p>Comments (PO): This is a private matter between the parties and there is no requirement in planning terms for a developer to engage with neighbours on a proposal of this scale.</p>
<p>Issue: Application form states no trees on site however trees are present.</p> <p>Comments (PO): Although there are existing trees in the rear garden, these are not expected to be impacted by the proposed development and it was not required to seek a tree survey on this occasion.</p>
<p>Issue: Loss of privacy/Overlooking from balcony.</p> <p>Comments (PO): The balcony is an existing arrangement and the proposed application only seeks to add a dormer which will provide additional access onto the balcony (in addition to the existing access from the rear sunroom). An existing timber balustrade is proposed to be removed and a glass balustrade installed. The balcony faces onto the applicant's existing garden ground to the rear and to the side, a private access path. Whilst the balcony is an existing arrangement, a condition would be recommended to be added to any final consent, should the application be approved, requiring the balustrade to be fitted with opaque glass. Overall therefore, subject to compliance with a condition, the proposals would not be expected to give rise to any loss of privacy or overlooking to neighbours, beyond the level currently experienced.</p>
<p>Issue: Loss of light/solar gain to neighbouring properties.</p> <p>Comments (PO): The extended box dormer on the front elevation would not protrude beyond the eaves of the existing roof, and whilst the new rear box dormer would, this would be above an existing two storey extension which faces onto the blank wall of a neighbouring property (separated by an existing driveway) and would not be expected to give rise to an unacceptable loss of light or overshadowing to neighbours.</p>
<p>Issue: Construction works will have unacceptable impact on neighbours (including noise and dust).</p> <p>Comments (PO): A certain level of disruption is anticipated from any construction works however these would be short-term and constrained to the construction period only.</p>
<p>Issue: Existing building will require structural upgrading to support weight of development.</p> <p>Comments (PO): This is not a planning matter and would be considered at building warrant stage.</p>
<p>Issue: Relocating existing kitchen to above another property would result in increased noise/vibration on neighbour.</p>

Comments (PO): The intensification of use of certain rooms within a property cannot be controlled and again this is not a material planning consideration.

Issue: No access Statement/assumed levels/landscape statement/fire containment plan, acoustic plan or discussion of six mile coastal margin has been provided.

Comments (PO): No alteration to the existing access or site levels is proposed and as this is a householder development for box dormers and a new extension only, the aforementioned do not required to be submitted.

Issue: No internal flood protection has been shown.

Comments (PO): This is a proposal which seeks to alter the second and third floors of an existing building only. As less than 25sqm of additional roof area is proposed no formal drainage statement is required to be submitted however it is confirmed that all surface and foul water will be directed to the existing combined sewer, as per the existing drainage arrangements.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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

The main planning issues are considered below:

Proposal

The application seeks planning permission to alter and extend an existing dwellinghouse.

To the front an existing box dormer is proposed to be extended northwards, following the same shape and ridge height of the existing box dormer on this elevation. A single opening is proposed to the front of the dormer and externally the both the existing and proposed box dormer is to be finished in zinc (to the dormer roof and external walls).

To the rear it is proposed to form an additional box dormer, which would sit alongside an existing second floor sunroom extension. The rear box dormer will contain two sets of patio doors, opening out onto the existing roof-top terrace. An existing timber balustrade surrounding the terrace is proposed to be removed and the balcony fitted with a new glass balustrade to the north and west. A new flat roof is also proposed over the existing rear second floor sunroom, again to be finished again in zinc. Finally at the rear, an existing first floor extension will be removed and replaced with a bootroom extension, with a stepped external access to the rear garden and this extension will be finished in timber cladding with a flat roof over.

Site

The site is located at 9 Pitgaveny Street, Lossiemouth. The property occupies part of the first floor and the entirety of the second floor of an existing traditional building which faces onto Lossiemouth Seafront.

The property contains two box dormers on the front elevation and an existing sunroom extension on the rear elevation.

There are neighbouring properties below and to the north, west and south of the site. The site is bound by the public road to the east.

The building is located within the historic settlement of Lossiemouth which is identified on the Historic Environment Record (HER) as a site of archaeological interest.

The site is also located within the MLDP 2020 designated Burghead to Lossiemouth Coast Special Landscape Area.

Policy Assessment

Siting and Design (MLDP 2020 Policy DP1, EP3 and NPF4 Policies 4, 14, 16)

Policy DP1 requires that the scale, density and character of all development be appropriate to the surrounding area, be integrated into the surrounding landscape and not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity. Policy DP1 also states that pitched roofs are preferred to flat roofs and that box dormers are not acceptable.

NPF4 Policy 14 requires development proposals to be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Furthermore, NPF4 Policy 14(c) states that proposals which are poorly designed, detrimental to the amenity of the surrounding area, or inconsistent with the six qualities of successful places (Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable) will not be supported.

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

The proposed design seeks to extend an existing box dormer to the front of the property and construct a new box dormer to the rear. There are two existing box dormers on the front elevation of the building, the southernmost dormer considerably larger and bulkier than the northernmost. The proposed extended box dormer on the front would follow the same shape and ridge height as the existing, southernmost box dormer (the larger dormer) and would occupy more than half of the front roofplane whilst also extending from ridge height to eaves height on the existing building. As outlined, Policy DP1(g) states that box dormers are not acceptable. The agent has submitted a design statement which provides examples of existing box dormers on neighbouring properties, however it is noted that these examples are historical, and would not be permitted under the current MLDP2020. Whilst it is accepted that there are two existing box dormers on the front elevation of the existing property, these are again historical and would not comply with policy DP1. The currently proposed design (including both the extended front box dormer and new rear box dormer) would not only be incompatible with MLDP 2020 Policy DP1(g) which precludes box dormers in all circumstances, but would also be considered to be of a poor design which is incongruous with the character and scale of the existing property and surrounding area due to the unnecessary bulk and box-like appearance which the box dormers would introduce. This is particularly the case, given that the application site is a traditional property in a prominent area at the seafront in Lossiemouth.

The proposals would also be considered overdevelopment of the existing front and rear roofplanes as the box dormer extension to the front and new box dormer to the rear would result in almost the entirety of both roofplanes being developed. This is again considered out of keeping with the scale and character of the existing building, and if allowed, would be considered overdevelopment. As such the application will be refused as it does not comply with MLDP 2020 Policies DP1, EP3 and NPF4 Policies 4, 14 and 16.

With regard to the external finishes, the dormers are proposed to be finished in zinc to the external walls and flat roof over. Zinc is a commonly used material on traditional buildings which would be considered appropriate against the existing natural slate roof. The material finishes of the dormers are therefore considered acceptable, however this would not override the aforementioned objections with regard to design, scale and character and the application will be refused.

Additional alterations are proposed to the existing building and these include removing an existing timber balustrade surrounding the existing rear roof terrace and replacing with a new glass balustrade to the north and west. A new flat roof is also proposed over the existing rear second floor sunroom, again to be finished in zinc. Finally at the rear, an existing first floor extension will be removed and replaced with a bootroom extension, with a stepped external access to the rear garden and this extension will be finished in timber cladding with a flat roof over. Although policy DP1 states that pitched roofs are preferred to flat roofs, the proposals here are located to the rear and either replace an existing flat roof, or are sufficiently small in scale to be deemed acceptable in this location. Therefore these elements of the design would be considered to comply with policies DP1 and NPF4 Policies 14 and 16.

In terms of any adverse amenity impacts, the proposed dormer on the front would face onto the public road below and thereafter existing Old Station Park and Promenade at the seafront. To the rear, the proposed new box dormer would face onto the applicant's existing garden ground and neighbouring properties beyond. An existing roof terrace would be accessed via the patio doors proposed within the new rear box dormer, with a new glass balustrade to be installed to the north and west edges. If the application were to be approved, a condition would be required to be added to the final consent requiring the balustrade to be fitted with opaque glass. As a result, subject to compliance with a condition, the proposed alterations would not be considered to give rise to any unacceptable loss of privacy or overlooking to neighbours, beyond that already experienced. In terms of any loss of light or overshadowing, the extended box dormer on the front elevation would not protrude beyond the eaves of the existing roof, and whilst the new rear box dormer would, this would be above an existing two storey extension which faces onto the blank wall of a neighbouring property (separated by an existing driveway) and would not be expected to give rise to an unacceptable loss of light or overshadowing to neighbours. Therefore, these aspects would be considered to comply with policy DP1.

Special Landscape Areas (EP3, NPF4 Policy 4)

Policy EP3 refers to Special Landscape Areas and requires that development proposals within SLAs so not prejudice the special qualities of the designated area as set out in the Moray local Landscape Designation Review and adopt the highest standards of design in accordance with policy DP1.

NPF4 Policy 4(d) states that development proposals that affect a site designated as a local nature conservation site or landscape area within the LDP will only be supported where:

- i.) Development will not have significant adverse effects on the integrity of the area or the qualities for which is has been identified; or
- ii.) Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

The Moray Local Landscape Review Designation Review for the Burghead to Lossiemouth SLA specifically states that development should be of the highest quality and of a scale and style that reflects buildings within the original core of the settlement. In this case, the site is located within the centre of Lossiemouth, facing onto the historical Old Station Park and Promenade and as such is highly visible from many public viewing points on the seafront. Whilst there is an existing box-dormer arrangement here, this would not be permissible under current policy and the proposal to extend an existing box dormer on the front and construct a new box dormer on the rear would be considered to detrimentally affect the historical character of Lossiemouth and as such the application will be refused as the proposal would not be considered to comply with MLDP policy EP3 and NPF4 Policy 4.

Drainage (DP1, EP12, EP14, NPF4 Policy 22)

The site is not within any areas identified to be at risk of flooding. A Drainage Statement has been provided which outlines that any additional surface water will be directed to the existing combine sewer, as will any foul water. Moray Flood Risk Management have been consulted and have raised no objections therefore the drainage proposals would comply with policy DP1.

Climate Change, Biodiversity and Soils (NPF4 Policies 1, 2, 3 and 5)

The proposal is a small scale householder development only which will result in minimal impact in terms of climate change and soil disturbance. It is not necessary to seek formal biodiversity enhancement on a householder proposal of this scale and therefore the proposal is deemed to comply with NPF4 Policies 1, 2, 3 and 5.

Protected Species (EP1, NPF4 Policy 4)

As bats are a European Protected Species, the impact of the proposal on the species must be considered prior to determining the application and in line with the current Habitat Regulations 1994 as amended. If the application were to be approved an informative should be added to any final consent reminding the developer of their duties should any evidence of bats be uncovered during construction works and this would ensure compliance with policy EP1 and NPF4 Policy 4.

Archaeology (EP8, NPF4 Policy 7)

As outlined, an area of archaeological interest lies over the site relating to the historic settlement of Lossiemouth. The Council's archaeologist has been consulted and has raised no objections. As a result the proposal would comply with policy EP8 and NPF4 Policy 7.

Parking and Access (DP1, NPF4 Policy 13)

The site is currently accessed via the public road to the east of the site and parking is via on-street parking again to the east. No alterations to either of these are proposed and the Moray Council Transportation Section has been consulted and has raised no objections, subject to a series of informatives to be added to any final consent, should the application be approved. This ensure compliance with the Transportation requirements of policy DP1 and NPF4 Policy 13.

Conclusion

The proposals are unacceptable in terms of policy DP1(g) which precludes box dormers. Furthermore, the dormers are of a poor design which is incongruous with the character and scale of the existing property and surrounding area due to the unnecessary bulk and box-like appearance which the box dormers would introduce. The dormers would also be considered overdevelopment of the existing front and rear roofplanes and as such would fail to comply with MDLP2020 Policy DP1 and NPF4 Policies 14 and 16.

The Moray Local Landscape Review Designation Review for the Burghead to Lossiemouth SLA specifically states that development should be of the highest quality and of a scale and style that reflects buildings within the original core of the settlement. It is noted that proposed extended box dormer and new rear box dormer would have a detrimental impact on the character of the wider SLA and is therefore not considered to comply with MLDP 2020 policy EP3 and NPF4 Policy 4.

As such the application will be refused as it would not comply with MLDP2020 Polices DP1 and EP3 and NPF4 Policies 4, 14, and 16.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY			
Reference No.	Description		
06/02122/FUL	Proposed alterations extension and associated works at 9 Pitgaveny Street Lossiemouth Moray IV31 6NS		
	Decision	Permitted	Date Of Decision 07/12/06
	Proposed alterations extension and associated works at 9 Pitgaveny Street		

05/00585/FUL	Lossiemouth Moray IV31 6NS		
	Decision	Refuse	Date Of Decision

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	Departure from development plan	02/03/23
PINS	Departure from development plan	02/03/23

DEVELOPER CONTRIBUTIONS (PGU)	
Status	N/A

DOCUMENTS, ASSESSMENTS etc. *		
<i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Design Statement (dated 17/01/2023)	
Main Issues:	Outlines details of existing property and gives details of neighbouring properties which employ dormer windows. Seeks to provide justification for design due to poor internal layout, insufficient head-height and through seeking to balance the front elevation through extension of the dormer.	
Document Name:	Drainage Statement (dated 01/04/2021)	
Main Issues:	Outlines that development will create less than 25sqm of new roof space and therefore no formal drainage statement is required. All surface and foul water will be directed to the existing combined sewer.	

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

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



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

REFUSAL OF PLANNING PERMISSION

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

TO



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

Alter and extend dwellinghouse at 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

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

Date of Notice: **17 April 2023**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance

Moray Council

Council Office

High Street

ELGIN

Moray

IV30 1BX

IMPORTANT

YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposed extended box dormer to the front and new box dormer to the rear of the existing dwelling are contrary to the Moray Local Development Plan (2020) and National Planning Framework 4 for the following reasons:

1. The proposals are unacceptable in terms of policy DP1(g) which precludes box dormers. Furthermore, the dormers are of a poor design which is incongruous with the character and scale of the existing property and surrounding area due to the unnecessary bulk and box-like appearance which the box dormers would introduce. The dormers would also be considered overdevelopment of the existing front and rear roofplanes and as such would fail to comply with MDLP2020 Policy DP1 and NPF4 Policies 14 and 16.
2. The Moray Local Landscape Review Designation Review for the Burghead to Lossiemouth SLA specifically states that development should be of the highest quality and of a scale and style that reflects buildings within the original core of the settlement. It is noted that proposed extended box dormer and new rear box dormer would have a detrimental impact on the character of the wider SLA and is therefore not considered to comply with MLDP 2020 policy EP3 and NPF4 Policy 4.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
220104.BRENNAN.03PP	A	Proposed elevations floor plan site and location plan
220104.BRENNAN.04PP	B	Proposed side elevation

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

Additional plans submitted to show missing elevation and missing detail from elevation.

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100635202-001

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:

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="S"/>	Building Number:	<input type="text" value="9"/>
Last Name: *	<input type="text" value="Brennan"/>	Address 1 (Street): *	<input type="text" value="Pitgaveny Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Lossiemouth"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="07969 912670"/>	Postcode: *	<input type="text" value="IV31 6NS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="susiebrennan@hotmail.com"/>		

Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="9 PITGAVENY STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="LOSSIEMOUTH"/>
Post Code:	<input type="text" value="IV31 6NS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="870931"/>	Easting	<input type="text" value="323823"/>
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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)

Internal Alteration & Extension: erection of an extension to the existing box dormer to the front, new box dormer to the rear, and small boot room extension on Ground floor. New roof to existing conservatory

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to attached documents.

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)

2023.07.03 LBR Review - Statement of Case 220104 Brennan 01 SV A 220104 Brennan 03PP A 220104 Brennan 04PP B
2300132 Final LMC

Application Details

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

23/00132/APP

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

26/01/2023

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

17/04/2023

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 Craig Mackay

Declaration Date: 14/07/2023



LOCAL REVIEW BOARD

STATEMENT OF APPEAL

Alteration & Extension to 9 Pitgaveny Street, Lossiemouth, IV31
6NS

July 2023

**St. Brendans
South Guildry Street
Elgin
Moray
IV30 1QN**

**t. 01343 540020
w. cmdesign.biz**

**4 Bridge Street
Nairn
Highland
IV12 4EJ**

**t. 01667 300230
w. cmdesign.biz**

planning**consultancy** • architectural**design** • project**management**



planning**consultancy** • architectural**design** • project**management**

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South Guildry Street
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IV30 1QN

t. 01343 540020 **f.** 01343 556470
e. office@cmdesign.biz

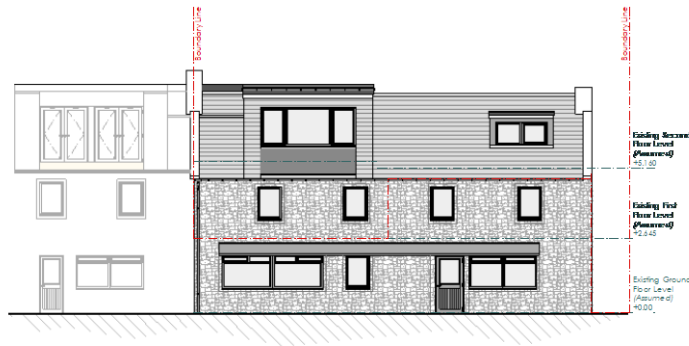
Our Reference:	220104.BRENNAN
Local Authority:	Moray Council
Planning Application Ref:	23/00132/APP
Application Proposal:	Consolidation of two existing mismatched dormers into one box dormer to balance the front elevation; dormer to rear; & and small rear extension containing a boot room.
Site Address:	9 Pitgaveny Street, Lossiemouth
Appellants:	Ms. Brennan
Date Application Validated:	30 th January 2023
Council Decision Notice Date:	17 th April 2023
Reason for Refusal:	<ol style="list-style-type: none"> 1. <i>The proposals are unacceptable in terms of policy DP1(g) which precludes box dormers. Furthermore, the dormers are of a poor design which is incongruous with the character and scale of the existing property and surrounding area due to the unnecessary bulk and box-like appearance which the box dormers would introduce. The dormers would also be considered an overdevelopment of the existing front and rear roofplans and as such would fail to comply with MDLP2020 Policy DP1 and NPF4 Policies 14 & 16</i> 2. <i>The Moray Local Landscape Review Designation Review for the Burghead to Lossiemouth SLA specifically states that development should be of the highest quality and of a scale and style that reflects buildings within the original core of settlement. It is notes that the proposed extended box dormer would have a detrimental impact on the character of the wider SLA and is therefore not considered to comply with MLDP 2020 policy EP3 and NPF4 Policy 4.</i>

<p>Application Drawings & Supporting Documents:</p>	<p>DOC001 – CMD Drawing – 220104.BRENNAN.01 SV A DOC001 - CMD Drawing – 220104.BRENNAN.03 PP A DOC002 - CMD Drawing – 220104.BRENNAN.04 B DOC003 – 3D Proposals DOC004 – Decision Notice</p>
<p>Contents:</p>	<ol style="list-style-type: none"> 1. Introduction – Page 3 2. Development Needs – Page 4. 3. Statement of Case – Page 6 4. Reasons for Refusal – Page 10 5. Conclusion – Page 12

1. Introduction

- 1.1. The following Statement of Case, submitted by CM Design, Town Planning & Architectural Consultants, has been prepared to support a Local Review Board submission relating to a:

Refurbishment of Seafront Apartment to consolidate existing poorly constructed dormer arrangement and enhance the streetscape.



- 1.2. The existing property consists of accommodation over two stories with access via the private garden, to the rear.
- 1.3. The application was refused as it incorporated a box dormer which is not acceptable under the wider LDP. However, a blanket refusal overlooks a unique opportunity to significantly improve an existing, poorly designed, and constructed box dormer arrangement.
- 1.4. Despite the existing property hosting various sizes and styles of dormer, the application for form a new, consolidated dormer arrangement was refused due to current planning policy that resists "box dormer" proposals. This blanket refusal has been applied without consideration of the existing context, and this opportunity has been missed to significantly improve the performance and appearance of the existing arrangement.

2. Development Needs

- 2.1. The existing house layout at No. 9 Pitgavney Street has evolved, over many years, in an ad hoc fashion to give rise to the impractical arrangement of Kitchen, Bedrooms and Bathroom on the lower floor, and Living/Dining Areas with Conservatory on the upper floor. In addition to the useable upper floor rooms there are also two unusable small rooms leading off the main Living area, currently being used for storage as insufficient head-height and daylight prevent any more meaningful use.
- 2.2. Internally, the ad hoc evolution of this property has resulted in an impractical arrangement meaning that the appellant must carry food and drinks from the Kitchen up a flight of stairs to the main Living and Dining areas.
- 2.3. Externally, the ad hoc evolution of this property has also resulted in two mismatched box dormers to the front elevation:



Existing Elevation



Proposed Elevation

- 2.4. The thermal performance of the property is poor, and the existing conservatory, to the rear, is rendered unusable for much of the year due to excessive heat, or cold, season depending:
- 2.5. The appellant seeks to replace the two poorly constructed, non-symmetrical and mismatched box dormers with one, thermally efficient dormer, providing a more balanced elevation and more in keeping with other examples of historic box dormer seen in the wider area.
This consolidated dormer design also brings the two unusable internal rooms into use and brings the internal layout of the house together perfectly.
- 2.6. Significant **material considerations** exist in the context of this application and appeal and can be summarised as follows:
 - Whilst new Box dormers are not acceptable under DP1 (g), these proposals do not seek approval for a new box dormer to a previously undeveloped roof, but instead seek to replaced two poorly constructed mismatched existing box dormers, with one single, more sympathetic dormer.

- The proposals pay attention to the local architectural style and seek to replace the current disjointed arrangement with a single dormer design more widely seen in the surrounding area.
- The proposals provide an opportunity to significantly upgrade both the appearance, and thermal performance of the property representing a significant investment in the property's long-term value, and Moray's requirement for local, good quality housing.
- All proposed works can be undertaken in a self-contained manner, within the appellants property, and need not infringe on any neighbouring properties to the side, or below.
- The proposals present no change to existing overshadowing or overlooking created by the property.

2.7 This Statement of case will not only address the reasons for refusal identified in the rejection notice but will also seek to demonstrate why these particular reasons for refusal could be described as perhaps punitive when considering how much additional utility and amenity the appellant stands to gain, whilst amending the existing elevation to one more appropriate to the local architectural style.

3. Statement of Case

- 3.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires applications to be determined in accordance with the Development Plan unless **material considerations** indicate otherwise.
- 3.2 As stated earlier in this Statement there are significant **material considerations** to be aware of in this case and are repeated here for the sake of clarity:
- It is important to note that two box dormers are already in situ on the front elevation.
 - The proposals provide an opportunity to replace the two existing box dormers with one single dormer.
 - The proposals provide:
 - I. Improved adherence to the local architecture styles and other examples of historic box dormers in the area.
 - II. Improved thermal performance to the property providing higher quality housing and representing a significant investment in long term value.
 - III. Improved utility, design, quality and place for the appellant
 - IV. Minimal disruption to neighbouring properties and no change to overshadowing or overlooking.
- 3.3 There are many examples of larger existing dormers on Pitgaveny Street and the wider area. These examples are usually one single box dormer as seen below:



2 Clifton Road



6 Clifton Road

Or symmetrical dormers that are balanced on the elevation:



The ad hoc evolution of this property has resulted in an elevation that complies with neither of these local architectural styles. As previously shown, the existing dormers are unbalanced, and mismatched:



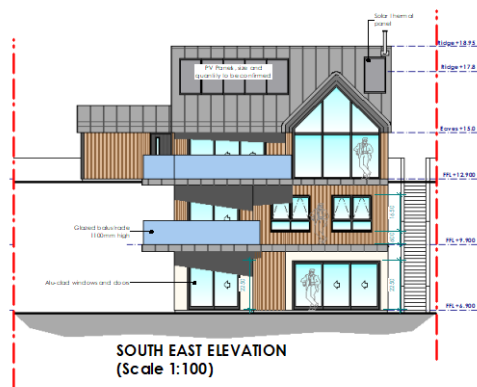
- 3.4 During the design process it was found to be unfeasible to provide the desperately needed head height with pitched roof dormers without significantly raising the ridge line. A box dormer replacement regime is the only viable option to provide the much-needed improvements to the home.

- 3.5 The proposed replacement box dormer seeks to pay attention to the local architecture and improve the integrity of the front elevation by proposing a box dormer arrangement more in line with the examples in close proximity to the property.
- 3.6 The current thermal performance of the property is poor, reducing its utility and jeopardising the health of any occupant. By replacing the construction of the existing front box dormers, and replacing the existing glazed roof of the conservatory, the thermal performance of the home will be significantly improved, thereafter improving the general utility of the home.
- 3.7 Recent developments in the Seafront area have introduced more modern design elements that sit comfortably with the wider local vernacular:

Approved



Approved



Approved

Pending Deliberation

- 3.8 The historic dormers in situ on the front elevation are poorly designed, not aesthetically pleasing, and not fit for purpose. The proposed replacement dormer provides an opportunity to balance the elevation and provide a design with more architectural merit that enhances the local character:



Examples of Zinc Clad Dormers

- 3.9 The proposed replacement dormer extrapolates the proportions of the existing, larger dormer and creates no issue with overshadowing, or overlooking.

4 Reasons for Refusal

- 4.1 The handling report suggests that the general refurbishment and alteration proposed are acceptable to the Planning Case handler, however, the dormer proposals are the principal reason for refusal.
- 4.2 Despite the general approval in principle demonstrated in this Statement of case, the current application has been refused on the grounds of **the following issues**.
- 4.3 The appellant requests that this appeal be considered upon the basis of the material matters raised but for the sake of protocol, responds directly to the matters of refusal as follows.

4.4 REASON FOR REFUSAL NO 1 - *Failure to comply with DP1 (g) – no box roof dormers, MDLP 2020 Policy DP1 Overdevelopment.*

- 4.4.1 Policy DP1 applies to all development, taking into account the nature and scale of a proposal and individual circumstances. It is applied to the impact a development will have on: Design; transportation; and Water Environment, Pollution & contamination. This application was refused for the inclusion of a box dormer, which is not acceptable under DP1 Design criteria. There was no objection to Transportation or Environmental impact as a result of the proposals.
- 4.4.2 Whilst it is recognised that proposals for **new** Box Dormers appear contrary to DP1 (g), these particular proposals are unique and present the opportunity to significantly improve the integrity of the **existing** box dormers.
- 4.4.3 The replacement of the two existing box dormers with one single box dormer does not create a risk of precedent for the use of box dormers.
- 4.4.4 The existing two box dormers are already in situ. It seems counter to the objectives of the LDP to lose the opportunity to provide a significantly improved property in terms of architectural merit, compliance with local vernacular and thermal performance in order to retain two unattractive box dormers that are also contrary to DP1 (g), and considerably poorer in design and thermal capabilities.
- 4.4.5 As shown above, there are multiple examples of large single box dormer roofs in the surrounding area. The extrapolation of the scale of the existing dormer has been utilised to provide improved symmetry to the elevation and to bring the dormer arrangement more inline with the local architectural style.
- 4.4.6 In conclusion, there will be a box dormer/s on this roof. These proposals provide Counsellors an opportunity to approve a box dormer that more closely aligns with the wider objectives of the LDP, rather than retain the existing ad hoc arrangement.

4.5 REASON FOR REFUSAL No 2 - Failure to comply with NPF4 Policies 4, 14 & 16.

4.5.1 the National Planning Framework 4. Lays out the Scottish Ministers' policies and proposals for the development and use of land.

Policy 4. – Policy 4. Seeks to control impact on the natural environment and preserve the integrity of the area.

- a) These proposals will not have an unacceptable impact on the natural environment. The scale and type of the proposals have been carefully considered and influenced by the local architectural styles, to reinforce local identity.
- d) (i) These proposals will not have a significant adverse effect on the integrity of the area, or the qualities for which it has been identified.

Policy 14. – Policy 14. Seeks to improve the quality of an area, regardless of scale, and create development that is consistent with the six qualities of successful places: Healthy; Pleasant; Connected; Distinctive; Sustainable; Adaptable.

- a) The proposals have been carefully considered to improve the quality of the existing box dormers, both in architectural merit, thermal performance, and in accordance with the other existing box dormers within the area.
- b) (i) Pleasant: the proposals seek to support natural and built spaces, by upgrading the existing dormer arrangement to one more aligned with the objectives of the LDP.
(ii) Distinctive: the proposals have sought support the local architectural style, by interpreting the prevalent style of existing box dormer whilst referencing the more modern elements of design which are now rejuvenating the Esplanade and wider area, therefore reinforcing the identity of the local area.
(iii) Sustainable: the proposals seek to significantly improve the thermal performance of the home, to mitigate the effects of overheating in summer, and reduce fuel consumption.
(iv) Adaptable: the proposals demonstrate commitment to a significant investment in the long-term value of the property, and wider area.

Policy 16. – Policy 16. Seeks to ensure that proposals bring benefit and do not have a detrimental impact on character, environmental quality, or neighbouring properties.

- g) (i) The proposals do not have a detrimental impact on the character or environmental quality of the home and surrounding area. The scale, design and materials of the proposals have been considered to reinforce the local architectural style, and to improve the thermal performance of the property.
(ii) there is no impact on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

4.6 REASON FOR REFUSAL No 3 - Failure to comply with MDLP2020 EP3

Policy EP3 – Seeks to preserve the special qualities of the designated area, and ensure proposals reflect the traditional settlement character.

Proposals reflect the settlement character in terms of siting and design. The proposed design provides a box dormer arrangement more in-keeping with the prevalent design in the surrounding area.

5 Conclusion

5.1 This Statement of case has established the following:

- **Whilst new Box Dormers are not supported within the Local Development Plan, these proposals provide an opportunity to replace two unsightly, existing dormers with a more sympathetic and thermally efficient arrangement.**
- **The scale of the proposal has been carefully considered to reinforce identity and pays attention to local architectural style of symmetrical box dormer design.**

5.2 The Appellant contends that the current proposals present the only feasible alternative to the existing box dormer design, and allows for significant improvement in utility and thermal performance for the homeowner.

5.3 The appellant respectfully requests that detail of this case be fully considered and the Appeal to approve this application be upheld.



Image of Existing Street Front Elevation (1)
Not to scale



Concept Image of Proposed Street Elevation (1)
Not to scale



Concept Image of the Rear Elevation of the Property
Not to scale



Concept Image of the Front Elevation
Not to scale



Image of Existing Street Front Elevation (2)
Not to scale



Concept Image of Proposed Street Elevation (2)
Not to scale



Concept Image of the Rear Elevation
Not to scale

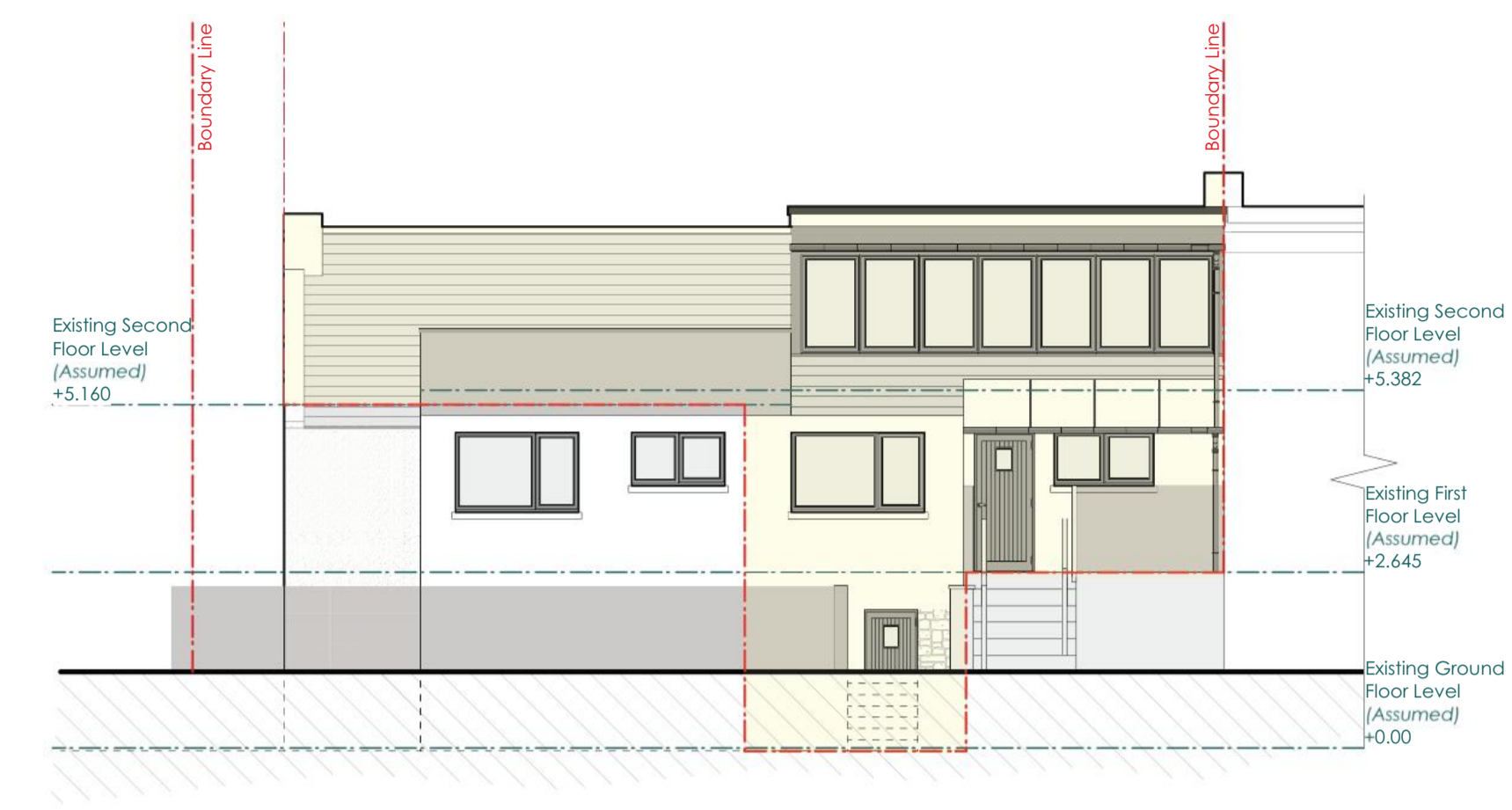
	HEAD OFFICE - MORAY 51 Brencrans, 69 South Gulldry Street, Elgin, IV20 1GN 1 01343 540020 1 011647 300230	LOSSIEMOUTH OFFICE Elie, James Street, Moray, IV30 4BX 1 01343 810175
	HIGHLANDS 4 Bridge Street, Nairn, Highlands, IV12 4EJ 1 011647 300230	DEVON OFFICE 1 01392 345566
	m 0781 3872818 w cmdesign.biz e office@cmdesign.biz	
	Ms. S Brennan 9 PITGAVENY STREET, LOSSIEMOUTH, MORAY, IV31 6NS	
PLANNING PROPOSALS CONCEPT IMAGES		
Date:	Amendments:	Rev:
Drawn By: D.S	Date: 12.07.23	Checked By: Date:
220104.BRENNAN.05PP		

DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS
 CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION
 Measurements taken from Martin Archibald drawing No. 5:2005:1.5:2005:2a, 5:2005:3a

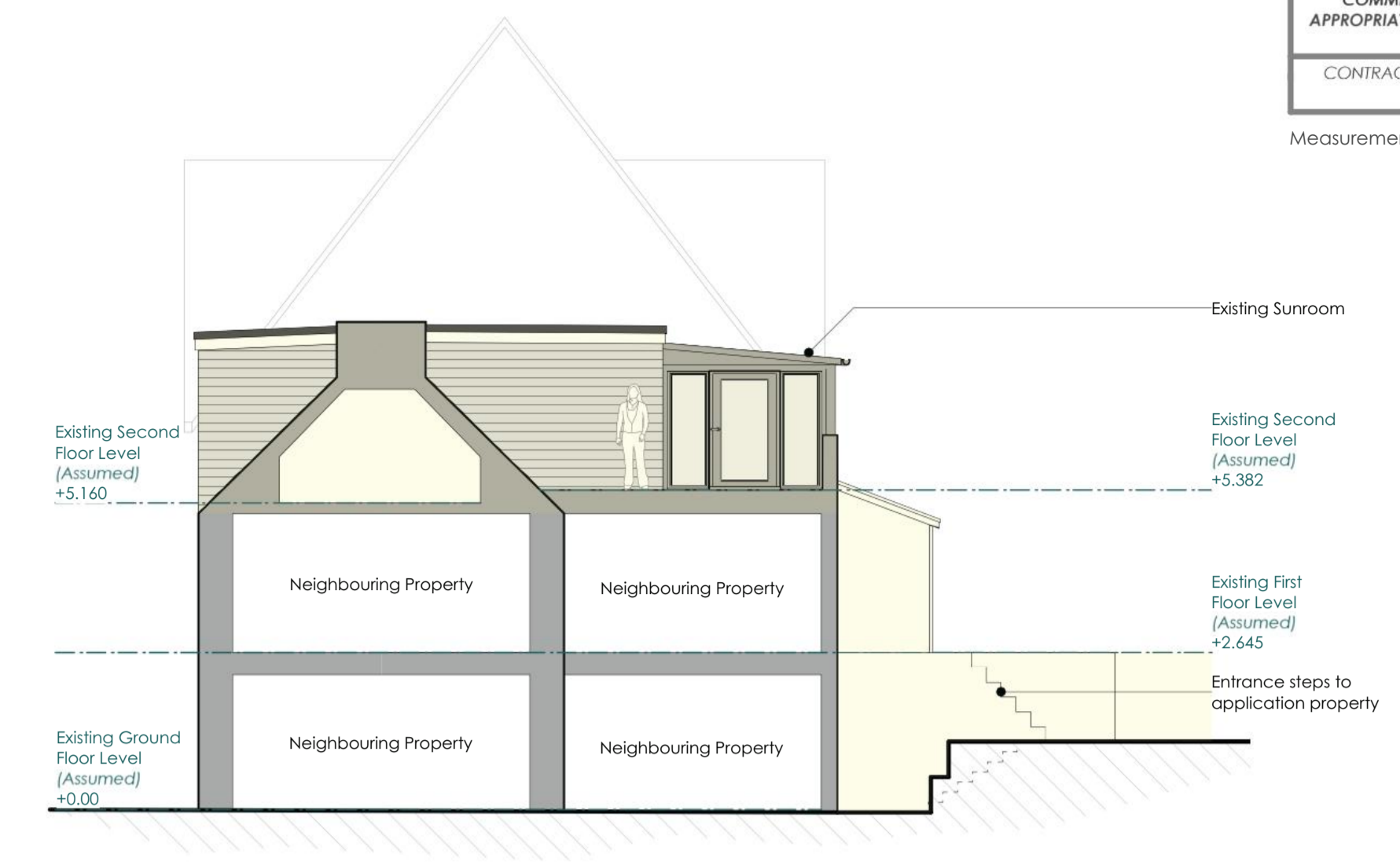
Area under applicant's ownership



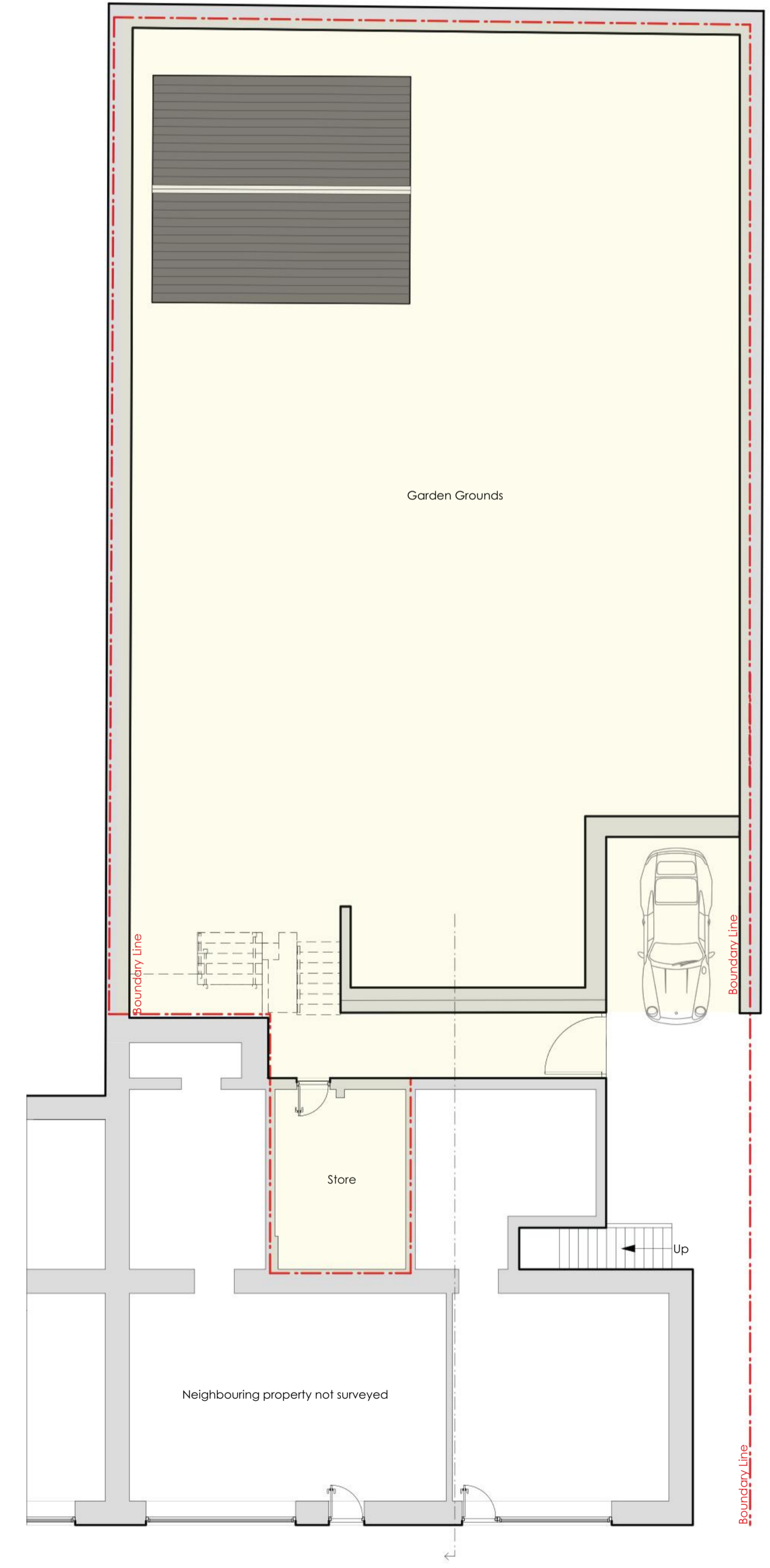
Existing Front Elevation
 Scale: 1:100
 Elevation not surveyed



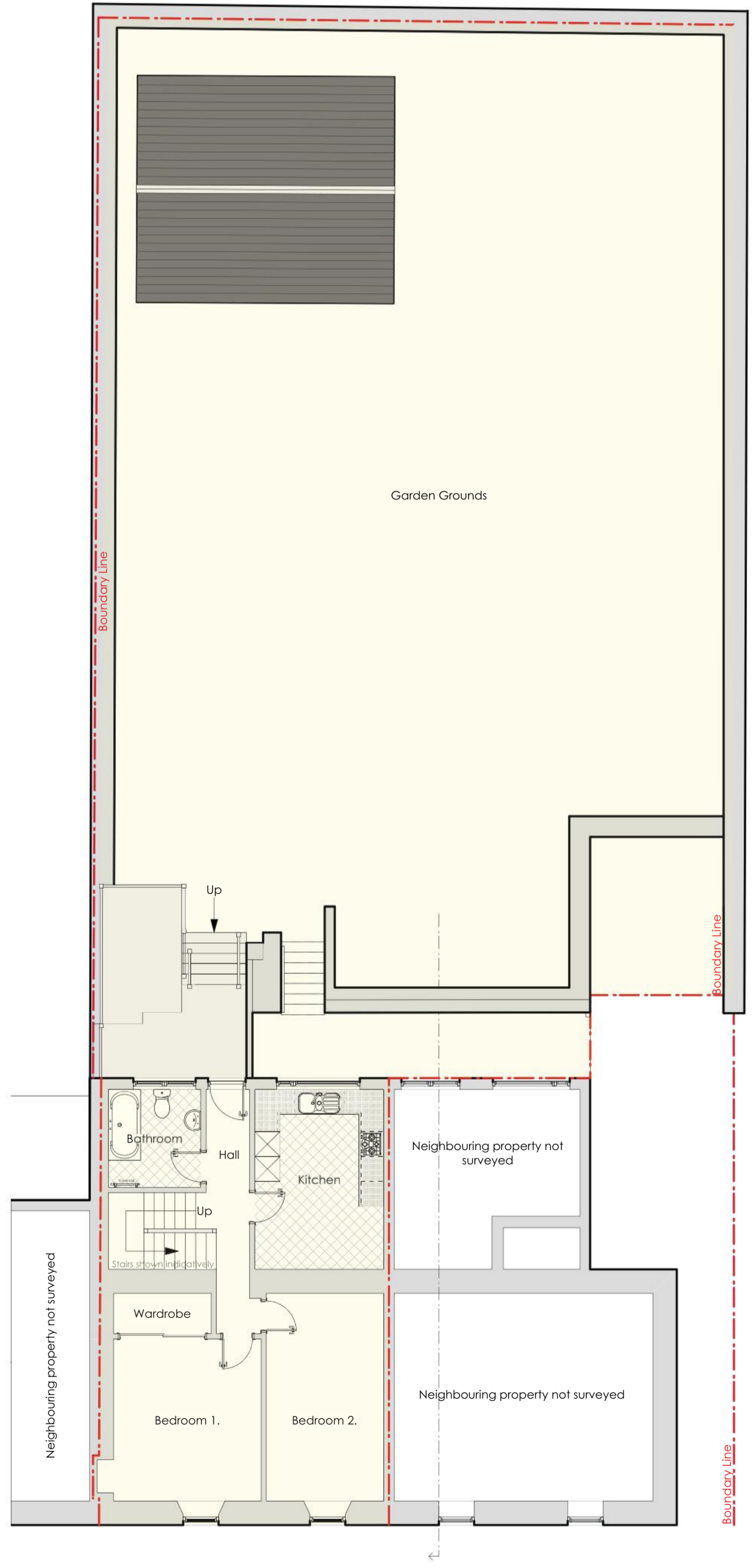
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 Elevation not surveyed



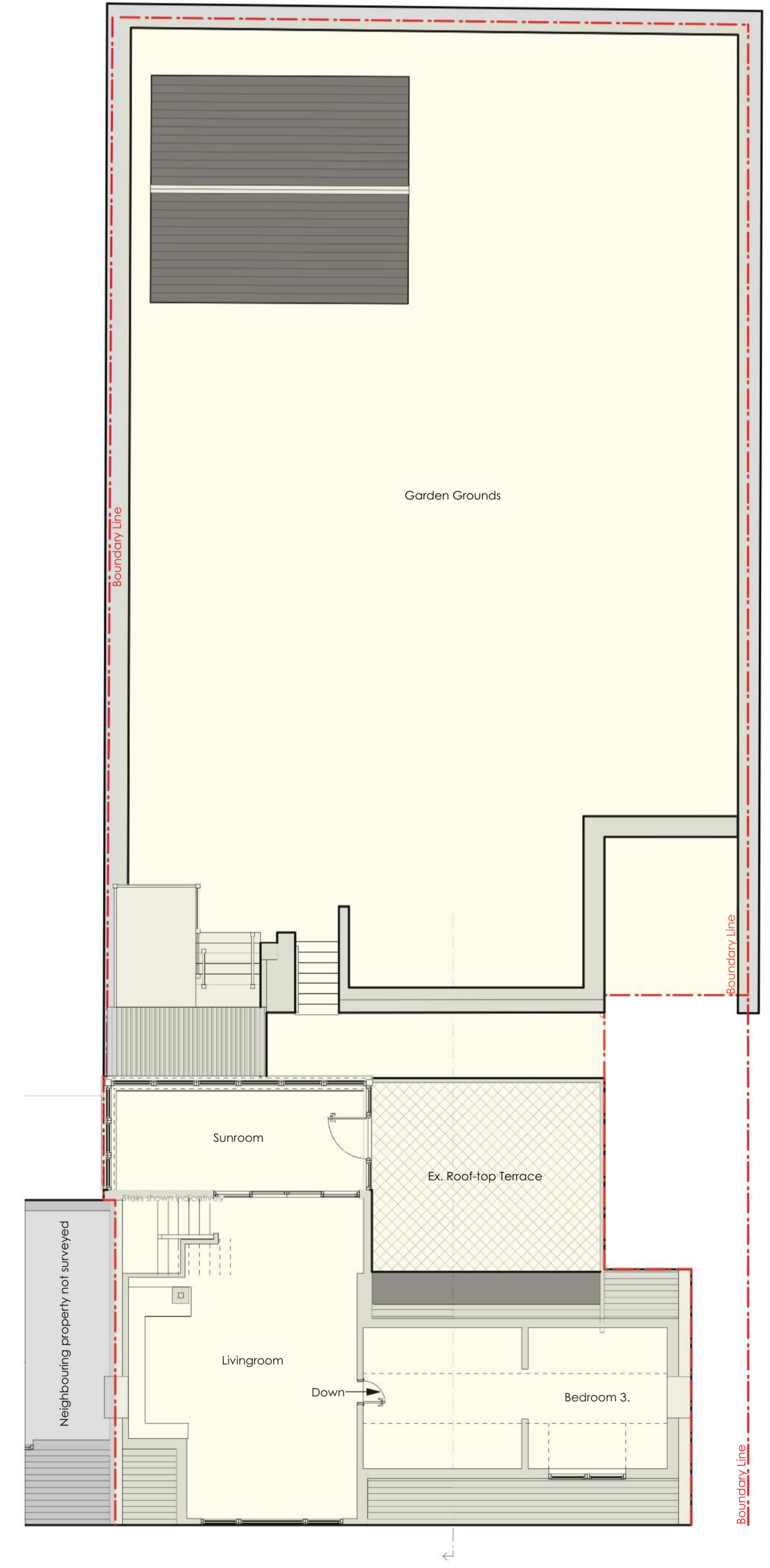
Existing Side Elevation
 Scale: 1:100
 Elevation not surveyed



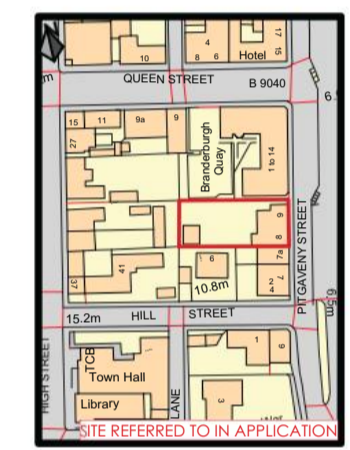
Existing Ground Floor Plan
 Scale: 1:100
 Floorplan not surveyed



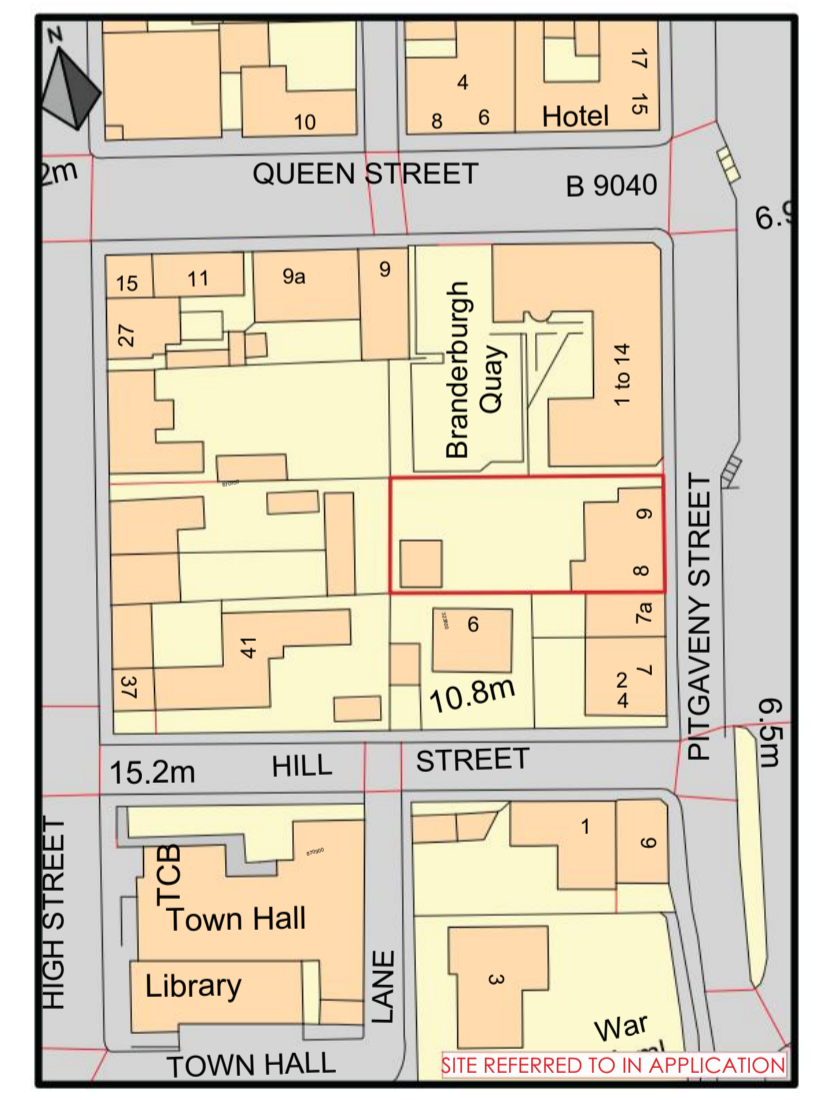
Existing First Floor Plan
 Scale: 1:100
 Floorplan not surveyed
 Approx: 57.5m²



Existing Second Floor Plan
 Scale: 1:100
 Floorplan not surveyed
 Approx: 76.5m²



Location Plan
 Scale: 1:2500



Location Plan
 Scale: 1:1000

cmdesign
 architectural consultants

HEAD OFFICE - MORAY
 51 Barendans, 69 South Gully Street, Elgin, IV30 1QN
 T 01343 540020
 HIGHLANDS
 4 Bridge Street, Nairn, Highlands, IV12 4EJ
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 m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

LOSSEMOUTH OFFICE
 Etie, James Street, Moray, IV30 6BX
 T 01343 810175
 DEVON OFFICE
 T 01392 345566

Ms. S Brennan

9 PITGAVENNY STREET, LOSSEMOUTH, MORAY, IV31 6NS

PLANNING PROPOSALS
 SURVEY DRAWING

Date: Amendments: Rev:

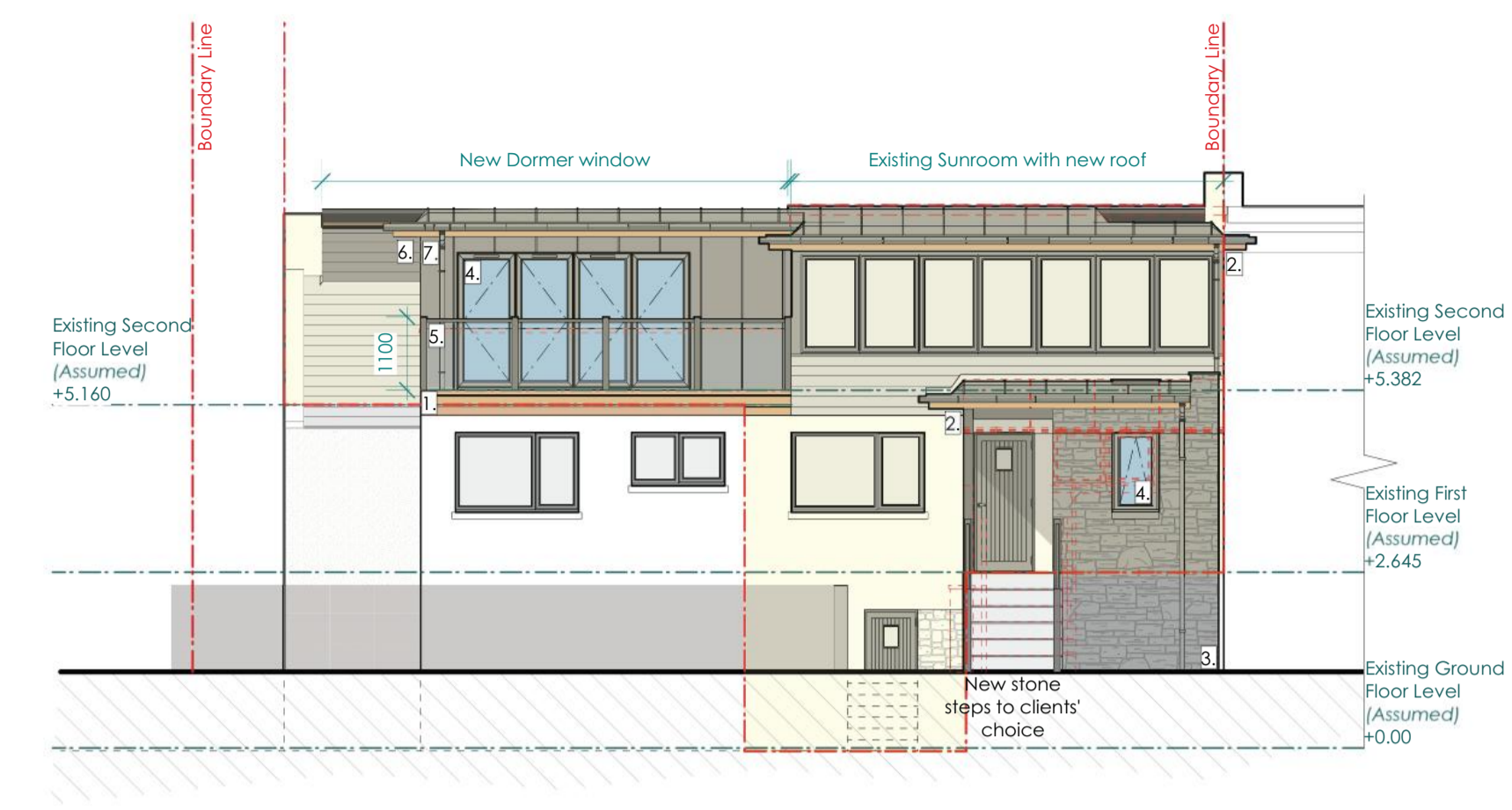
Drawn By: M.D Date: 01.09.22 Checked By: Date:

220104.BRENNAN.01SV A

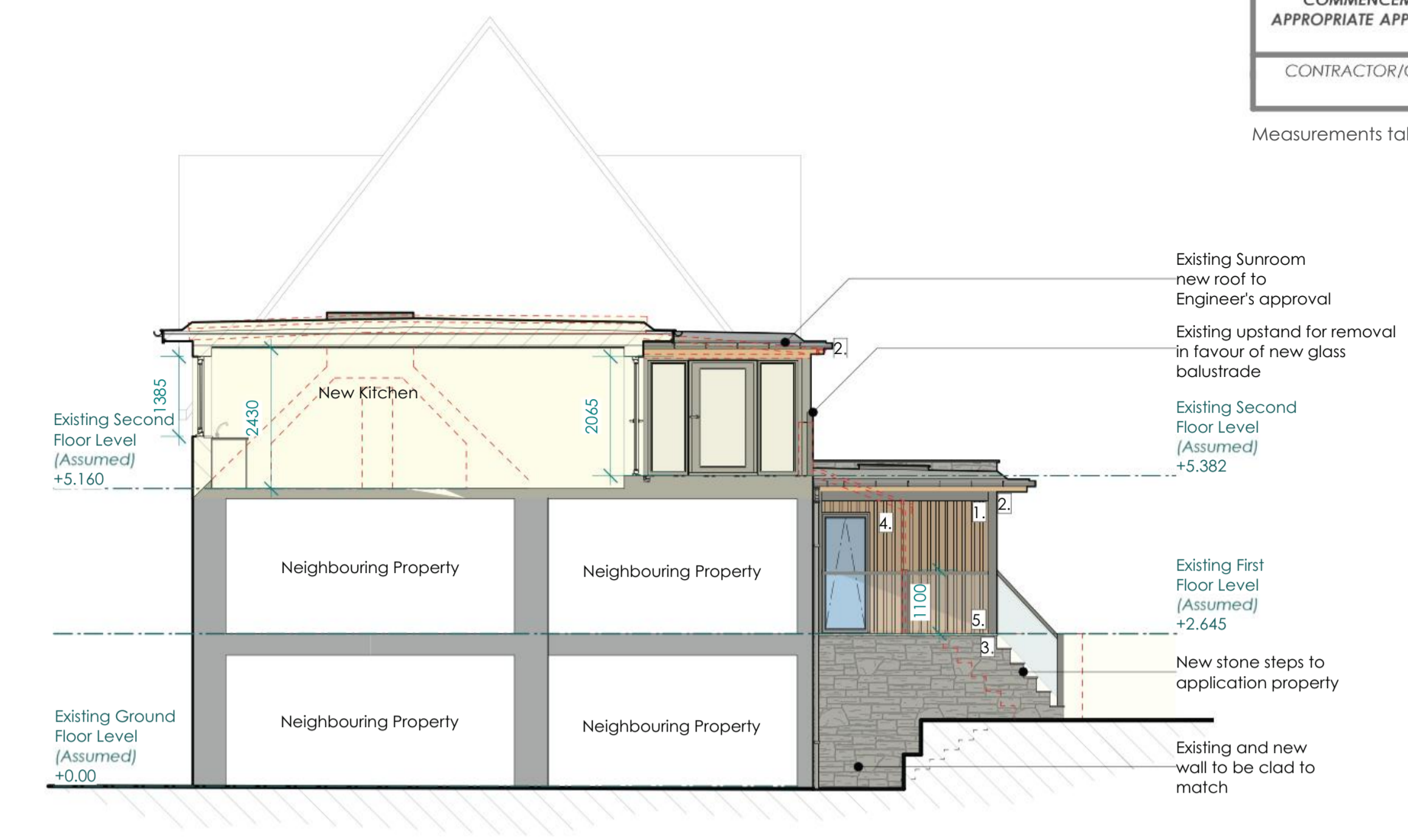
DO NOT SCALE OFF DRAWINGS. ALL SITES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS
 CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION
 Measurements taken from Martin Archibald drawing No. 5:2005:1.5:2005:2a, 5:2005:3a



Proposed Front Elevation
 Scale: 1:100
 Elevation not surveyed

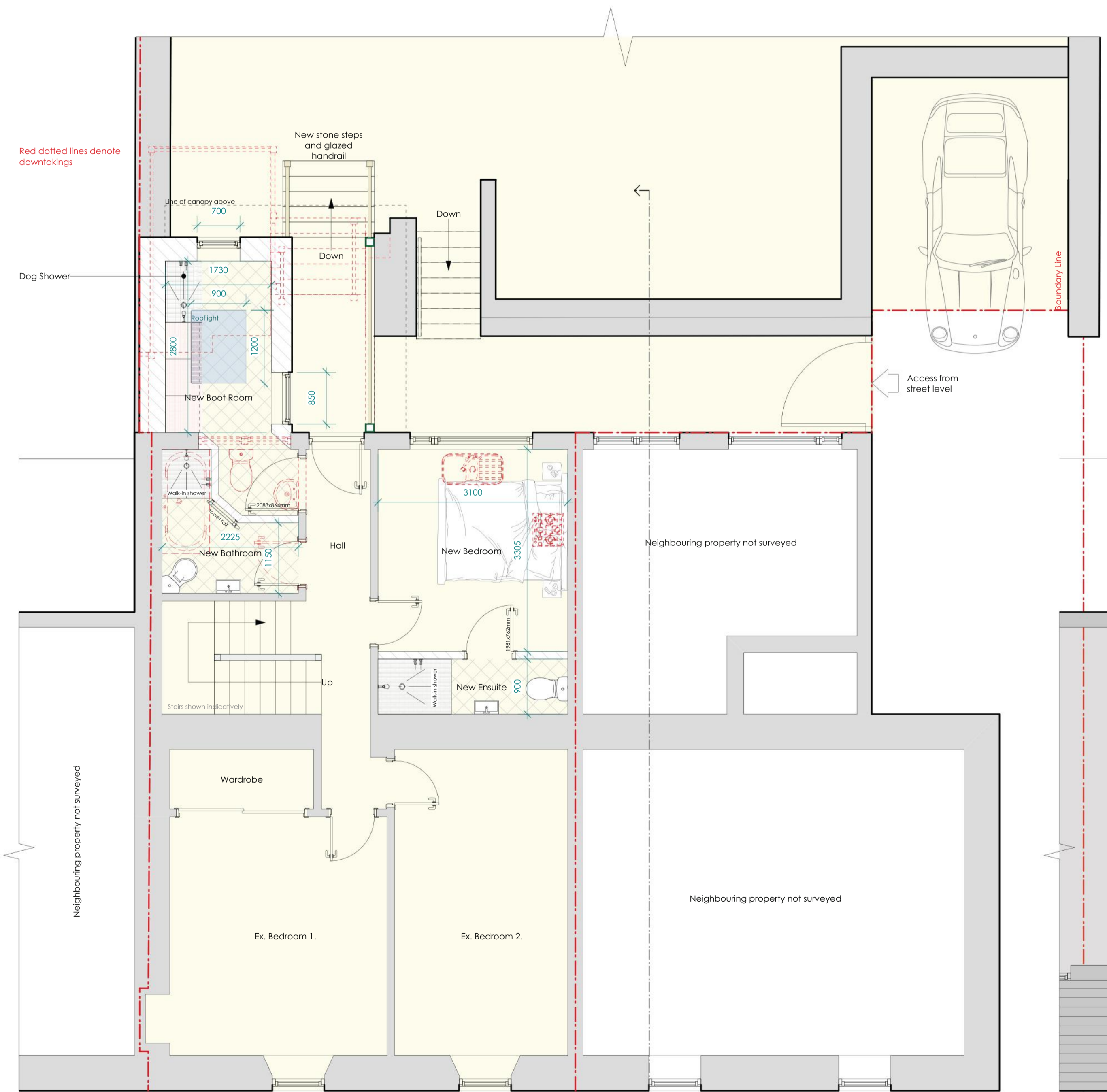


Proposed Rear Elevation
 Scale: 1:100
 Elevation not surveyed

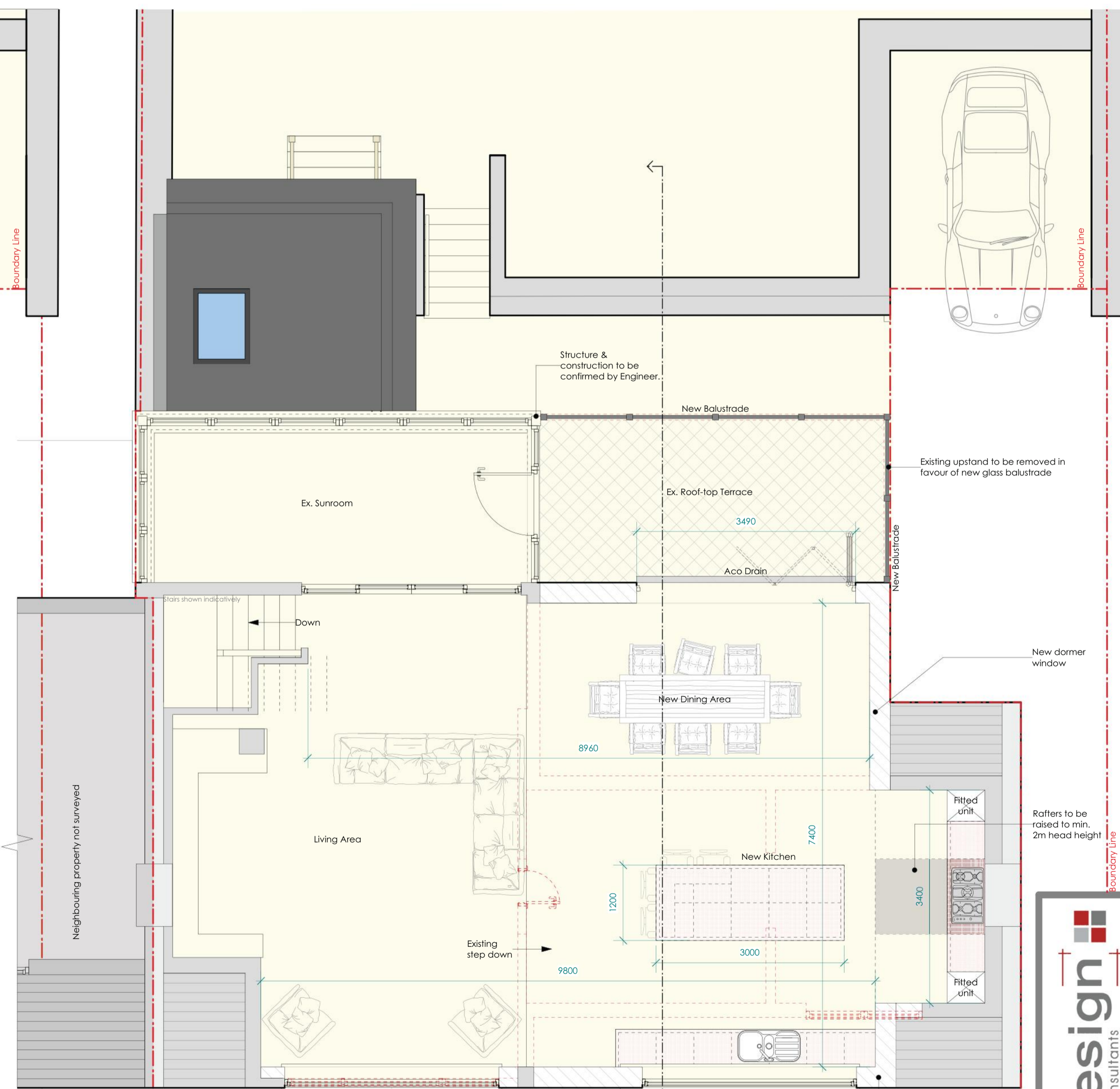


Proposed Side Elevation
 Scale: 1:100
 Elevation not surveyed

1. New timber cladding to clients' choice
2. New standing seam zinc flat roof
3. New Fernhill clad wall
4. New UPVC windows and doors to clients' choice
5. New Glazed balustrade to Engineer's approval
6. New dormer flat roof
7. New Zinc clad half

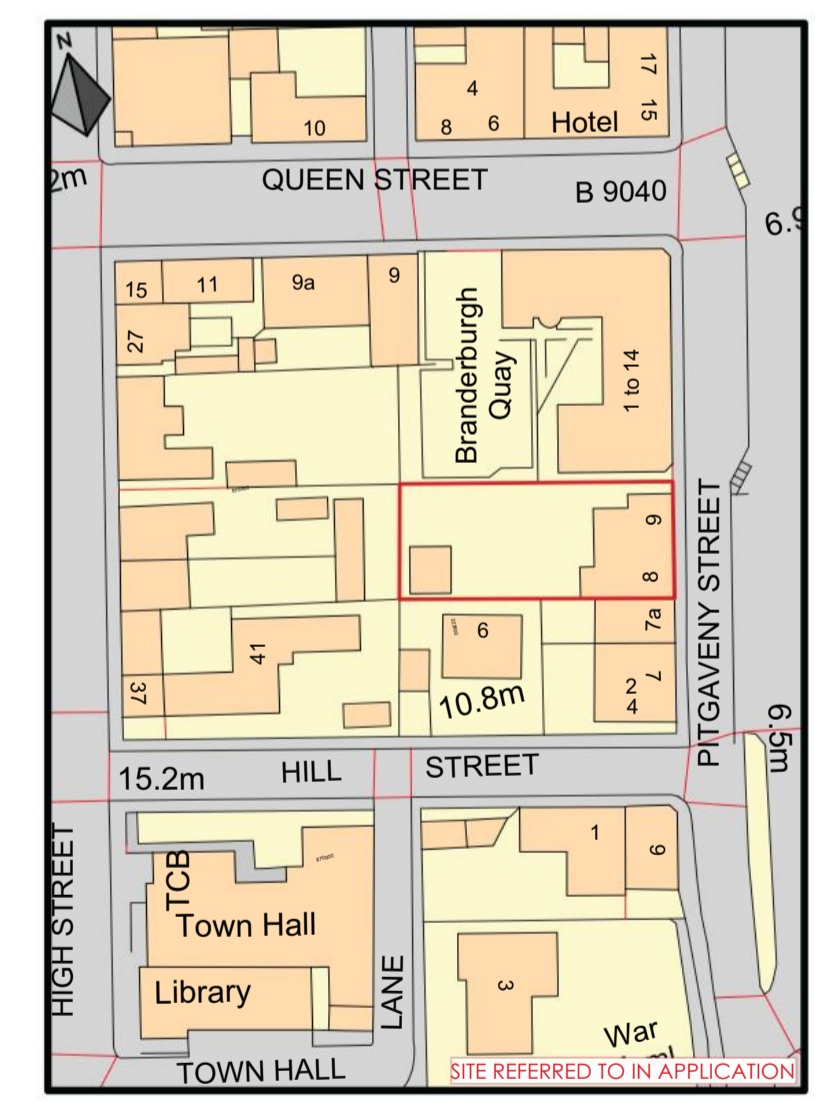


Proposed First Floor Plan
 Scale: 1:50
 Approx 62.5m²



Proposed Second Floor Plan
 Scale: 1:50
 Approx 98m²

Key to Ownership
 Area under applicant's ownership
 Area others' ownership



cmdesign
 architectural consultants

HEAD OFFICE - MORAY
 St Brendans, 69 South Gully Street, Elgin, IV30 1QN
 01343 340020

LOSSIEMOUTH OFFICE
 Elie, James Street, Moray, IV30 6BX
 01343 810175

HIGHLANDS
 4 Bridge Street, Nairn, Highlands, IV12 4EJ
 01667 300230

DEVON OFFICE
 01392 345566

m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

Ms. S Brennan

9 PITGAVENY STREET, LOSSIEMOUTH, MORAY, IV31 6NS

PLANNING PROPOSALS
 SURVEY DRAWING

Date: 03.11.22
 Amendments: Finish Amendments
 Rev: A

Drawn By: M.D
 Date: 26.09.22
 Checked By:
 Date:

220104.BRENNAN.03PP A

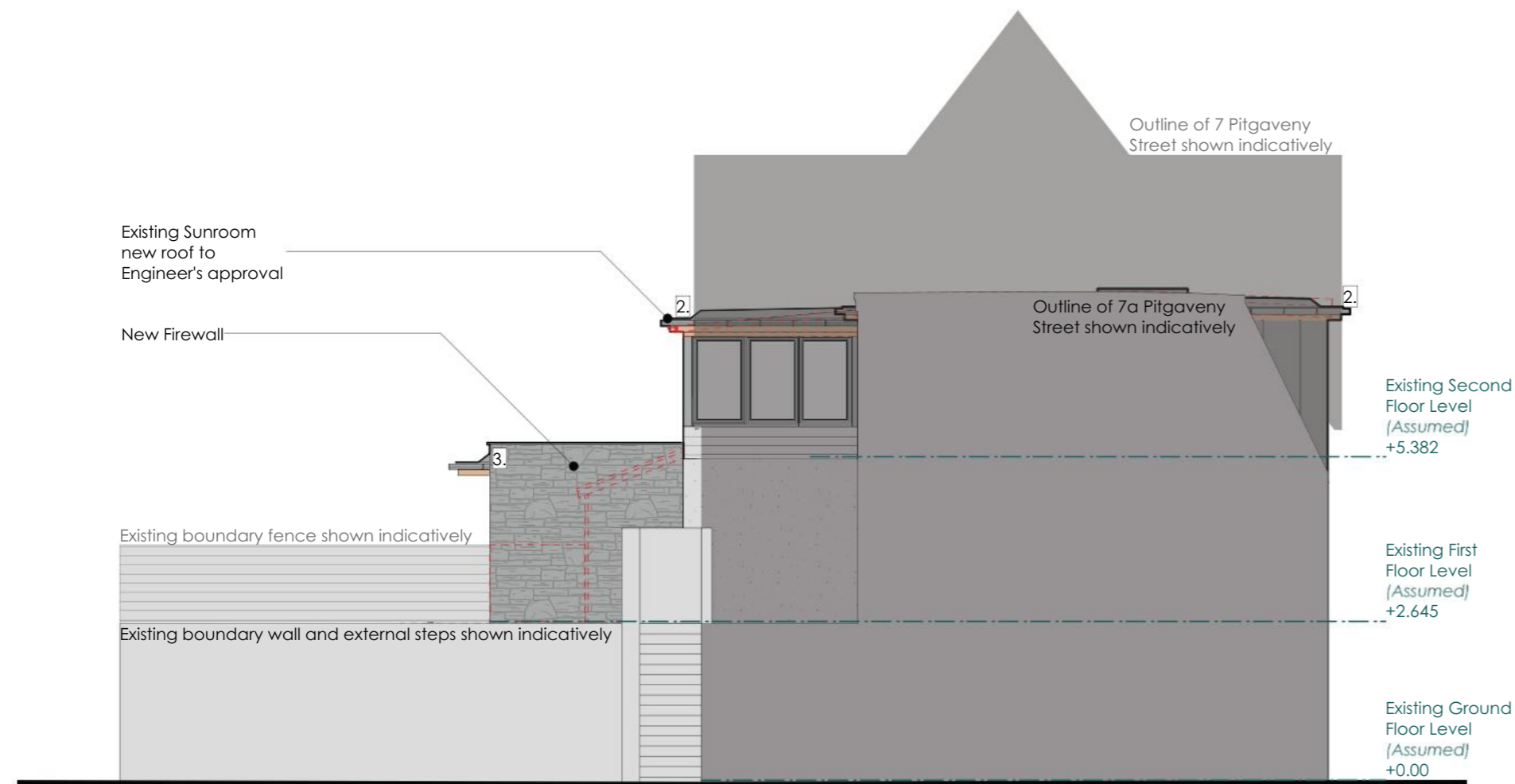


Proposed North Elevation
Scale: 1:100
Elevation not surveyed

1. New timber cladding to clients' choice
2. New standing seam zinc flat roof
3. New Fernhill clad wall
4. New UPVC windows and doors to clients' choice
5. New Glazed balustrade to Engineer's approval
6. New dormer flat roof
7. New Zinc clad halfit

Key to Ownership

- Area under applicant's ownership
- Area others' ownership



Proposed South Elevation
Scale: 1:100
Elevation not surveyed



Office: Architectural Ltd Registered in Scotland No. 272943

HEAD OFFICE - MORAY
St Brendans, 69 South Guldry Street, Elgin, IV30 1QN
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LOSSIEMOUTH OFFICE
Ellel, James Street, Moray, IV30 6BX
t 01343 810175

DEVON OFFICE
t 01392 345566

Ms. S Brennan

9 PITGAVENY STREET, LOSSIEMOUTH, MORAY, IV31 6NS

PLANNING PROPOSALS
FLOOR PLANS, ELEVATIONS & SECTION

Date:	Amendments:	Rev:
16.03.23	Elevation Amendment	A
22.03.23	Elevation Amendment	B

Drawn By: M.D	Date: 26.09.22	Checked By:	Date:
------------------	-------------------	-------------	-------

220104.BRENNAN.04PP B



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

Lindsey Robinson

From: SAMANTHA WALKINSHAW [REDACTED]
Sent: 29 August 2023 22:18
To: Lindsey Robinson
Subject: 9 Pitgaveny Street

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Lindsey,

I would ask that you forward my email to the MLRB with regard to the NOR for planning application 23/00132/APP.

I am the owner of 9a Pitgaveny Street and I have owned my property for 26 years. I am proud to own a traditional property on Lossiemouth's beautiful seafront.

My original objections stand, primarily focused on the National Plan and the Moray Local plan with regard to scale, use of box dormers and over development. The vast majority of my objections (and many others objections) were validated and upheld by the planning officer.

I have read the appeal statement made on behalf of Ms Brennan and it fails to convince me that the original decision was wrong.

This is a traditional building and the applicant was aware of the layout and the condition/ functionality of the property when it was purchased only last year. The proposed development is not in keeping with a traditional building and especially not one on the seafront of Lossiemouth, The jewel of Moray.

In the appeal statement, the examples of other large box dormers are historical. The property given as one example of unbalanced and mismatched dormers is actually a building that is due to be demolished and withdrew its application for box dormers to achieve planning permission. Other examples (3.7) refer to plans that have been await approval/ approved- none of which have box dormers, are all new builds and bear no resemblance to the traditional seafront building of no 9 Pitgaveny street.

Stating that the appellant has to carry food and drink up a flight of stairs is also not completely true and irrelevant- the appellants kitchen is of adequate size for a dining table and chairs (as photographed in the schedule of sale last year).

Stating that the thermal performance jeopardises the health of any occupant is made without any evidence.

Stating that "all proposed works can be undertaken in a self-contained manner" without any structural survey of the entire building having been completed is, again, without evidence.

I respectfully ask that you uphold the planning officers decision and take into account the multitude of objections received by the planning officer.

I am asking you to consider the impact the design of this application would have on a traditional building and the appearance of the Lossiemouth seafront.

Policy is not made locally or nationally without due diligence and I would ask you to please consider the ramifications of diverting from such policy.

Regards,





APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS



LOCAL REVIEW BOARD

FURTHER REPRESENTATION RESPONSE

Alteration & Extension to 9 Pitgaveny Street, Lossiemouth, IV31
6NS

September 2023

**St. Brendans
South Guildry Street
Elgin
Moray
IV30 1QN**

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w. cmdesign.biz**

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Nairn
Highland
IV12 4EJ**

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w. cmdesign.biz**

planning**consultancy** • architectural**design** • project**management**



planning**consultancy** • architectural**design** • project**management**

St. Brendans
South Guildry Street
Elgin
Moray
IV30 1QN

t. 01343 540020 f. 01343 556470
e. office@cmdesign.biz

Our Reference:	220104.BRENNAN
Local Authority:	Moray Council
Planning Application Ref:	23/00132/APP
Application Proposal:	Consolidation of two existing mismatched dormers into one box dormer to balance the front elevation; dormer to rear; & and small rear extension containing a boot room.
Site Address:	9 Pitgaveny Street, Lossiemouth
Appellants:	Ms. Brennan
Date Application Validated:	30 th January 2023
Council Decision Notice Date:	17 th April 2023

RESPONSE TO REPRESENTATION

Further to the Representation made by Ms. Walkinshaw on the 29th of August 2023, our response is as follows:

As detailed more fully in the Statement of Appeal document previously submitted, absolutely no claim has been made that the proposals are compliant with the Moray Local Development Plan. On the contrary, the proposals acknowledge the non-compliant element of design, but highlight the opportunity for the existing, poorly constructed, also non-compliant box-dormer arrangement, to be replaced with an arrangement that is more in-keeping with other examples of historic dormers in the wider area.

The existing box dormer arrangement, facing the street front, has evolved in an ad-hoc fashion over a period of time and has little Architectural merit. It does not reflect other historical dormer arrangements on the seafront and is not befitting of a traditional property on the seafront of the jewel of Moray.

The proposals provide an opportunity to significantly improve both the architectural merit and thermal performance of the property, whilst bringing the arrangement more in-line with the local vernacular.



Existing Elevation showing random nature of the box dormers.



Proposed Concept Image showing a more balanced Elevation.

Recent developments in the Seafront area have introduced more modern design elements that sit comfortably within the wider local vernacular and the proposals seek to incorporate this aesthetic to provide a much-needed improvement to the existing, dated, non-compliant arrangement.



Examples of Zinc Clad Dormers

Further to Ms. Walkinshaw's stated objections, we recognise that she may also have concerns that building noise during construction would impact on the Short-Term Holiday let business operated from her property. Our client can reassure Ms. Walkinshaw that all would be done to mitigate any disruption to Ms. Walkinshaw's business. Our client is more than happy to accept any suspensive planning conditions to further reassure Ms. Walkinshaw that any disruption to her business will be mitigated where possible.

It is also worthy of note that since submission of the appeal, the existing box dormer has begun leaking. The box dormer is obviously reaching the end of its natural life, and a quotation of £15,000 has been provided for its repair.

We are in full agreement that the local vernacular must be protected and cherished. However, in this instance the proposals seek to right a past Architectural wrong thereby providing significant long-term benefits to both the appellant and the Architectural merit of the seafront of Lossiemouth.



MORAY LOCAL REVIEW BODY

16 NOVEMBER 2023

SUMMARY OF INFORMATION FOR CASE No LR295

Ward 1 – Speyside Glenlivet

Planning Application 23/00423/PPP – Erect dwellinghouse and detached garage on site at Boharm Neuk, Boharm, Craigellachie

Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 20 July 2023 on the grounds that:

The development is contrary to Moray Local Development Plan 2020 Policies DP4: Rural Housing and DP1: Development Principles and to National Planning Framework Policy 17 Rural Homes for the following reasons:

1. The proposed development does not fit into the local landscape character in that the new house will be set far back from, and above, the public road out of character with the prevailing original development pattern in the area with the visual impacts of this exacerbated by the relationship to liveplanning consents for new house sites in the immediate area.
2. The proposed development, together with the number of live planning consents for new house sites in the immediate area, will contribute to an unacceptable build-up of housing and detrimentally alter the rural character of the area, creating unacceptable visual and landscape impacts.
3. The proposed development is contrary to Moray Local Development Plan Policy DP4 Rural Housing and its associated Policy Guidance on Cumulative Build Up as, together with other live planning consents for new houses sites in the immediate area, it will result in new houses overwhelming the presence of older buildings such that new houses are the predominant components of the landscape with the original settlement pattern difficult to perceive; the incidence and inter-visibility of new houses will become a major characteristic of the landscape; there will be a prominence of new houses from key viewpoints such as the public road; and there will be sequential visual effects of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site.

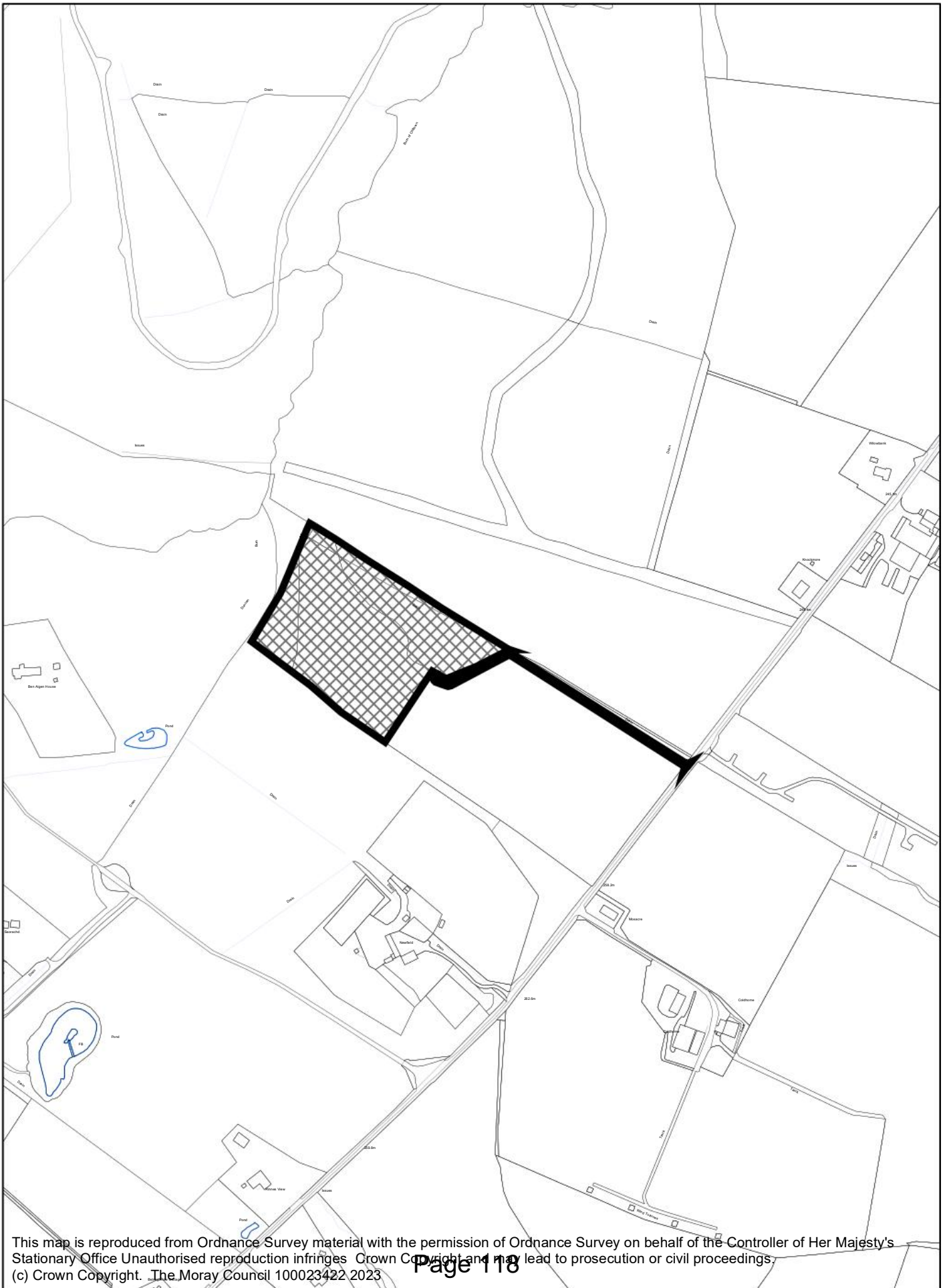
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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

At the meeting of the Moray Local Review Body (MLRB) on 16 February 2023, the MLRB noted that National Planning Framework 4 (NPF4) had been adopted by the Council on Monday 13 February 2023 and that all planning applications determined beyond this date would have to take NPF4 into consideration, as this is now part of the MLDP 2020 and deferred consideration of the above Review to request further information from the Appointed Officer and Interested Parties after considering the planning application in light of NPF4 with any response received being forwarded to the Applicant for comment.



**Location plan for Planning Application Reference Number :
23/00423/PPP**





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100620896-001

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)

Proposed dwelling-house and detached garage

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:	S Reid Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stewart	Building Name:	The Sma Glen
Last Name: *	Reid	Building Number:	
Telephone Number: *	+447598299753	Address 1 (Street): *	Rothes
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberlour
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB38 7AG
Email Address: *	info@sreiddesign.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:	Mosacre
First Name: *	Robert	Building Number:	
Last Name: *	Morrison	Address 1 (Street): *	Boharm
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Craigellachie
Extension Number:		Country: *	Scotland, UK
Mobile Number:		Postcode: *	AB38 9RL
Fax Number:			
Email Address: *	info@sreiddesign.co.uk		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Boharm Neuk, Boharm, Craigellachie, Aberlour AB38 9RL

Northing

848020

Easting

332739

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

26967.00

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)

Unused farmland

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: *

Foul water will be taken to a proposed treatment plan and then into a nearby watercourse. See GMC Surveys report. Surface water will be taken to a proposed raingarden and then into a nearby watercourse. See GMC Surveys report.

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

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

Do you have any agricultural tenants? *

Yes No

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Scott Morrison

Address:

Coldholm Farm, Boharm, Craigellachie, ABERLOUR, Scotland, UK, AB38 9RL

Date of Service of Notice: *

10/03/2023

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Stewart Reid

On behalf of: Mr Robert Morrison

Date: 10/03/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

- | | | |
|----------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

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

A Drainage Assessment and Tree Survey Report have been uploaded.

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.

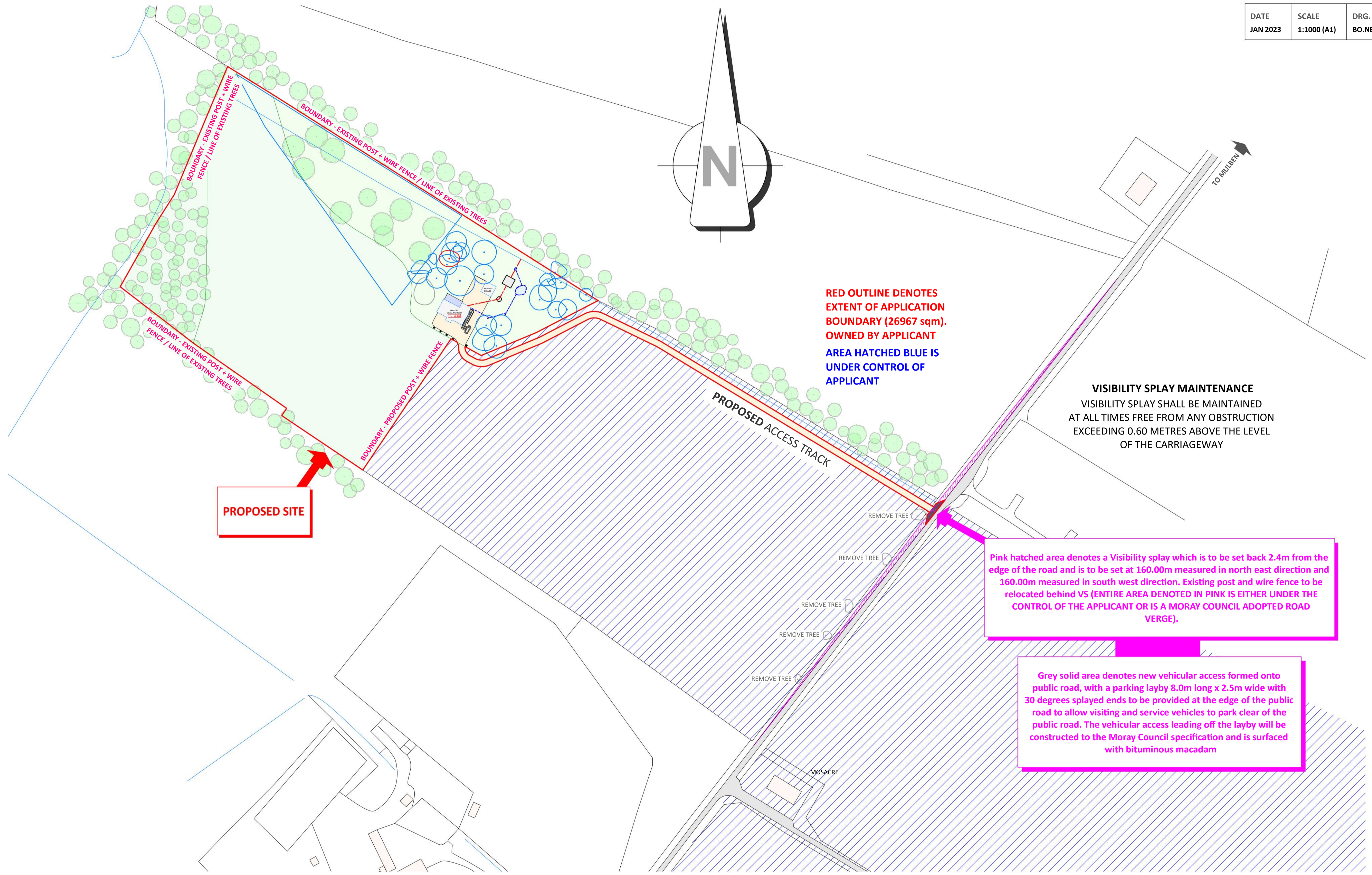
Declaration Name: Mr Stewart Reid

Declaration Date: 10/03/2023

Payment Details

Cheque: Applicant will pay by BACS, 00000000

Created: 10/03/2023 15:55



**RED OUTLINE DENOTES
EXTENT OF APPLICATION
BOUNDARY (26967 sqm).
OWNED BY APPLICANT**
**AREA HATCHED BLUE IS
UNDER CONTROL OF
APPLICANT**

VISIBILITY SPLAY MAINTENANCE
VISIBILITY SPLAY SHALL BE MAINTAINED
AT ALL TIMES FREE FROM ANY OBSTRUCTION
EXCEEDING 0.60 METRES ABOVE THE LEVEL
OF THE CARRIAGEWAY

Pink hatched area denotes a Visibility splay which is to be set back 2.4m from the edge of the road and is to be set at 160.00m measured in north east direction and 160.00m measured in south west direction. Existing post and wire fence to be relocated behind VS (ENTIRE AREA DENOTED IN PINK IS EITHER UNDER THE CONTROL OF THE APPLICANT OR IS A MORAY COUNCIL ADOPTED ROAD VERGE).

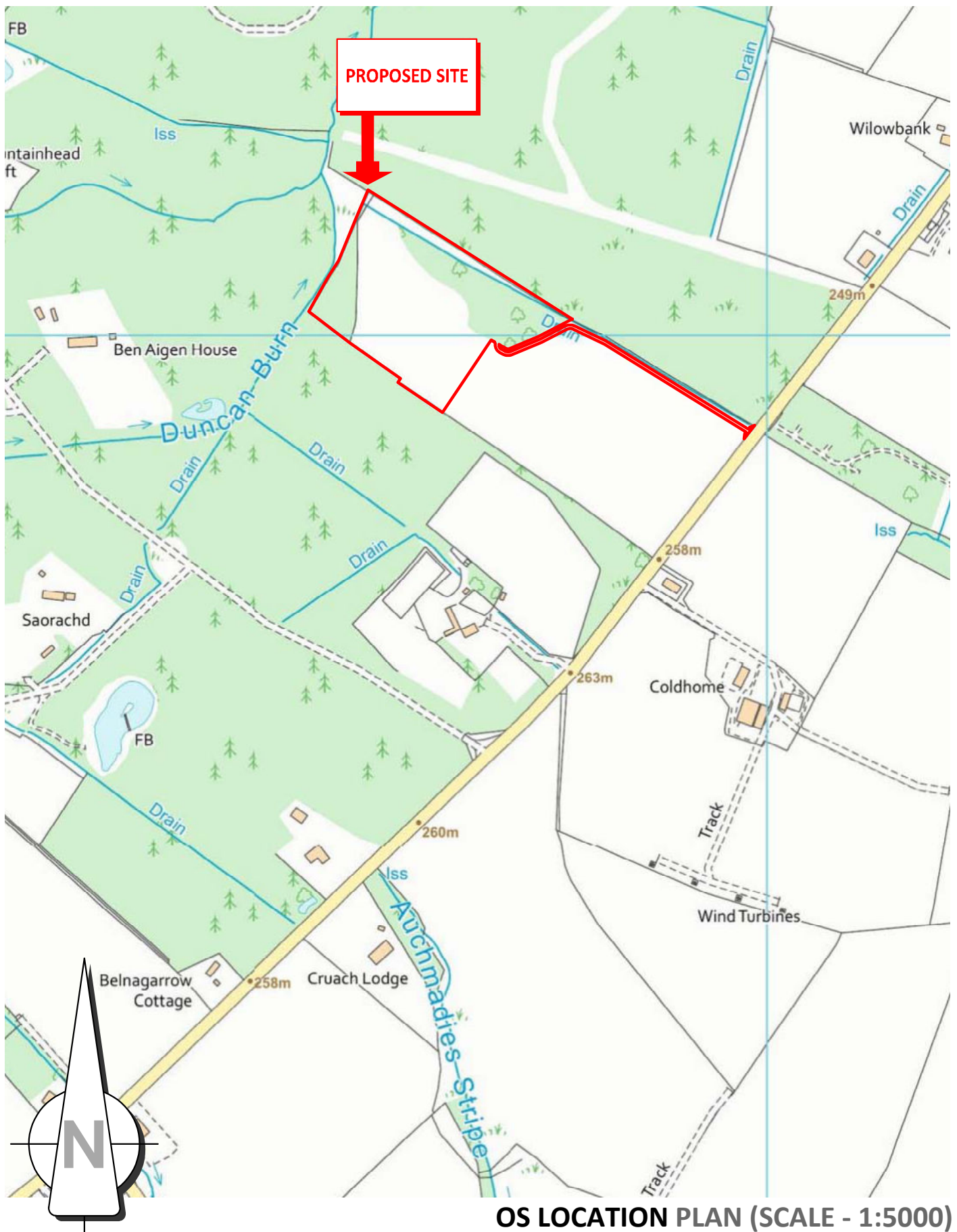
Grey solid area denotes new vehicular access formed onto public road, with a parking layby 8.0m long x 2.5m wide with 30 degrees splayed ends to be provided at the edge of the public road to allow visiting and service vehicles to park clear of the public road. The vehicular access leading off the layby will be constructed to the Moray Council specification and is surfaced with bituminous macadam

Block Plan (scale 1:1000)

Proposed dwelling-house and detached garage at
Site at Boharm Neuk, Boharm, Craigellachie, Aberlour AB38 9RL
For Mr and Mrs Morrison

S Reid Design
CHARTERED ARCHITECTURAL DESIGN SERVICE

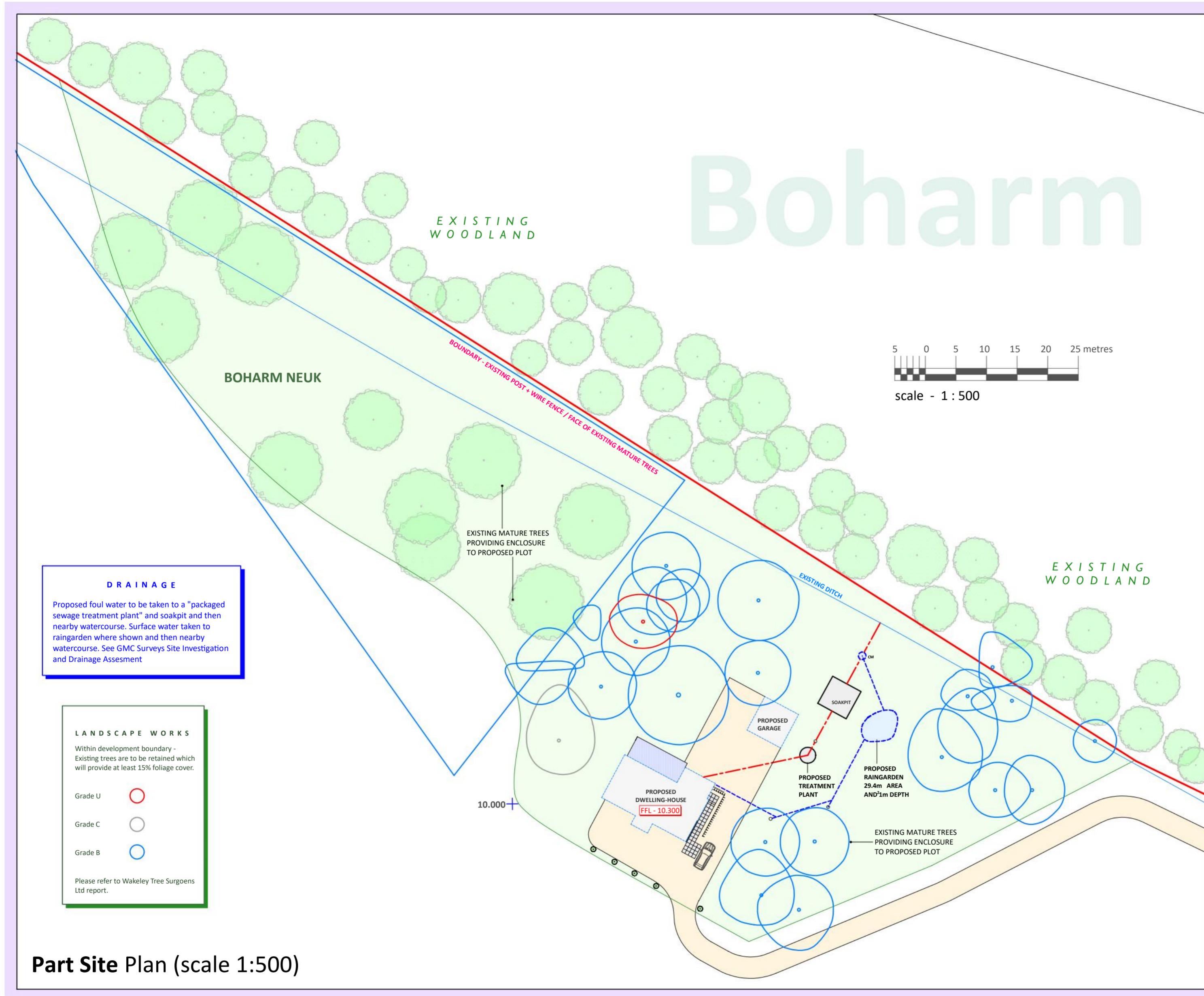
S.REID MCIAT
CHARTERED ARCHITECTURAL TECHNOLOGIST
THE SMA GLEN, ROTHES, ABERLOUR, AB38 7AG
M - (07598) 299753
M - (07926) 151101
E - info@sreiddesign.co.uk
W - www.sreiddesign.co.uk



OS LOCATION PLAN (SCALE - 1:5000)

Proposed dwelling-house and detached garage at Site at Boharm Neuk, Boharm, Craigellachie, Aberlour AB38 9RL
For Mr and Mrs Morrison

S.REID MCIAT
CHARTERED ARCHITECTURAL TECHNOLOGIST
THE SMA GLEN, ROTHES, ABERLOUR, AB38 7AG
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M - (07926) 151101
E - info@sreiddesign.co.uk
W - www.sreiddesign.co.uk



Boharm Neuk

Proposed dwelling-house and detached garage at
Site at Boharm Neuk, Boharm, Craigellachie, Aberlour AB38 9RL
For Mr and Mrs Morrison

S Reid Design
CHARTERED ARCHITECTURAL DESIGN SERVICE

S.REID MCIAT
CHARTERED ARCHITECTURAL TECHNOLOGIST
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Gary Mackintosh
Email: gmsurveys@gmail.com
Tel: 07557431702

gmsurveys

Surveys, Setting-Out Civil Engineering Design

Site Investigation & Drainage Assessment

BOHARM NEUK

Gary Mackintosh BSc
gmsurveys@gmail.com

Contents

Client:2

Site Address:2

Planning Reference:2

Date:.....2

Job Number:.....2

Company Information:2

 Assessment completed by:.....2

Site Description:.....3

Soil Conditions:3

Percolation/Soakaway Testing:.....3

Conclusion and Recommendations: 4

Client:

Mr and Mrs Morrison

Site Address:

Boharm Neuk
Boharm
By Craigellachie

Planning Reference:

TBC

Date:

1st March 2023

Job Number:

GMC23-024

Company Information:

Assessment completed by:

Gary Mackintosh Bsc

GMCSurveys

34 Castle Street

Forres

Moray

IV36 1PW

Email: gmcsurveys@gmail.com

Telephone: 07557 431 702

Site Description:

The proposals are to erect a new single dwelling and detached garage within land located at Boharm to the northeast of Craigellachie together with all associated infrastructure.

The SEPA Flood Maps have been consulted which confirm that the development lies out with any areas of fluvial and pluvial flooding during a 1:200year event. There is an area of surface water flooding shown to the southeast, downstream of the site associated with an existing ditch. In order to ensure that the development has no detrimental impact on the surrounding area, it is proposed that any surface water infrastructure is designed to manage flows up to and including a 1:200year event.

GMC Surveys were asked to carry out a site investigation and to provide a drainage solution for the proposals.

Soil Conditions:

Excavations were carried out on 21st February 2023 to assess the existing soils and the suitability for the use of sub surface soakaways as a method of foul and surface water management.

The trial pits were excavated to a depth of 1.6m.

300mm Topsoil overlying reddish/brown, firm to stiff, slightly silty, gravelly clays proved to the depth of the excavations. Some water ingress was noted at the base of the excavations.

The trial hole locations can be found in Appendix A.

There was no evidence of contamination within the trial pits.

The percolation and Infiltration testing within the pits was abandoned due to the water ingress.

Conclusion and Recommendations:

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

Foul Water

There is an existing drainage ditch located along the northeast boundary of the proposed site. Ditch flows southeast, culverting the public road and entering the wider network of watercourses within the area.

Based on the above it is proposed that the foul waters are to discharge to the existing Drainage ditch as shown within Appendix A.

A Packaged sewage treatment plant will require to be installed, the final make and model are to be confirmed by the chosen supplier.

Prior to discharge SEPA require an additional level of treatment and storage in the form of a filter bed with a minimum base area of 25m².

The soakpit dimensions are therefore to be **5.0m x 5.0m with 1.0m** below the invert of the inlet. The 100mm outlet is to be set 300mm below the invert of the incoming pipe.

Alternative dimensions may be used for the soakpit in order to suit the layout of the site ensuring that the base area of **25m²** is maintained. Due to the presence of the water ingress encountered during the testing, the foul water soakpit is to be wrapped in an impermeable polypropylene membrane or similar approved to prevent water ingress into the foul water system.

It is recommended to install a Graff One2Clean packed sewage treatment plant with a minimum 6PE (4bed) which produces an effluent quality of: B.O.D – 7.0mg/l and Ammonia Nitrogen of 0.5mg/l however the final tank specification is to be determined by the applicant.

Surface Water Dispersal:

It is proposed that the surface water is also to discharge to the existing drainage ditch.

Prior to discharge the surface waters will require to be stored, treated and attenuated to a pre - determined rate in order to ensure the post development runoff does not exceed the pre - development rate.

In line with The Moray Council Flood Risk Management Teams current policy, it is proposed to discharge the surface waters to a rain garden providing a sustainable method of surface water management. The rain garden will have stone filled storage beneath sized to accommodate flows up to and including a 1:200year event with 37% allowance for climate change.

The calculation sheets below indicate a minimum storage of **8.80m³** based on a contributing area of 170m² (proposed house and garage roof area with extra over) with the discharge limited to 0.5l/s.

Allow for a depth of 1.0m maximum of 30% storage within 40mm Stone = $8.80 / 0.3 = \underline{29.40\text{m}^2}$.

I can therefore confirm that there is adequate space available within the site to accommodate the proposed rain garden. The plan view of the rain garden will form an irregular shape ensuring that the depth remains as 1.0m of storage below the invert of the inlet and the overall area is equal to a minimum of 29.40m².

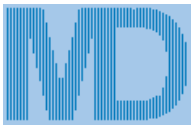
Typical details for the rain garden and the foul water soakpit have been included within Appendix B. Due to the presence of the water ingress encountered during the testing, raingarden structure is to be wrapped in an impermeable polypropylene membrane or similar approved to prevent water ingress into the system.

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

SEPA consent will be required prior to installation of the proposed drainage.

References

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



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Surveys, Setting Out Civil Engineering Design

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Job No. GMC23-024		
Sheet no. 1		
Date 01/03/23		
By GM	Checked	Approved

Project Boharm Neuk, Boharm, Craigellachie
Title Surface Water Storage Requirements

Data:-

Location = CRAIGELLACHIE Grid reference = NJ2844
M5-60 (mm) = 15.8 r = 0.25
Soil index = 0.30 SAAR (mm/yr) = 800
Return period = 200 WRAP = 2
UCWI = 0.0 Climate change = +37%

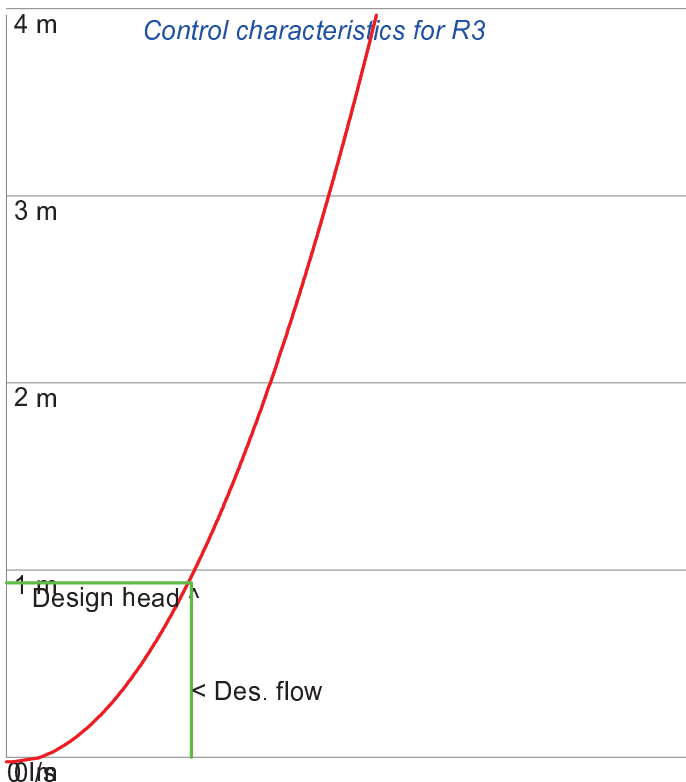
- i) Very permeable soils with shallow ground water;
- ii) Permeable soils over rock or fragipan, commonly on slopes in western Britain associated with smaller areas of less permeable wet soils; The layer is low in organic matter, mottled and (fragipan - a natural subsurface horizon having a higher bulk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

Percentage runoff = 95.0% (manual setting)

Imperv. area = 170 m² Pervious area = 0 m²
Total area = 170 m² Equiv area = 162 m² (Tot. area x % runoff).
Total runoff = 17.1 m³ Discharge rate = 0.500 l/s

Design Head = 1.0m Peak flow = 0.50 l/s
Control device = R3 Orifice diam = 19.8 mm
Max. calc. depth = 0.99 m Available depth = 0.0 m³

Pipeline storage = 0.0 m³ Available MH storage = 0.0 m³
Offline storage = 0.0 m³
Total storage = 8.8 m³ Peak input flow = 1.86 l/s



Head (m)	Flow (l/s)	Head (m)	Flow (l/s)
0.01	0.02	2.01	0.71
0.05	0.11	2.05	0.72
0.10	0.16	2.10	0.72
0.15	0.19	2.15	0.73
0.20	0.22	2.20	0.74
0.25	0.25	2.25	0.75
0.30	0.27	2.30	0.76
0.35	0.30	2.35	0.77
0.40	0.32	2.40	0.77
0.45	0.34	2.45	0.78
0.50	0.35	2.50	0.79
0.55	0.37	2.55	0.80
0.60	0.39	2.60	0.81
0.65	0.40	2.65	0.81
0.70	0.42	2.70	0.82
0.75	0.43	2.75	0.83
0.80	0.45	2.80	0.84
0.85	0.46	2.85	0.84
0.90	0.47	2.90	0.85
0.95	0.49	2.95	0.86
1.00	0.50	3.00	0.87
1.05	0.51	3.05	0.87
1.10	0.52	3.10	0.88
1.15	0.54	3.15	0.89
1.20	0.55	3.20	0.89
1.25	0.56	3.25	0.90
1.30	0.57	3.30	0.91
1.35	0.58	3.35	0.92
1.40	0.59	3.40	0.92
1.45	0.60	3.45	0.93
1.50	0.61	3.50	0.94
1.55	0.62	3.55	0.94
1.60	0.63	3.60	0.95
1.65	0.64	3.65	0.96
1.70	0.65	3.70	0.96
1.75	0.66	3.75	0.97
1.80	0.67	3.80	0.97
1.85	0.68	3.85	0.98
1.90	0.69	3.90	0.99
1.95	0.70	3.95	0.99
2.00	0.71	4.00	1.00



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Job No. GMC23-024		
Sheet no. 2		
Date 01/03/23		
By GM	Checked	Approved

Project **Boharm Neuk, Boharm, Craigellachie**

Title **Surface Water Storage Requirements**

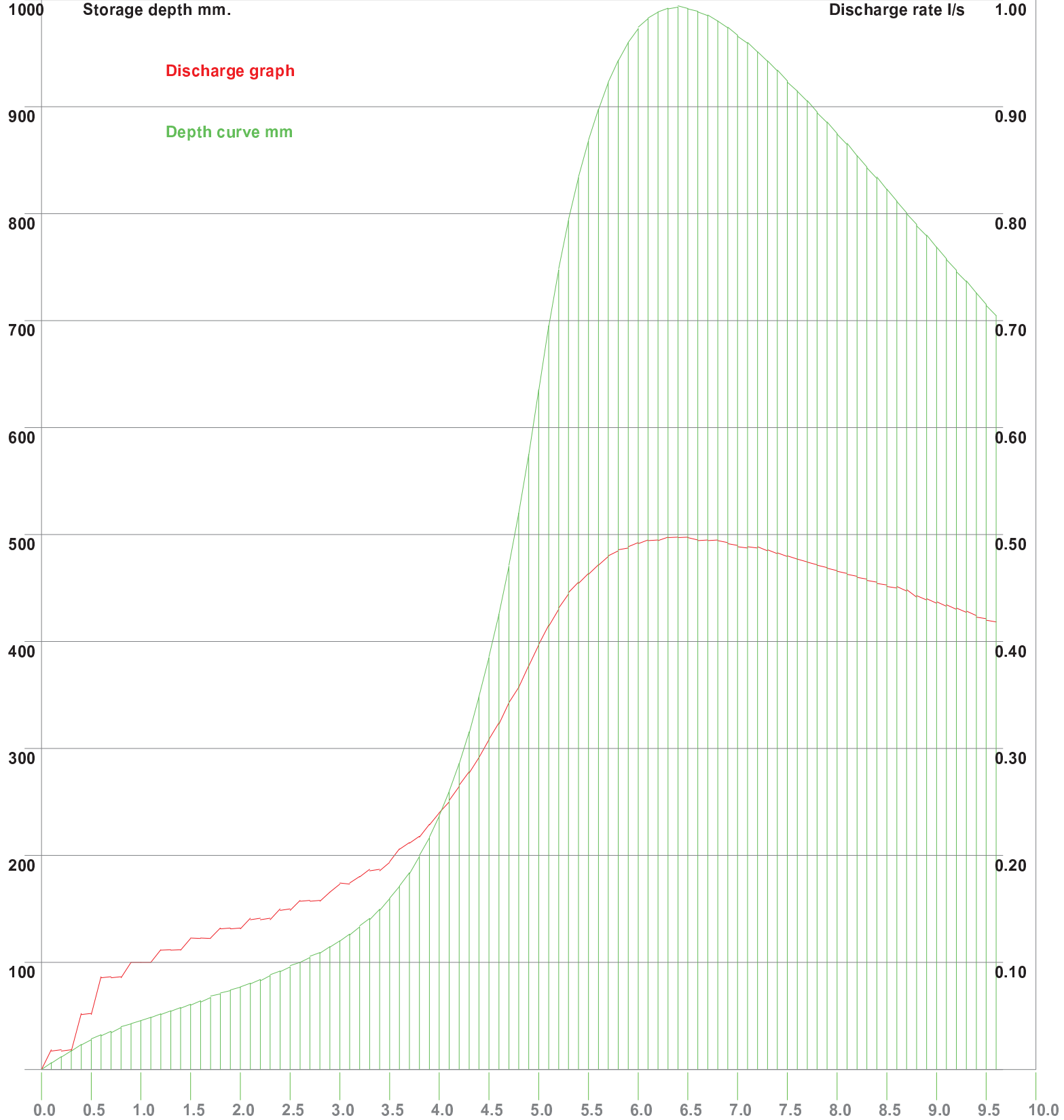
Storage curves for a 10 hours storm.

Storage depth mm.

Discharge rate l/s

Discharge graph

Depth curve mm





Job No. GMC23-024		
Sheet no. 3		
Date 01/03/23		
By	Checked	Approved
GM		

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Project **Boharm Neuk, Boharm, Craigellachie**
Title **Surface Water Storage Requirements**

Incremental rainfall figures.

Storm Mins	Storage Depth mm	Control Flow l/s	Storm Mins	Storage Depth mm	Control Flow l/s
6.0	6.2	0.02	306.0	695.1	0.42
12.0	11.8	0.02	312.0	747.6	0.43
18.0	17.5	0.02	318.0	793.6	0.44
24.0	23.3	0.05	324.0	833.6	0.46
30.0	27.8	0.05	330.0	868.1	0.46
36.0	32.4	0.09	336.0	897.6	0.47
42.0	35.7	0.09	342.0	922.6	0.48
48.0	39.1	0.09	348.0	943.3	0.48
54.0	42.6	0.10	354.0	959.9	0.49
60.0	45.6	0.10	360.0	972.9	0.49
66.0	48.7	0.10	366.0	982.3	0.49
72.0	52.0	0.11	372.0	988.4	0.49
78.0	54.8	0.11	378.0	992.0	0.50
84.0	57.8	0.11	384.0	993.0	0.50
90.0	61.0	0.12	390.0	991.8	0.50
96.0	64.1	0.12	396.0	989.1	0.49
102.0	67.2	0.12	402.0	985.2	0.49
108.0	70.6	0.13	408.0	980.0	0.49
114.0	73.7	0.13	414.0	973.8	0.49
120.0	77.0	0.13	420.0	966.8	0.49
126.0	80.5	0.14	426.0	959.2	0.49
132.0	84.0	0.14	432.0	951.1	0.49
138.0	87.8	0.14	438.0	942.4	0.48
144.0	91.9	0.15	444.0	933.4	0.48
150.0	95.8	0.15	450.0	924.2	0.48
156.0	100.2	0.16	456.0	914.6	0.48
162.0	104.5	0.16	462.0	905.0	0.47
168.0	109.3	0.16	468.0	895.1	0.47
174.0	114.7	0.17	474.0	885.1	0.47
180.0	120.3	0.17	480.0	874.8	0.47
186.0	126.4	0.17	486.0	864.5	0.46
192.0	133.3	0.18	492.0	854.1	0.46
198.0	141.1	0.19	498.0	843.5	0.46
204.0	149.7	0.19	504.0	832.9	0.46
210.0	159.7	0.19	510.0	822.5	0.45
216.0	171.0	0.21	516.0	811.7	0.45
222.0	183.9	0.21	522.0	800.8	0.45
228.0	199.0	0.22	528.0	789.9	0.44
234.0	216.5	0.23	534.0	779.2	0.44
240.0	236.6	0.24	540.0	768.4	0.44
246.0	259.8	0.25	546.0	757.8	0.43
252.0	286.0	0.26	552.0	747.1	0.43
258.0	315.5	0.28	558.0	736.4	0.43
264.0	348.3	0.29	564.0	725.8	0.42
270.0	384.9	0.31	570.0	715.2	0.42
276.0	425.4	0.32	576.0	704.5	0.42
282.0	470.4	0.34	582.0	694.0	0.42
288.0	520.0	0.36	588.0	683.4	0.41
294.0	574.8	0.38	594.0	673.0	0.41
300.0	635.4	0.40	600.0	662.4	0.41

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

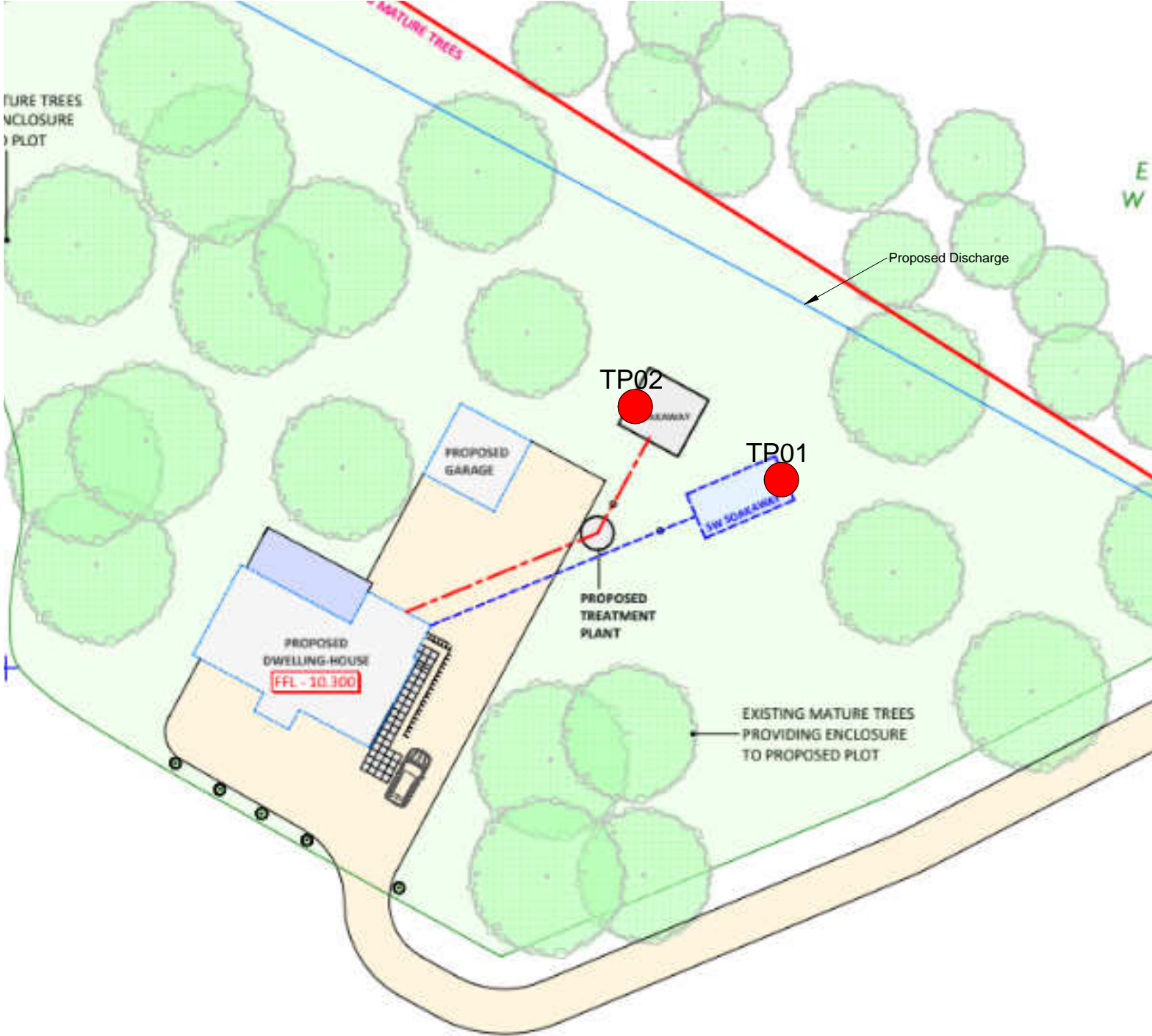
Each duration is sampled 600 times and the results recorded. The storm durations (hrs) are:-

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

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

APPENDIX A

Site Layout/Test Hole Locations



REV.	DESCRIPTION:	BY:	DATE:
STATUS:		ISSUE	

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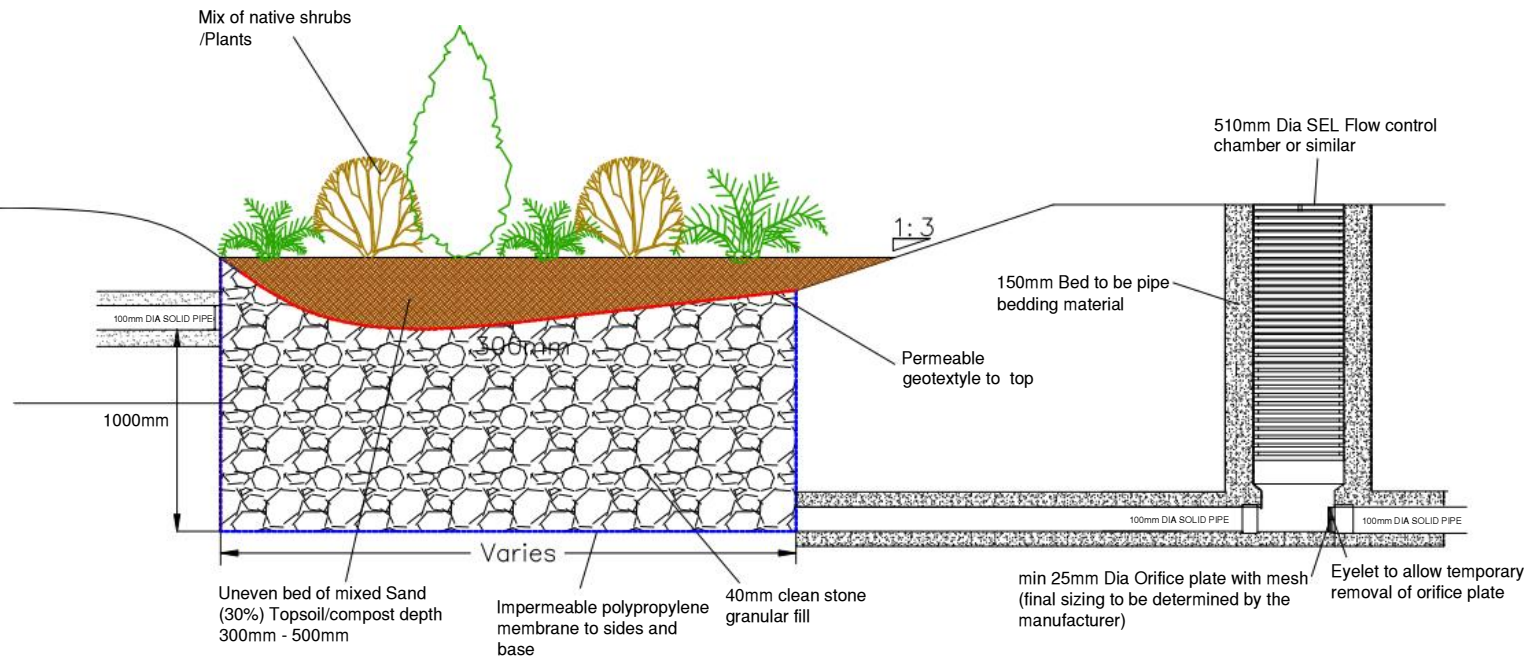
SITE: Boharm Neuk
 Boharm, Craigellachie

TITLE: Test Hole Location

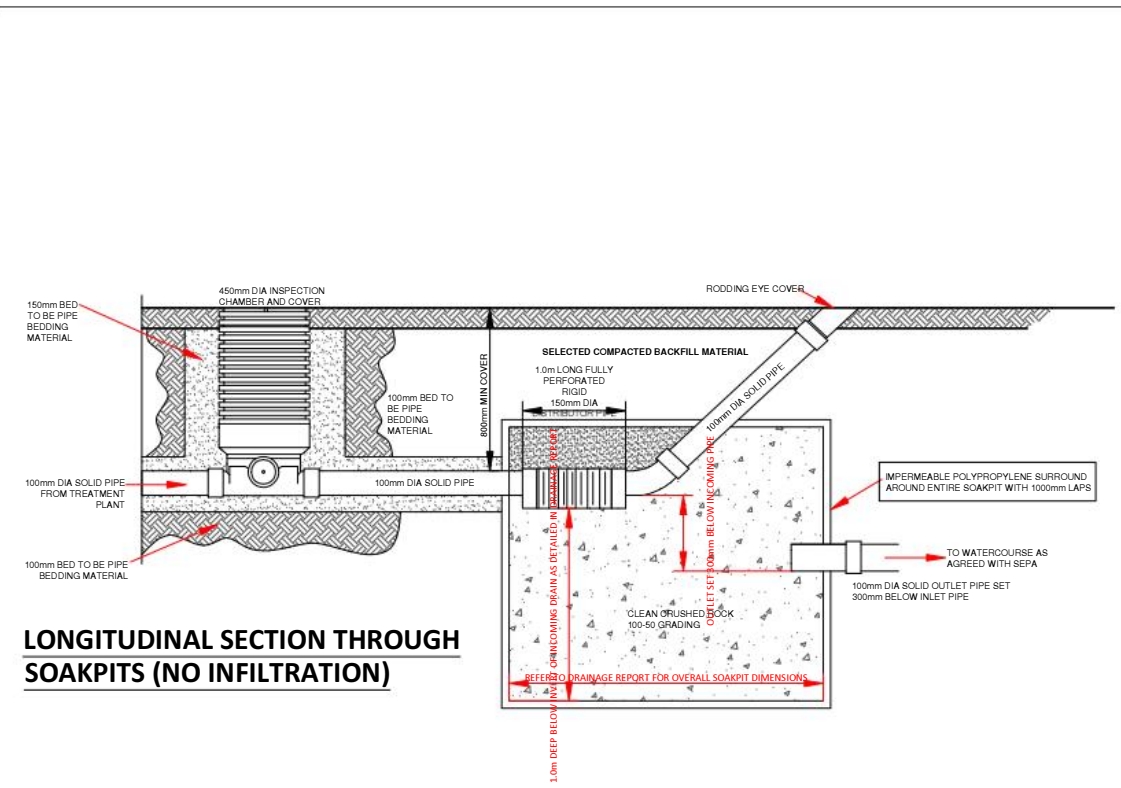
SCALE AT A4:	DATE:	DRAWN:	CHECKED:
NTS	MAR23	GM	
PROJECT NO:	DRAWING NO:	REVISION:	
GMC23-024	Appendix A	-	

APPENDIX B

Drainage Details



LONGITUDINAL SECTION THROUGH PROPOSED RAINGARDEN



LONGITUDINAL SECTION THROUGH SOAKPITS (NO INFILTRATION)

REV:	DESCRIPTION:	BY:	DATE:
STATUS: ISSUE			

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CLIENT: **Mr and Mrs Morrison**

SITE: **Boharm Neuk
Boharm, Craigellachie**

TITLE: **Foul and Surface Water
Drainage Details**

SCALE AT A4: NTS	DATE: MAR23	DRAWN: GM	CHECKED:
PROJECT NO: GMC23-024	DRAWING NO: Appendix B	REVISION:	



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Arboricultural Report

Proposed Site : Boharm Neuk, Boharm, Craigellachie

Contents

1. Introduction
2. Survey Methodology
3. Site Overview
4. Potential Constraints
5. Summary of Findings & Conclusion
6. Arboricultural Impact Assessment
7. Arboricultural Method Statement
8. References
9. Photographs
10. Appendices

Appendix One: Tree Survey Data

Appendix Two: Survey Headings

Appendix Three: Tree Survey Recommendations

Appendix Four: Tree Constraints Plan

Appendix Five: Tree Protection Plan

1.0 Introduction

1.1 The following pre-development tree survey has been carried out by Wakeley Tree Surgeons Ltd. to assess and identify the impact a proposed development may have on trees within and adjacent to a proposed plot at Boharm.

1.2 The survey has been carried out by Jonathan Boocock (PTI) of Wakeley Tree Surgeons, in accordance with British Standards 'Trees in relation to design, demolition and construction – Recommendations (BS5837:2012).

1.3 All trees have been inspected using Ground Visual Inspection techniques. No climbing inspections or below ground investigations have been undertaken. Should a more detailed inspection be deemed appropriate, this will be advised in recommendations. Trees are dynamic living organisms, whose health and condition can be subject to rapid change, depending upon internal and external factors. The conclusions and recommendations contained within this report relate to the trees only at the time of inspection and do not constitute a tree risk assessment report.

1.4 Inspection was undertaken on the 15th February 2023. The weather conditions at the time of inspection were a damp 6 degrees centigrade, clearing throughout the day.

1.5 The objective of this survey was to identify and gather information pertaining to the location of trees and hedgerows on the site and how they may be impacted by construction and development of the site. The survey will detail any constraints to the proposed development. An arboricultural impact assessment addresses the likely impact of the proposed development on trees within and adjacent to the site. Recommendations are made for tree works considered necessary for health and safety reasons or to facilitate the protection of trees during construction work in accordance with BS 3998:2010 Recommendation for tree works, and an arboricultural method statement is included to provide guidance in relation to tree protection during construction. If landscape planting recommendations are required, please do not hesitate to contact Wakeley Tree Surgeons Ltd. for further advice.

2.0 Survey Methodology

2.1 Unless otherwise stated tree inspections have been undertaken from ground level using non-invasive techniques only.

2.2 All trees, groups of trees and hedgerows surveyed have been given a number prefixed by a letter, T, G, H respectively and were assessed using the 'Cascade chart for tree quality assessment' as described in Table 1 of the BS 5837:2012. Where accessible and it was deemed necessary trees were physically tagged with an individual numbered identification tag. The locations of trees, groups of trees and hedgerows on and adjacent to the site are shown on the Tree Constraints Plan (TCP Appendix 4).

2.3 In accordance with BS 5837:2012 only trees with a stem diameter of 75mm or greater were surveyed and for these trees tree species, height, stem diameter and crown spread were recorded. Trees forming obvious groups were assessed as such.

2.4 The findings of the survey are given in tabular form in Appendix 1. A full explanation of survey headings is given in Appendix 2.

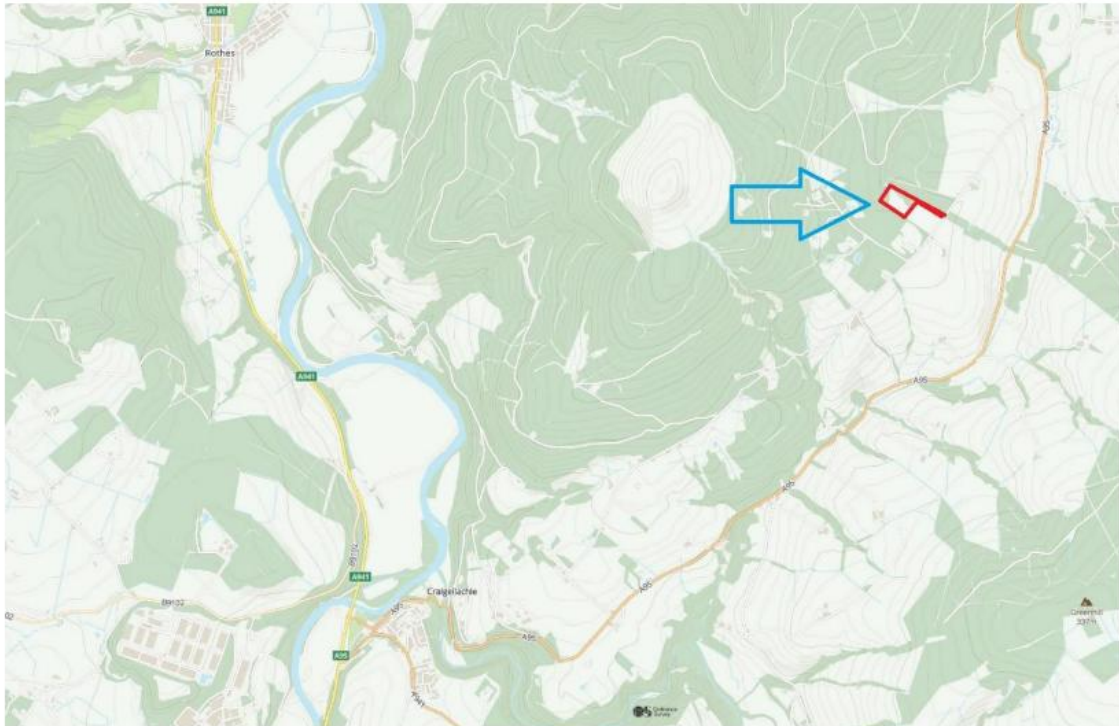
2.5 No information was provided or shared about the sites soil structure and no onsite assessment has taken place as part of this survey. BS 5837:2012 states that a soil assessment should be carried out by a competent person to establish the structure and clay content to assess its shrinkability, the pH and composition. A soil survey of this nature is considered outside the scope of this arboricultural assessment however British Geological Society Viewer has been used to gather some of this information.

2.6 An arboricultural method statement is included to provide guidance in relation to tree protection during construction, however for soil structure in relation to construction advice should be sought from a Structural Engineer.

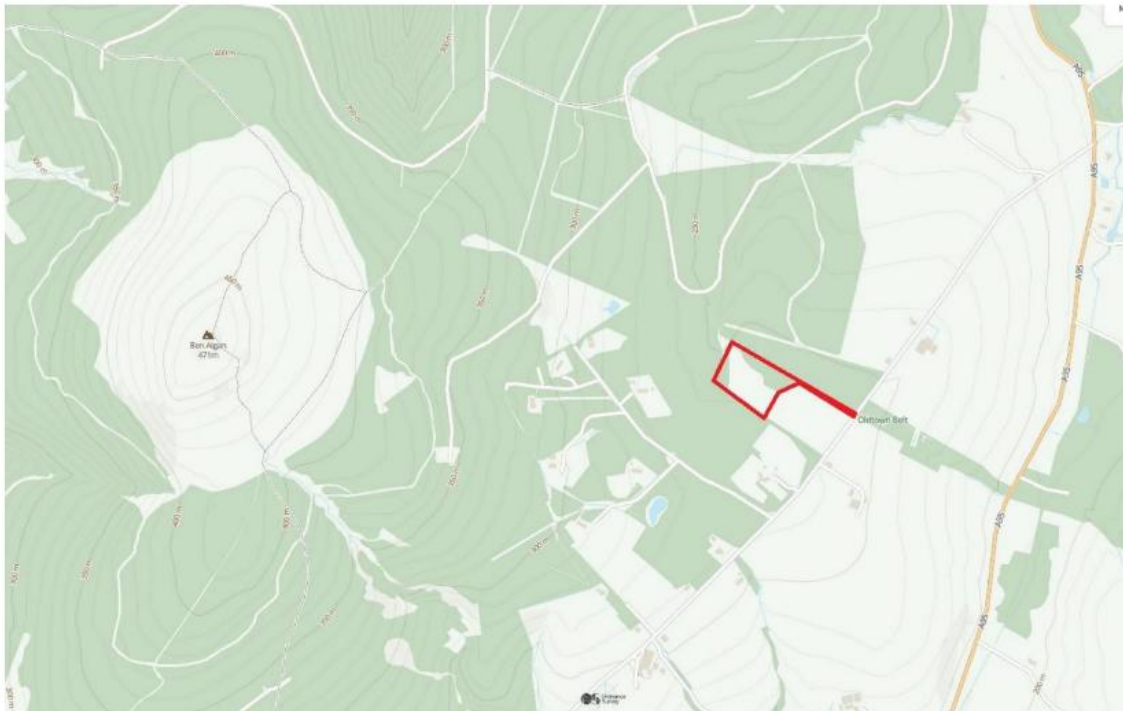
3.0 Site Overview

3.1 Location

Map 1



Map 2



3.1.1 The sites access is located just under a mile south from the A95 in Boharm. The proposed access will make use of an old field entrance currently serviced by an overgrown and unusable metal gate.

3.1.2 The field in which the plot is situated is surrounded by stock fencing on wooden posts. The proposed plot was not individually fenced or marked out at the time of this survey.

3.2 Topography

3.2.1 An accurate topographical survey of the site was not provided. During the survey tree locations were plotted using GPS or measured in relation to site boundaries and other known features and triangulated. The Tree Constraints Plan provides a good representation of tree location in relation to the site and proposed development however this information should be layered on to the accurate topographical survey whenever possible.

3.2.2 The site is reasonably level, dropping away towards the west. There are drainage channels throughout the trees on site and a running ditch alongside the proposed driveway.

3.3 Geology and Soils

3.3.1 British Geological society viewer indicates that the site consists of Findlater Flag Formation with an area of alluvium and river terrace deposits, of gravel, sand, silt and clay.

3.4 Climate

3.4.1 The climate of the locality is typical of much of the Highland region in having average summer temperatures for its relative UK latitude, combined with low rainfall totals and long daylight hours. The northerly latitude of the site has a direct bearing on winter conditions, with on average 15 days of the month having air frost from 1st December – 28th February. Winds are a prevailing westerly, but a desiccating north-north easterly wind can be a feature of the winter period.

4.0 Potential Constraints

4.1 Legal Constraints

4.1.1 Investigation with the Local Planning Authority has revealed that there are no Tree Preservation Orders (TPO) enforced upon the site, and the site is not within a designated Conservation Area. Permission should be sought from the relevant landowner.

4.1.2 As the site extent is less than 5ha, an Environmental Impact Assessment (EIA) is not required as defined by the forestry operations threshold (EU Directive 337 (1985)).

4.1.3 Investigation with Historic Scotland has revealed that there are no Scheduled Monuments present within the site boundary.

4.2 Ecological Constraints

4.2.1 There were no direct sightings or evidence of protected species during the site visit, however the trees assessed constitute a limited but wholly integrated part of a much larger tree network. It is likely that species such as Red Squirrels may utilise the trees to varying degrees, although there is no evidence of permanent residence.

4.2.2 It should also be taken into consideration that nesting birds are protected by law (Section 1, Wildlife and Countryside Act (1981)), and reasonable measures should be taken to minimise disturbance and physical impacts. There were no signs of nesting birds at the time of the survey.

5.0 Summary of Findings and Conclusion

5.1 A total of 35 trees or groups have been surveyed. A breakdown of the number of trees in each retention category is shown in the Table 1 below;

Table One: Breakdown of Tree Categorisation

	Category A	Category B	Category C	Category U
Trees	0	24	6	1
Groups	0	4	0	0
Hedgerows	0	0	0	0

5.2 Category A trees are high quality trees with an estimated remaining life expectancy of at least 40 years and there would be a general presumption for retention of these trees.

5.3 Category B trees are trees of moderate quality with an estimated remaining life expectancy of at least 20 years

5.4 Category C trees are of low quality with an expected remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm.

5.5 Category U trees are those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than ten years.

6.0 Arboricultural Impact Assessment

6.1 Based on the proposed site layout, from drawings provided, the arboricultural impact of the proposed development was assessed as follows:

6.1.1 The proposed dwellings will have limited impact to trees within the site. The footprint has intentionally been placed between the existing trees taking into account RPA's with the intention to retain all the trees.

6.1.2 Proposed plans indicate that a layby is to be positioned on the roadside at the start of the access driveway. Currently the access gateway is overgrown with a young willow tree (T27), this will need to be removed.

6.1.3 Removal of T31, T30, T29, T28 will be required to facilitate the required visibility splay. These are poor examples of tree due to repeat maintenance by flailing, in order to prevent them from growing across the highway.

6.1.4 There are multiple windblown trees within Group 4, some of which protrude onto the highway verge to the north of the proposed access track. It will be required that these fallen trees are taken back beyond the woodland fencing in order to not obstruct the view within the required visibility splay.

6.1.5 There is a drainage ditch running between the proposed driveway and G4. Due to the depth of this ditch and resultant distance between the trees and the driveway any required ground works will not impact these trees.

6.2 Replanting; No indication of how the site is to be landscaped has been discussed. Potentially removal of trees and scrub will be required to facilitate this build and as such replacement landscape planting should take account of any habitats lost onsite. The new planting scheme should include an assemblage of native species of local provenance, resulting in an uplift in the quality of trees onsite.

6.3 Tree Constraints Plan

Refer to the tree constraints Plan (TCP) for the location of trees and hedgerows on site (Appendix 3). The TCP has been produced as the basis for the assessment of the constraints imposed by existing trees on the proposed design.

6.4 Tree Protection Plan

The tree Protection plan (TPP: Appendix 4) shows the indicative position of the Root Protection Area (RPA) for the trees and hedgerows with a retention priority. **The RPA (as described in BS5837:2012 sec. 3.7) represents the minimum area around a tree in which the ground should remain undisturbed** and is shown as a yellow line on the TPP. Refer to Tree Survey Data: appendix 1 for accurate RPA radiuses).

7.0 Arboricultural Method Statement

The Arboricultural Method Statement provides information about how to protect trees and their root systems during the construction process. The steps described below should be used as reference by the main contractor in order to prepare a site specific method statement for the construction works. The method statement is to be used in conjunction with the TPP which details the extent of root protection areas.

7.1 Pre-Construction

The Developer will appoint an arboriculturalist to oversee tree protection measures for the duration of the project. The arboriculturalist should make regular visits to ensure continued compliance and deal with project specific issues as they arise.

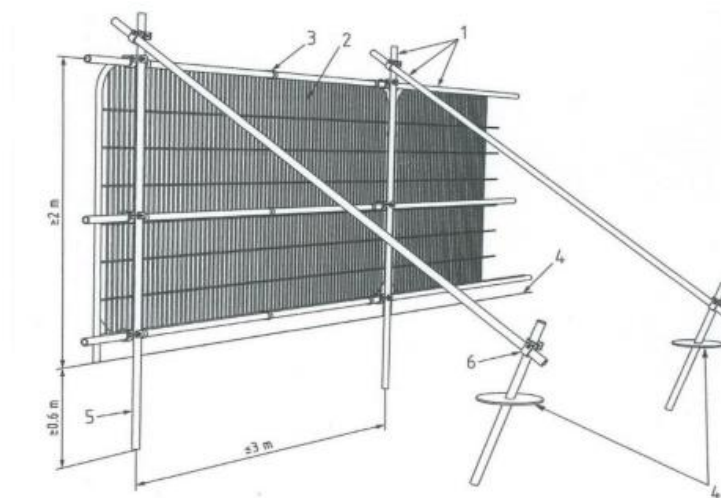
7.2 Tree Works

The developer will appoint qualified arborists to complete pruning and felling works as specified in the tree survey recommendations (Appendix 3). All works must be carried out must conform to BS3998:2010 Tree Work. Recommendations. Any damage caused to a tree during the construction phase should be reported immediately to the site manager so that inspection and/or remedial works can be undertaken.

7.3 Protective Fencing

On completion of tree works, protective fencing should be erected where required, as specified in the Tree Protection Plan, in accordance with BS 5837:2012 . Fencing is intended as a precautionary measure to prevent accidental damage to the rooting area of retained trees. This protective fencing must stay in place for the duration of construction works and remain intact and undamaged.

Figure 1: : Illustration of Default Specification Vertical Barrier (reproduced from BS5837:2012)



Key

- 1 Standard scaffold poles
- 2 Heavy gauge 2m tall, galvanised tube & welded mesh infill panels
- 3 Panels secured to uprights & cross members with wire ties
- 4 Ground level
- 5 Uprights driven into the ground until secure (minimum depth 0.6m)
- 6 Standard scaffold clamps

7.4 Ground Protection

Where construction working space or temporary construction access is justified within the RPA, this should be facilitated by a temporary set-back in the alignment of the tree protection barrier. Temporary ground

protection within the RPA must be capable of supporting any load without affecting or compacting the underlying soil. These operations must only take place after consultation, and with the supervision of the project arboriculturalist.

7.5 Post Construction

On completion of construction works, it is recommended that retained trees are re-inspected by an arborist in order to identify any additional remedial works required to ensure tree health and site safety.

8.0 References

<http://www.rhs.org.uk>

<http://www.subsidencebureau.com>

<http://www.historic-scotland.gov.uk/>

<http://moray.gov.uk/>

<http://metoffice.gov.uk/>

BS 5837:2012 Trees in relation to design, demolition and construction – recommendations.

BS 3998:2010 Tree work – recommendations.

British Geological Society Viewer

NatureScot SiteLink



9.0 Photographs

Photo 1: Roadside Rowans needing removed to facilitate visibility splay



Photo 2: T19 Silver Birch tree with Birch polypore fruiting body



Photo 3: T4 Scots pine; typical example of the pine trees within this site



Photo 4: G2 Young woodland at the northwest of the plot consisting mostly of planted Alder



10.0 Appendices

Appendix One: Tree Survey Data

Appendix Two: Survey Headings

Appendix Three: Tree Survey Recommendations

Appendix Four: Tree Constraints Plan

Appendix Five: Tree Protection Plan

Appendix One: Tree Survey Data

Ref.	Species	Structure	Measurements	General Observations	Retention Category	Spread	RPA
G1	Scots Pine x42 <i>(Pinus sylvestris)</i>	Group	Height (m): 12 42 stems, avg.(mm): 400 Spread (m): 7N, 7E, 7S, 7W	Group of 42 Mature Scots Pine trees, between 10 and 15m tall, with an average DBH of around 400mm. 2 standing dead trees within the group area.	B2	N:7 E:7 S:7 W:7	Area: 3700 sq m, plus a 1m buffer.
G2	Spruce <i>(Picea sp.)</i> Alder <i>(Alnus sp.)</i> Scots Pine <i>(Pinus sylvestris)</i>	Group	Height (m): 7 3 stems, avg.(mm): 100 Spread (m): 5N, 5E, 5S, 5W	Fenced area of younger planting. Mostly Alder planted with several self set spruce coming through There is a small group of mature Scots pine within the fenced area	B2	N:5 E:5 S:5 W:5	Area: 5614 sq m, plus a 1m buffer.
G3	Sitka Spruce <i>(Picea sitchensis)</i>	Group	Height (m): 20 Stem Diam (mm): 350 Spread (m): 5N, 5E, 5S, 5W	Sitka Spruce Plantation with 3x Rowan along fence line	B2	N:5 E:5 S:5 W:5	Area: 4696 sq m, plus a 1m buffer.

G4	Sitka Spruce (<i>Picea sitchensis</i>) European Larch (<i>Larix decidua</i>) Norway Spruce (<i>Picea abies</i>)	Group	Height (m): 20 3 stems, avg.(mm): 400 Spread (m): 6N, 6E, 6S, 6W Life Stage: Semi Mature Rem. Contrib.: 20+ Years	Plantation with areas of different species planting; Sitka, Norway Spruce and Larch	B2	N:6 E:6 S:6 W:6	Area: 50053 sq m, plus a 1m buffer.
T001	Silver Birch (<i>Betula pendula</i>)	Tree	Height (m): 6 Stem Diam (mm): 180 Spread (m): 3N, 3E, 3S, 3W Life Stage: Early Mature Rem. Contrib.: 30+ Years	Main union 2m	B2	N:3 E:3 S:3 W:3	Radius: 2.2m. Area: 15 sq m.
T002	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 10 Stem Diam (mm): 500 Spread (m): 5N, 5E, 5S, 4W Life Stage: Mature Rem. Contrib.: 30+ Years	Historic pruning stubs up trunk to 2m	B2	N:5 E:5 S:5 W:4	Radius: 6.0m. Area: 113 sq m.
T003	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 11 Stem Diam (mm): 450 Spread (m): 4N, 5E, 4S, 4W Life Stage: Mature Rem. Contrib.: 30+ Years	Concrete rubble within root plate	B2	N:4 E:5 S:4 W:4	Radius: 5.4m. Area: 92 sq m.

T004	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 10 Stem Diam (mm): 450 Spread (m): 2N, 3E, 3S, 6W Life Stage: Mature Rem. Contrib.: 30+ Years		B2	N:2 E:3 S:3 W:6	Radius: 5.4m. Area: 92 sq m.
T005	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 12 2 stems, avg.(mm): 350 Spread (m): 5N, 6E, 3S, 2W Life Stage: Mature Rem. Contrib.: 30+ Years	Bifocates at 1m above ground	B2	N:5 E:6 S:3 W:2	Radius: 5.9m. Area: 109 sq m.
T006	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 11 Stem Diam (mm): 450 Spread (m): 4N, 4E, 2S, 4W Life Stage: Mature Rem. Contrib.: 30+ Years	Hanging branch at 4m	B2	N:4 E:4 S:2 W:4	Radius: 5.4m. Area: 92 sq m.
T007	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 12 2 stems, avg.(mm): 400 Spread (m): 6N, 4E, 5S, 5W Life Stage: Mature Rem. Contrib.: 20+ Years	Forks near ground level	B2	N:6 E:4 S:5 W:5	Radius: 6.8m. Area: 145 sq m.
T008	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 11 Stem Diam (mm): 500 Spread (m): 7N, 6E, 5S, 5W Life Stage: Mature Rem. Contrib.: 30+ Years	Lowest branch below 1m	B2	N:7 E:6 S:5 W:5	Radius: 6.0m. Area: 113 sq m.

T009	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 10 Stem Diam (mm): 450 Spread (m): 5N, 5E, 6S, 6W Life Stage: Mature Rem. Contrib.: 30+ Years	Pruning stub to north at 2m	B2	N:5 E:5 S:6 W:6	Radius: 5.4m. Area: 92 sq m.
T010	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 8 Stem Diam (mm): 450 Spread (m): 7N, 5E, 4S, 6W Life Stage: Mature Rem. Contrib.: 30+ Years	Low branch to north at 1m	B2	N:7 E:5 S:4 W:6	Radius: 5.4m. Area: 92 sq m.
T011	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 10 Stem Diam (mm): 400 Spread (m): 5N, 5E, 5S, 5W Life Stage: Mature Rem. Contrib.: 30+ Years		B2	N:5 E:5 S:5 W:5	Radius: 4.8m. Area: 72 sq m.
T012	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 8 Stem Diam (mm): 500 Spread (m): 5N, 5E, 5S, 5W Life Stage: Mature Rem. Contrib.: 30+ Years	Multistemmed from 1m	B2	N:5 E:5 S:5 W:5	Radius: 6.0m. Area: 113 sq m.
T013	Silver Birch (<i>Betula pendula</i>)	Tree	Height (m): 6 Stem Diam (mm): 350 Spread (m): 5N, 5E, 5S, 5W Life Stage: Early Mature Rem. Contrib.: 30+ Years	Lean to north west	B2	N:5 E:5 S:5 W:5	Radius: 4.2m. Area: 55 sq m.

T014	Silver Birch (<i>Betula pendula</i>)	Tree	Height (m): 12 2 stems, avg.(mm): 450 Spread (m): 6N, 6E, 6S, 6W Life Stage: Mature Rem. Contrib.: 30+ Years	Forks at ground level	B2	N:6 E:6 S:6 W:6	Radius: 7.6m. Area: 181 sq m.
T015	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 10 Stem Diam (mm): 500 Spread (m): 8N, 8E, 8S, 8W Life Stage: Mature Rem. Contrib.: 30+ Years	Forks at ground	B2	N:8 E:8 S:8 W:8	Radius: 6.0m. Area: 113 sq m.
T016	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 12 Stem Diam (mm): 550 Spread (m): 8N, 5E, 5S, 5W Life Stage: Mature Rem. Contrib.: 30+ Years	Cavity at base with visible frass in bottom	C2	N:8 E:5 S:5 W:5	Radius: 6.6m. Area: 137 sq m.
T017	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 12 Stem Diam (mm): 500 Spread (m): 5N, 5E, 5S, 5W Life Stage: Mature Rem. Contrib.: 30+ Years		B2	N:5 E:5 S:5 W:5	Radius: 6.0m. Area: 113 sq m.
T018	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 10 Stem Diam (mm): 400 Spread (m): 5N, 5E, 5S, 5W Life Stage: Mature Rem. Contrib.: 20+ Years	Low branch at 1m to north	B2	N:5 E:5 S:5 W:5	Radius: 4.8m. Area: 72 sq m.

T019	Silver Birch (<i>Betula pendula</i>)	Tree	Height (m): 9 2 stems, avg.(mm): 250 Spread (m): 4N, 5E, 4S, 5W Life Stage: Mature Rem. Contrib.: <10 years	Polypore at 50cm	U	N:4 E:5 S:4 W:5	None - due to Retention Category of U.
T020	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 12 Stem Diam (mm): 450 Spread (m): 5N, 5E, 5S, 5W	Small suppressed secondary upright to north	B2	N:5 E:5 S:5 W:5	Radius: 5.4m. Area: 92 sq m.
T021	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 8 Stem Diam (mm): 400 Spread (m): 4N, 4E, 4S, 4W Life Stage: Mature Rem. Contrib.: 30+ Years	Low branch to north	B2	N:4 E:4 S:4 W:4	Radius: 4.8m. Area: 72 sq m.
T022	Silver Birch (<i>Betula pendula</i>)	Tree	Height (m): 9 Stem Diam (mm): 300 Spread (m): 4N, 4E, 4S, 4W	S shaped trunk in bottom 2m	B2	N:4 E:4 S:4 W:4	Radius: 3.6m. Area: 41 sq m.
T023	Silver Birch (<i>Betula pendula</i>)	Coppiced	Height (m): 8 Stem Diam (mm): 200 Spread (m): 5N, 5E, 5S, 5W		B2	N:5 E:5 S:5 W:5	Radius: 2.4m. Area: 18 sq m.
T024	Silver Birch (<i>Betula pendula</i>)	Tree	Height (m): 8 Stem Diam (mm): 200 Spread (m): 2N, 1E, 3S, 3W		B2	N:2 E:1 S:3 W:3	Radius: 2.4m. Area: 18 sq m.

T025	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 10 Stem Diam (mm): 400 Spread (m): 5N, 5E, 1S, 5W Life Stage: Mature Rem. Contrib.: 30+ Years		B2	N:5 E:5 S:1 W:5	Radius: 4.8m. Area: 72 sq m.
T026	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 10 Stem Diam (mm): 400 Spread (m): 1N, 5E, 5S, 5W Life Stage: Mature Rem. Contrib.: 30+ Years		B2	N:1 E:5 S:5 W:5	Radius: 4.8m. Area: 72 sq m.
T027	Goat Willow (<i>Salix caprea</i>)	Tree	Height (m): 5 4 stems, avg.(mm): 150 Spread (m): 4N, 4E, 2S, 4W Life Stage: Young Rem. Contrib.: 10+ Years	Previously flailed on roadside Rooted in ditch side bank	C2	N:4 E:4 S:2 W:4	Radius: 3.6m. Area: 41 sq m.
T028	Rowan (<i>Sorbus aucuparia</i>)	Tree	Height (m): 7 Stem Diam (mm): 100 Spread (m): 3N, 3E, 3S, 1W Life Stage: Semi Mature Rem. Contrib.: 10+ Years	Previously flailed on roadside Rooted in ditch side bank	C2	N:3 E:3 S:3 W:1	Radius: 1.2m. Area: 5 sq m.
T029	Rowan (<i>Sorbus aucuparia</i>)	Tree	Height (m): 7 Stem Diam (mm): 100 Spread (m): 3N, 3E, 3S, 1W Life Stage: Semi Mature Rem. Contrib.: 10+ Years	Previously flailed on roadside Rooted in ditch side bank	C2	N:3 E:3 S:3 W:1	Radius: 1.2m. Area: 5 sq m.
T030	Rowan (<i>Sorbus aucuparia</i>)	Tree	Height (m): 7 Stem Diam (mm): 100 Spread (m): 2N, 3E, 2S, 1W	Previously flailed on roadside Rooted in ditch side bank	C2	N:2 E:3 S:2 W:1	Radius: 1.2m. Area: 5 sq m.

T031	Rowan (<i>Sorbus aucuparia</i>)	Tree	Height (m): 6 Stem Diam (mm): 100 Spread (m): 2N, 2E, 2S, 1W	Previously flailed on roadside Rooted in ditch side bank	C2	N:2 E:2 S:2 W:1	Radius: 1.2m. Area: 5 sq m.
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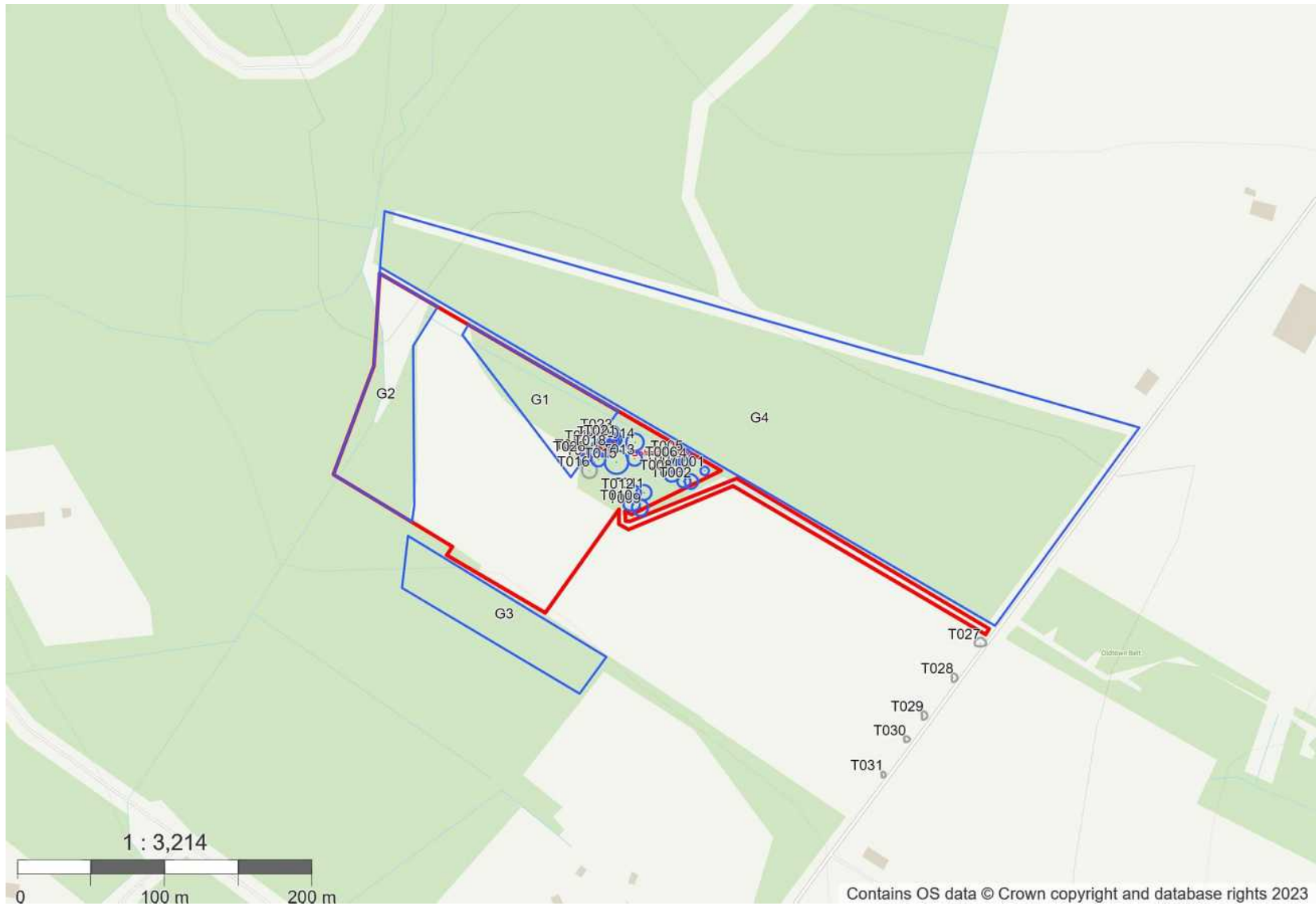
Appendix Two: Key to Tree Survey Schedule Criteria and Headings

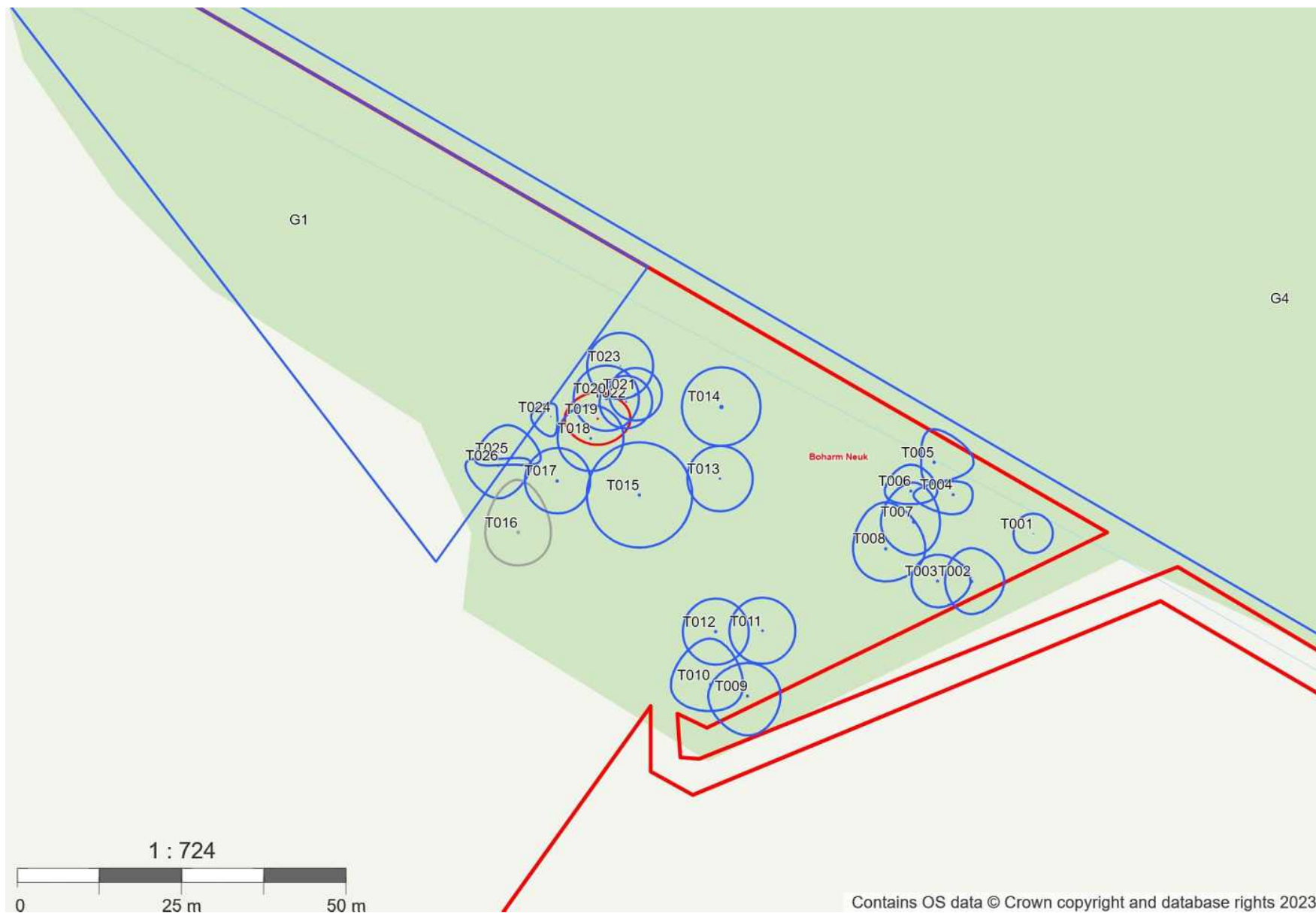
Ref.	This number identifies the trees, and corresponds with the provided plans
Species	The Common and Scientific name is given for each tree
Structure	Identifies if it is a tree, group of trees, or hedge
Measurements	Gives details of the trees Height in meters, number of stems, crown spread, life stage and remaining contribution
General Observations	Gives specific identifying features about the tree
Retention Category	Retention Category in relation to BS5837:2012 ref. Table1
Spread	Distance of crown spread in meters across the cardinal points
RPA Radius	Minimum distance Tree Protection Barriers should be placed from the trunk of trees that are to be retained
RPA	Minimum area below a tree, or group of trees Tree Protection Barriers should enclose

Appendix Three: Tree Survey Recommendations

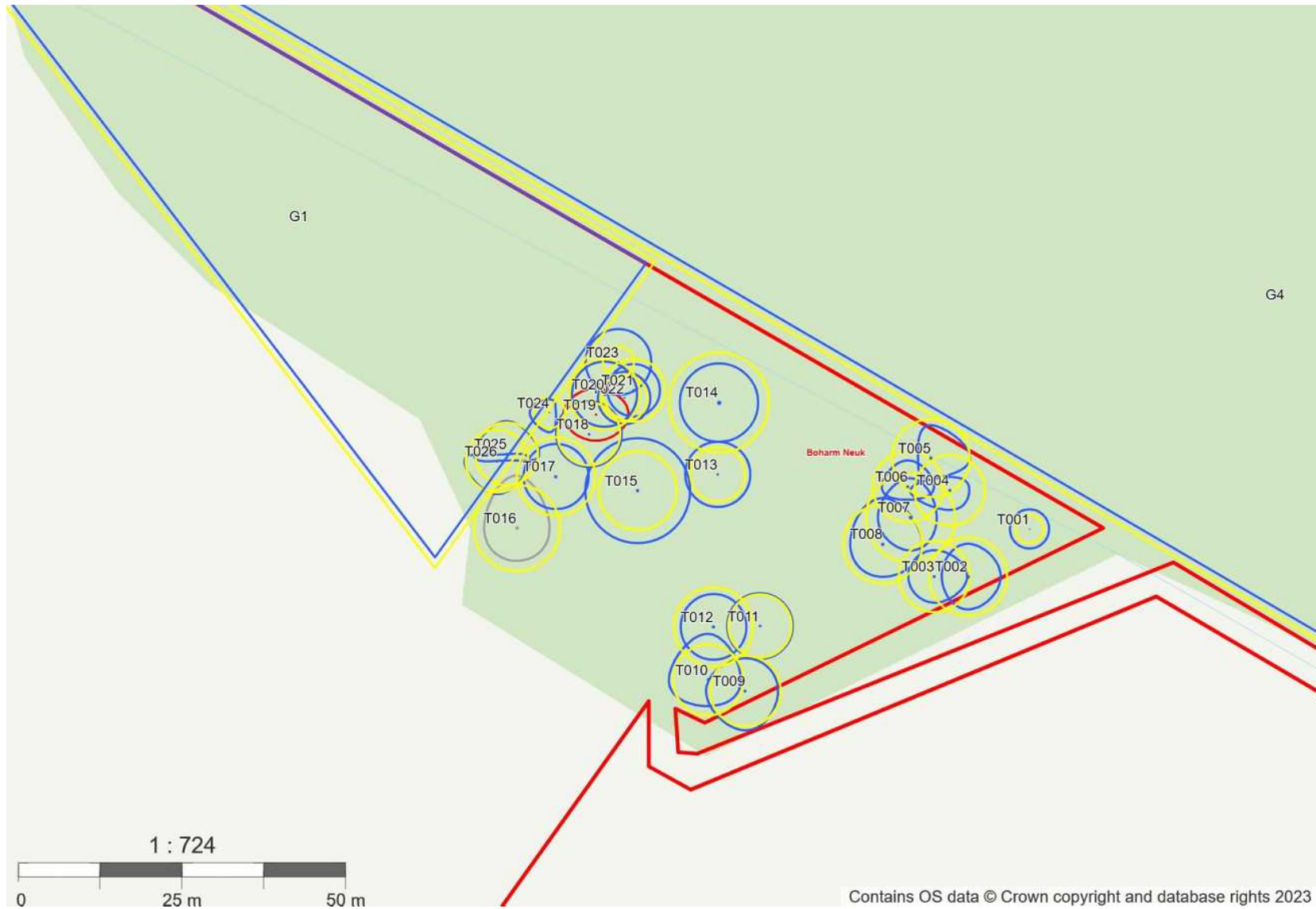
Ref.	Species	Measurements	Recommendation
G4	Sitka Spruce (<i>Picea sitchensis</i>) European Larch (<i>Larix decidua</i>) Norway Spruce (<i>Picea abies</i>)	Height (m): 20 3 stems, avg.(mm): 400 Spread (m): 6N, 6E, 6S, 6W Life Stage: Semi Mature Rem. Contrib.: 20+ Years	Remove protruding fallen tree tops from roadside verge to facilitate visibility splay
T027	Goat Willow (<i>Salix caprea</i>)	Height (m): 5 4 stems, avg.(mm): 150 Spread (m): 4N, 4E, 2S, 4W Life Stage: Young Rem. Contrib.: 10+ Years	Remove tree to facilitate visibility splay
T028	Rowan (<i>Sorbus aucuparia</i>)	Height (m): 7 Stem Diam (mm): 100 Spread (m): 3N, 3E, 3S, 1W Life Stage: Semi Mature Rem. Contrib.: 10+ Years	Remove tree to facilitate visibility splay
T029	Rowan (<i>Sorbus aucuparia</i>)	Height (m): 7 Stem Diam (mm): 100 Spread (m): 3N, 3E, 3S, 1W Life Stage: Semi Mature Rem. Contrib.: 10+ Years	Remove tree to facilitate visibility splay
T030	Rowan (<i>Sorbus aucuparia</i>)	Height (m): 7 Stem Diam (mm): 100 Spread (m): 2N, 3E, 2S, 1W	Remove tree to facilitate visibility splay
T031	Rowan (<i>Sorbus aucuparia</i>)	Height (m): 6 Stem Diam (mm): 100 Spread (m): 2N, 2E, 2S, 1W	Remove tree to facilitate visibility splay

Appendix Four: Tree Constraints Plan





Appendix Five: Tree Protection Plan



From: Shaya Anderson <Shaya.Anderson@moray.gov.uk>
Sent: 21 Mar 2023 09:26:25
To: DMSMyEmail@moray.gov.uk
Cc:
Subject: FW: 23/00423/PPP Erect dwellinghouse and detached garage, Site At Boharm Neuk
Attachments: 23-00423-PPP Erect dwellinghouse and detached garage Site At Boharm Neuk.pdf

From: Katrina Martin <Katrina.Martin@moray.gov.uk>
Sent: 21 March 2023 08:14
To: Katherine Donnachie <Katherine.Donnachie@moray.gov.uk>
Cc: DC-General Enquiries <development.control@moray.gov.uk>
Subject: 23/00423/PPP Erect dwellinghouse and detached garage, Site At Boharm Neuk

Hi Katherine,

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

Kind regards

Katrina Martin | Senior Infrastructure Growth/Obligations Officer (Strategic Planning & Development) | Economic Growth and Development

katrina.martin@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [news](#)



**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management

Planning Application Ref. No: 23/00423/PPP

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

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

Contact: Stefania Brady

Date 27/03/2023

email address: Stefania.brady@moray.gov.uk

Phone No 07815647387

Consultee: The Moray Council, Flood Risk Management

Friday, 17 March 2023



Local Planner
Development Services
Moray Council
Elgin
IV30 1BX

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 Customer,

Site At Boharm Neuk, Boharm, Craigellachie, AB38 9RN
Planning Ref: 23/00423/PPP
Our Ref: DSCAS-0083237-XN3
Proposal: Erect dwellinghouse and detached garage

Please quote our reference in all future correspondence

Audit of Proposal

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. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Badentinan Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.
- ▶ The nearest public water main is approx. 750m from the proposed site.

Waste Water Capacity Assessment

- ▶ 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.

Please Note

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

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification 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 information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) 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 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-Domestic 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 laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely 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 [here](#).
- ▶ 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

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Consultee Comments for Planning Application 23/00423/PPP

Application Summary

Application Number: 23/00423/PPP

Address: Site At Boharm Neuk Boharm Craigellachie Moray

Proposal: Erect dwellinghouse and detached garage

Case Officer: Katherine Donnachie

Consultee Details

Name: Mr CL Consultations

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

Email: Not Available

On Behalf Of: Contaminated Land

Comments

Approved unconditionally

By Adrian Muscutt EHO

Consultee Comments for Planning Application 23/00423/PPP

Application Summary

Application Number: 23/00423/PPP

Address: Site At Boharm Neuk Boharm Craigellachie Moray

Proposal: Erect dwellinghouse and detached garage

Case Officer: Katherine Donnachie

Consultee Details

Name: Mr EH Consultations

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

Email: Not Available

On Behalf Of: Environmental Health C12

Comments

Approved unconditionally by Andrew Stewart, Principal Environmental Health Officer (20/3/23)

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	31st March 2023
Planning Authority Reference	23/00423/PPP
Nature of Proposal (Description)	Erect dwellinghouse and detached garage
Site	Site At Boharm Neuk Boharm Craigellachie Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133053173
Proposal Location Easting	332826
Proposal Location Northing	847908
Area of application site (M²)	26967
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=RRG64UBGMJO00
Previous Application	
Date of Consultation	17th March 2023
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Robert Morrison
Applicant Organisation Name	
Applicant Address	Mosacre Boharm Craigellachie Mora AB38 9RL
Agent Name	S Reid Design
Agent Organisation Name	
Agent Address	The Sma Glen Rothes Aberlour Moray AB38 7AG
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Katherine Donnachie
Case Officer Phone number	01343 563101
Case Officer email address	katherine.donnachie@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 23/00423/PPP

Erect dwellinghouse and detached garage Site At Boharm Neuk Boharm Craigellachie Moray for Mr Robert Morrison

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

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

Condition(s)

1. No development shall commence until:

- 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 120 metres in both directions, and a schedule of maintenance for the splay area has been submitted to and approved 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. No development shall commence until a detailed drawing (scale 1:500) showing the location and design of a passing place on the section of the U60H Belnagarrow - Oldtown Road (to the Moray Council standards and specification), has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and thereafter the passing place shall be constructed in accordance with the approved drawing prior to any development works commencing (except for those works associated with the provision of the passing place).

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

3. No development works shall commence on the dwelling house shall commence until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit is to be connected to an appropriate electricity supply, including details (written proposals and plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of the dwelling house.

Reason: In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking.

4. No development shall commence until details have been submitted for the approval in writing of the Planning Authority, in consultation with the Roads Authority, for provision of a bin store to safely contain recycling bins. The bin store should be located in close proximity to the site access onto the public road but out with the required visibility splays; and thereafter the bin store shall be constructed in accordance with the approved details prior to the first occupation of the dwelling house.

To ensure acceptable development that does not create any hazard to road users in the interests of road safety through the provision of details currently lacking

5. Parking provision shall be as follows:

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

The car parking spaces shall be provided within the site prior to the first occupation of the dwelling house. 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.

6. Prior to the first occupation of the dwelling house, the first 10m of the access track, measured from the edge of the public carriageway, shall be constructed to the Moray Council specification and surfaced with bituminous macadam. The width of the vehicular access shall be minimum 3.5 metres, 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.

7. Prior to the first occupation of the dwelling house, 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.

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

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

9. No water shall be permitted to drain or loose material be carried onto the public 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 new access.

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

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

11. Boundary walls/fences shall be set back from the edge of the public carriageway at a distance of as existing.

Reason: To ensure acceptable development in the interests of road safety.

Further comment(s) to be passed to applicant

The formation of the required visibility splay will involve the cutting back/ removal of gorse, small trees and vegetation, and may require minor regrading works to the verge.

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

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority. Guidance on Electric Vehicle (EV) Charging requirements can be found at: <http://www.moray.gov.uk/downloads/file134860.pdf>

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

Before starting any work on the existing public road the applicant is obliged to apply for a

road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

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

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

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

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

Date 23 March 2023

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

REPORT OF HANDLING

Ref No:	23/00423/PPP	Officer:	Katherine Donnachie
Proposal Description/ Address	Erect dwellinghouse and detached garage at Site At Boharm Neuk Boharm Craigellachie Moray		
Date:	19.07.2023	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	21/03/23	Developer obligations required towards healthcare (contribution towards reconfiguration of Aberlour Health Centre and one additional dental chair) and towards transport (contribution towards demand responsive transport – dial a bus.) Under policy requirements affordable housing contribution will be required – this is not a developer obligation but rather a policy requirement.
Moray Flood Risk Management	29/03/23	No objections.
Environmental Health Manager	22/03/23	No objections.
Contaminated Land	21/03/23	No objections.
Transportation Manager	23/03/23	No objections subject to conditions including electric vehicle charging provision, provision of passing place on U60H Belnagarrow – Oldtown road, provision and control of visibility splays, bin storage details, parking turning and layby provision, surfacing of access, and standard boundary and drainage conditions.
Scottish Water	17/03/23	No objections – note that there is public water supply available. Applicant will require to confirm capacity with the agency.

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP1 Placemaking		Refer to observations
PP3 Infrastructure and Services		Refer to observations
DP1 Development Principles	Y	
DP2 Housing		Refer to observations
DP4 Rural Housing	Y	
EP1 Natural Heritage Designation		Refer to observations
EP2 Biodiversity		Refer to observations
EP7 Forestry Woodland and Trees		Refer to observations
EP12 Management and Enhancement Water		Refer to observations
EP13 Foul Drainage		Refer to observations
NPF1 - Tackling the Climate		Refer to observations
NPF2 - Climate mitigation and adaptation		Refer to observations
NPF3 - Biodiversity		Refer to observations
NPF6 - Forestry, woodland and trees		Refer to observations
NPF13 - Sustainable transport		Refer to observations
NPF14 - Design, quality and place		Refer to observations
NPF17 - Rural homes	Y	Refer to observations
NPF22 - Flood risk		Refer to observations
NPF18 - Infrastructure first		Refer to observations

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

Proposals

This application seeks planning in principle consent for a new house in the countryside. As this is simply an application for the principle of a new house no details of design and siting have been provided at this stage. The site plan does however indicate that the new house could be located in the south eastern part of the site within a clearing in the mature Scots Pines in this part of the site.

Access will be taken via an existing field gate opening onto the Belnagarrow - Oldtown public road which runs along the far south east of site passing the applicant's current house at Mosacre by Coldhome. This opening will be upgraded and it is proposed to form a new track leading north westwards along the field boundary up from the access point to the proposed house site in order to serve the new development.

The supporting site plan indicates that existing mature trees on site will be retained, although as set out in the Tree Survey report some younger roadside native trees will require to be removed to facilitate visibility splays.

Surface water will be disposed of to a rain garden with discharge to ditch. Similarly foul water will be discharged to this ditch via a treatment plant. It is proposed to connect to the public water supply.

Site

The proposed site comprises part of an agricultural field on Coldhome Farm which is located on the minor back road leading from Aulton to Belnagarrow, running above, and parallel to, the main Mulben to Craigellachie road. Coldhome Farm itself lies to the south of this minor road as does the applicant's current house at Mosacre. The proposed house site lies at the top of a sloping agricultural field leading westwards up from this road with a new access track to be formed along the northern site boundary to service the site. Woodland lies to the northeast of this proposed track and this land is outwith the applicant's control.

The site lies over 200 metres back from the public road and is large, roughly square and contains an area of mature trees including Scots Pine in the eastern part. It is proposed to site the house within this area. Further woodland lies to the north and west and agricultural land to the south between the site and the public road.

Planning History

Whilst there is no specific planning history on the site itself there is considerable planning history in the immediate area with a number of extant planning consents dating from some years ago yet to be developed, but remaining live as work was confirmed to have commenced on site.

Key sites are as follows:

- 12/01259/APP - house site to immediate west of application site approved and extant at Newfield Neuk
- 10/00207/APP - house site to south west on roadside approved and extant at Lower Newfield
- 11/01484/APP house site further west on roadside approved and extant at Belnagarrow Heights Newfield
- 08/00538/FUL- house site to south on opposite side of road and to north of Coldhome Farm approved and extant at Newfield Oldtown Boharm
- 08/00539/FUL -house site to south on opposite side of road and to north of Coldhome Farm approved and extant at Viewfield Oldtown
- 13/00988/APP -house site to south on opposite side of road and to north of Coldhome Farm approved and extant at South Oldtown Oldtown

These last three sites effectively form a row of housing here. There have been other refusals near these plots. An additional plot was approved here in 2008 at Hillside Oldtown which appears to have expired (reference 08/01426/FUL.) A build up plan to illustrate this has been produced by this Service.

There are also numerous other new houses in the wider area which is recognised by the Local Development Plan designation further west as a "sensitive and pressurised" area. The application site itself lies outwith this designation.

APPRAISAL

Policy Background

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

Principle

In terms of rural housing (as is the case here) all proposals are assessed against NPF4 policy 17 Rural Home and MLDP policy DP4 Rural Housing. NPF4 policy 17 requires that the Local Development Plan should set out a tailored approach to rural housing and reflect locally appropriate delivery approaches. Moray Council's 'tailored approach' is based on a rural development hierarchy set out in MDLP Policy DP4 Rural Housing. The hierarchy seeks to direct new development to rural groupings, then the reuse and replacement of traditional buildings and finally new houses in the open countryside. In the open countryside a spatial strategy has been developed to direct development away from the most sensitive locations by identifying pressurised/sensitive areas and areas of intermediate pressure.

Proposals for a single house will be supported within a rural grouping or an area of intermediate pressure as identified in the MLDP policy DP4 where it meets the siting and design criteria of MLDP policy DP4. These sites are 'allocated' for the purposes of NPF4 policy 17a (i).

In this case the site lies outwith any designated rural groupings and within an area of intermediate pressure which, as noted above, is considered to be an "allocated" area for the purposes of NPF Policy 17 Rural Homes. Consequently there is support for a new house in the countryside providing it meets with the siting and design criteria of MDLP policy DP4. As the site is not within a pressurised and sensitive area there is no need to make a business or farming case for the development whereby the applicants supporting case is not relevant to the consideration of the application - it is simply whether or not the proposal meets the siting and design criteria of policy DP4 which falls to be considered. This will be considered now.

Siting, Landscape and Amenity Issues

MDLP Policy DP4 sets out that proposals for single houses must be well sited and designed to fit with the local landscape character. This is echoed in NPF Policy 17 which states that new homes in rural areas will be supported where the development is suitably scaled, sited, and designed to be in keeping with the character of the area.

Policy DP4 sets out that new proposals will be assessed in relation to siting criteria which have been devised to ensure that new development is low impact, integrates sensitively into the landscape, reflects the rural character and is of a high design quality, with siting criteria set out as follows:

1. There must be existing landform, mature trees, established woodland or buildings of a sufficient scale to provide acceptable enclosure, containment and backdrop for the proposed house. These features must be immediately adjoining the site (i.e. on the boundary) Field drains, ditches, burns, post and wire fencing, roads and tracks do not provide adequate enclosure or containment.
2. The new house must not create ribbon development, contribute to an unacceptable build- up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location.
3. Artificial mounding, cut and fill and /or clear felling woodland to create plots will not be permitted.
4. 15% of the plot must be landscaped with native tree species with detail provided within this particular criterion setting out what would be required.

Policy DP4 is supported by a policy guidance note on cumulative build up which sets out that cumulative build- up of rural housing is occurring across Moray and can take the form of sequential build up when travelling through the area, the concentration of new houses in an area that overwhelms traditional buildings, and identifiable clusters of suburban development.

MDLP Policy DP1: Development Principles also requires that all new development must be integrated into the surrounding landscape with scale, density and character appropriate to the surrounding area, creating a sense of place as required by Policy PP1: Placemaking. As noted earlier NPF Policy 17 similarly requires new rural housing to be suitably sited.

In this case the application site forms part of an agricultural field. It is a large site and there is a degree of visual enclosure offered by the existing vegetation on site, and by the woodland to the east and north. Depending on where a new house was situated on site there could potentially be sufficient containment for a new house. As this is only an application for planning in principle it is difficult to fully assess this point given the scale of the house site which extends northward over farmland to the woodland to the north east. However the applicant's supporting site plan does indicate that a new house would be located within a clearing in the existing tree cover. Providing existing trees were retained and their roots protected this could be feasible and if supported suitable planning conditions could be attached to achieve this.

However the site is not considered to be fully in keeping with the landscape and development pattern area here, being set well back from the road and in an area where there is a clear build-up of new housing development as set out in the planning history section earlier. There are numerous live consents in the immediate area and if these proceed - as they could - it is considered that a cumulative build-up of housing will occur contrary to policy DP4 which seeks to avoid an unacceptable build-up of housing.

As noted earlier Policy DP4 is supported by a policy guidance note on cumulative build up which sets out that cumulative build- up of rural housing is occurring across Moray and can take the form of sequential build up when travelling through the area, the concentration of new houses in an area that overwhelms traditional buildings, and identifiable clusters of suburban development. To help identify where build up is becoming an issue and having unacceptable landscape and visual impacts a number of siting and design build up indicators have been developed against which applications can be assessed. These criteria explain that siting indicators include:

- when the number of new houses overwhelms the presence of older buildings such that the new houses are the predominant components of the landscape.
- the incidence and inter-visibility of -new houses are a major characteristic of the landscape.
- there is a prominence of new houses from key viewpoints such as roads, paths and settlements
- there is sequential visual effects of cumulative build-up of new housing when travelling along roads in the vicinity of the site.
- new housing would result in ribbon development by effectively joining up concentrated clusters of development.

With the exception of ribbon development (which the positioning of the site back from the public road avoids) the proposed development is considered to display all of these indicators when viewed in combination with all the consented live consents in the immediate area. As such the development is considered to be contrary to MDLP Policy DP4 and NPF Policy 17.

In terms of design indicators for cumulative build-up as this is an application for planning in principle and the other live consents have not yet been built this is not a particular consideration at this stage. Also in relation to design if the application was otherwise acceptable suitable planning conditions could be attached to ensure that a satisfactory design was delivered.

It is noted that in terms of wider amenity due to the location of the proposed site relative to other houses in the area there is not considered to be any impacts on residential amenity arising.

Finally whilst the family circumstances of the applicants are appreciated in that the house may be required for the working of the farm this is not considered to constitute a land use planning reason to set aside policy on siting of new rural housing.

Servicing

MDLP Policy PP3 Infrastructure and Services sets out how new development should be coordinated with infrastructure to ensure that places function properly and are adequately serviced. Policy DP1 of the 2020 Plan also sets out the need for appropriate servicing and access. NPF Policy 13 Sustainable Transport similarly supports new development where it is in line with the sustainable transport and investment hierarchies.

In this respect the proposed development would upgrade an existing access point onto the public road network. The technical consultee (Transportation Manager) has no objections subject to conditions which be readily attached in the event of the application being supported. The impact upon existing young roadside trees in terms of trimming back/removal to achieve the necessary visibility splays is also not considered to present a particular land use planning difficulty as compensatory planting could be readily secured if required.

In terms of sustainable transport the development relates to a site which it is understood is intended to provide accommodation for the farmer with a contribution towards the dial a bus scheme to be secured by developer obligations in this case. In these circumstances the proposed development is considered to comply with NPF Policy 13.

MDLP Policy DP1 also requires that acceptable water and drainage provision is made including the use of sustainable urban drainage systems (SUDS) for the disposal of surface water. This is expanded upon in Policy EP12 Management and Enhancement of the Water Environment and Policy EP13 Foul Drainage. NPF Policy 22 - Flood Risk and Water Management similarly creates a presumption against all development at risk from flooding and seeks to ensure that that there is no risk of surface water flooding to others and that all rain and surface water is managed through sustainable urban drainage systems (SUDS).

The technical consultee (Flood Risk Management Team) has no objection to the proposed arrangements for surface and foul water disposal whilst Scottish Water has raised no objections to the proposal in terms of connection to public water supplies, although their consent will be required to make such connections.

The development is therefore considered to comply with policy on servicing subject to appropriate conditions being attached in the event of the application being supported.

Environmental Impacts

Policy DP1: Development Principles sets out that development should conserve and enhance the natural and built environment and cultural resources. This is reinforced by Policy EP1 Natural Heritage Designations which seeks to ensure that development does not have an adverse effect on any European Protected Species (EPS). MDLP Policy DP1 Development Principles requires new development to demonstrate how it will conserve and enhance the natural environment. This is reinforced by policy EP2 Biodiversity which seeks to enhance biodiversity. NPF Policy 4 - Natural Places similarly does not support development which will have an unacceptable impact on the natural environment whilst NPF Policy 3 Biodiversity requires development to contribute to the enhancement of biodiversity and where possible ensuring that nature based solutions have been integrated into the development. Policy 3 explains that measures should be proportionate to the nature and scale of the development.

The proposed site is currently a mixture of grassland and woodland with a tree survey submitted to demonstrate that a house could be accommodated without any loss of mature trees. If the application was supported planning conditions could be attached to ensure that additional planting was secured which could be readily delivered on this large site. There would therefore be some potential over time to enhance biodiversity. Consequently the proposed development is considered to be comply with policy. Furthermore it does not contravene policy on tree loss (MDLP policy EP7 and NPF Policy 6)

Finally in relation to environmental impacts Policy DP1 Development Requirements seeks to ensure that proposals address and mitigate any contaminated land issues. In this case the Council Contaminated Land Team has no objections.

Developer Obligations and Affordable Housing Contributions

MDLP Policy PP3: Infrastructure and Services sets out that contributions will be sought from developers in cases where a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity. The Developer Obligations Team has calculated that a contribution towards healthcare and transport (dial a bus) is required in this case. The applicant is willing to pay these contributions should the application be supported. Accordingly a Section 75 legal agreement or upfront payment would be required to secure the payments if the application was supported.

Policy DP 2(d): Housing also now sets out that all housing developments must provide a contribution towards the provision of affordable housing. The applicant is also willing to pay this contributions so if the application was supported then a Section 75 legal agreement or upfront payment would be required for this too.

Conclusion

In these overall circumstances the proposed development is not considered to comply with the Moray Local Development Plan and National Planning Framework policies for rural housing due to its contribution to the unacceptable build-up of housing in the area and the detrimental effect on the rural character of the area arising from this. Accordingly refusal is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description		
	Decision		Date Of Decision

ADVERT

Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	No Premises	13/04/23
PINS	No Premises	13/04/23

DEVELOPER CONTRIBUTIONS (PGU)

Status	Cont sought
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DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?	YES	
----------------------------------------------------	-----	--

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

Document Name: Site Investigation and Drainage Assessment

Main Issues: Confirms site outwith areas of fluvial and pluvial flooding. Notes that there is surface water flooding areas on the SEPA maps to the southeast downstream of the site associated with the existing ditch. To avoid any impacts the surface water arrangements have been designed to manage flows up to and including a 1:200 event.

Ground conditions are unsuitable for use of standard stone filled soakaways. Foul water is to be disposed of via treatment plant with outfall to existing drainage ditch with additional filter bed treatment before discharge. The soakpit to be wrapped in impermeable membrane to prevent water ingress. Surface water will also discharge to the ditch via suitably sized rain garden attenuation. SEPA consent will be required for the discharges.

Document Name: Policy 17 Rural Homes Statement

Main Issues: Explains the farming case for the site setting out that Coldhome farm consists of 30 hectares of arable land owned by the applicant's brother who lives at Spey Bay where he runs another farm. The applicant lives at Mosacre Coldhome and helps with the running of the farm and also runs a forestry harvesting business. His current accommodation is too small and he requires a larger house on site with the original house to then be occupied by his eldest child. It concludes that there is an operational need for the house.

Document Name: Tree Survey Report

Main Issues: Considers impacts of development upon trees and hedgerows on the site and contains arboricultural impact assessment to address any impacts, makes recommendations for any works to trees considered to be necessary and contain guidance on tree protection. Concludes that although there was no evidence of red squirrels in the trees they may use them. Concludes that a house could be sited within the site with limited impact on the trees. Provision of access and layby will result in loss of young roadside willow tree along with further tree removal (mainly category C rowan trees) along roadside to facilitate visibility splays. Trees on the site include numerous category B scots pine.

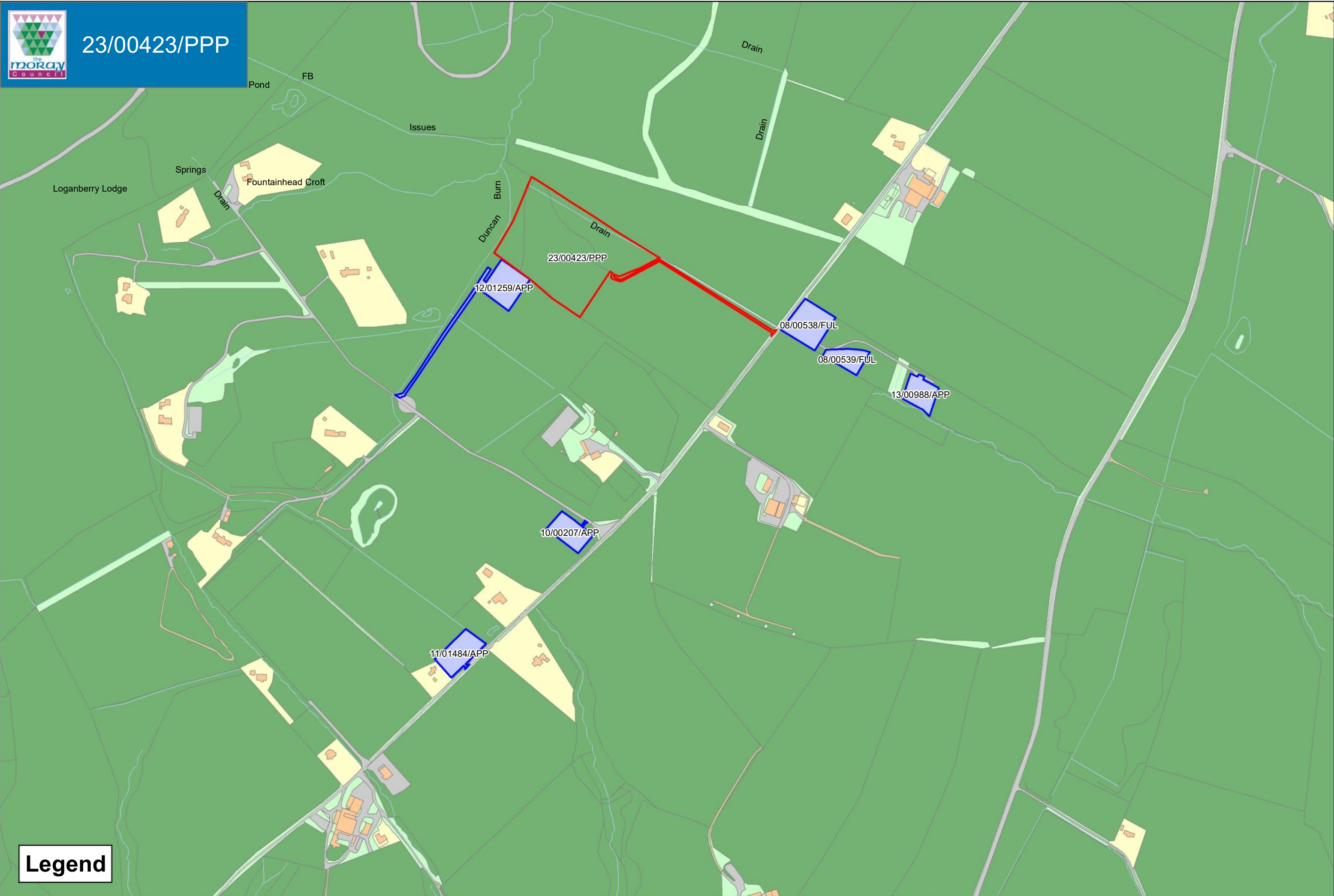
S.75 AGREEMENT

Application subject to S.75 Agreement		NO
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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)			



Legend



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

REFUSAL OF PLANNING PERMISSION

**[Speyside Glenlivet]
Planning Permission in Principle**

TO



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 at Site At Boharm Neuk Boharm
Craigellachie Moray**

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

Date of Notice: **20 July 2023**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
Moray Council
PO Box 6760
ELGIN
Moray
IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The development is contrary to Moray Local Development Plan 2020 Policies DP4: Rural Housing and DP1: Development Principles and to National Planning Framework Policy 17 Rural Homes for the following reasons:

1. The proposed development does not fit into the local landscape character in that the new house will be set far back from, and above, the public road out of character with the prevailing original development pattern in the area with the visual impacts of this exacerbated by the relationship to live planning consents for new house sites in the immediate area.
2. The proposed development, together with the number of live planning consents for new house sites in the immediate area, will contribute to an unacceptable build-up of housing and detrimentally alter the rural character of the area, creating unacceptable visual and landscape impacts.
3. The proposed development is contrary to Moray Local Development Plan Policy DP4 Rural Housing and its associated Policy Guidance on Cumulative Build Up as, together with other live planning consents for new houses sites in the immediate area, it will result in new houses overwhelming the presence of older buildings such that new houses are the predominant components of the landscape with the original settlement pattern difficult to perceive; the incidence and inter-visibility of new houses will become a major characteristic of the landscape; there will be a prominence of new houses from key viewpoints such as the public road; and there will be sequential visual effects of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
BO.NEUK/PIP/02		Block plan
BO.NEUK/PIP/01		Part site plan
		Location plan

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

Revised plan to show land ownership.

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

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.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: 0300 1234561 Email: development.control@moray.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100620896-006

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:

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="The Sma Glen"/>
First Name: *	<input type="text" value="Robert"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Morrison"/>	Address 1 (Street): *	<input type="text" value="Rothes"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberlour"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland, UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB38 7AG"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="info@sreiddesign.co.uk"/>		

Site Address Details

Planning Authority:

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

Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Boharm Neuk, Boharm, Craigellachie, Aberlour AB38 9RL"/>

Northing	<input type="text" value="848020"/>	Easting	<input type="text" value="332739"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Proposed dwelling-house and detached garage

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see NOR "Grounds for Review" document for full explanation.

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 document Location Plan Site Plan Block Plan Tree Survey report Drainage Assessment

Application Details

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

23/00423/PPP

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

13/03/2023

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

20/07/2023

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

If a site inspection is possible then this would be helpful.

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 Stewart Reid

Declaration Date: 12/10/2023

Notice of Review Supporting Statement



Proposed dwelling-house and detached garage at
Site at Boharm Neuk, Boharm, Craigellachie, Aberlour AB38 9RL
For Mr and Mrs Morrison

Planning Reference - 23 / 00423 / PPP

S Reid Design

CHARTERED ARCHITECTURAL DESIGN SERVICE

S.REID MCIAT
CHARTERED ARCHITECTURAL TECHNOLOGIST
THE SMA GLEN, ROTHES, ABERLOUR, AB38 7AG
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M - (07926) 151101
E - info@sreiddesign.co.uk
W - www.sreiddesign.co.uk

Background to Application

The proposal is on land which is part of a farm run by the applicant, Mr Robert Morrison.

The Morrison family have owned the farm at Boharm for generations.

When Robert's grandparents passed away a number of years ago his brother Scott inherited the farm while Robert inherited the workshop and yard which he utilizes for his forestry business. Scott predominantly runs another farm based at Spey Bay while Robert runs the farm here at Boharm. He also bases his forestry business in the farm workshop and yard as mentioned above.

Robert, his wife Wendy and their three grown up children have lived in the Boharm area for many years. They lived at a property next door to the farm until 2016 when Robert's mother sadly passed away. It was then necessary for the family to move into his mother's house (Mosacre) which is also part of the farm, for a number of reasons including security of stock and equipment, unloading of lorries at any time of the day or night etc.

Unfortunately, Mosacre is too small for the family. Both of his daughters share a bedroom (ages 22 and 14) and there is barely any room for storage.

The oldest children, his son who is 25 and his daughter who is 22 have looked at moving out but it's not possible in the current market given the fact that most properties are being sold well in excess of the asking price.

For all of the above reasons a slightly larger dwelling-house where denoted on the application site plan would be an ideal solution given the fact that Robert could continue to be based here for work reasons and it would suit his families needs too.

Reasons for Refusal

In the refusal notice for the proposal under point 1 the council state the following -

The development is contrary to Moray Local Development Plan 2020 Policies DP4: Rural Housing and DP1: Development Principles and to National Planning Framework Policy 17 Rural Homes for the following reasons:

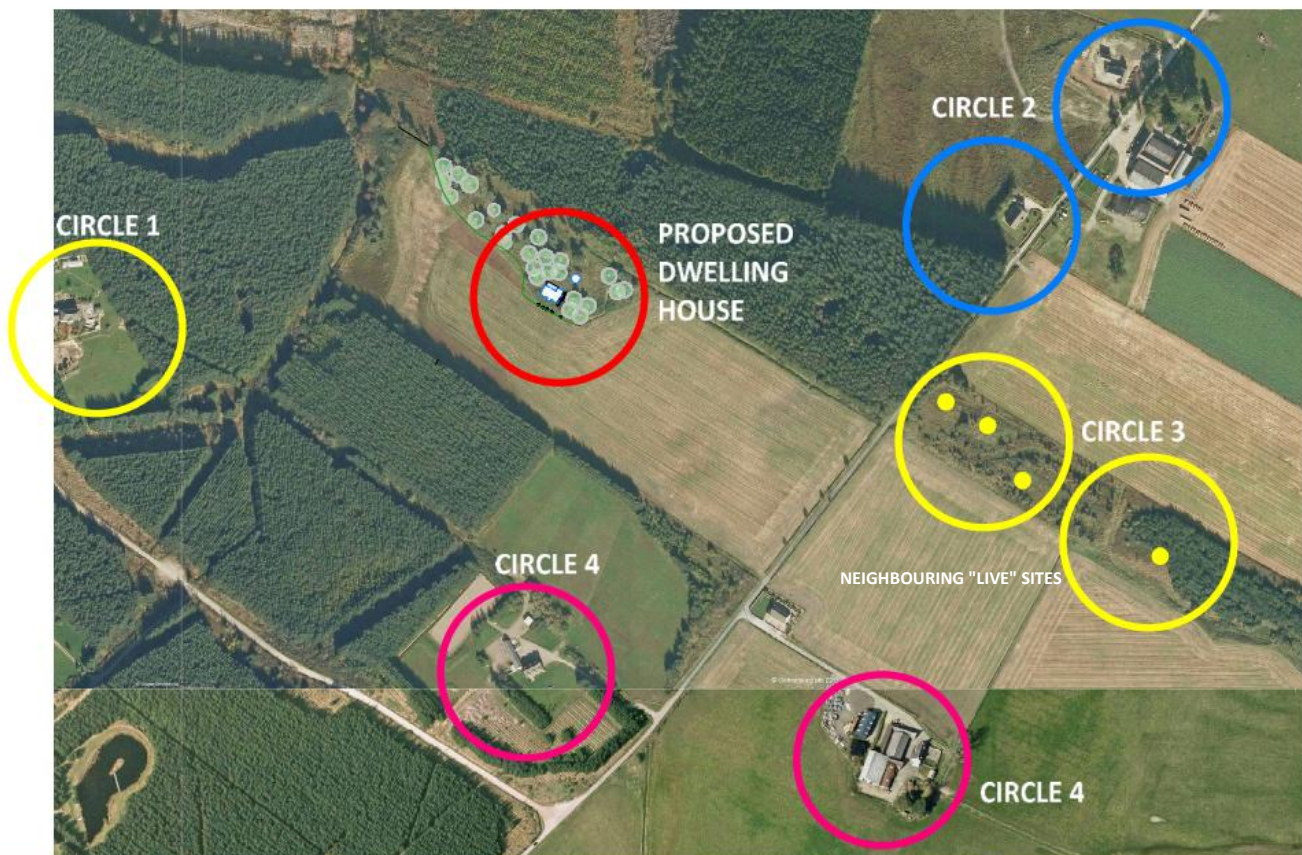
1. The proposed development does not fit into the local landscape character in that the new house will be set far back from, and above, the public road out of character with the prevailing original development pattern in the area with the visual impacts of this exacerbated by the relationship to live planning consents for new house sites in the immediate area.

Response to Point 1

We believe that the proposed house would fit well with the local landscape character of the area and would integrate into the surrounding landscape for the following reasons -

Within the vicinity of the proposal there are a number of existing houses which are located randomly across the area. Please see aerial plan below which denotes this. Circle 1 denotes a dwellinghouse set well away from the road. Circle 2 denotes properties on the road. Circle 3 denotes a cluster of "live" plots in a layout perpendicular to the public road. Circle 4 denotes other random farm buildings and houses. As can be seen our proposal would consist of another similarly placed dwelling which would be in keeping with these other properties.

Given the above arrangement we are confident the proposed dwelling will not detract in any way from the character and setting of the existing buildings. Indeed, we feel the proposal would compliment the development pattern in this area.

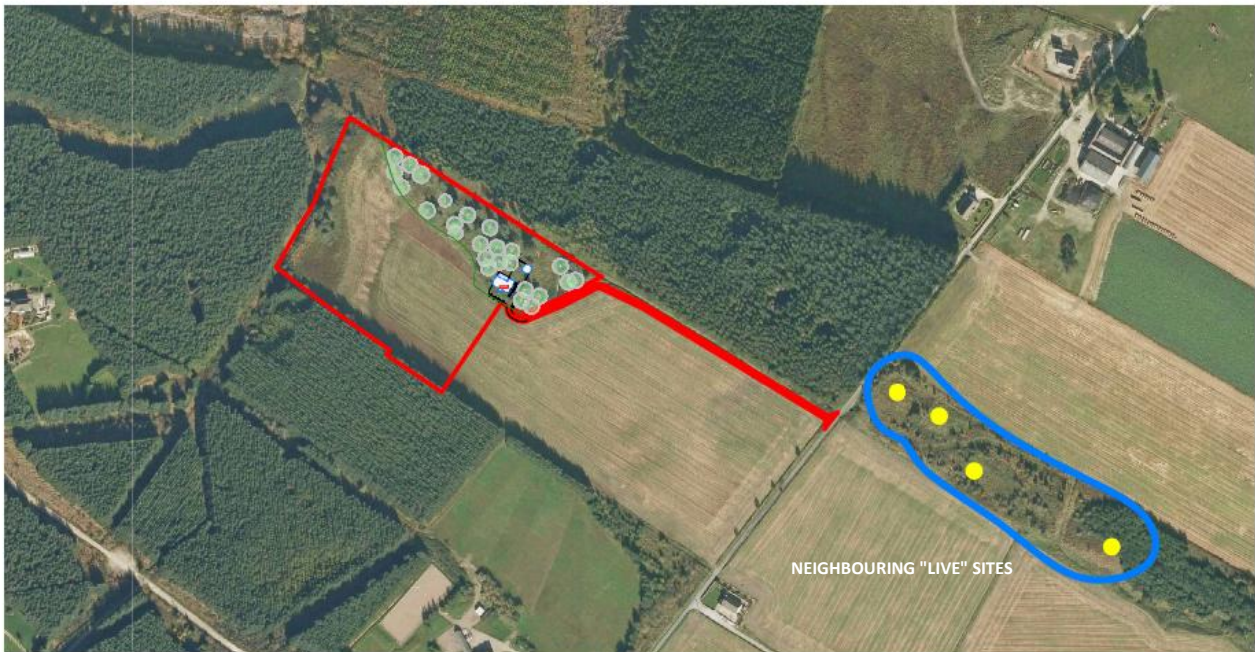


The second point of refusal states the following -

2. The proposed development, together with the number of live planning consents for new house sites in the immediate area, will contribute to an unacceptable build-up of housing and detrimentally alter the rural character of the area, creating unacceptable visual and landscape impacts.

Response to Point 2

We feel this point is not justified. There are a few "live" planning consents nearby however the proposal does not lie within a "pressurised and sensitive area" as per the Moray Local Plan 2020. We are firmly of the view that this proposal, surrounded in mature trees would not have any detrimental impact to this area. Further, as demonstrated in point 1 the development sits in a location similar to the surrounding randomly placed properties.



The third point of refusal states the following -

3. The proposed development is contrary to Moray Local Development Plan Policy DP4 Rural Housing and its associated Policy Guidance on Cumulative Build Up as, together with other live planning consents for new houses sites in the immediate area, it will result in new houses overwhelming the presence of older buildings such that new houses are the predominant components of the landscape with the original settlement pattern difficult to perceive; the incidence and inter-visibility of new houses will become a major characteristic of the landscape; there will be a prominence of new houses from key viewpoints such as the public road; and there will be sequential visual effects of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site.

Response to Point 3

The third point of refusal is very similar to the second refusal point.

Having articulated why we feel the proposal would comply with Planning Policy DP4 in terms of its location and integration we would also like to make clear that the proposed dwellinghouse would be built among mature pine trees, owned by the applicant. This will ensure a level of containment and enclosure is provided as per the Moray Local plan "rural housing" criteria. Further to this a forest of mature trees also exist to the north of the development, which will provide further enclosure / backdrop. Please see the following images.

3

Planning reference -
23 / 00423 / PPP

Boharm Neuk, Boharm,
Craigellachie

S Reid Design
CHARTERED ARCHITECTURAL DESIGN SERVICE



PHOTO DENOTING MATURE TREES WITHIN PLOT / APPROXIMATE HOUSE LOCATION

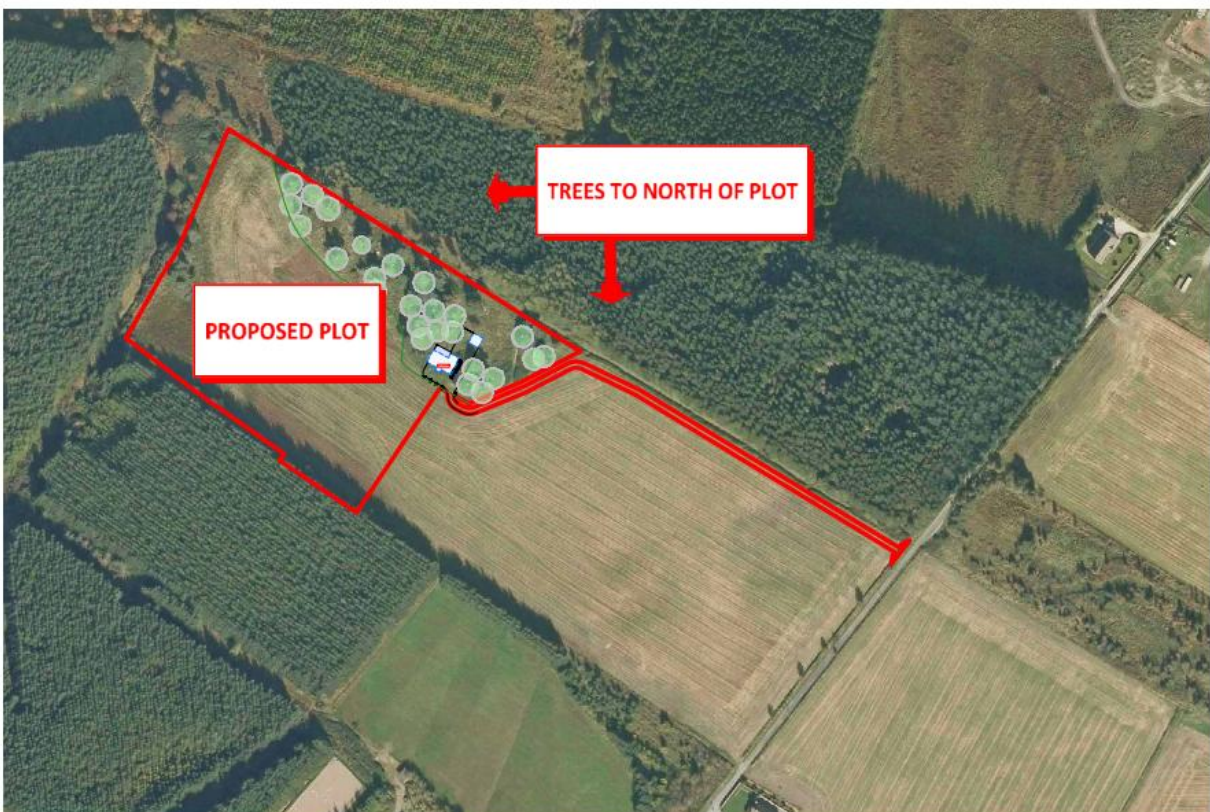


PHOTO DENOTING MATURE TREES TO THE NORTH

Notice of Review Supporting Statement

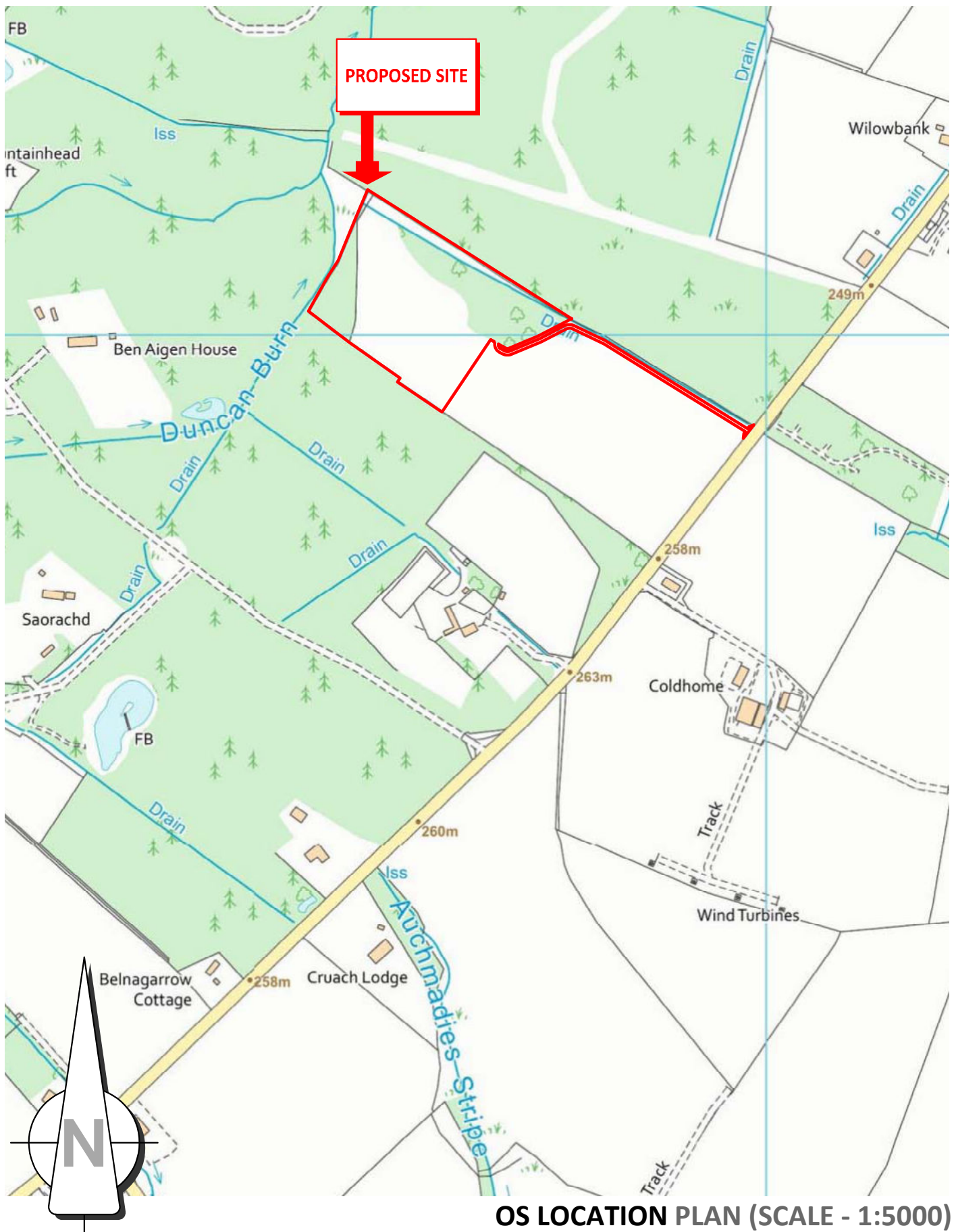
Conclusion

In conclusion, we respectfully ask the LRB panel to consider what this proposal means for the applicant.

Robert's business is based here and he also needs to look after the farm. He needs to be based in Boharm. Secondly, the proposed dwellinghouse would suit the families needs.

In terms of planning policy we strongly feel that the proposal would integrate well and is in line with the DP4 section (rural housing) of the Moray Local Plan 2020. This is due to the fact that it's placing is similar to the random development pattern in the area. Further to this the proposed dwelling and garage would be surrounded by existing mature pine trees owned by the applicant. These trees would provide the necessary containment and enclosure as set in the Moray Local Plan 2020 policies. Lastly, while we acknowledge the rural character of the area needs to be maintained we disagree that this one dwellinghouse would be in anyway detrimental. This location is not classed as a "pressurised and sensitive area" in terms of rural housing as per the Moray Local Plan 2020. We also feel it complies with the policies in NPF4.

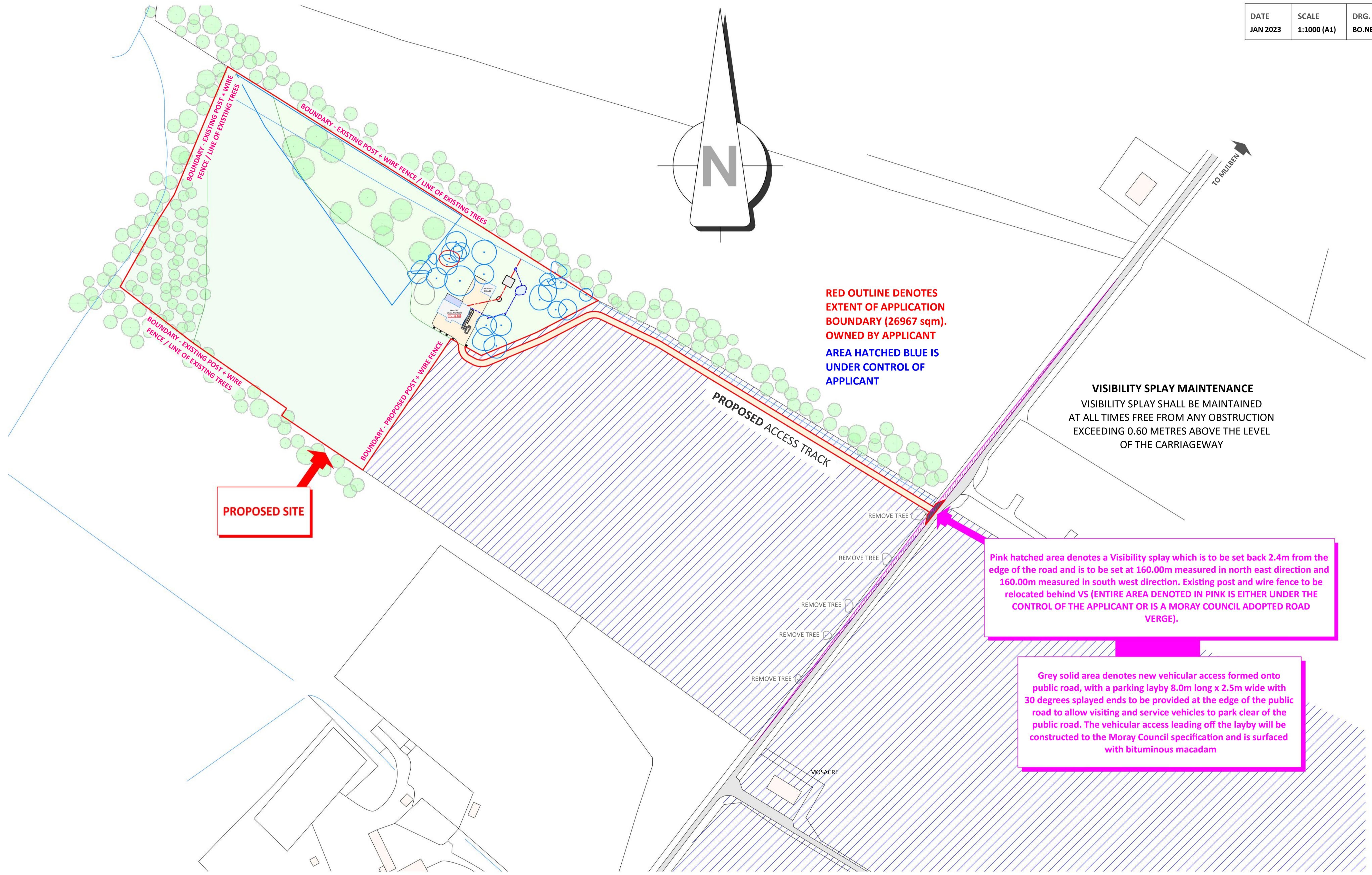
We respectfully ask that the appointed LRB panel approves this appeal.



OS LOCATION PLAN (SCALE - 1:5000)

Proposed dwelling-house and detached garage at Site at Boharm Neuk, Boharm, Craigellachie, Aberlour AB38 9RL
 For Mr and Mrs Morrison

S.REID MCIAT
 CHARTERED ARCHITECTURAL TECHNOLOGIST
 THE SMA GLEN, ROTHES, ABERLOUR, AB38 7AG
 M - (07598) 299753
 M - (07926) 151101
 E - info@sreiddesign.co.uk
 W - www.sreiddesign.co.uk



RED OUTLINE DENOTES
EXTENT OF APPLICATION
BOUNDARY (26967 sqm).
OWNED BY APPLICANT
AREA HATCHED BLUE IS
UNDER CONTROL OF
APPLICANT

VISIBILITY SPLAY MAINTENANCE
VISIBILITY SPLAY SHALL BE MAINTAINED
AT ALL TIMES FREE FROM ANY OBSTRUCTION
EXCEEDING 0.60 METRES ABOVE THE LEVEL
OF THE CARRIAGEWAY

Pink hatched area denotes a Visibility splay which is to be set back 2.4m from the edge of the road and is to be set at 160.00m measured in north east direction and 160.00m measured in south west direction. Existing post and wire fence to be relocated behind VS (ENTIRE AREA DENOTED IN PINK IS EITHER UNDER THE CONTROL OF THE APPLICANT OR IS A MORAY COUNCIL ADOPTED ROAD VERGE).

Grey solid area denotes new vehicular access formed onto public road, with a parking layby 8.0m long x 2.5m wide with 30 degrees splayed ends to be provided at the edge of the public road to allow visiting and service vehicles to park clear of the public road. The vehicular access leading off the layby will be constructed to the Moray Council specification and is surfaced with bituminous macadam

Block Plan (scale 1:1000)

Proposed dwelling-house and detached garage at
Site at Boharm Neuk, Boharm, Craigellachie, Aberlour AB38 9RL
For Mr and Mrs Morrison

S Reid Design
CHARTERED ARCHITECTURAL DESIGN SERVICE

S.REID MCIAT
CHARTERED ARCHITECTURAL TECHNOLOGIST
THE SMA GLEN, ROTHES, ABERLOUR, AB38 7AG
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Gary Mackintosh
Email: gmsurveys@gmail.com
Tel: 07557431702

gmsurveys

Surveys, Setting-Out Civil Engineering Design

Site Investigation & Drainage Assessment

BOHARM NEUK

Gary Mackintosh BSc
gmsurveys@gmail.com

Contents

Client:	2
Site Address:	2
Planning Reference:	2
Date:	2
Job Number:	2
Company Information:	2
Assessment completed by:	2
Site Description:	3
Soil Conditions:	3
Percolation/Soakaway Testing:	3
Conclusion and Recommendations:	4

Client:

Mr and Mrs Morrison

Site Address:

Boharm Neuk
Boharm
By Craigellachie

Planning Reference:

TBC

Date:

1st March 2023

Job Number:

GMC23-024

Company Information:

Assessment completed by:

Gary Mackintosh Bsc

GMCSurveys

34 Castle Street

Forres

Moray

IV36 1PW

Email: gmcsurveys@gmail.com

Telephone: 07557 431 702

Site Description:

The proposals are to erect a new single dwelling and detached garage within land located at Boharm to the northeast of Craigellachie together with all associated infrastructure.

The SEPA Flood Maps have been consulted which confirm that the development lies out with any areas of fluvial and pluvial flooding during a 1:200year event. There is an area of surface water flooding shown to the southeast, downstream of the site associated with an existing ditch. In order to ensure that the development has no detrimental impact on the surrounding area, it is proposed that any surface water infrastructure is designed to manage flows up to and including a 1:200year event.

GMC Surveys were asked to carry out a site investigation and to provide a drainage solution for the proposals.

Soil Conditions:

Excavations were carried out on 21st February 2023 to assess the existing soils and the suitability for the use of sub surface soakaways as a method of foul and surface water management.

The trial pits were excavated to a depth of 1.6m.

300mm Topsoil overlying reddish/brown, firm to stiff, slightly silty, gravelly clays proved to the depth of the excavations. Some water ingress was noted at the base of the excavations.

The trial hole locations can be found in Appendix A.

There was no evidence of contamination within the trial pits.

The percolation and Infiltration testing within the pits was abandoned due to the water ingress.

Conclusion and Recommendations:

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

Foul Water

There is an existing drainage ditch located along the northeast boundary of the proposed site. Ditch flows southeast, culverting the public road and entering the wider network of watercourses within the area.

Based on the above it is proposed that the foul waters are to discharge to the to the existing Drainage ditch as shown within Appendix A.

A Packaged sewage treatment plant will require to be installed, the final make and model are to be confirmed by the chosen supplier.

Prior to discharge SEPA require an additional level of treatment and storage in the form of a filter bed with a minimum base area of 25m².

The soakpit dimensions are therefore to be **5.0m x 5.0m with 1.0m** below the invert of the inlet. The 100mm outlet is to be set 300mm below the invert of the incoming pipe.

Alternative dimensions may be used for the soakpit in order to suit the layout of the site ensuring that the base area of **25m²** is maintained. Due to the presence of the water ingress encountered during the testing, the foul water soakpit is to be wrapped in an impermeable polypropylene membrane or similar approved to prevent water ingress into the foul water system.

It is recommended to install a Graff One2Clean packed sewage treatment plant with a minimum 6PE (4bed) which produces an effluent quality of: B.O.D – 7.0mg/l and Ammonia Nitrogen of 0.5mg/l however the final tank specification is to be determined by the applicant.

Surface Water Dispersal:

It is proposed that the surface water is also to discharge to the existing drainage ditch.

Prior to discharge the surface waters will require to be stored, treated and attenuated to a pre - determined rate in order to ensure the post development runoff does not exceed the pre - development rate.

In line with The Moray Council Flood Risk Management Teams current policy, it is proposed to discharge the surface waters to a rain garden providing a sustainable method of surface water management. The rain garden will have stone filled storage beneath sized to accommodate flows up to and including a 1:200year event with 37% allowance for climate change.

The calculation sheets below indicate a minimum storage of **8.80m³** based on a contributing area of 170m² (proposed house and garage roof area with extra over) with the discharge limited to 0.5l/s.

Allow for a depth of 1.0m maximum of 30% storage within 40mm Stone = $8.80 / 0.3 = \underline{29.40\text{m}^2}$.

I can therefore confirm that there is adequate space available within the site to accommodate the proposed rain garden. The plan view of the rain garden will form an irregular shape ensuring that the depth remains as 1.0m of storage below the invert of the inlet and the overall area is equal to a minimum of 29.40m².

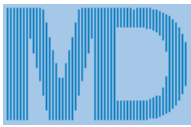
Typical details for the rain garden and the foul water soakpit have been included within Appendix B. Due to the presence of the water ingress encountered during the testing, raingarden structure is to be wrapped in an impermeable polypropylene membrane or similar approved to prevent water ingress into the system.

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

SEPA consent will be required prior to installation of the proposed drainage.

References

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



MasterDrain
SW

gmcsurveys
Surveys, Setting Out Civil Engineering Design

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

Job No. GMC23-024		
Sheet no. 1		
Date 01/03/23		
By GM	Checked	Approved

Project Boharm Neuk, Boharm, Craigellachie
Title Surface Water Storage Requirements

Data:-

Location = CRAIGELLACHIE Grid reference = NJ2844
M5-60 (mm) = 15.8 r = 0.25
Soil index = 0.30 SAAR (mm/yr) = 800
Return period = 200 WRAP = 2
UCWI = 0.0 Climate change = +37%

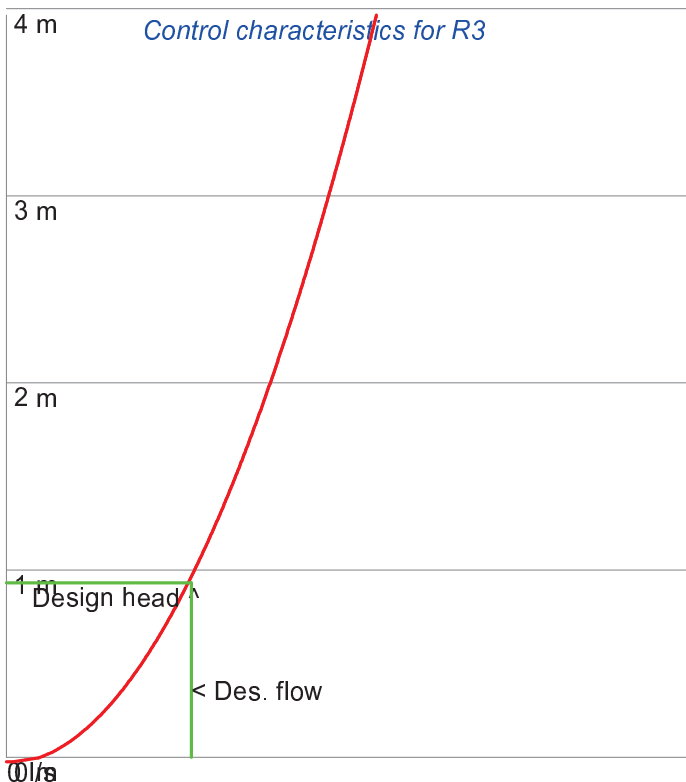
- i) Very permeable soils with shallow ground water;
- ii) Permeable soils over rock or fragipan, commonly on slopes in western Britain associated with smaller areas of less permeable wet soils; The layer is low in organic matter, mottled and (fragipan - a natural subsurface horizon having a higher bulk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

Percentage runoff = 95.0% (manual setting)

Imperv. area = 170 m² Pervious area = 0 m²
Total area = 170 m² Equiv area = 162 m² (Tot. area x % runoff).
Total runoff = 17.1 m³ Discharge rate = 0.500 l/s

Design Head = 1.0m Peak flow = 0.50 l/s
Control device = R3 Orifice diam = 19.8 mm
Max. calc. depth = 0.99 m Available depth = 0.0 m³

Pipeline storage = 0.0 m³ Available MH storage = 0.0 m³
Offline storage = 0.0 m³
Total storage = 8.8 m³ Peak input flow = 1.86 l/s



Head (m)	Flow (l/s)	Head (m)	Flow (l/s)
0.01	0.02	2.01	0.71
0.05	0.11	2.05	0.72
0.10	0.16	2.10	0.72
0.15	0.19	2.15	0.73
0.20	0.22	2.20	0.74
0.25	0.25	2.25	0.75
0.30	0.27	2.30	0.76
0.35	0.30	2.35	0.77
0.40	0.32	2.40	0.77
0.45	0.34	2.45	0.78
0.50	0.35	2.50	0.79
0.55	0.37	2.55	0.80
0.60	0.39	2.60	0.81
0.65	0.40	2.65	0.81
0.70	0.42	2.70	0.82
0.75	0.43	2.75	0.83
0.80	0.45	2.80	0.84
0.85	0.46	2.85	0.84
0.90	0.47	2.90	0.85
0.95	0.49	2.95	0.86
1.00	0.50	3.00	0.87
1.05	0.51	3.05	0.87
1.10	0.52	3.10	0.88
1.15	0.54	3.15	0.89
1.20	0.55	3.20	0.89
1.25	0.56	3.25	0.90
1.30	0.57	3.30	0.91
1.35	0.58	3.35	0.92
1.40	0.59	3.40	0.92
1.45	0.60	3.45	0.93
1.50	0.61	3.50	0.94
1.55	0.62	3.55	0.94
1.60	0.63	3.60	0.95
1.65	0.64	3.65	0.96
1.70	0.65	3.70	0.96
1.75	0.66	3.75	0.97
1.80	0.67	3.80	0.97
1.85	0.68	3.85	0.98
1.90	0.69	3.90	0.99
1.95	0.70	3.95	0.99
2.00	0.71	4.00	1.00



MasterDrain
SW

gmcsurveys
Surveys, Setting Out Civil Engineering Design

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Job No. GMC23-024		
Sheet no. 2		
Date 01/03/23		
By GM	Checked	Approved

Project **Boharm Neuk, Boharm, Craigellachie**

Title **Surface Water Storage Requirements**

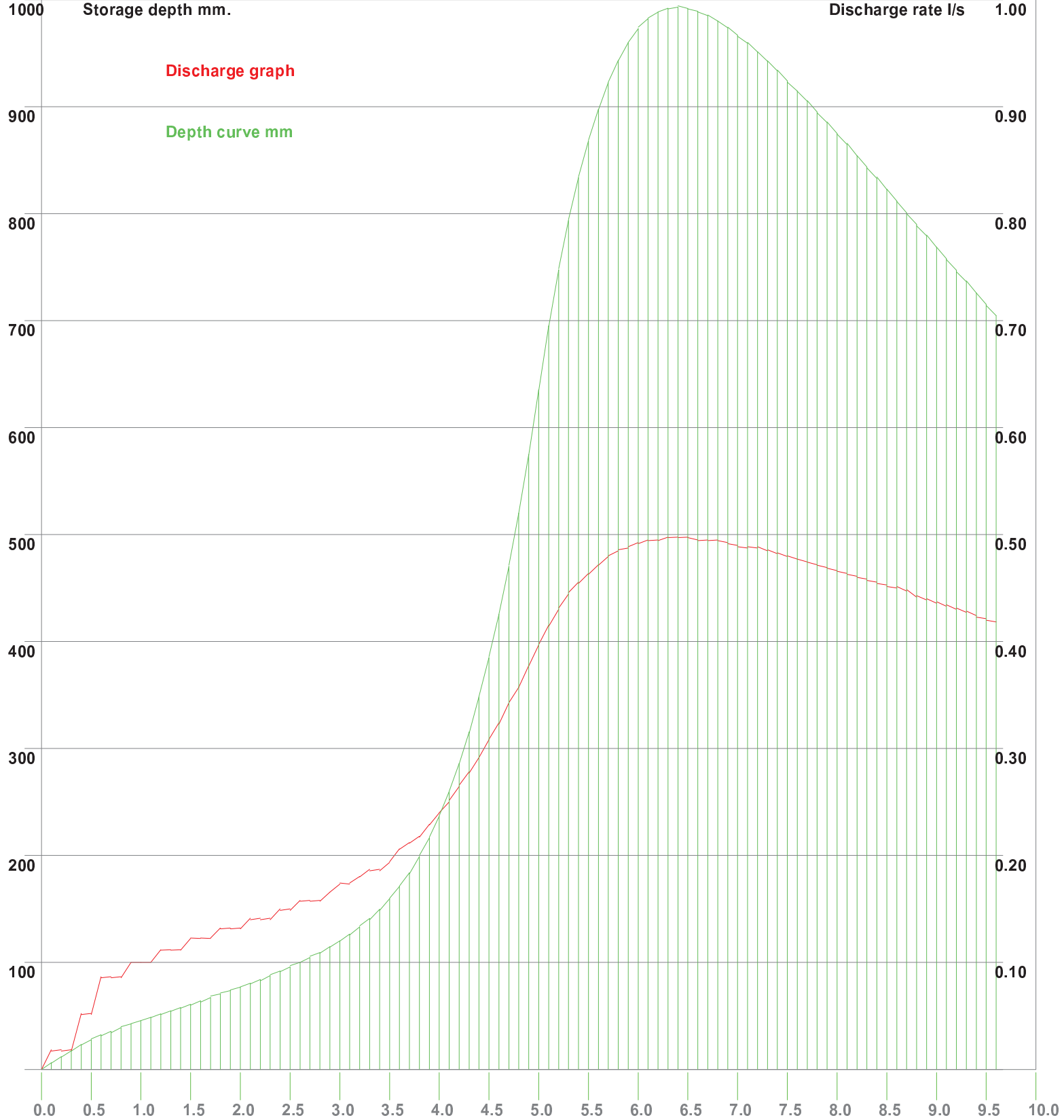
Storage curves for a 10 hours storm.

Storage depth mm.

Discharge rate l/s

Discharge graph

Depth curve mm





Job No.	GMC23-024		
Sheet no.	3		
Date	01/03/23		
By	GM	Checked	Approved

MasterDrain
SW

Project **Boharm Neuk, Boharm, Craigellachie**
Title **Surface Water Storage Requirements**

Incremental rainfall figures.

Storm Mins	Storage Depth mm	Control Flow l/s	Storm Mins	Storage Depth mm	Control Flow l/s
6.0	6.2	0.02	306.0	695.1	0.42
12.0	11.8	0.02	312.0	747.6	0.43
18.0	17.5	0.02	318.0	793.6	0.44
24.0	23.3	0.05	324.0	833.6	0.46
30.0	27.8	0.05	330.0	868.1	0.46
36.0	32.4	0.09	336.0	897.6	0.47
42.0	35.7	0.09	342.0	922.6	0.48
48.0	39.1	0.09	348.0	943.3	0.48
54.0	42.6	0.10	354.0	959.9	0.49
60.0	45.6	0.10	360.0	972.9	0.49
66.0	48.7	0.10	366.0	982.3	0.49
72.0	52.0	0.11	372.0	988.4	0.49
78.0	54.8	0.11	378.0	992.0	0.50
84.0	57.8	0.11	384.0	993.0	0.50
90.0	61.0	0.12	390.0	991.8	0.50
96.0	64.1	0.12	396.0	989.1	0.49
102.0	67.2	0.12	402.0	985.2	0.49
108.0	70.6	0.13	408.0	980.0	0.49
114.0	73.7	0.13	414.0	973.8	0.49
120.0	77.0	0.13	420.0	966.8	0.49
126.0	80.5	0.14	426.0	959.2	0.49
132.0	84.0	0.14	432.0	951.1	0.49
138.0	87.8	0.14	438.0	942.4	0.48
144.0	91.9	0.15	444.0	933.4	0.48
150.0	95.8	0.15	450.0	924.2	0.48
156.0	100.2	0.16	456.0	914.6	0.48
162.0	104.5	0.16	462.0	905.0	0.47
168.0	109.3	0.16	468.0	895.1	0.47
174.0	114.7	0.17	474.0	885.1	0.47
180.0	120.3	0.17	480.0	874.8	0.47
186.0	126.4	0.17	486.0	864.5	0.46
192.0	133.3	0.18	492.0	854.1	0.46
198.0	141.1	0.19	498.0	843.5	0.46
204.0	149.7	0.19	504.0	832.9	0.46
210.0	159.7	0.19	510.0	822.5	0.45
216.0	171.0	0.21	516.0	811.7	0.45
222.0	183.9	0.21	522.0	800.8	0.45
228.0	199.0	0.22	528.0	789.9	0.44
234.0	216.5	0.23	534.0	779.2	0.44
240.0	236.6	0.24	540.0	768.4	0.44
246.0	259.8	0.25	546.0	757.8	0.43
252.0	286.0	0.26	552.0	747.1	0.43
258.0	315.5	0.28	558.0	736.4	0.43
264.0	348.3	0.29	564.0	725.8	0.42
270.0	384.9	0.31	570.0	715.2	0.42
276.0	425.4	0.32	576.0	704.5	0.42
282.0	470.4	0.34	582.0	694.0	0.42
288.0	520.0	0.36	588.0	683.4	0.41
294.0	574.8	0.38	594.0	673.0	0.41
300.0	635.4	0.40	600.0	662.4	0.41

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

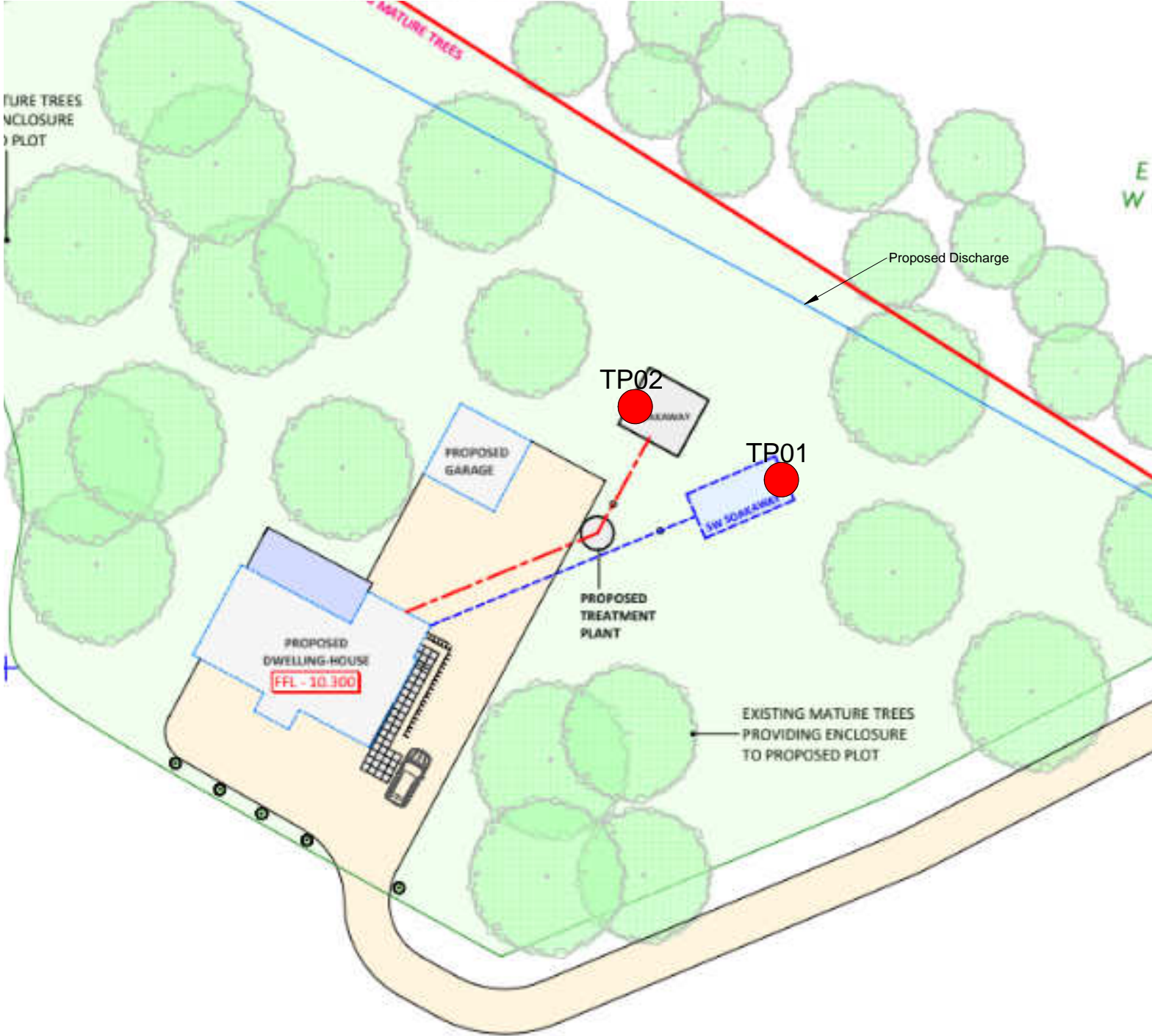
Each duration is sampled 600 times and the results recorded. The storm durations (hrs) are:-

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

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

APPENDIX A

Site Layout/Test Hole Locations



REV:	DESCRIPTION:	BY:	DATE:
STATUS:		ISSUE	

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

CLIENT: Mr and Mrs Morrison

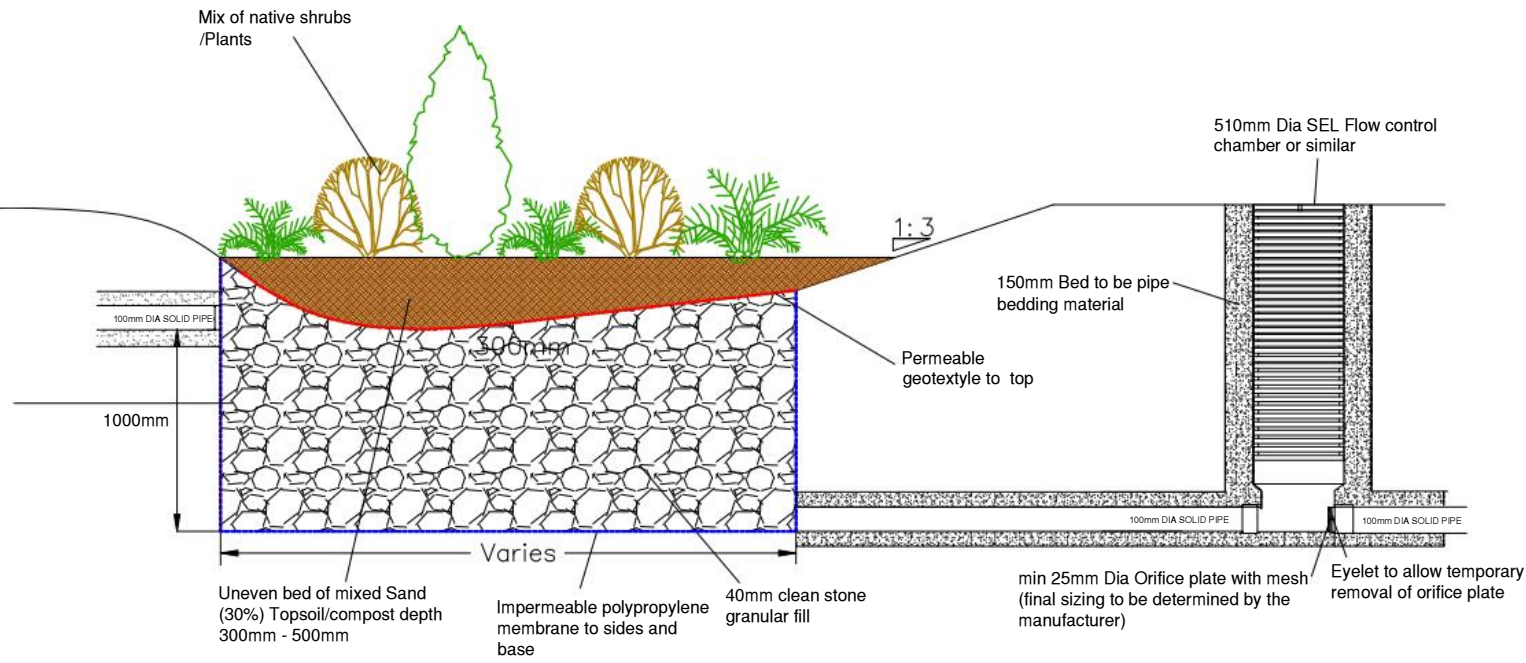
SITE: Boharm Neuk
 Boharm, Craigellachie

TITLE: Test Hole Location

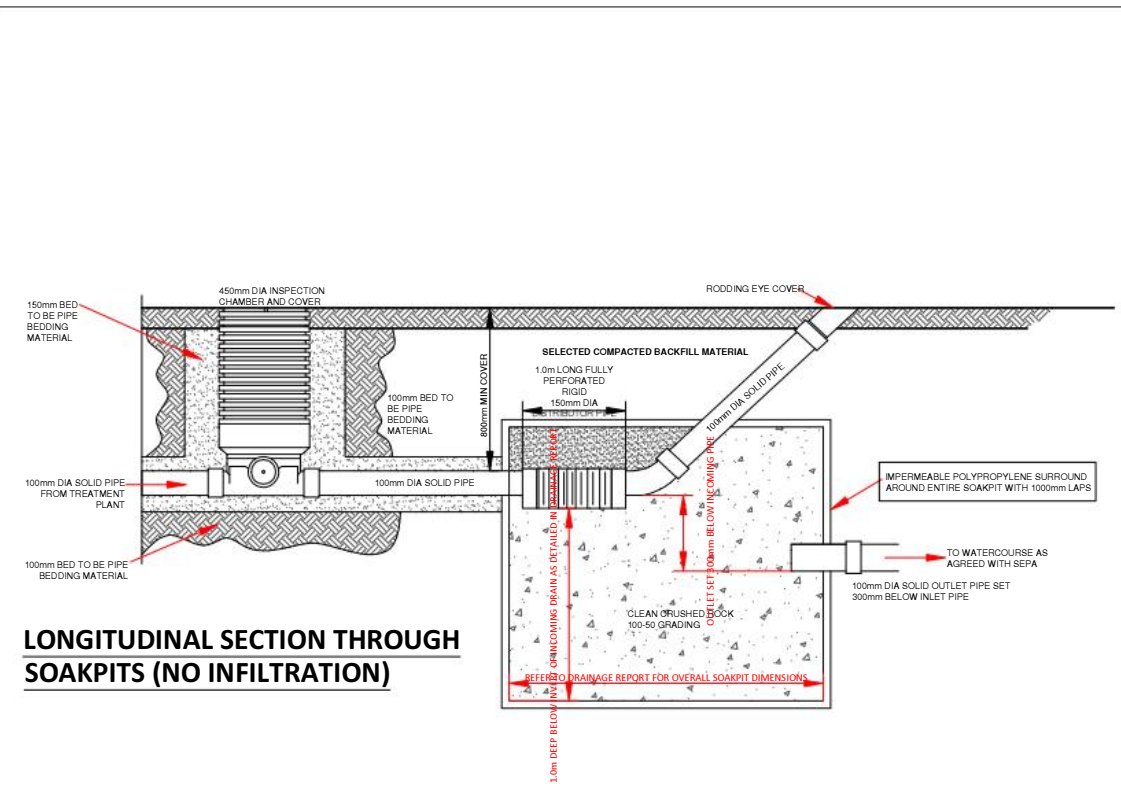
SCALE AT A4:	DATE:	DRAWN:	CHECKED:
NTS	MAR23	GM	
PROJECT NO:	DRAWING NO:	REVISION:	
GMC23-024	Appendix A	-	

APPENDIX B

Drainage Details



LONGITUDINAL SECTION THROUGH PROPOSED RAINGARDEN



LONGITUDINAL SECTION THROUGH SOAKPITS (NO INFILTRATION)

REV:	DESCRIPTION:	BY:	DATE:
STATUS: ISSUE			

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

CLIENT: **Mr and Mrs Morrison**

SITE: **Boharm Neuk
Boharm, Craigellachie**

TITLE: **Foul and Surface Water
Drainage Details**

SCALE AT A4: NTS	DATE: MAR23	DRAWN: GM	CHECKED:
PROJECT NO: GMC23-024	DRAWING NO: Appendix B	REVISION:	



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Arboricultural Report

Proposed Site : Boharm Neuk, Boharm, Craigellachie

Contents

1. Introduction
2. Survey Methodology
3. Site Overview
4. Potential Constraints
5. Summary of Findings & Conclusion
6. Arboricultural Impact Assessment
7. Arboricultural Method Statement
8. References
9. Photographs
10. Appendices

Appendix One: Tree Survey Data

Appendix Two: Survey Headings

Appendix Three: Tree Survey Recommendations

Appendix Four: Tree Constraints Plan

Appendix Five: Tree Protection Plan

1.0 Introduction

1.1 The following pre-development tree survey has been carried out by Wakeley Tree Surgeons Ltd. to assess and identify the impact a proposed development may have on trees within and adjacent to a proposed plot at Boharm.

1.2 The survey has been carried out by Jonathan Boocock (PTI) of Wakeley Tree Surgeons, in accordance with British Standards 'Trees in relation to design, demolition and construction – Recommendations (BS5837:2012).

1.3 All trees have been inspected using Ground Visual Inspection techniques. No climbing inspections or below ground investigations have been undertaken. Should a more detailed inspection be deemed appropriate, this will be advised in recommendations. Trees are dynamic living organisms, whose health and condition can be subject to rapid change, depending upon internal and external factors. The conclusions and recommendations contained within this report relate to the trees only at the time of inspection and do not constitute a tree risk assessment report.

1.4 Inspection was undertaken on the 15th February 2023. The weather conditions at the time of inspection were a damp 6 degrees centigrade, clearing throughout the day.

1.5 The objective of this survey was to identify and gather information pertaining to the location of trees and hedgerows on the site and how they may be impacted by construction and development of the site. The survey will detail any constraints to the proposed development. An arboricultural impact assessment addresses the likely impact of the proposed development on trees within and adjacent to the site. Recommendations are made for tree works considered necessary for health and safety reasons or to facilitate the protection of trees during construction work in accordance with BS 3998:2010 Recommendation for tree works, and an arboricultural method statement is included to provide guidance in relation to tree protection during construction. If landscape planting recommendations are required, please do not hesitate to contact Wakeley Tree Surgeons Ltd. for further advice.

2.0 Survey Methodology

2.1 Unless otherwise stated tree inspections have been undertaken from ground level using non-invasive techniques only.

2.2 All trees, groups of trees and hedgerows surveyed have been given a number prefixed by a letter, T, G, H respectively and were assessed using the 'Cascade chart for tree quality assessment' as described in Table 1 of the BS 5837:2012. Where accessible and it was deemed necessary trees were physically tagged with an individual numbered identification tag. The locations of trees, groups of trees and hedgerows on and adjacent to the site are shown on the Tree Constraints Plan (TCP Appendix 4).

2.3 In accordance with BS 5837:2012 only trees with a stem diameter of 75mm or greater were surveyed and for these trees tree species, height, stem diameter and crown spread were recorded. Trees forming obvious groups were assessed as such.

2.4 The findings of the survey are given in tabular form in Appendix 1. A full explanation of survey headings is given in Appendix 2.

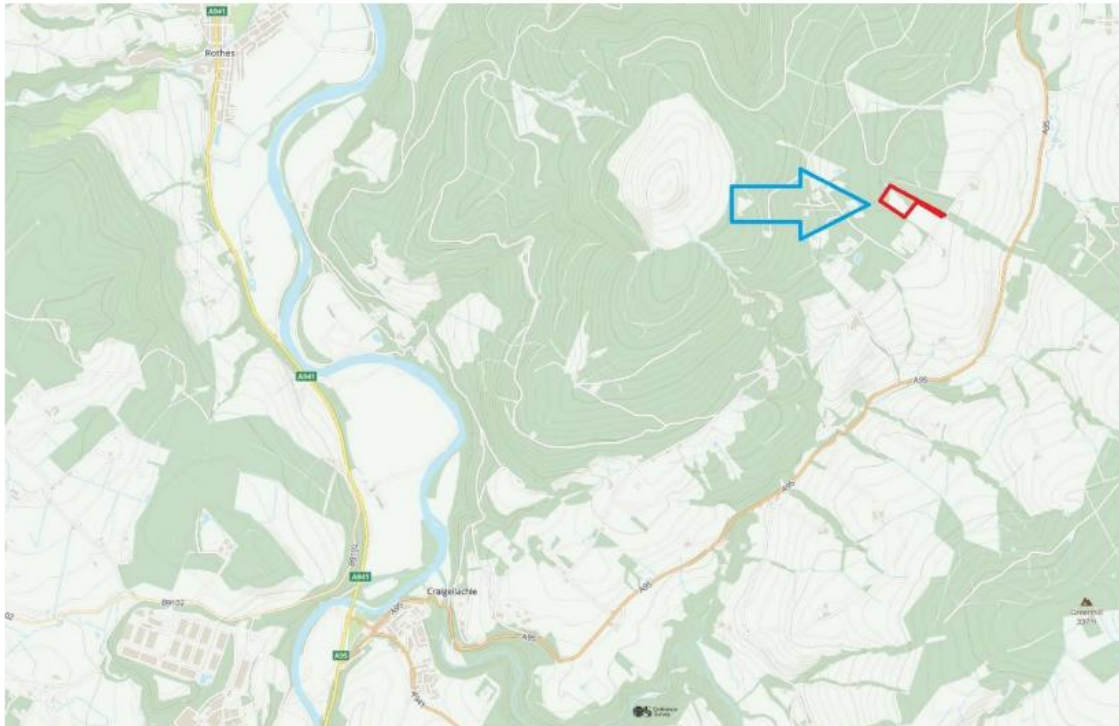
2.5 No information was provided or shared about the sites soil structure and no onsite assessment has taken place as part of this survey. BS 5837:2012 states that a soil assessment should be carried out by a competent person to establish the structure and clay content to assess its shrinkability, the pH and composition. A soil survey of this nature is considered outside the scope of this arboricultural assessment however British Geological Society Viewer has been used to gather some of this information.

2.6 An arboricultural method statement is included to provide guidance in relation to tree protection during construction, however for soil structure in relation to construction advice should be sought from a Structural Engineer.

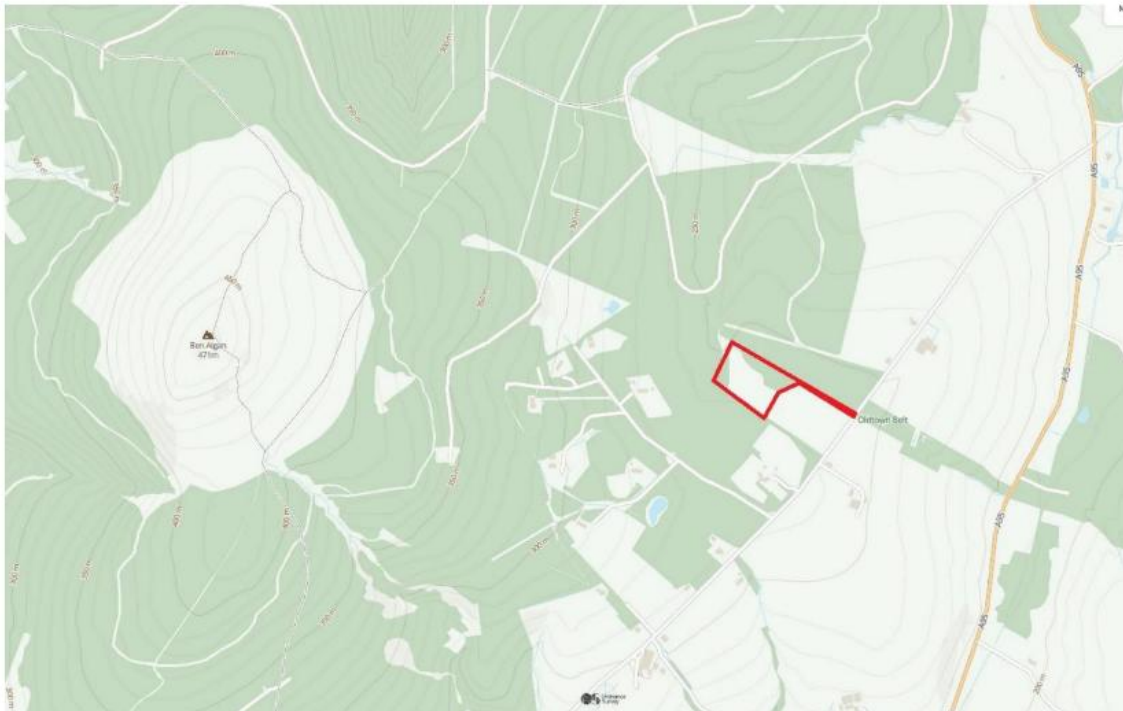
3.0 Site Overview

3.1 Location

Map 1



Map 2



3.1.1 The sites access is located just under a mile south from the A95 in Boharm. The proposed access will make use of an old field entrance currently serviced by an overgrown and unusable metal gate.

3.1.2 The field in which the plot is situated is surrounded by stock fencing on wooden posts. The proposed plot was not individually fenced or marked out at the time of this survey.

3.2 Topography

3.2.1 An accurate topographical survey of the site was not provided. During the survey tree locations were plotted using GPS or measured in relation to site boundaries and other known features and triangulated. The Tree Constraints Plan provides a good representation of tree location in relation to the site and proposed development however this information should be layered on to the accurate topographical survey whenever possible.

3.2.2 The site is reasonably level, dropping away towards the west. There are drainage channels throughout the trees on site and a running ditch alongside the proposed driveway.

3.3 Geology and Soils

3.3.1 British Geological society viewer indicates that the site consists of Findlater Flag Formation with an area of alluvium and river terrace deposits, of gravel, sand, silt and clay.

3.4 Climate

3.4.1 The climate of the locality is typical of much of the Highland region in having average summer temperatures for its relative UK latitude, combined with low rainfall totals and long daylight hours. The northerly latitude of the site has a direct bearing on winter conditions, with on average 15 days of the month having air frost from 1st December – 28th February. Winds are a prevailing westerly, but a desiccating north-north easterly wind can be a feature of the winter period.

4.0 Potential Constraints

4.1 Legal Constraints

4.1.1 Investigation with the Local Planning Authority has revealed that there are no Tree Preservation Orders (TPO) enforced upon the site, and the site is not within a designated Conservation Area. Permission should be sought from the relevant landowner.

4.1.2 As the site extent is less than 5ha, an Environmental Impact Assessment (EIA) is not required as defined by the forestry operations threshold (EU Directive 337 (1985)).

4.1.3 Investigation with Historic Scotland has revealed that there are no Scheduled Monuments present within the site boundary.

4.2 Ecological Constraints

4.2.1 There were no direct sightings or evidence of protected species during the site visit, however the trees assessed constitute a limited but wholly integrated part of a much larger tree network. It is likely that species such as Red Squirrels may utilise the trees to varying degrees, although there is no evidence of permanent residence.

4.2.2 It should also be taken into consideration that nesting birds are protected by law (Section 1, Wildlife and Countryside Act (1981)), and reasonable measures should be taken to minimise disturbance and physical impacts. There were no signs of nesting birds at the time of the survey.

5.0 Summary of Findings and Conclusion

5.1 A total of 35 trees or groups have been surveyed. A breakdown of the number of trees in each retention category is shown in the Table 1 below;

Table One: Breakdown of Tree Categorisation

	Category A	Category B	Category C	Category U
Trees	0	24	6	1
Groups	0	4	0	0
Hedgerows	0	0	0	0

5.2 Category A trees are high quality trees with an estimated remaining life expectancy of at least 40 years and there would be a general presumption for retention of these trees.

5.3 Category B trees are trees of moderate quality with an estimated remaining life expectancy of at least 20 years

5.4 Category C trees are of low quality with an expected remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm.

5.5 Category U trees are those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than ten years.

6.0 Arboricultural Impact Assessment

6.1 Based on the proposed site layout, from drawings provided, the arboricultural impact of the proposed development was assessed as follows:

6.1.1 The proposed dwellings will have limited impact to trees within the site. The footprint has intentionally been placed between the existing trees taking into account RPA's with the intention to retain all the trees.

6.1.2 Proposed plans indicate that a layby is to be positioned on the roadside at the start of the access driveway. Currently the access gateway is overgrown with a young willow tree (T27), this will need to be removed.

6.1.3 Removal of T31, T30, T29, T28 will be required to facilitate the required visibility splay. These are poor examples of tree due to repeat maintenance by flailing, in order to prevent them from growing across the highway.

6.1.4 There are multiple windblown trees within Group 4, some of which protrude onto the highway verge to the north of the proposed access track. It will be required that these fallen trees are taken back beyond the woodland fencing in order to not obstruct the view within the required visibility splay.

6.1.5 There is a drainage ditch running between the proposed driveway and G4. Due to the depth of this ditch and resultant distance between the trees and the driveway any required ground works will not impact these trees.

6.2 Replanting; No indication of how the site is to be landscaped has been discussed. Potentially removal of trees and scrub will be required to facilitate this build and as such replacement landscape planting should take account of any habitats lost onsite. The new planting scheme should include an assemblage of native species of local provenance, resulting in an uplift in the quality of trees onsite.

6.3 Tree Constraints Plan

Refer to the tree constraints Plan (TCP) for the location of trees and hedgerows on site (Appendix 3). The TCP has been produced as the basis for the assessment of the constraints imposed by existing trees on the proposed design.

6.4 Tree Protection Plan

The tree Protection plan (TPP: Appendix 4) shows the indicative position of the Root Protection Area (RPA) for the trees and hedgerows with a retention priority. **The RPA (as described in BS5837:2012 sec. 3.7) represents the minimum area around a tree in which the ground should remain undisturbed** and is shown as a yellow line on the TPP. Refer to Tree Survey Data: appendix 1 for accurate RPA radiuses).

7.0 Arboricultural Method Statement

The Arboricultural Method Statement provides information about how to protect trees and their root systems during the construction process. The steps described below should be used as reference by the main contractor in order to prepare a site specific method statement for the construction works. The method statement is to be used in conjunction with the TPP which details the extent of root protection areas.

7.1 Pre-Construction

The Developer will appoint an arboriculturalist to oversee tree protection measures for the duration of the project. The arboriculturalist should make regular visits to ensure continued compliance and deal with project specific issues as they arise.

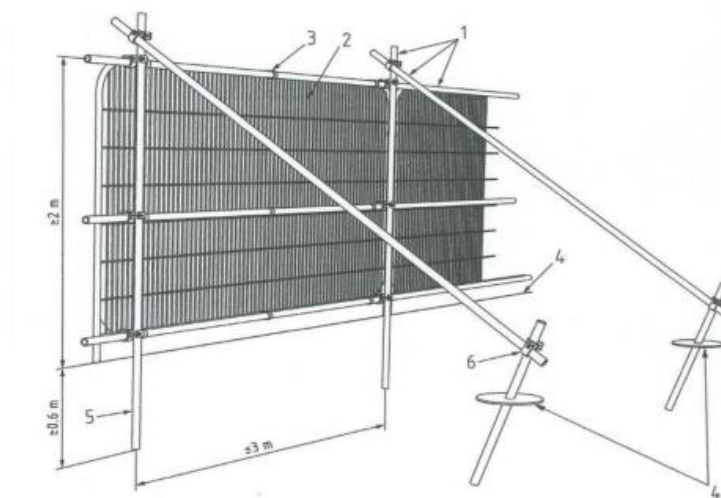
7.2 Tree Works

The developer will appoint qualified arborists to complete pruning and felling works as specified in the tree survey recommendations (Appendix 3). All works must be carried out must conform to BS3998:2010 Tree Work. Recommendations. Any damage caused to a tree during the construction phase should be reported immediately to the site manager so that inspection and/or remedial works can be undertaken.

7.3 Protective Fencing

On completion of tree works, protective fencing should be erected where required, as specified in the Tree Protection Plan, in accordance with BS 5837:2012 . Fencing is intended as a precautionary measure to prevent accidental damage to the rooting area of retained trees. This protective fencing must stay in place for the duration of construction works and remain intact and undamaged.

Figure 1: : Illustration of Default Specification Vertical Barrier (reproduced from BS5837:2012)



Key

- 1 Standard scaffold poles
- 2 Heavy gauge 2m tall, galvanised tube & welded mesh infill panels
- 3 Panels secured to uprights & cross members with wire ties
- 4 Ground level
- 5 Uprights driven into the ground until secure (minimum depth 0.6m)
- 6 Standard scaffold clamps

7.4 Ground Protection

Where construction working space or temporary construction access is justified within the RPA, this should be facilitated by a temporary set-back in the alignment of the tree protection barrier. Temporary ground

protection within the RPA must be capable of supporting any load without affecting or compacting the underlying soil. These operations must only take place after consultation, and with the supervision of the project arboriculturalist.

7.5 Post Construction

On completion of construction works, it is recommended that retained trees are re-inspected by an arborist in order to identify any additional remedial works required to ensure tree health and site safety.

8.0 References

<http://www.rhs.org.uk>

<http://www.subsidencebureau.com>

<http://www.historic-scotland.gov.uk/>

<http://moray.gov.uk/>

<http://metoffice.gov.uk/>

BS 5837:2012 Trees in relation to design, demolition and construction – recommendations.

BS 3998:2010 Tree work – recommendations.

British Geological Society Viewer

NatureScot SiteLink



9.0 Photographs

Photo 1: Roadside Rowans needing removed to facilitate visibility splay



Photo 2: T19 Silver Birch tree with Birch polypore fruiting body



Photo 3: T4 Scots pine; typical example of the pine trees within this site



Photo 4: G2 Young woodland at the northwest of the plot consisting mostly of planted Alder



10.0 Appendices

Appendix One: Tree Survey Data

Appendix Two: Survey Headings

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Appendix One: Tree Survey Data

Ref.	Species	Structure	Measurements	General Observations	Retention Category	Spread	RPA
G1	Scots Pine x42 <i>(Pinus sylvestris)</i>	Group	Height (m): 12 42 stems, avg.(mm): 400 Spread (m): 7N, 7E, 7S, 7W	Group of 42 Mature Scots Pine trees, between 10 and 15m tall, with an average DBH of around 400mm. 2 standing dead trees within the group area.	B2	N:7 E:7 S:7 W:7	Area: 3700 sq m, plus a 1m buffer.
G2	Spruce <i>(Picea sp.)</i> Alder <i>(Alnus sp.)</i> Scots Pine <i>(Pinus sylvestris)</i>	Group	Height (m): 7 3 stems, avg.(mm): 100 Spread (m): 5N, 5E, 5S, 5W	Fenced area of younger planting. Mostly Alder planted with several self set spruce coming through There is a small group of mature Scots pine within the fenced area	B2	N:5 E:5 S:5 W:5	Area: 5614 sq m, plus a 1m buffer.
G3	Sitka Spruce <i>(Picea sitchensis)</i>	Group	Height (m): 20 Stem Diam (mm): 350 Spread (m): 5N, 5E, 5S, 5W	Sitka Spruce Plantation with 3x Rowan along fence line	B2	N:5 E:5 S:5 W:5	Area: 4696 sq m, plus a 1m buffer.

G4	Sitka Spruce (<i>Picea sitchensis</i>) European Larch (<i>Larix decidua</i>) Norway Spruce (<i>Picea abies</i>)	Group	Height (m): 20 3 stems, avg.(mm): 400 Spread (m): 6N, 6E, 6S, 6W Life Stage: Semi Mature Rem. Contrib.: 20+ Years	Plantation with areas of different species planting; Sitka, Norway Spruce and Larch	B2	N:6 E:6 S:6 W:6	Area: 50053 sq m, plus a 1m buffer.
T001	Silver Birch (<i>Betula pendula</i>)	Tree	Height (m): 6 Stem Diam (mm): 180 Spread (m): 3N, 3E, 3S, 3W Life Stage: Early Mature Rem. Contrib.: 30+ Years	Main union 2m	B2	N:3 E:3 S:3 W:3	Radius: 2.2m. Area: 15 sq m.
T002	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 10 Stem Diam (mm): 500 Spread (m): 5N, 5E, 5S, 4W Life Stage: Mature Rem. Contrib.: 30+ Years	Historic pruning stubs up trunk to 2m	B2	N:5 E:5 S:5 W:4	Radius: 6.0m. Area: 113 sq m.
T003	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 11 Stem Diam (mm): 450 Spread (m): 4N, 5E, 4S, 4W Life Stage: Mature Rem. Contrib.: 30+ Years	Concrete rubble within root plate	B2	N:4 E:5 S:4 W:4	Radius: 5.4m. Area: 92 sq m.

T004	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 10 Stem Diam (mm): 450 Spread (m): 2N, 3E, 3S, 6W Life Stage: Mature Rem. Contrib.: 30+ Years		B2	N:2 E:3 S:3 W:6	Radius: 5.4m. Area: 92 sq m.
T005	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 12 2 stems, avg.(mm): 350 Spread (m): 5N, 6E, 3S, 2W Life Stage: Mature Rem. Contrib.: 30+ Years	Bifocates at 1m above ground	B2	N:5 E:6 S:3 W:2	Radius: 5.9m. Area: 109 sq m.
T006	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 11 Stem Diam (mm): 450 Spread (m): 4N, 4E, 2S, 4W Life Stage: Mature Rem. Contrib.: 30+ Years	Hanging branch at 4m	B2	N:4 E:4 S:2 W:4	Radius: 5.4m. Area: 92 sq m.
T007	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 12 2 stems, avg.(mm): 400 Spread (m): 6N, 4E, 5S, 5W Life Stage: Mature Rem. Contrib.: 20+ Years	Forks near ground level	B2	N:6 E:4 S:5 W:5	Radius: 6.8m. Area: 145 sq m.
T008	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 11 Stem Diam (mm): 500 Spread (m): 7N, 6E, 5S, 5W Life Stage: Mature Rem. Contrib.: 30+ Years	Lowest branch below 1m	B2	N:7 E:6 S:5 W:5	Radius: 6.0m. Area: 113 sq m.

T009	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 10 Stem Diam (mm): 450 Spread (m): 5N, 5E, 6S, 6W Life Stage: Mature Rem. Contrib.: 30+ Years	Pruning stub to north at 2m	B2	N:5 E:5 S:6 W:6	Radius: 5.4m. Area: 92 sq m.
T010	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 8 Stem Diam (mm): 450 Spread (m): 7N, 5E, 4S, 6W Life Stage: Mature Rem. Contrib.: 30+ Years	Low branch to north at 1m	B2	N:7 E:5 S:4 W:6	Radius: 5.4m. Area: 92 sq m.
T011	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 10 Stem Diam (mm): 400 Spread (m): 5N, 5E, 5S, 5W Life Stage: Mature Rem. Contrib.: 30+ Years		B2	N:5 E:5 S:5 W:5	Radius: 4.8m. Area: 72 sq m.
T012	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 8 Stem Diam (mm): 500 Spread (m): 5N, 5E, 5S, 5W Life Stage: Mature Rem. Contrib.: 30+ Years	Multistemmed from 1m	B2	N:5 E:5 S:5 W:5	Radius: 6.0m. Area: 113 sq m.
T013	Silver Birch (<i>Betula pendula</i>)	Tree	Height (m): 6 Stem Diam (mm): 350 Spread (m): 5N, 5E, 5S, 5W Life Stage: Early Mature Rem. Contrib.: 30+ Years	Lean to north west	B2	N:5 E:5 S:5 W:5	Radius: 4.2m. Area: 55 sq m.

T014	Silver Birch (<i>Betula pendula</i>)	Tree	Height (m): 12 2 stems, avg.(mm): 450 Spread (m): 6N, 6E, 6S, 6W Life Stage: Mature Rem. Contrib.: 30+ Years	Forks at ground level	B2	N:6 E:6 S:6 W:6	Radius: 7.6m. Area: 181 sq m.
T015	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 10 Stem Diam (mm): 500 Spread (m): 8N, 8E, 8S, 8W Life Stage: Mature Rem. Contrib.: 30+ Years	Forks at ground	B2	N:8 E:8 S:8 W:8	Radius: 6.0m. Area: 113 sq m.
T016	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 12 Stem Diam (mm): 550 Spread (m): 8N, 5E, 5S, 5W Life Stage: Mature Rem. Contrib.: 30+ Years	Cavity at base with visible frass in bottom	C2	N:8 E:5 S:5 W:5	Radius: 6.6m. Area: 137 sq m.
T017	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 12 Stem Diam (mm): 500 Spread (m): 5N, 5E, 5S, 5W Life Stage: Mature Rem. Contrib.: 30+ Years		B2	N:5 E:5 S:5 W:5	Radius: 6.0m. Area: 113 sq m.
T018	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 10 Stem Diam (mm): 400 Spread (m): 5N, 5E, 5S, 5W Life Stage: Mature Rem. Contrib.: 20+ Years	Low branch at 1m to north	B2	N:5 E:5 S:5 W:5	Radius: 4.8m. Area: 72 sq m.

T019	Silver Birch (<i>Betula pendula</i>)	Tree	Height (m): 9 2 stems, avg.(mm): 250 Spread (m): 4N, 5E, 4S, 5W Life Stage: Mature Rem. Contrib.: <10 years	Polypore at 50cm	U	N:4 E:5 S:4 W:5	None - due to Retention Category of U.
T020	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 12 Stem Diam (mm): 450 Spread (m): 5N, 5E, 5S, 5W	Small suppressed secondary upright to north	B2	N:5 E:5 S:5 W:5	Radius: 5.4m. Area: 92 sq m.
T021	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 8 Stem Diam (mm): 400 Spread (m): 4N, 4E, 4S, 4W Life Stage: Mature Rem. Contrib.: 30+ Years	Low branch to north	B2	N:4 E:4 S:4 W:4	Radius: 4.8m. Area: 72 sq m.
T022	Silver Birch (<i>Betula pendula</i>)	Tree	Height (m): 9 Stem Diam (mm): 300 Spread (m): 4N, 4E, 4S, 4W	S shaped trunk in bottom 2m	B2	N:4 E:4 S:4 W:4	Radius: 3.6m. Area: 41 sq m.
T023	Silver Birch (<i>Betula pendula</i>)	Coppiced	Height (m): 8 Stem Diam (mm): 200 Spread (m): 5N, 5E, 5S, 5W		B2	N:5 E:5 S:5 W:5	Radius: 2.4m. Area: 18 sq m.
T024	Silver Birch (<i>Betula pendula</i>)	Tree	Height (m): 8 Stem Diam (mm): 200 Spread (m): 2N, 1E, 3S, 3W		B2	N:2 E:1 S:3 W:3	Radius: 2.4m. Area: 18 sq m.

T025	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 10 Stem Diam (mm): 400 Spread (m): 5N, 5E, 1S, 5W Life Stage: Mature Rem. Contrib.: 30+ Years		B2	N:5 E:5 S:1 W:5	Radius: 4.8m. Area: 72 sq m.
T026	Scots Pine (<i>Pinus sylvestris</i>)	Tree	Height (m): 10 Stem Diam (mm): 400 Spread (m): 1N, 5E, 5S, 5W Life Stage: Mature Rem. Contrib.: 30+ Years		B2	N:1 E:5 S:5 W:5	Radius: 4.8m. Area: 72 sq m.
T027	Goat Willow (<i>Salix caprea</i>)	Tree	Height (m): 5 4 stems, avg.(mm): 150 Spread (m): 4N, 4E, 2S, 4W Life Stage: Young Rem. Contrib.: 10+ Years	Previously flailed on roadside Rooted in ditch side bank	C2	N:4 E:4 S:2 W:4	Radius: 3.6m. Area: 41 sq m.
T028	Rowan (<i>Sorbus aucuparia</i>)	Tree	Height (m): 7 Stem Diam (mm): 100 Spread (m): 3N, 3E, 3S, 1W Life Stage: Semi Mature Rem. Contrib.: 10+ Years	Previously flailed on roadside Rooted in ditch side bank	C2	N:3 E:3 S:3 W:1	Radius: 1.2m. Area: 5 sq m.
T029	Rowan (<i>Sorbus aucuparia</i>)	Tree	Height (m): 7 Stem Diam (mm): 100 Spread (m): 3N, 3E, 3S, 1W Life Stage: Semi Mature Rem. Contrib.: 10+ Years	Previously flailed on roadside Rooted in ditch side bank	C2	N:3 E:3 S:3 W:1	Radius: 1.2m. Area: 5 sq m.
T030	Rowan (<i>Sorbus aucuparia</i>)	Tree	Height (m): 7 Stem Diam (mm): 100 Spread (m): 2N, 3E, 2S, 1W	Previously flailed on roadside Rooted in ditch side bank	C2	N:2 E:3 S:2 W:1	Radius: 1.2m. Area: 5 sq m.

T031	Rowan (<i>Sorbus aucuparia</i>)	Tree	Height (m): 6 Stem Diam (mm): 100 Spread (m): 2N, 2E, 2S, 1W	Previously flailed on roadside Rooted in ditch side bank	C2	N:2 E:2 S:2 W:1	Radius: 1.2m. Area: 5 sq m.
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Appendix Two: Key to Tree Survey Schedule Criteria and Headings

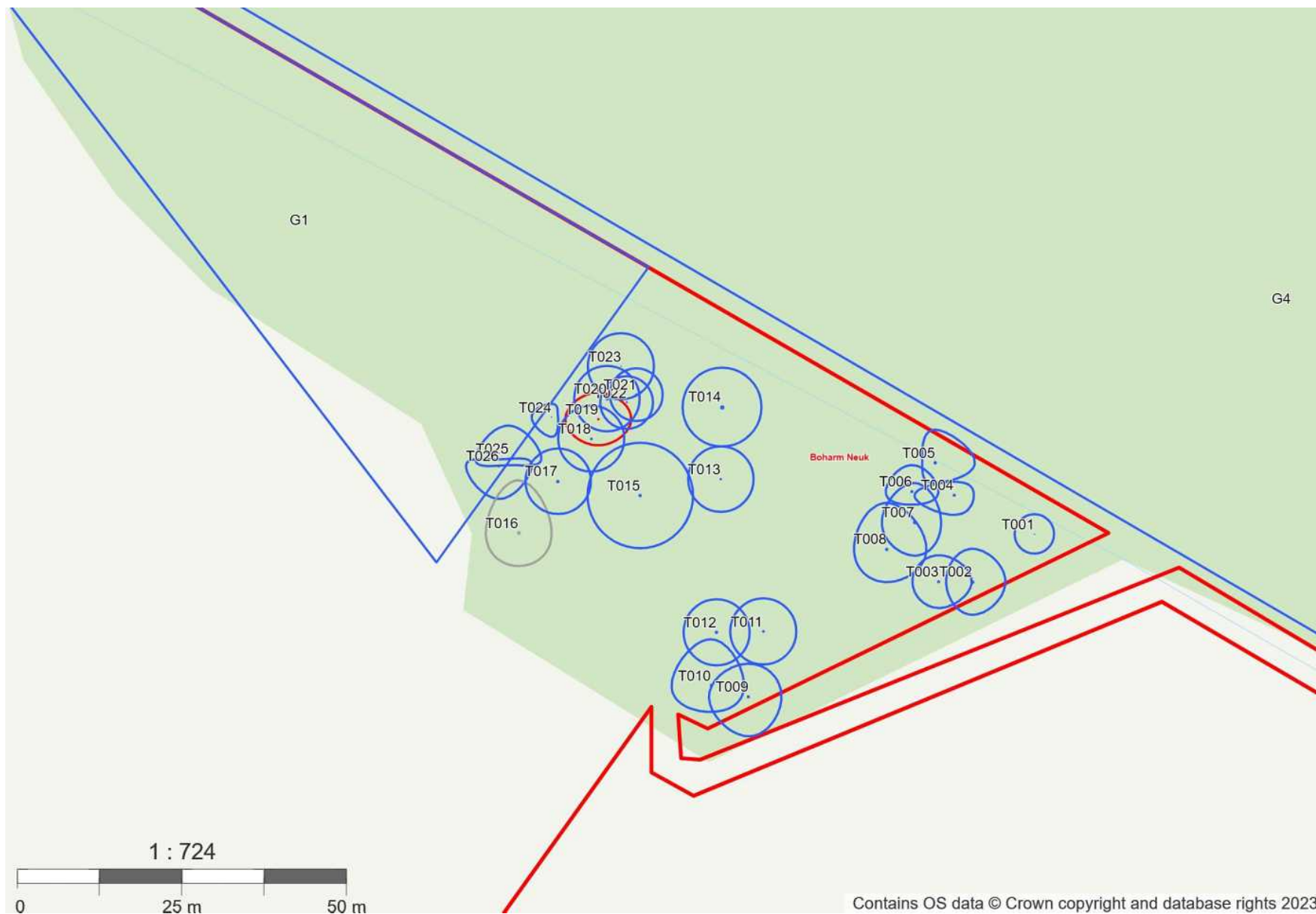
Ref.	This number identifies the trees, and corresponds with the provided plans
Species	The Common and Scientific name is given for each tree
Structure	Identifies if it is a tree, group of trees, or hedge
Measurements	Gives details of the trees Height in meters, number of stems, crown spread, life stage and remaining contribution
General Observations	Gives specific identifying features about the tree
Retention Category	Retention Category in relation to BS5837:2012 ref. Table1
Spread	Distance of crown spread in meters across the cardinal points
RPA Radius	Minimum distance Tree Protection Barriers should be placed from the trunk of trees that are to be retained
RPA	Minimum area below a tree, or group of trees Tree Protection Barriers should enclose

Appendix Three: Tree Survey Recommendations

Ref.	Species	Measurements	Recommendation
G4	Sitka Spruce (<i>Picea sitchensis</i>) European Larch (<i>Larix decidua</i>) Norway Spruce (<i>Picea abies</i>)	Height (m): 20 3 stems, avg.(mm): 400 Spread (m): 6N, 6E, 6S, 6W Life Stage: Semi Mature Rem. Contrib.: 20+ Years	Remove protruding fallen tree tops from roadside verge to facilitate visibility splay
T027	Goat Willow (<i>Salix caprea</i>)	Height (m): 5 4 stems, avg.(mm): 150 Spread (m): 4N, 4E, 2S, 4W Life Stage: Young Rem. Contrib.: 10+ Years	Remove tree to facilitate visibility splay
T028	Rowan (<i>Sorbus aucuparia</i>)	Height (m): 7 Stem Diam (mm): 100 Spread (m): 3N, 3E, 3S, 1W Life Stage: Semi Mature Rem. Contrib.: 10+ Years	Remove tree to facilitate visibility splay
T029	Rowan (<i>Sorbus aucuparia</i>)	Height (m): 7 Stem Diam (mm): 100 Spread (m): 3N, 3E, 3S, 1W Life Stage: Semi Mature Rem. Contrib.: 10+ Years	Remove tree to facilitate visibility splay
T030	Rowan (<i>Sorbus aucuparia</i>)	Height (m): 7 Stem Diam (mm): 100 Spread (m): 2N, 3E, 2S, 1W	Remove tree to facilitate visibility splay
T031	Rowan (<i>Sorbus aucuparia</i>)	Height (m): 6 Stem Diam (mm): 100 Spread (m): 2N, 2E, 2S, 1W	Remove tree to facilitate visibility splay

Appendix Four: Tree Constraints Plan





Appendix Five: Tree Protection Plan

