



Moray Local Review Body

Thursday, 25 June 2020

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Local Review Body** is to be held at **Remote Locations via Video Conference**, on **Thursday, 25 June 2020** at **09:30**.

BUSINESS

- 1 **Sederunt**
- 2 **Declaration of Group Decisions and Members Interests ***
- 3 **Minute of Meeting dated 27 February 2020** 5 - 10
- 4 **LR236 - Ward 8 - Forres** 11 - 124
Planning Application 19/01031/APP – Erection of new dwellinghouse and change of use from agricultural land to domestic at a site adjacent to Woodside Farm, Kinloss
- 5 **LR237 - Ward 8 - Forres** 125 - 184
Planning Application 19/01606/APP – Install new thermal panels and external wall opening at 71 Findhorn, Moray, IV36 3YF
- 6 **LR238 - Ward 3 - Buckie** 185 - 250
Planning Application 19/01239/APP – Erect New Dwelling House at Site adjacent to Arradoul House, Arradoul House, Arradoul, Buckie, AV56 5BB

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.

Moray Council Committee meetings are currently being held virtually due to Covid-19. If you wish to watch the webcast of the meeting please go to:
http://www.moray.gov.uk/moray_standard/page_43661.html
to watch the meeting live.

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

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

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

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

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

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

THE MORAY COUNCIL

Moray Local Review Body

SEDERUNT

Councillor Amy Taylor (Chair)
Councillor David Bremner (Depute Chair)
Councillor George Alexander (Member)
Councillor Gordon Cowie (Member)
Councillor Paula Coy (Member)
Councillor Donald Gatt (Member)
Councillor Ray McLean (Member)
Councillor Laura Powell (Member)
Councillor Derek Ross (Member)

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

Minute of Meeting of the Moray Local Review Body

Thursday, 27 February 2020

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

PRESENT

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

IN ATTENDANCE

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

1 Chair

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

2 Declaration of Group Decisions and Members Interests

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

3 Minute of Meeting dated 30 January 2020

The Minute of the meeting of the Moray Local Review Body dated 30 January 2020 was submitted and approved.

4 Site Visits

Councillor Ross stated that he was unable to attend the official site visit due to another appointment however had visited each site in his own time.

Councillor Coy stated that she was not able to attend the official site visit however was of the view that there was enough information within the papers for her to make an informed decision on each case.

Planning Application 19/01290/APP – Change of use of first floor ancillary accommodation to holiday let at 17 Cathay Terrace, Cullen, Buckie, AB56 4RX

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 an application on the grounds that:

The proposal is contrary to the provisions of the adopted Moray Local Development Plan (MLDP) 2015 (Policies ED8, IMP1 and PP3) because:

The proposal would result in the intensification of use of an existing domestic garage (permitted and conditioned for ancillary domestic purposes only), resulting in a form of backland development providing tourist accommodation which would be incongruous and detrimental to the character and amenity of the area; an area in which no other examples of backland development exist, exemplifying further how out of character the proposal would be in this particularly residential area. On this basis the proposal represents an unacceptable form of development which would result in an inappropriate use of an existing domestic garage building at this location. The proposal therefore fails to comply with Policies ED8, IMP1 and PP3 of the MLDP 2015.

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.

With regard to the unaccompanied site inspection carried out on 20 February 2020, the Chair stated that members in attendance at the official site visit were shown the site where the proposed development would take place and had before them papers which set out both the reasons for refusal and the Applicant's grounds for review.

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

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 Gatt, having visited the site and considered the Applicant's grounds for review, stated that he agreed with the decision of the Appointed Officer and moved that the MLRB refuse the appeal as the proposal is contrary to policies ED8 (Tourism Facilities and Accommodation), IMP1 (Developer Requirements) and PP3 (Placemaking) of the MLDP 2015. This was seconded by Councillor Ross.

There being no-one otherwise minded, the MLRB agreed to dismiss Case LR233 and uphold the original decision of the Appointed Officer to refuse Planning Application 19/01290/APP as the proposal is contrary to policies ED8 (Tourism Facilities and Accommodation), IMP1 (Developer Requirements) and PP3 (Placemaking) of the MLDP 2015.

Planning Application 19/01014/APP - Renovation, under strict commercial budgetary limitations, of a significantly deteriorating hotel building with the objective of re-energising a rapidly failing business, in order to provide a social amenity on the side of the Speyside Valley that has absolutely no other alternative facility available to the community at Hotel 1881, Archiestown AB38 7QL

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 an application on the grounds that:

The proposal is contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies BE3, H4 and IMP1) and should be refused for the following reasons:

- The proposal is contrary to Policy BE3 as the use of modern UPVC units would fail to preserve or enhance the character of the building or conservation area.
- The proposed replacement windows would introduce a visually intrusive feature into the historic streetscape. The design and material finish of the proposed replacement windows is unsympathetic and by being prominent would fail to preserve or enhance the conservation area.

A Summary of Information Report set out the reasons for refusal, together with 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.

With regard to the unaccompanied site inspection carried out on 20 February 2020, the Chair stated that members in attendance at the official site visit were shown the site where the proposed development would take place and had before them papers which set out both the reasons for refusal and the Applicant's grounds for review.

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 he had nothing to raise at this time.

The Legal Adviser advised that on the Notice of Review Application Form, the Applicant had requested a hearing session. Furthermore, the Applicant had indicated that there was information within the Notice of Review that was not before the Appointed Officer at the time of determination including photographs that had been submitted after the Notice of Review had been received. On this basis, the Legal Adviser asked the Moray Local Review Body (MLRB) to consider the Applicant's request for a hearing session and also whether they wished to consider the new information, in which case a further procedure would have to be undertaken to allow the Appointed Officer the opportunity to comment on the new information.

Following consideration, the MLRB unanimously agreed to defer Case LR234 to a Hearing where the Applicant will be allowed the opportunity to present his case and the Appointed Officer will be allowed the opportunity to comment on the new information contained within the Applicant's Notice of Review and expand on the reasons for refusal.

Planning Application 19/01018/APP – Replacement windows to front and side elevation and new front door at 19 Reidhaven Street, Portknockie

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 an application on the grounds that:

The proposal is contrary to the provisions of the adopted Moray Local Development Plan (MLDP) 2015 (Policies BE3, H4 and IMP1) and should be refused for the following reasons:

- The proposal is contrary to Policy BE3 as the use of modern UPVC units would fail to preserve or enhance the character of the building or conservation area.
- The proposed replacement windows would introduce a visually intrusive feature into the historic streetscape. The design and material finish of the proposed replacement windows and door is unsympathetic and by being prominent would fail to preserve or enhance the conservation area.

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.

With regard to the unaccompanied site inspection carried out on 20 February 2020, the Chair stated that members in attendance at the official site visit were shown the site where the proposed development would take place and had before them papers which set out both the reasons for refusal and the Applicant's grounds for review.

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

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 Gatt, having visited the site and considered the Applicant's grounds for review noted that the Applicant had replaced brown UPVC windows with white UPVC windows. He acknowledged these may not have been the original features which the policy and guidance was trying to protect but was the reality of the situation here. He further noted that the neighbouring property and indeed many other properties within the Portknockie Conservation Area have UPVC windows therefore was of the view that the Moray Council Replacement Windows and Doors Guidance is not enforceable and it would be unreasonable, disproportionate and against natural justice to refuse planning permission. He therefore moved that the MLRB uphold the appeal on the grounds that, in reality, the Applicant had replaced "like for like" as the policy required and grant planning permission in respect of Planning Application 19/01018/APP. This was seconded by Councillor Ross.

Councillor Alexander, having visited the site and considered the Applicant's grounds for review acknowledged the policies that the Council has in place to protect conservation areas and, as the Council has already taken enforcement action against people who have installed UPVC windows in conservation areas moved that the MLRB refuse the appeal as the proposal is contrary to policies BE3 (Conservation Areas), H4 (House Alterations and Extensions) and IMP1 (Developer Requirements) of the MLDP 2015. This was seconded by Councillor R McLean.

On a division there voted:

For the Motion (4):	Councillors Gatt, Ross, Bremner and Coy
For the Amendment (3):	Councillors Alexander, R McLean and Taylor
Abstentions (0):	Nil

Accordingly, the Motion became the finding of the meeting and the MLRB agreed to uphold the appeal and grant planning permission in respect of Planning Application 19/01018/APP as it was considered to be an acceptable departure from policy as the Applicant had, in reality, replaced "like for like" and it would be unreasonable, disproportionate and against natural justice to refuse planning permission.



MORAY LOCAL REVIEW BODY

25 JUNE 2020

SUMMARY OF INFORMATION FOR CASE No LR236

Planning Application 19/01031/APP – Erection of new dwellinghouse and change of use from agricultural land to domestic at a site adjacent to Woodside Farm, Kinloss

Ward 8 – Forres

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 17 December 2019 on the grounds that:

The proposed house would be sited immediately outwith the settlement boundary of Kinloss, and would degrade the distinction between Kinloss and its surrounding countryside. On this basis, the proposal is contrary to policies E9 (Settlement Boundaries), H7 (Housing in the Countryside) and IMP1 (Developer Requirements) of the Moray Local Development Plan 2015.

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

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

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





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100177071-002

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.

Type of Application

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

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

Description of Proposal

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

Erection of new dwellinghouse and change of use from agricultural land to domestic.

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:	John Wink Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	Midtown of Foudland
Last Name: *	Wink	Building Number:	
Telephone Number: *	01464841113	Address 1 (Street): *	Glens of Foudland
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Huntly
Fax Number:		Country: *	Scotland
		Postcode: *	AB54 6AR
Email Address: *	planning@johnwinkdesign.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	c/o John Wink Design
First Name: *	-	Building Number:	
Last Name: *	Rhind	Address 1 (Street): *	Midtown of Foudland
Company/Organisation		Address 2:	Glens of Foudland
Telephone Number: *		Town/City: *	Huntly
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB54 6AR
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

862472

Easting

307887

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☒ Letter ☒ Email

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

Amended application form was requested to expand on proposal description. Amended site plan and site location drawings have been attached to this submission with site levels relative to a fixed datum point. Proposed access road has been amended on both plans.

Title:

Ms

Other title:

First Name:

Teresa

Last Name:

Ruggeri

Correspondence Reference
Number:

19/01031/APP

Date (dd/mm/yyyy):

20/08/2019

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

Site Area

Please state the site area:

3895.00

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)

Agricultural.

Access and Parking

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

☒

Yes

☐

No

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

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

☐

Yes

☒

No

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

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

0

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

3

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

Water Supply and Drainage Arrangements

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

☒

Yes

☐

No

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

☐

Yes – connecting to public drainage network

☒

No – proposing to make private drainage arrangements

☐

Not Applicable – only arrangements for water supply required

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

What private arrangements are you proposing? *

☒

New/Altered septic tank.

☐

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

☐

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

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

☒

Discharge to land via soakaway.

☐

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

☐

Discharge to coastal waters.

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

Please see attached drainage report 12102-REP-001.

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

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

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

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

☒ Yes

☐ No, using a private water supply

☐ No connection required

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☐ Yes ☒ No

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

Waste Storage and Collection

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

☒ Yes ☐ No

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

Area of hardstanding to be provided to aid the storage and collection of waste.

Residential Units Including Conversion

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

☒ Yes ☐ No

How many units do you propose in total? *	<div style="border: 1px solid black; width: 50px; height: 20px; margin: 0 auto; line-height: 20px;">1</div>	Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.
-------------------------------------------	-------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------

All Types of Non Housing Development – Proposed New Floorspace

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

Schedule 3 Development

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

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

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

Planning Service Employee/Elected Member Interest

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

Certificates and Notices

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

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

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

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

Do you have any agricultural tenants? * ☐ Yes ☒ No

Certificate Required

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

Certificate E

Land Ownership Certificate

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

Certificate E

I hereby certify that –

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

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

Or

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

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

Name:

Address:

Date of Service of Notice: *

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

Signed: John Wink

On behalf of: Mr & Mrs - Rhind

Date: 28/08/2019

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☒ Cross sections.

☒ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr John Wink

Declaration Date: 28/08/2019



North East Elevation
Scale 1:100



South West Elevation
Scale 1:100

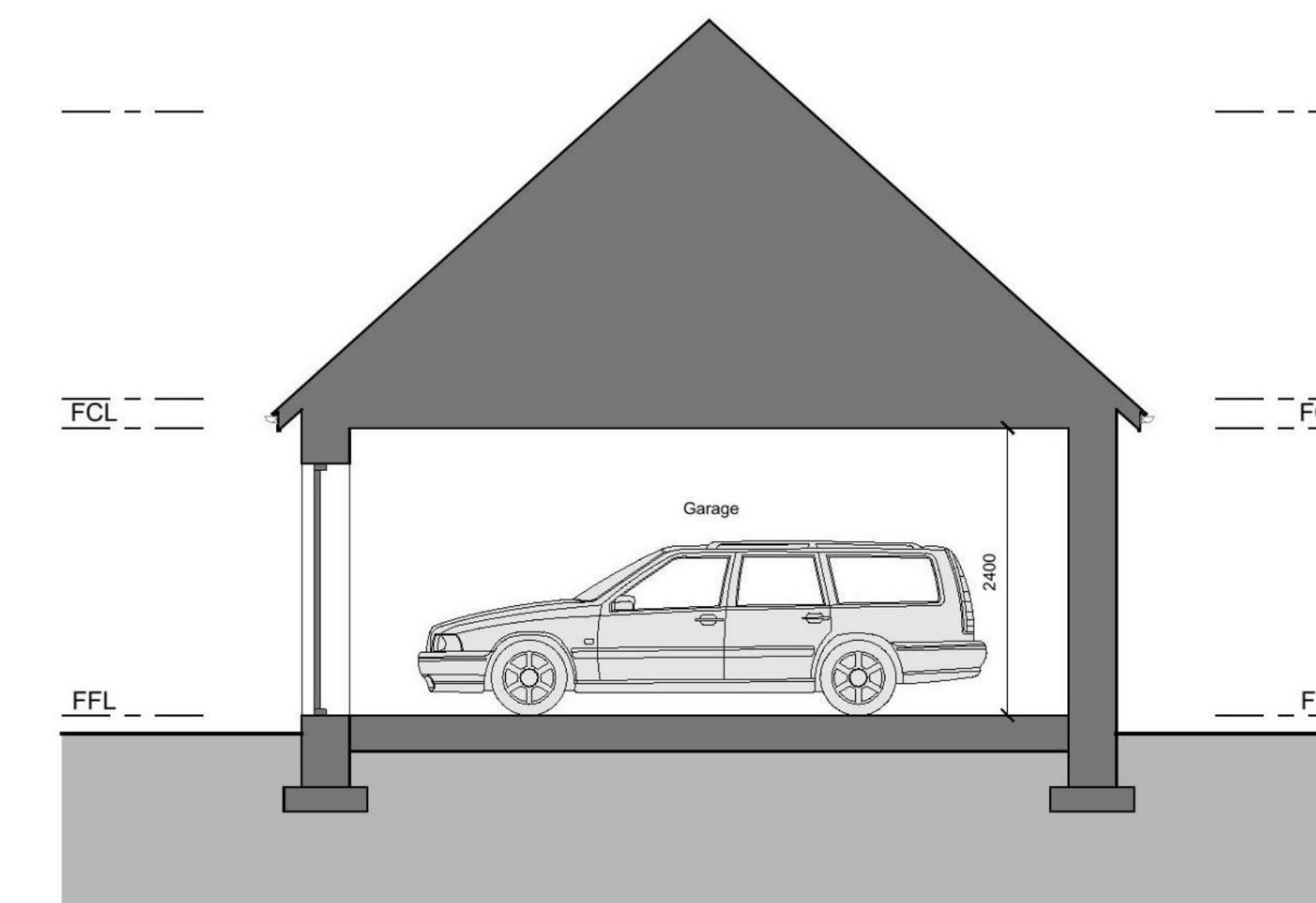
MATERIALS

Wall finish - Smooth render / stonework
Roof finish - Natural slate
Window and door finish - Grey alu-clad
Rainwater goods - Aluminium

Rev	Details	Date	By



Section C-C
Scale 1:50



Section D-D
Scale 1:50

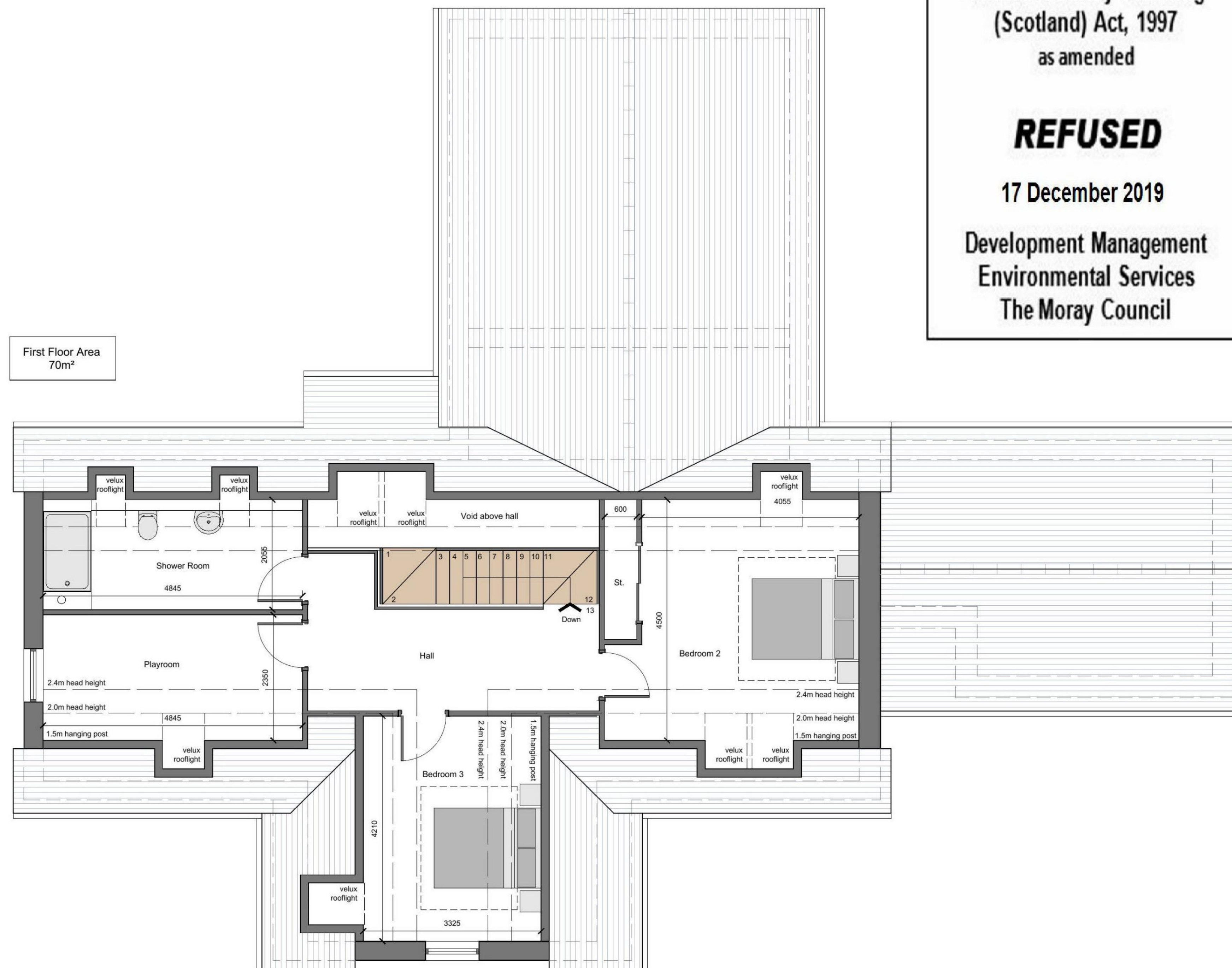
Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

17 December 2019

Development Management
Environmental Services
The Moray Council

First Floor Area
70m²



First Floor Plan
Scale 1:50

Project New House At: Site adjacent Woodside Farm Kinloss Forres IV36 3UA For: Mr & Mrs A. Rhind		 JOHN WINK DESIGN	
Drawing Planning - First Floor Plan, Sections & Elevations			
Scale As noted @ A1	Date August 2019		
Revision -	Dwg No 2102-021		
1: 01464 841113 e-office@johnwinkdesign.co.uk Midtown of Foudland Glens of Foudland Huntly Aberdeenshire AB54 6AR <small>Note: Dimensions must not be scaled from this drawing. If in any doubt - ask! All dimensions to be checked prior to work commencing or prior to any components being manufactured. Any discrepancy to be reported. All work and material to comply fully with all current British Standards Codes of Practice, building regulations, IEE regulations and all HSE acts.</small> This drawing is copyright of John Wink Design. ©			 CIAT Registered Practice



South West Elevation
Scale 1:100

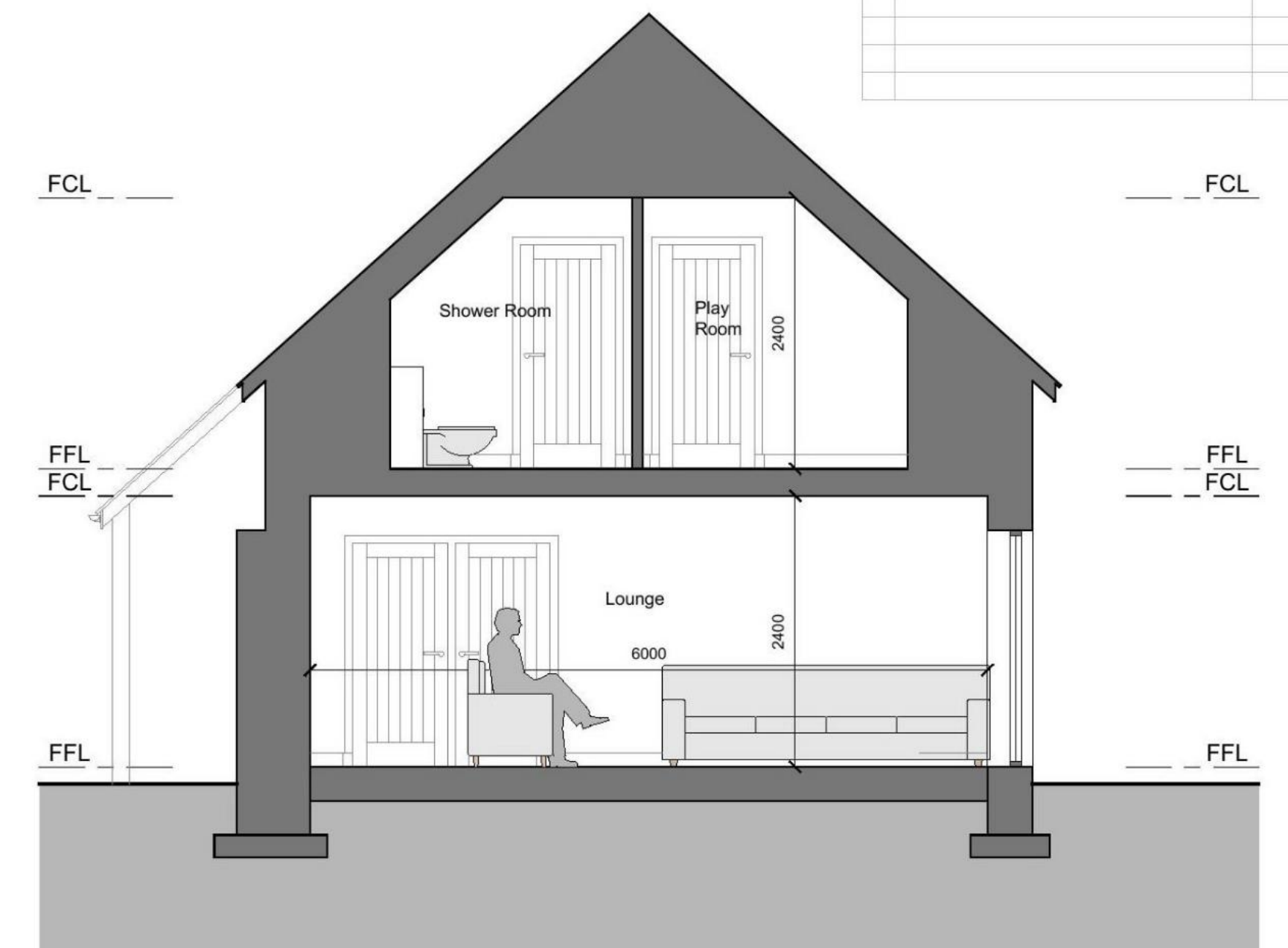


North East Elevation
Scale 1:100

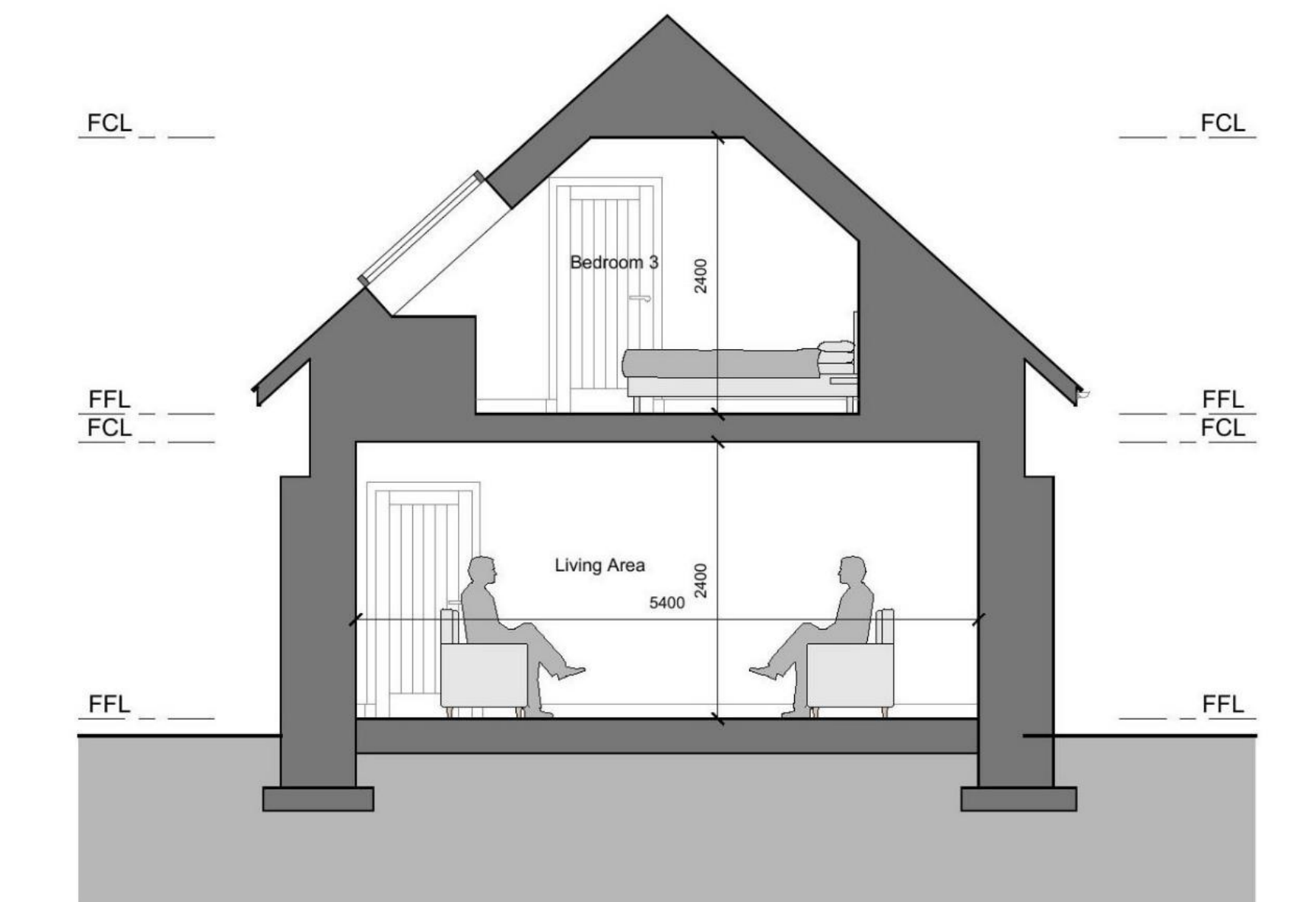
MATERIALS

Wall finish - Smooth render / stonework
Roof finish - Natural slate
Window and door finish - Grey alu-clad
Rainwater goods - Aluminium

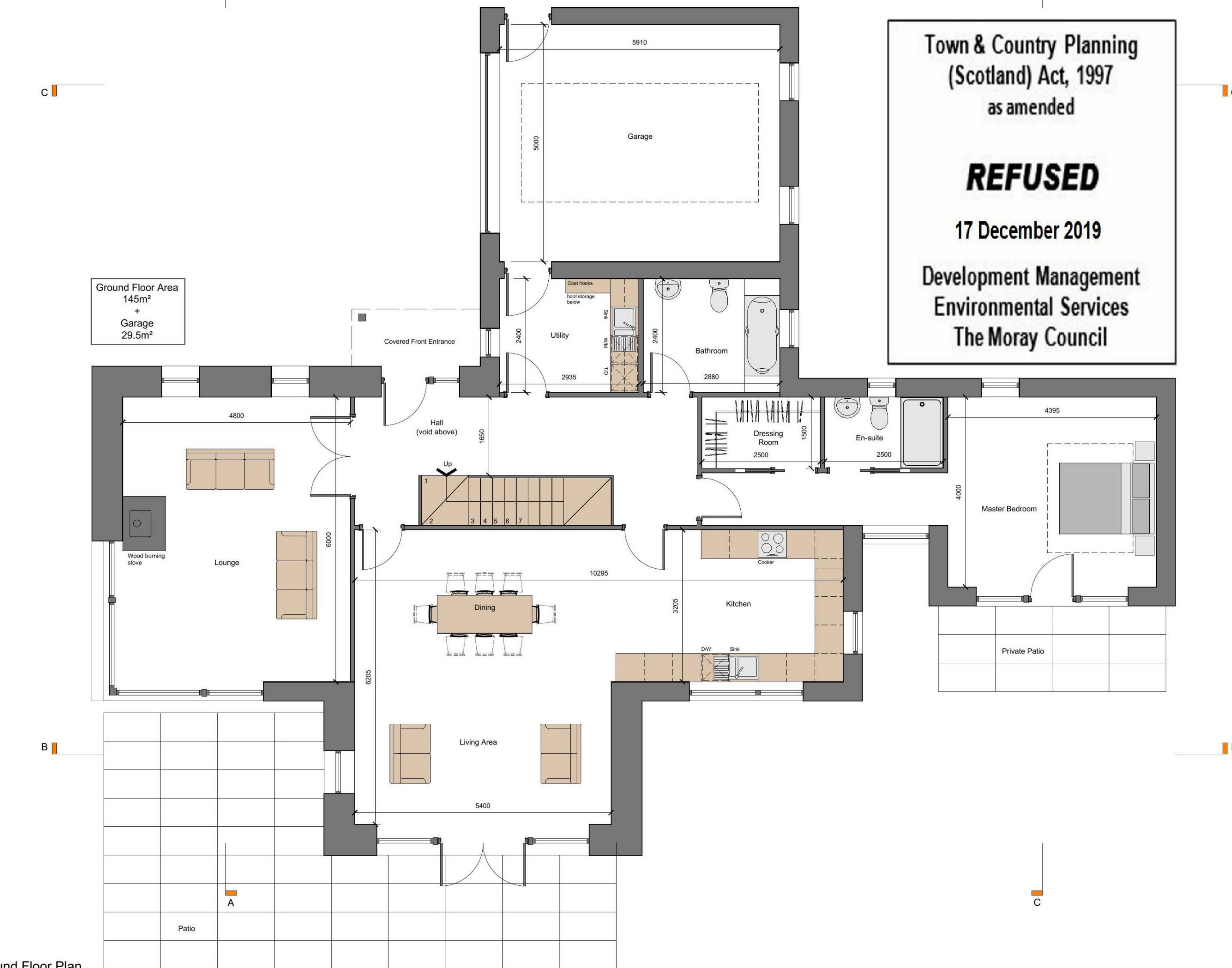
Rev:	Details:	Date:	By:



Section A-A
Scale 1:50



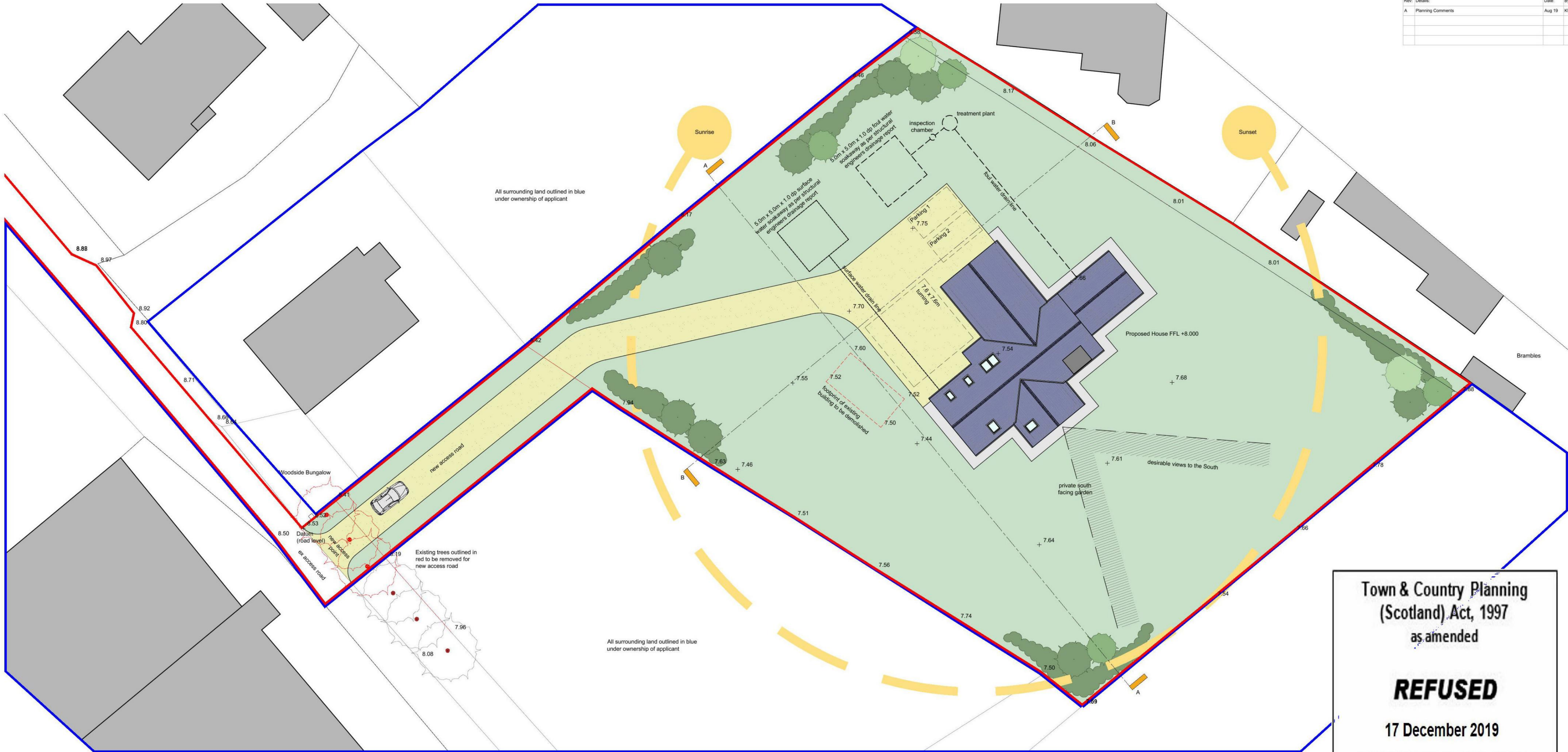
Section B-B
Scale 1:50



Project	
New House	
At: Site adjacent Woodside Farm Kinloss Forres IV36 3UA	
For: Mr & Mrs A. Rhind	
Drawing	
Planning - Ground Floor Plan, Sections & Elevations	
Scale	Date
As noted @ A1	August 2019
Revision	Dwg No
-	2102-020
1: 01464 841113 e: office@johnwinkdesign.co.uk Midtown of Foudland Glens of Foudland Huntly Aberdeenshire AB54 6AR	
Note Dimensions must not be scaled from this drawing. If in any doubt - ask! All dimensions to be checked prior to work commencing or prior to any components being manufactured. Any discrepancy to be reported. All work and material to comply fully with all current British Standards Codes of Practice, building regulations, IEE regulations and all HSE acts.	
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Rev:	Details:	Date:	By:
A	Planning Comments	Aug 19	KU



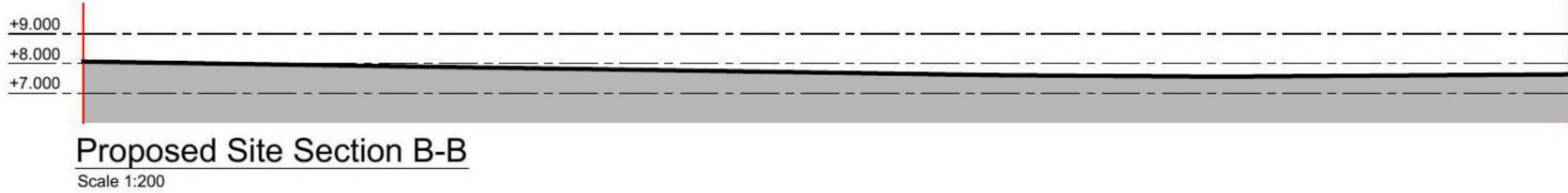
Site Plan
Scale 1:200

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

REFUSED

17 December 2019

Development Management
Environmental Services
The Moray Council



Project

New House

At: Site adjacent Woodside Farm
Kinloss
Forres
IV36 3UA

For: Mr & Mrs A. Rhind

Drawing

Planning - Site Plan & Site Sections

Scale: **As noted @ A1**

Revision: **A**

Date: **August 2019**

Dwg No: **2102-022**

1: 01464 841113 | e-office@johnwinkdesign.co.uk
Midtown of Foudland | Glens of Foudland | Huntly | Aberdeenshire | AB54 6AR

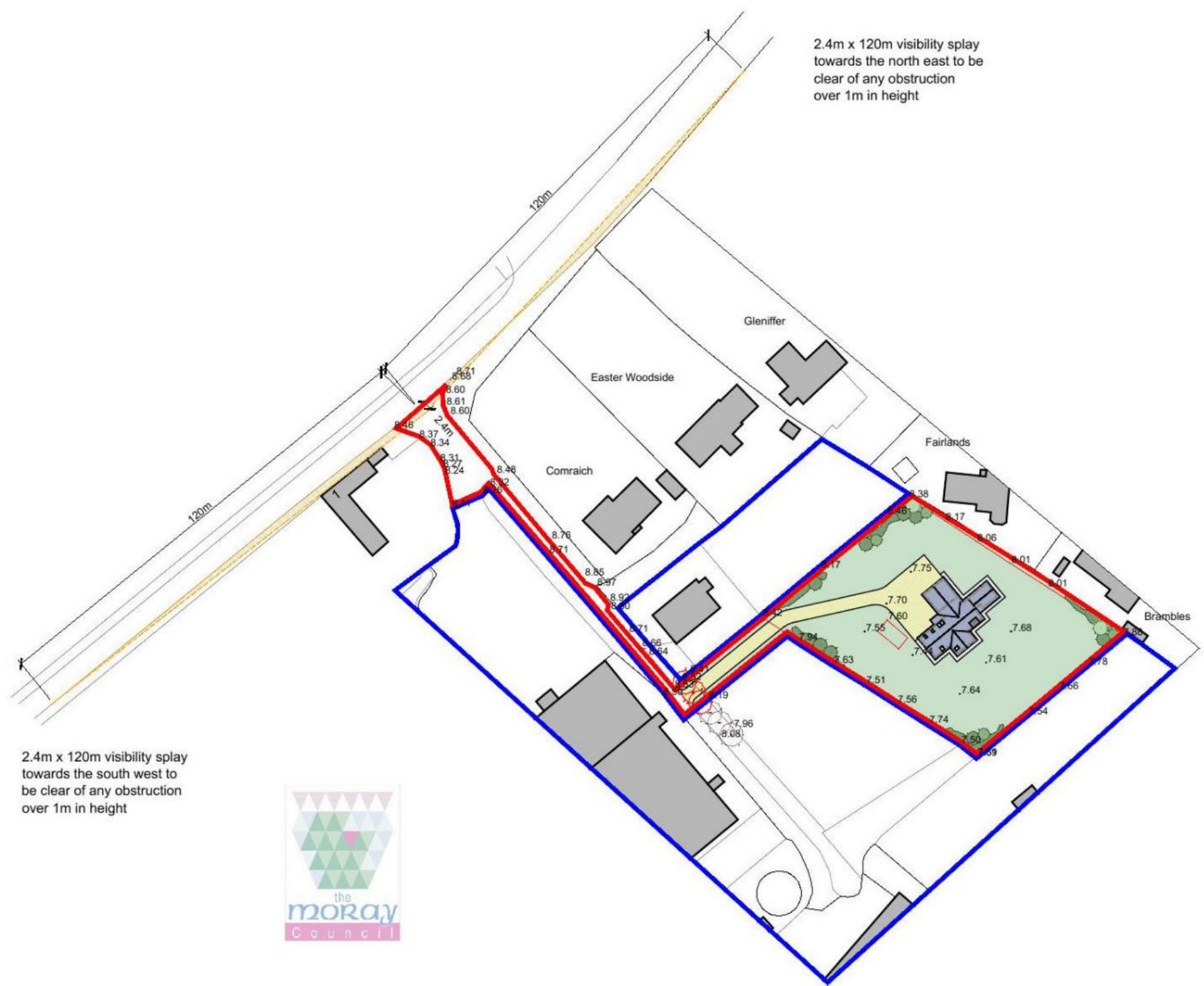
Note:
Dimensions must not be scaled from this drawing. If in any doubt - ask! All dimensions to be checked prior to work commencing or prior to any components being manufactured. Any discrepancy to be reported. All work and material to comply fully with all current British Standards Codes of Practice, building regulations, IEE regulations and all HSE acts.

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CIAT
Registered Practice

CHARTERED PRACTICE



Site Location Plan / Visibility Splays

Scale 1:1,250



Ordnance Survey Map

Scale 1:25,000

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

REFUSED

17 December 2019

Development Management
Environmental Services
The Moray Council

Project	
New House	
At: Site adjacent Woodside Farm Kinloss Forres IV36 3UA	
For: Mr & Mrs A. Rhind	
Drawing	
Planning - SLP & OS Map	
Scale	Date
As noted @ A3	August 2019
Revision	Dwg No
-	2102-SLP
1-01464 841113 e-office@johnwinkdesign.co.uk Midtown of Foudland Glens of Foudland Huntly Aberdeenshire AB54 6AR	
Note Dimensions must not be scaled from this drawing. If in any doubt - ask! All dimensions to be checked prior to work commencing or prior to any components being manufactured. Any discrepancy to be reported. All work and material to comply fully with all current British Standards Codes of Practice, building regulations, IEE regulations and all HSE acts.	
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JOHN WINK
DESIGN



Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	16th September 2019
Planning Authority Reference	19/01031/APP
Nature of Proposal (Description)	Erection of dwellinghouse on
Site	Site Adjacent To Woodside Farm Kinloss Forres Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133045335
Proposal Location Easting	307822
Proposal Location Northing	862362
Area of application site (M²)	4345
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PWIU8SBGKP400
Previous Application	04/00021/FUL
Date of Consultation	2nd September 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr And Mrs Rhind
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	John Wink Design
Agent Organisation Name	
Agent Address	Midtown Of Foudland Glens Of Foudland Huntly Aberdeenshire AB54 6AR
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@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: 19/01031/APP

Erection of dwellinghouse on Site Adjacent To Woodside Farm Kinloss Forres Moray for Mr And Mrs Rhind

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...4/9/19.....
Phone No ...01467 537717

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 19/01031/APP

Application Summary

Application Number: 19/01031/APP

Address: Site Adjacent To Woodside Farm Kinloss Forres Moray

Proposal: Erection of dwellinghouse on

Case Officer: Andrew Miller

Consultee Details

Name: Mr CL Consultations

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

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

Comments

No Objections

Adrian Muscutt

Consultation Request Notification – Development Plans

Planning Authority Name	Moray Council
Response Date	16th September 2019
Planning Authority Reference	19/01031/APP
Nature of Proposal (Description)	Erection of dwellinghouse on
Site	Site Adjacent To Woodside Farm Kinloss Forres Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133045335
Proposal Location Easting	307822
Proposal Location Northing	862362
Area of application site (M²)	4345
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PWIU8SBGKP400
Previous Application	04/00021/FUL
Date of Consultation	2nd September 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr And Mrs Rhind
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	John Wink Design
Agent Organisation Name	
Agent Address	Midtown Of Foudland Glens Of Foudland Huntly Aberdeenshire AB54 6AR
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

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

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

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

Please respond using the attached form:-

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

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Development Plans

Planning Application Ref. No: 19/01031/APP

**Erection of dwellinghouse on Site Adjacent To Woodside Farm Kinloss Forres
Moray for Mr And Mrs Rhind**

Ward: 08_17 Forres

DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN

(For Structure/Local Plan Comment)

		Page No	Policy No(s)	Yes	No
1	Departure from Moray Local Development Plan 2015		E9 Settlement Boundaries IMP1 Developer Requirements	X X	
2	Further Discussion Required				

REASONING FOR THIS DECISION:

POLICY COMMENTS

The key policy issues are set out below.

E9 Settlement Boundaries and IMP1 Developer Requirements

The site is located immediately outwith the Kinloss settlement boundary and as such is a departure from Policy E9 Settlement Boundaries. The policy seeks to maintain a clear distinction between the settlement of Kinloss and the open countryside and for this reason the boundary has been drawn tightly around existing housing to prevent the sprawl of housing into the surrounding agricultural fields. The construction of a house in this location would detrimentally erode this distinction between urban and rural and potentially have a negative impact on the character of the area. The proposal would also fail to meet the requirements of IMP1 Developer Requirements which states new development must be sensitively sited and appropriate to the amenity of the surrounding area.

It should also be noted that there are identified housing sites in Kinloss that can accommodate new housing development, with a planning application currently under consideration for 25 plots at R4 Damhead and an approval for 6 houses on R3 Findhorn Road West.

The applicant should be advised that if they wish to seek to modify the settlement boundary, this should be pursued through the review of the Local Development Plan.

Contact: Emma Gordon
email address:emma.gordon@moray.gov.uk
Consultee: Development Plans

Date 16th September 2019.
Phone No 01343 563292

Return response to

consultation.planning@moray.gov.uk

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Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	16th September 2019
Planning Authority Reference	19/01031/APP
Nature of Proposal (Description)	Erection of dwellinghouse on
Site	Site Adjacent To Woodside Farm Kinloss Forres Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133045335
Proposal Location Easting	307822
Proposal Location Northing	862362
Area of application site (M²)	4345
Additional Comment	RAF Kinloss Noise Zone 66dBA Category C
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PWIU8SBGKP400
Previous Application	04/00021/FUL
Date of Consultation	2nd September 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr And Mrs Rhind
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	John Wink Design
Agent Organisation Name	
Agent Address	Midtown Of Foudland Glens Of Foudland Huntly Aberdeenshire AB54 6AR
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

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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: Environmental Health Manager

Planning Application Ref. No: 19/01031/APP

Erection of dwellinghouse on Site Adjacent To Woodside Farm Kinloss Forres Moray for Mr And Mrs Rhind

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 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	X
(d) Further information is required in order to consider the application as set out below	<input type="checkbox"/>

Condition(s)

Unless otherwise agreed in writing with the Council (as Planning Authority), the following noise mitigation shall be applied to the development and in accordance with the Noise Impact Assessment supporting document by Peak Acoustics, dated 20th November 2019, document reference KD2310191NR Rev.0.1 and titled "Environmental Noise Assessment- Woodside Farm, Kinloss, Forres" :

1. The roof construction and insulated roof specification shall be in accordance with 1.6.1 and Appendix B- "Sound Insulation Model" of the above supporting document.
2. The external window glazing units to the ground floor bedroom and both first floor bedrooms shall be a minimum acoustic specification of 46 dB Rw+ Ctr , consisting of a 12.8A/16/16.8A mm glazing specification (where "A" denotes an acoustic PVB interlayer laminate)
3. The external window glazing units to the lounge shall be a minimum acoustic specification of 36 dB Rw+ Ctr , consisting of a 8/16/10.8A mm glazing specification (where "A" denotes an acoustic PVB interlayer laminate)
4. The external window glazing units to the kitchen/dining room shall be a minimum acoustic specification of 32 dB Rw+ Ctr , consisting of a 8/16/8.8A mm glazing specification (where "A" denotes an acoustic PVB interlayer laminate)
5. Acoustic ventilation to the house shall consist of a Multi - Room Heat Recovery System, as identified in Appendix A of the above supporting document.

The above mitigation , in combination with the overall building insulation, shall ensure that internal noise levels in the bedroom and lounge apartments in the property associated with external aircraft noise shall not exceed a sound pressure level L A eq 16 hour (0700 to 2300 hours) of 35 dB, and a sound pressure level L A eq 16 hour (0700 to 2300 hours) of 40 dB in the Kitchen/Dining Room , as determined with windows closed and the Multi- Room Heat Recovery System operating.

Contact: Douglas Caldwell
email address:
Consultee:

Date.....13/12/2019.....
Phone No

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.

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management

Planning Application Ref. No: 19/01031/APP

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

Please

x

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

Contact:	Leigh Moreton	Date	04/09/2019
email address:	Leigh.moreton@moray.gov.uk	Phone No	01343 563773

Consultee: The Moray Council, Flood Risk Management



4th September 2019

Moray Council
Council Office High Street
Elgin
IV30 9BX

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

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

Dear Local Planner

**IV36 Forres Woodside Farm Site Adjacent To
PLANNING APPLICATION NUMBER: 19/01031/APP
OUR REFERENCE: 782092
PROPOSAL: Erection of dwellinghouse on**

Please quote our reference in all future correspondence

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

Water

- This proposed development will be fed from GLENLATTERACH Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link
www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application

Foul

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

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

Infrastructure close to boundary

According to our records, the development proposals may impact on existing Scottish Water assets.

The applicant should identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

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."

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water

pressure in the area then they should write to the Customer Connections department at the above address.

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

Next Steps:

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

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

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

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

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

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

Yours sincerely

Pamela Strachan
Planning Consultations Administrator

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	16th September 2019
Planning Authority Reference	19/01031/APP
Nature of Proposal (Description)	Erection of dwellinghouse on
Site	Site Adjacent To Woodside Farm Kinloss Forres Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133045335
Proposal Location Easting	307822
Proposal Location Northing	862362
Area of application site (M²)	4345
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PWIU8SBGKP400
Previous Application	04/00021/FUL
Date of Consultation	2nd September 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr And Mrs Rhind
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	John Wink Design
Agent Organisation Name	
Agent Address	Midtown Of Foudland Glens Of Foudland Huntly Aberdeenshire AB54 6AR
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

The statutory period allowed for a consultation response is 14 days. Due to scheduling

pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 19/01031/APP

Erection of dwellinghouse on Site Adjacent To Woodside Farm Kinloss Forres Moray for Mr And Mrs Rhind

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

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

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

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

Further comment(s) to be passed to applicant

The developer should note that this development is served by a private road, which is not adopted by the Roads Authority.

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

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

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

Date 10 September 2019

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

Comments for Planning Application 19/01031/APP

Application Summary

Application Number: 19/01031/APP

Address: Site Adjacent To Woodside Farm Kinloss Forres Moray

Proposal: Erection of dwellinghouse on

Case Officer: Andrew Miller

Customer Details

Name: [REDACTED]
[REDACTED]

Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan

Comment: This was discussed at Community Council and the following points made:

1) Contrary to local Plan

The dwelling in question is on the boundary between settlement and countryside of Kinloss. It is important to keep a distinction between the two. The proposed dwelling would be detrimental to this and would lose the distinction between countryside and settlement area.

REPORT OF HANDLING

Ref No:	19/01031/APP	Officer:	Andrew Miller
Proposal Description/ Address	Erection of dwellinghouse on Site Adjacent To Woodside Farm Kinloss Forres Moray		
Date:	17/12/19	Typist Initials:	FJA

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Moray Flood Risk Management	04/09/19	No objections.
Planning And Development Obligations	09/09/19	Obligations sought towards healthcare (extension at Forres Health Centre, 2 additional dental chairs and reconfiguration of existing pharmacy outlets), and sports and recreation (3G pitch at Forres).
Aberdeenshire Council Archaeology Service	04/09/19	No objections.
Development Plans (Environment)	16/09/19	Application is contrary to policy E9 on the basis the development represents sprawl outwith the settlement boundary. This would detrimentally erode the distinction between the countryside and the settlement of Kinloss. On this basis, the proposal is not considered to be sensitively sited and also fails to meet the requirements of policy IMP1. There are identified housing sites in Kinloss that can accommodate new housing development.
Environmental Health Manager		No objections following provision of a Noise Impact Assessment, subject to conditions.

Contaminated Land	10/09/19	No objections.
Transportation Manager	10/09/19	No objections subject to conditions in relation to parking and provision of turning area.
Scottish Water	04/09/19	No objections – unable to confirm capacity at Glenlatterach Water Treatment Works and advise pre-development enquiry is undertaken. No public sewers in vicinity of site.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
H7: New Housing in the Open Countryside	Y	MLDP 2015
E9: Settlement Boundaries	Y	MLDP 2015
EP5: Sustainable Urban Drainage Systems	N	MLDP 2015
EP9: Contaminated Land	N	MLDP 2015
EP10: Foul Drainage	N	MLDP 2015
T2: Provision of Access	N	MLDP 2015
T5: Parking Standards	N	MLDP 2015
EP8: Pollution	N	MLDP 2015
IMP1: Developer Requirements	Y	MLDP 2015
IMP3: Developer Obligations	N	MLDP 2015
PP3 Infrastructure & Services	N	Proposed MLDP 2020
DP1 Development Principles	N	Proposed MLDP 2020
DP4 Rural Housing	N	Proposed MLDP 2020
EP6 Settlement Boundaries	N	Proposed MLDP 2020
EP12 Management and Enhancement of the	N	Proposed MLDP 2020
EP13 Foul Drainage	N	Proposed MLDP 2020
EP14 Pollution, Contamination & Hazards.	N	Proposed MLDP 2020

REPRESENTATIONS

Representations Received	YES	
Total number of representations received ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		

Issue: Contrary to Local Development Plan as it is out of the settlement boundary of Kinloss and it is important to keep a clear distinction between the settlement and countryside.

Comments (PO): This forms the reason for refusal of the application (see observations).

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

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

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

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

On 25 June 2019 the Planning & Regulatory Services Committee agreed to give greater weight to sites within the proposed Plan which are not subject to the Examination process from 1 August 2019. In this case the proposal is not subject to a designated site and as all policies in the proposed Plan are subject to examination they are not a material consideration.

The main planning issues are considered below.

Site

A relatively flat area of agricultural land to the north east of Woodside Farm, Kinloss. The site is bounded by residential properties to the north east, a small area of agricultural ground and further residential properties to the north west, and agricultural land to the south east and south west (Woodside Farm beyond to the south west).

The residential properties fall within the settlement boundary of Kinloss (as defined in the MLDP), which runs along the north east and north west boundaries of the site (excluding the proposed access which is within the settlement boundary). The remainder and majority of the site falls outwith the settlement boundary.

Proposal

Planning permission is sought for the erection of a house. It would be one and a half storey with an integral garage. Gabled roofed, the house would be in a linear arrangement with wings protruding off all elevations bar the south western elevation. The walls would be finished in smooth render and stone work, natural slate to the roof and grey aluminium clad window frames and doors.

The house would be accessed via a new access track leading from the existing access road to Woodside Farm. Surface water would discharge to a surface water soakaway, whilst foul drainage would discharge to septic tank with subsequent drainage to a soakaway.

Settlement Boundary

The settlement boundary of Kinloss incorporates Woodside Farm (recognising its commercial role - shop, café, play area etc.), resulting in an obscure boundary that leaves a strip of land outwith the defined settlement of Kinloss bounded by the settlement boundary on three sides. The site subject to this application falls within part of this area.

Associated policy E9 (Settlement Boundaries) presumes against development immediately outwith settlement boundaries in order to prevent the spread of development and to maintain a clear distinction between settlements and countryside, with no exceptions. The proposed house is clearly in breach of this policy, and representing a spread of development outwith the settlement boundary and into the countryside, diminishing the clear distinction between the two.

The response received from the Strategic Planning and Delivery notes that there are identified housing sites in Kinloss that can accommodate new housing development, with a planning application currently under consideration for 23 plots at R4 Damhead and an approval for 6 houses on R3 Findhorn Road West.

Two supporting statements from the applicant states that the development infills an area between a heavily developed farm yard and farm shop/café and houses, and that there would be limited visibility of the site from public roads. The statements also state that the development should not be considered to set a precedent (given that the applicant controls the land and only wants to build one house), and that the planning service should be careful assessing planning applications as business and people will move away from Moray if the service does not support planning applications.

Ultimately, it is not considered the points raised by the applicant would justify a departure from policy E9. Were this application to be approved, it would be a clear breach of policy, and would be a prime example of precedent to allow development on the edge of Kinloss and other settlements in Moray.

Housing in the Countryside (H7)

As the site is outwith a settlement (per the MLDP), it is considered to comprise housing development in the countryside and thus policy H7 (Housing in the Countryside) is applicable. Policy H7 sets out siting and design requirements to ensure housing development does not adversely impact on the rural character of Moray's Countryside.

With regard to its siting, policy H7 requires new houses to: have at least 50% of its boundaries as long established; not result in an adverse impact on the setting of existing buildings; be sensitively integrated into the countryside; and not result in a build-up of housing that is detrimental to the character of the surrounding area. Policy IMP1 states that any development should be appropriate to the character and amenity of the surrounding area.

Noting the reasoning in relation to policy E9, the proposal is considered to be contrary to policy H7 and IMP1 on the basis the house would adversely impact on the setting of Kinloss and its surrounding countryside. The proposal also fails to provide at least 50% of its boundaries as long established.

The design of the proposed house does comply with policy H7 - its roof pitch, proportions, vertical window openings and material finishes are suitable for the rural nature of the development. Nonetheless this does not overcome the siting issues outlined above.

Noise (EP8)

A Noise Impact Assessment has been provided at the request of the Council's Environmental Health Service in light of the sites location in proximity to Kinloss Barracks and the potential impact of noise from aircraft upon occupants of the house. The NIA (whilst incorrectly making reference to RAF Lossiemouth rather than Kinloss Barracks) found that noise from aircraft using the runway at the Barracks would not have an adverse impact on the occupants of the proposed house, subject to

mitigation measures. The Environmental Health section raised no objections to the proposal, subject to a condition being placed requiring the mitigation measures being implemented. Subject to conditions requiring these measures being implemented, the proposal is considered to comply with policy EP8.

Drainage (EP5, EP10)

Surface water would be treated via a surface water soakaway, in line with the requirements of policy EP5, whilst foul drainage would be treated via a septic tank and soakaway, in line with policy EP10. It is noted Moray Flood Risk Management had no objection to the proposal.

Parking and Access (T2, T5)

Access to the site would be via an existing access to the public road. Subject to conditions as recommended, the proposed access arrangements are considered acceptable and would comply with policy T2. Sufficient parking has also been provided within the curtilage of the site, in line with policy T5. The Transportation Manager has not objected to the proposal.

Developer Obligations (IMP3)

In order to mitigate against any adverse impact a development may have upon existing infrastructure and facilities, policy IMP3 puts in place the provision to seek developer obligations appropriate to reduce, eliminate or compensate for the impact. Following assessment in accordance with the Council's Supplementary Guidance on Developer Obligations, obligations are sought towards healthcare (extension at Forres Health Centre, 2 additional dental chairs and reconfiguration of existing pharmacy outlets), and sports and recreation (3G pitch at Forres). As this application has been recommended for refusal, these obligations were not pursued, however were this application to be approved, then obligations should be sought by means of an appropriate agreement. The applicant has indicated a willingness to pay these obligations.

Community Council Comments

Comments received from Findhorn and Kinloss Community Council are noted in relation to policy E9 (outlined above under Representations).

Recommendation - Refuse

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
04/00021/FUL	Change of use of field for car boot sales (March to October) at Woodside Farm Kinloss Forres Moray IV36 0UA			
	Decision	Permitted	Date Of Decision	22/03/04

ADVERT

Advert Fee paid?	No		
Local Newspaper	Reason for Advert	Date of expiry	
Forres Gazette	Departure from development planNo Premises	01/10/19	
PINS	Departure from development planNo Premises	01/10/19	

DEVELOPER CONTRIBUTIONS (PGU)	
Status	

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:	Drainage Statement
Main Issues:	Outlines the ground conditions on the site and proposed drainage arrangement.
Document Name:	Noise Impact Assessment
Main Issues:	Assesses the impact noise emissions from aircraft operating at nearby Kinloss Barracks will have on the occupants of the proposed house.
Document Name	Supporting Statements
Main Issues:	Two supporting statements provided – both in response to points raised in relation to issues surrounding planning policy.

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)			

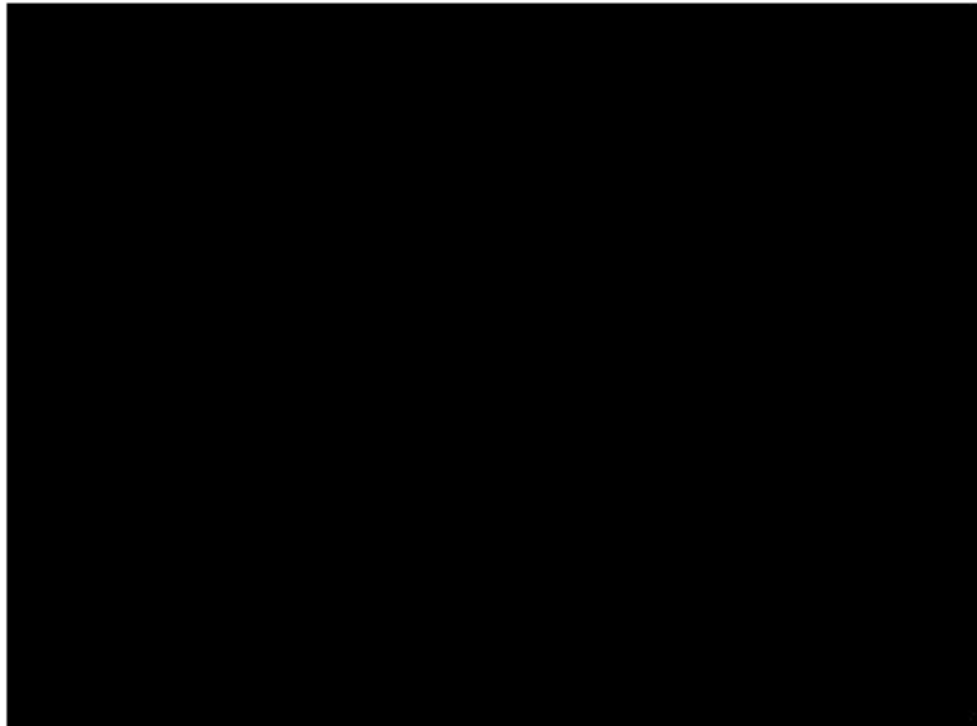


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Forres]
Application for Planning Permission**

TO

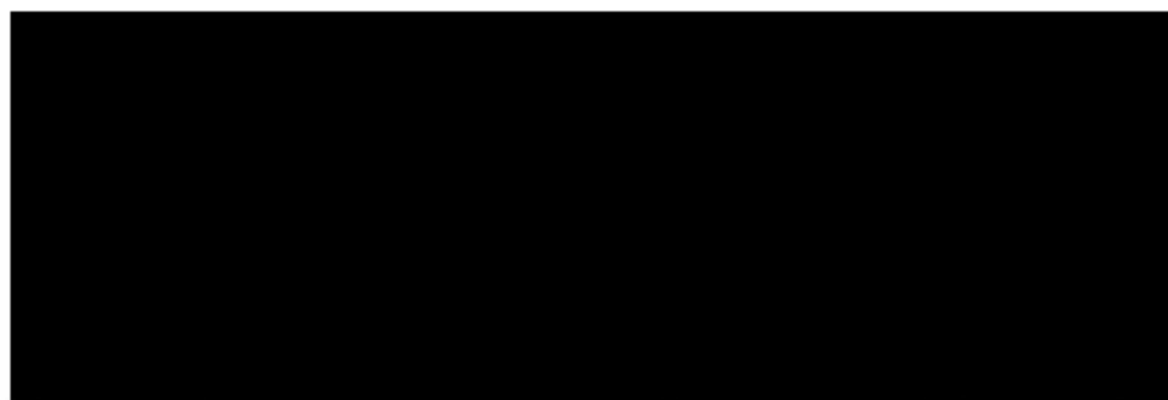


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Erection of dwellinghouse on Site Adjacent To Woodside Farm Kinloss Forres
Moray**

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

Date of Notice: **17 December 2019**



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 house would be sited immediately outwith the settlement boundary of Kinloss, and would degrade the distinction between Kinloss and its surrounding countryside. On this basis, the proposal is contrary to policies E9 (Settlement Boundaries), H7 (Housing in the Countryside) and IMP1 (Developer Requirements) of the Moray Local Development Plan 2015.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
2102-021		Elevations and first floor plan
2102-020		Elevations and ground floor plan
2102-SLP		Site and location plan
2102-022A		Site plan and sections

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

N/A

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100177071-003

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:	John Wink Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	Midtown of Foudland
Last Name: *	Wink	Building Number:	
Telephone Number: *	01464841113	Address 1 (Street): *	Glens of Foudland
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Huntly
Fax Number:		Country: *	Scotland
		Postcode: *	AB54 6AR
Email Address: *	planning@johnwinkdesign.co.uk		

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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text" value="c/o John Wink Design"/>
First Name: *	<input type="text" value="-"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Rhind"/>	Address 1 (Street): *	<input type="text" value="Midtown of Foudland"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Glens of Foudland"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Huntly"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB54 6AR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="planning@johnwinkdesign.co.uk"/>		

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"/>
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

Northing	<input type="text" value="862472"/>	Easting	<input type="text" value="307887"/>
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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)

Erection of new dwellinghouse and change of use from agricultural land to domestic.

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 '2102 - Statement of Reasons for Seeking a Notice of Review' and 'Mr & Mrs Rhind - Letter to Councillors'.

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)

'19/01031/APP Planning Permission Form'. '2102-Supporting Statement 08.10.19'. '2102-Supporting Statement A 18.10.19'. '2102-020 Ground Floor Plan, Sections & Elevations'. '2102-021 First Floor Plans, Sections & Elevations'. '2102-022-A Site Plan & Site Sections'. '2102-SLP Site Location Plan & OS Map'. '12102-REP-001 Drainage Assessment'. 'Mr & Mrs Rhind - Letter to Councillors'. 'Noise Impact Assessment Report'. '2102 - Statement of Reasons for Seeking a Notice of Review'.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/01031/APP

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

28/08/2019

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

17/12/2019

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 John Wink

Declaration Date: 27/01/2020

Development Management
Environmental Services
The Moray Council
PO Box 6760, Elgin
IV30 9BX

Planning Reference: 19/01031/APP
Our Reference: 2102

Monday 27th January 2020

Planning Permission for Erection of Dwellinghouse
Site Adjacent to Woodside Farm, Kinloss, Forbes, Moray

Statement of Reasons for Seeking a Review

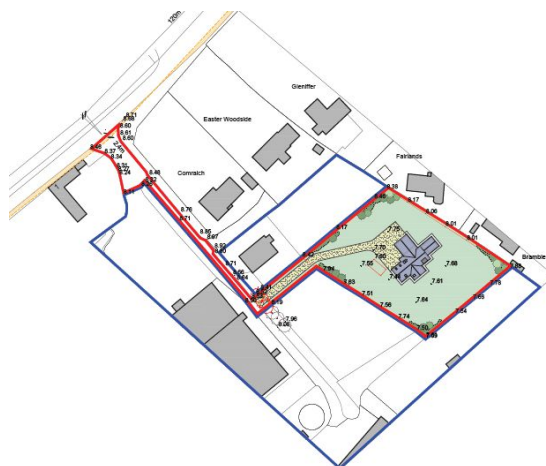
The above application for full planning permission was refused as the planner deemed it unacceptable under Policy E9, stating it failed to comply with the policy requirements. This policy states that any development immediately outwith town settlement boundaries will not be permitted, however there is a strong case to approve this application as an exceptional circumstance. We wish to seek a Notice of Review for the following reasons.

Firstly, the planning officer was concerned the approval of this departure from policy would lead to further development in this area, stating *'the development represents sprawl outwith the settlement boundary. This would detrimentally erode the distinction between the countryside and the settlement of Kinloss. On this basis, the proposal is not considered to be sensitively sited and also fails to meet the requirements of policy IMP1.'* We understand that this application lies outwith the settlement boundary however we feel this house should be assessed under its own merits, we disagree that this new house, lying 9m outwith the settlement boundary, would initiate overdevelopment in this area. The applicants, Mr & Mrs Rhind, are simply looking to build 1 house in close proximity to their farm as accommodation to benefit the family enterprise. Mr & Mrs Rhind have also provided a statement explaining the positive impact this house would have for their family business and we ask that this is looked upon favourably. We feel that this application should be treated as an exceptional circumstance.

With regards to Policy H7 Housing in the Countryside, the planner states; *'Noting the reasoning in relation to policy E9, the proposal is considered to be contrary to policy H7 and IMP1 on the basis the house would adversely impact on the setting of Kinloss and its surrounding countryside. The proposal also fails to provide at least 50% of its boundaries as long established.'* We disagree that the house would cause a detrimental impact on the landscape or erode the distinction between the countryside and the settlement of Kinloss. We have provided justification in previous supporting statements why, in this instance, this house would absolutely not adversely affect the setting of Kinloss and its surrounding countryside however this has been completely disregarded. As well as this, 100% of the site boundaries are long established in contrary to the planning officer's statement.



Birdseye View of the Site



Proposed Site Boundaries

Policy H7 states applications will be favoured if, *'At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, fences, watercourses, woodland, tracks and roadways'*. As seen in the above images, the site is clearly defined by four well established fence lines, showing this application does not fail to provide this as stated within the Report of Handling.

'There are identified housing sites in Kinloss that can accommodate new housing development, with a planning application currently under consideration for 23 plots at R4 Damhead and an approval for 6 houses on R3 Findhorn Road West.' We take this note into consideration however our client has provided good reasons why this 1 new house adjacent their farm should be considered favourably.

We were also advised to provide a Noise Impact Assessment at the request of the Environmental Health Department due to the sites close proximity to the Kinloss Barracks. We would also like to note that this was provided even though it was confirmed that the application would be refused, at a cost to our client. The NIA report findings conclude the Kinloss Barracks would not have an adverse impact on the occupants of the proposed house, subject to mitigation measures which can be easily achieved.

We fully understand that each application must be assessed under its own merits, however we feel that this application has been unfairly judged and can be supported as a departure from the planning policy, to support an existing and thriving family business operating in extremely difficult economic times.

John Wink Design

REPORT OF HANDLING

Ref No:	19/01031/APP	Officer:	Andrew Miller
Proposal Description/ Address	Erection of dwellinghouse on Site Adjacent To Woodside Farm Kinloss Forres Moray		
Date:	17/12/19	Typist Initials:	FJA

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

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Moray Flood Risk Management	04/09/19	No objections.
Planning And Development Obligations	09/09/19	Obligations sought towards healthcare (extension at Forres Health Centre, 2 additional dental chairs and reconfiguration of existing pharmacy outlets), and sports and recreation (3G pitch at Forres).
Aberdeenshire Council Archaeology Service	04/09/19	No objections.
Development Plans (Environment)	16/09/19	Application is contrary to policy E9 on the basis the development represents sprawl outwith the settlement boundary. This would detrimentally erode the distinction between the countryside and the settlement of Kinloss. On this basis, the proposal is not considered to be sensitively sited and also fails to meet the requirements of policy IMP1. There are identified housing sites in Kinloss that can accommodate new housing development.
Environmental Health Manager		No objections following provision of a Noise Impact Assessment, subject to conditions.

Contaminated Land	10/09/19	No objections.
Transportation Manager	10/09/19	No objections subject to conditions in relation to parking and provision of turning area.
Scottish Water	04/09/19	No objections – unable to confirm capacity at Glenlatterach Water Treatment Works and advise pre-development enquiry is undertaken. No public sewers in vicinity of site.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
H7: New Housing in the Open Countryside	Y	MLDP 2015
E9: Settlement Boundaries	Y	MLDP 2015
EP5: Sustainable Urban Drainage Systems	N	MLDP 2015
EP9: Contaminated Land	N	MLDP 2015
EP10: Foul Drainage	N	MLDP 2015
T2: Provision of Access	N	MLDP 2015
T5: Parking Standards	N	MLDP 2015
EP8: Pollution	N	MLDP 2015
IMP1: Developer Requirements	Y	MLDP 2015
IMP3: Developer Obligations	N	MLDP 2015
PP3 Infrastructure & Services	N	Proposed MLDP 2020
DP1 Development Principles	N	Proposed MLDP 2020
DP4 Rural Housing	N	Proposed MLDP 2020
EP6 Settlement Boundaries	N	Proposed MLDP 2020
EP12 Management and Enhancement of the	N	Proposed MLDP 2020
EP13 Foul Drainage	N	Proposed MLDP 2020
EP14 Pollution, Contamination & Hazards.	N	Proposed MLDP 2020

REPRESENTATIONS

Representations Received	YES	
Total number of representations received ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		

Issue: Contrary to Local Development Plan as it is out of the settlement boundary of Kinloss and it is important to keep a clear distinction between the settlement and countryside.

Comments (PO): This forms the reason for refusal of the application (see observations).

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

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

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

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

On 25 June 2019 the Planning & Regulatory Services Committee agreed to give greater weight to sites within the proposed Plan which are not subject to the Examination process from 1 August 2019. In this case the proposal is not subject to a designated site and as all policies in the proposed Plan are subject to examination they are not a material consideration.

The main planning issues are considered below.

Site

A relatively flat area of agricultural land to the north east of Woodside Farm, Kinloss. The site is bounded by residential properties to the north east, a small area of agricultural ground and further residential properties to the north west, and agricultural land to the south east and south west (Woodside Farm beyond to the south west).

The residential properties fall within the settlement boundary of Kinloss (as defined in the MLDP), which runs along the north east and north west boundaries of the site (excluding the proposed access which is within the settlement boundary). The remainder and majority of the site falls outwith the settlement boundary.

Proposal

Planning permission is sought for the erection of a house. It would be one and a half storey with an integral garage. Gabled roofed, the house would be in a linear arrangement with wings protruding off all elevations bar the south western elevation. The walls would be finished in smooth render and stone work, natural slate to the roof and grey aluminium clad window frames and doors.

The house would be accessed via a new access track leading from the existing access road to Woodside Farm. Surface water would discharge to a surface water soakaway, whilst foul drainage would discharge to septic tank with subsequent drainage to a soakaway.

Settlement Boundary

The settlement boundary of Kinloss incorporates Woodside Farm (recognising its commercial role - shop, café, play area etc.), resulting in an obscure boundary that leaves a strip of land outwith the defined settlement of Kinloss bounded by the settlement boundary on three sides. The site subject to this application falls within part of this area.

Associated policy E9 (Settlement Boundaries) presumes against development immediately outwith settlement boundaries in order to prevent the spread of development and to maintain a clear distinction between settlements and countryside, with no exceptions. The proposed house is clearly in breach of this policy, and representing a spread of development outwith the settlement boundary and into the countryside, diminishing the clear distinction between the two.

The response received from the Strategic Planning and Delivery notes that there are identified housing sites in Kinloss that can accommodate new housing development, with a planning application currently under consideration for 23 plots at R4 Damhead and an approval for 6 houses on R3 Findhorn Road West.

Two supporting statements from the applicant states that the development infills an area between a heavily developed farm yard and farm shop/café and houses, and that there would be limited visibility of the site from public roads. The statements also state that the development should not be considered to set a precedent (given that the applicant controls the land and only wants to build one house), and that the planning service should be careful assessing planning applications as business and people will move away from Moray if the service does not support planning applications.

Ultimately, it is not considered the points raised by the applicant would justify a departure from policy E9. Were this application to be approved, it would be a clear breach of policy, and would be a prime example of precedent to allow development on the edge of Kinloss and other settlements in Moray.

Housing in the Countryside (H7)

As the site is outwith a settlement (per the MLDP), it is considered to comprise housing development in the countryside and thus policy H7 (Housing in the Countryside) is applicable. Policy H7 sets out siting and design requirements to ensure housing development does not adversely impact on the rural character of Moray's Countryside.

With regard to its siting, policy H7 requires new houses to: have at least 50% of its boundaries as long established; not result in an adverse impact on the setting of existing buildings; be sensitively integrated into the countryside; and not result in a build-up of housing that is detrimental to the character of the surrounding area. Policy IMP1 states that any development should be appropriate to the character and amenity of the surrounding area.

Noting the reasoning in relation to policy E9, the proposal is considered to be contrary to policy H7 and IMP1 on the basis the house would adversely impact on the setting of Kinloss and its surrounding countryside. The proposal also fails to provide at least 50% of its boundaries as long established.

The design of the proposed house does comply with policy H7 - its roof pitch, proportions, vertical window openings and material finishes are suitable for the rural nature of the development. Nonetheless this does not overcome the siting issues outlined above.

Noise (EP8)

A Noise Impact Assessment has been provided at the request of the Council's Environmental Health Service in light of the sites location in proximity to Kinloss Barracks and the potential impact of noise from aircraft upon occupants of the house. The NIA (whilst incorrectly making reference to RAF Lossiemouth rather than Kinloss Barracks) found that noise from aircraft using the runway at the Barracks would not have an adverse impact on the occupants of the proposed house, subject to

mitigation measures. The Environmental Health section raised no objections to the proposal, subject to a condition being placed requiring the mitigation measures being implemented. Subject to conditions requiring these measures being implemented, the proposal is considered to comply with policy EP8.

Drainage (EP5, EP10)

Surface water would be treated via a surface water soakaway, in line with the requirements of policy EP5, whilst foul drainage would be treated via a septic tank and soakaway, in line with policy EP10. It is noted Moray Flood Risk Management had no objection to the proposal.

Parking and Access (T2, T5)

Access to the site would be via an existing access to the public road. Subject to conditions as recommended, the proposed access arrangements are considered acceptable and would comply with policy T2. Sufficient parking has also been provided within the curtilage of the site, in line with policy T5. The Transportation Manager has not objected to the proposal.

Developer Obligations (IMP3)

In order to mitigate against any adverse impact a development may have upon existing infrastructure and facilities, policy IMP3 puts in place the provision to seek developer obligations appropriate to reduce, eliminate or compensate for the impact. Following assessment in accordance with the Council's Supplementary Guidance on Developer Obligations, obligations are sought towards healthcare (extension at Forres Health Centre, 2 additional dental chairs and reconfiguration of existing pharmacy outlets), and sports and recreation (3G pitch at Forres). As this application has been recommended for refusal, these obligations were not pursued, however were this application to be approved, then obligations should be sought by means of an appropriate agreement. The applicant has indicated a willingness to pay these obligations.

Community Council Comments

Comments received from Findhorn and Kinloss Community Council are noted in relation to policy E9 (outlined above under Representations).

Recommendation - Refuse

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
04/00021/FUL	Change of use of field for car boot sales (March to October) at Woodside Farm Kinloss Forres Moray IV36 0UA			
	Decision	Permitted	Date Of Decision	22/03/04

ADVERT

Advert Fee paid?	No		
Local Newspaper	Reason for Advert	Date of expiry	
Forres Gazette	Departure from development planNo Premises	01/10/19	
PINS	Departure from development planNo Premises	01/10/19	

DEVELOPER CONTRIBUTIONS (PGU)	
Status	

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:	Drainage Statement
Main Issues:	Outlines the ground conditions on the site and proposed drainage arrangement.
Document Name:	Noise Impact Assessment
Main Issues:	Assesses the impact noise emissions from aircraft operating at nearby Kinloss Barracks will have on the occupants of the proposed house.
Document Name	Supporting Statements
Main Issues:	Two supporting statements provided – both in response to points raised in relation to issues surrounding planning policy.

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)			

Andrew Miller
Planning Officer
Environmental Services
The Moray Council
PO Box 6760
Elgin
IV30 9BX

Tuesday 8th October 2019

Our ref: 2102
Planning ref: 19/01031/APP

Dear Andrew,

Erection of Dwellinghouse

Site adjacent to Woodside Farm, Kinloss, Forres, Moray

Supporting Statement

This statement has been prepared in response to the comments received from Development Plans regarding E9 Settlement Boundaries and IMP1 Developer Requirements for application 19/01031/APP.

We strongly feel that the application as submitted seeks to propose a sustainable approach to providing additional accommodation for Mr & Mrs Rhind who currently own, operate and staff a busy, local service in Kinloss. We fully respect the thinking and methodology behind the structure of the Policy E9 Settlement Boundaries, and protecting them, but strongly disagree with the statement that this specific proposal “Erodes the distinction between urban and rural”. The proposal is sited in an area that sensitively and sensibly infills an area of heavily developed farmyard & farm shop/café to the south and the outer edge of small gardened ‘housetype’ properties to the north. The site has been identified on the below site context map.



Fig. 01 | Site Context Map

Kinloss has never been a 'cohesive' settlement and has grown sporadically & limb-like over the years. The proposal allows a gap site to be filled as well as promoting the growth of an asset to Kinloss itself. The map below shows the sporadic growth pattern that already exists with multiple cohesive groupings alongside open rural-feel areas.

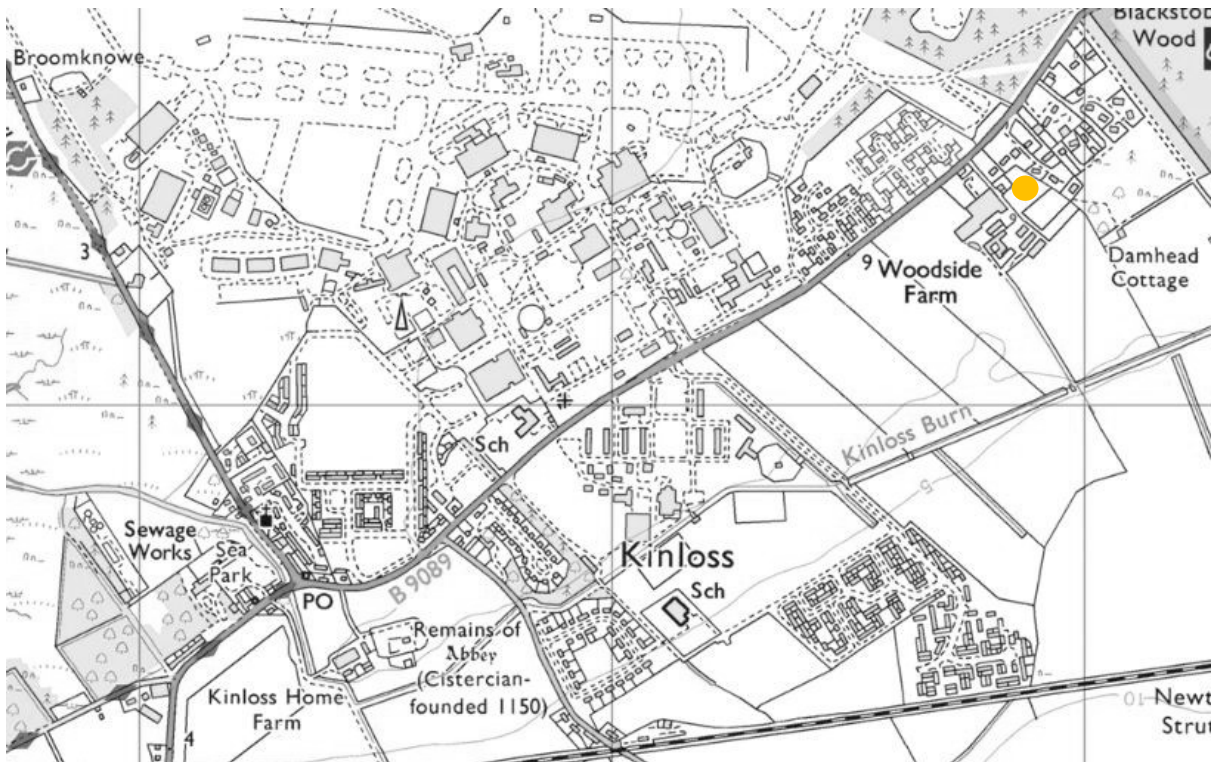


Fig. 02 | Map of Kinloss

The positioning of the house within the already screened site, cannot be seen from the B9089 and therefore will not erode the character of the boundary to the settlement. Travelling North-East on the B9089 you will be faced first with Woodside farm, and travelling South-West on the B9089 you will first be faced with an existing house-type development which is heavily landscaped from the road.



Fig. 03 | Streetview – view towards North-East. Proposed development is well hidden from the B9089.



Fig. 04 | Streetview – view towards South-West. Existing development heavily landscaped.

Therefore, the proposed development will have no damage to the character of the settlement boundary as nobody can visually identify it anyway. The development, as proposed, complies with IMP1 Developer Requirements by appropriately fitting into the surrounding landscape area.

The Kinloss settlement boundary shown in below extract surrounds 50% of the existing established fence line along the North-West & North-West boundary. The proposed house site is a portion of land just outwith the settlement boundary which we believe would be invaluable to the family business for continuing the growth of the farming enterprise.

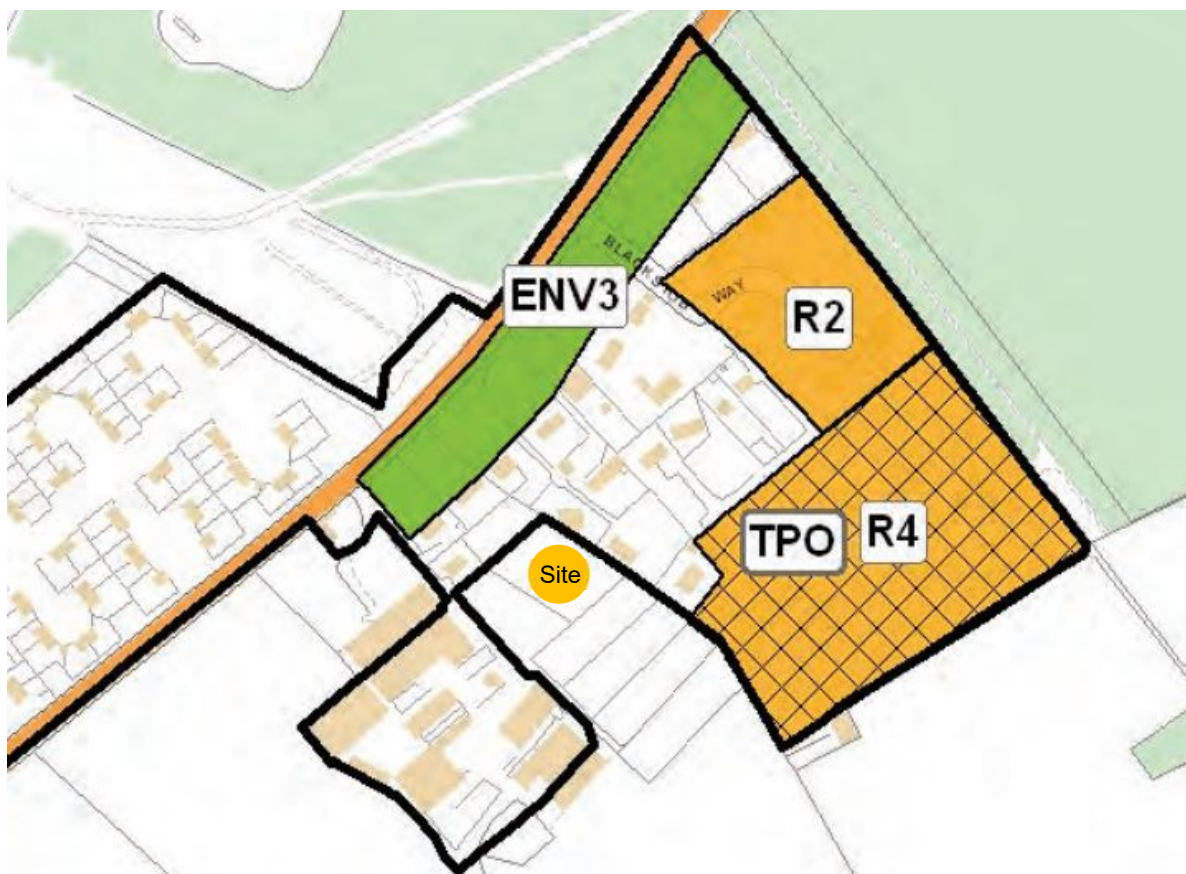


Fig. 05 | Extract from Moray Local Development Plan SETTLEMENTS

We hope that the planning service can support this house site as a departure from their exiting planning policy. The benefits of this proposal, allowing the Rhind family to continue to operate and sustainably grow their popular business, by allowing more family to stay on site, has large social and community benefits, outweighing any opinion of potential impact on the village.

Yours sincerely

John Wink Design



Andrew Miller
Planning Officer
Environmental Services
The Moray Council
PO Box 6760
Elgin
IV30 9BX

Friday 18th October 2019

Our ref: 2102
Planning ref: 19/01031/APP

Dear Andrew,

Erection of Dwellinghouse

Site adjacent to Woodside Farm, Kinloss, Forres, Moray

Supporting Statement A

Thanks for your below email further to the submission of our supporting statement in response to concerns raised by Development Plans.



Fri 18/10/2019 09:02

Andrew Miller <Andrew.Miller@moray.gov.uk>

RE: 19/01031/APP - Site adj. to Woodside Farm, Kinloss

To: Kathryn Urquhart

Thank you for the information,

Unfortunately, this does not overcome the issues raised in respect of the matters in relation to the settlement boundary policy and I would have concern that this would lead to further development in this area. On this basis the application will be refused. Your client can request a review of the decision at the Local Review Body.

In respect of the NIA – can you advise if your client wishes for this to be undertaken?

Many Thanks

Andrew

Unfortunately, we disagree. We feel that our supporting statement does give evidence to overcoming any potential issues the policy team see there being with regards to eroding the character of the settlement boundary. We have shown maps, images and have reported on why we feel our application should be supported as a departure.

You suggest that this proposal may lead to others in the area, however, each application is assessed on it's own merits, therefore the planning service have control over this. We have justified why, in this instance, this proposal should be favoured. Our client owns all of the land in this area and have specifically given good reason for the house being in this location – to help support an already viable and precious business to Kinloss. Our clients have a desire to only build one house for themselves. Any fear of this becoming a precedent should be washed-out by the strength of the social and community benefits of this proposal. The planning service really need to be careful when assessing applications that have such positive outcomes, or businesses and people whom are community minded will simply move away from Moray, if they are not getting any support or encouragement.

With regards to the Noise Impact Assessment, we can confirm we are currently in communication with external consultants who will be undertaking the assessment.

Yours sincerely

John Wink Design





South West Elevation

Scale 1:100



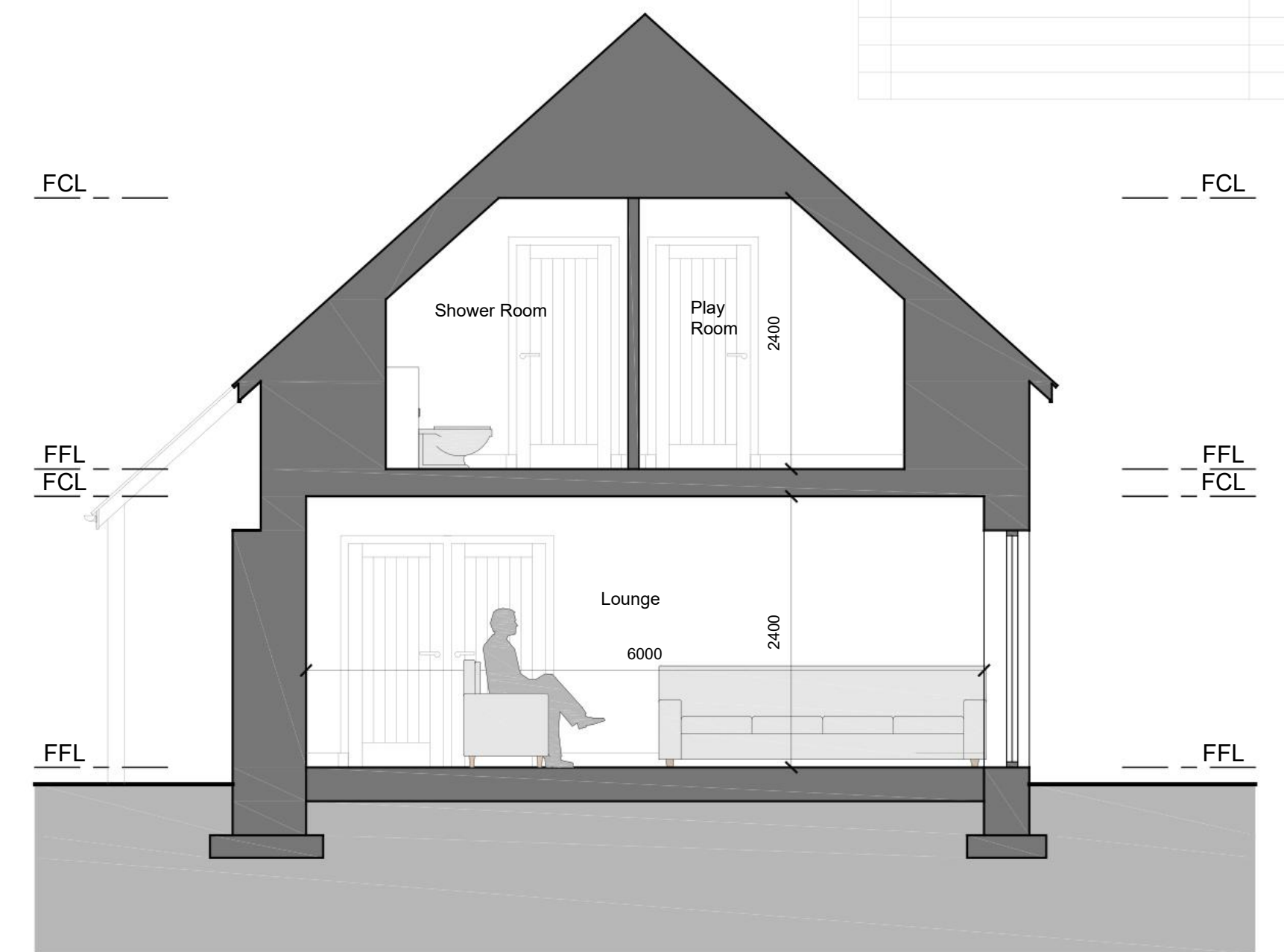
North East Elevation

Scale 1:100

MATERIALS

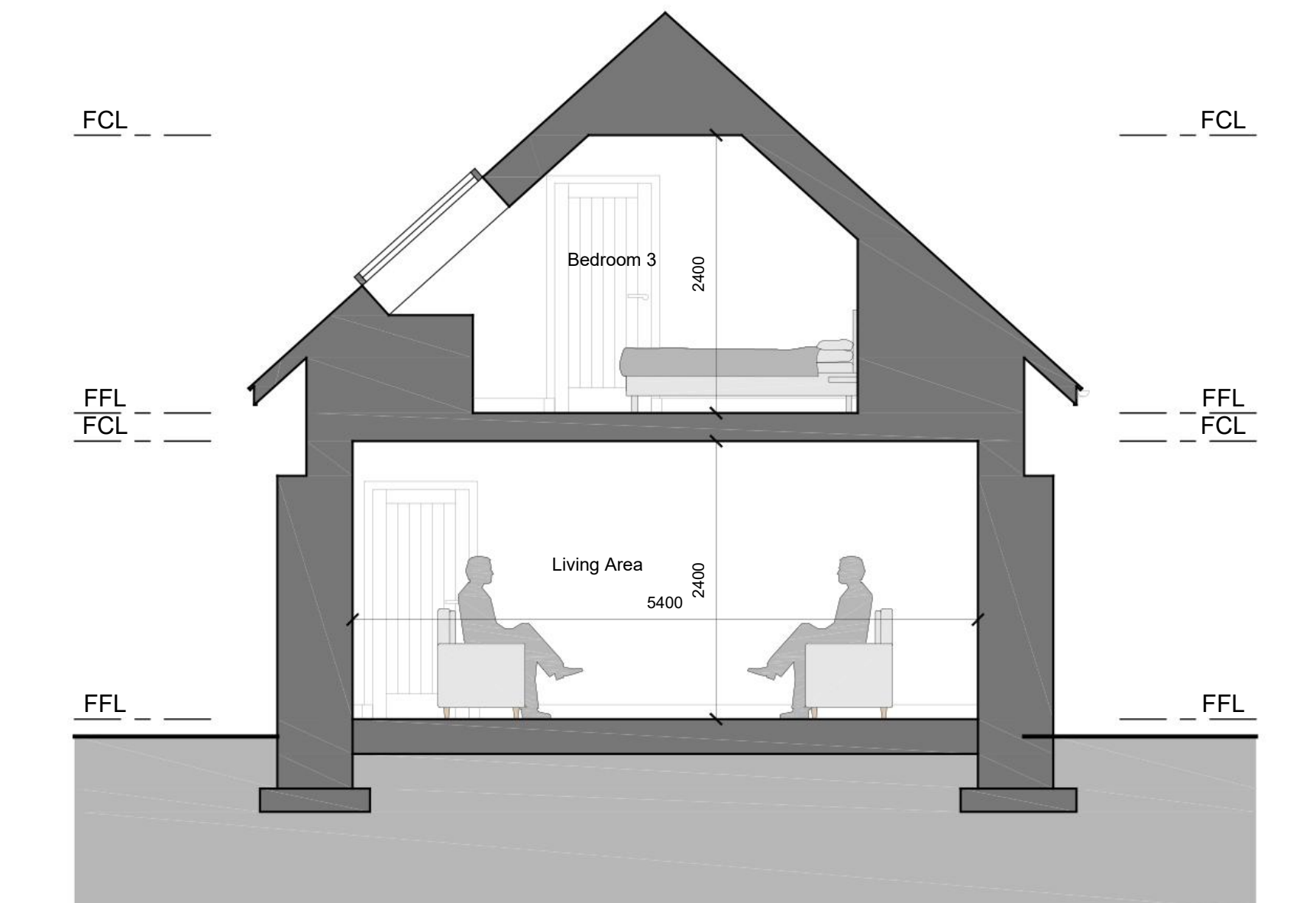
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Roof finish - Natural slate
Window and door finish - Grey alu-clad
Rainwater goods - Aluminium

Rev:	Details:	Date:	By:



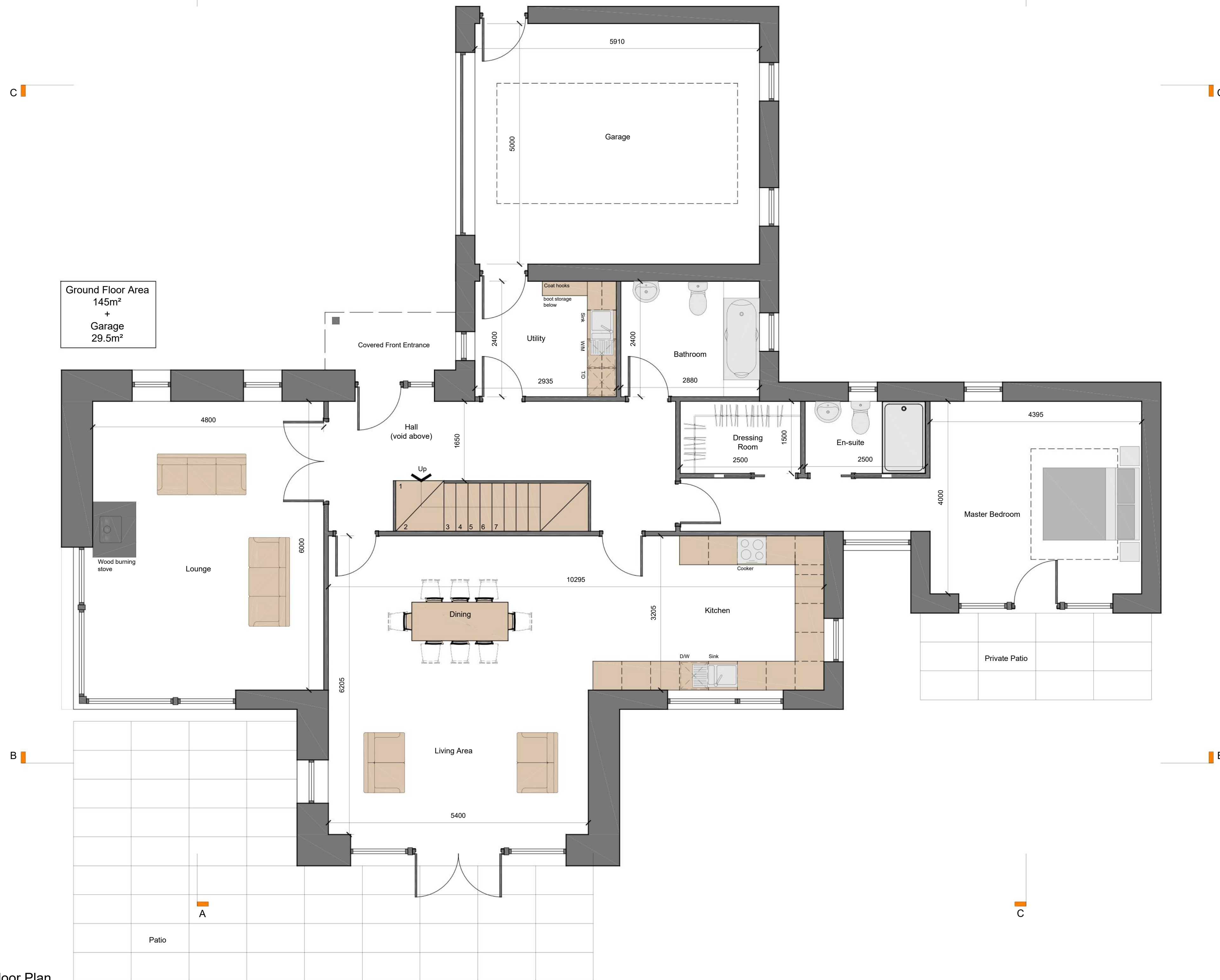
Section A-A

Scale 1:50



Section B-B




Scale 1:50



Ground Floor Area
145m²
+
Garage
29.5m²

Ground Floor Plan

Scale 1:50

Project New House At: Site adjacent Woodside Farm Kinloss Forres IV36 3UA For: Mr & Mrs A. Rhind		 JOHN WINK DESIGN
Drawing Planning - Ground Floor Plan, Sections & Elevations		
Scale As noted @ A1	Date August 2019	
Revision -	Dwg No. 2102-020	
1: 01464 841113 e-office@johnwinkdesign.co.uk Midtown of Foudland Glens of Foudland Huntly Aberdeenshire AB54 6AR		
<small>Note Dimensions must not be scaled from this drawing. If in any doubt - ask! All dimensions to be checked prior to work commencing or prior to any components being manufactured. Any discrepancy to be reported. All work and material to comply fully with all current British Standards Codes of Practice, building regulations, IEE regulations and all HSE acts. This drawing is copyright of John Wink Design. ©</small>		
		 CIAT Registered Practice
		 CHARTERED PRACTICE



North East Elevation
Scale 1:100

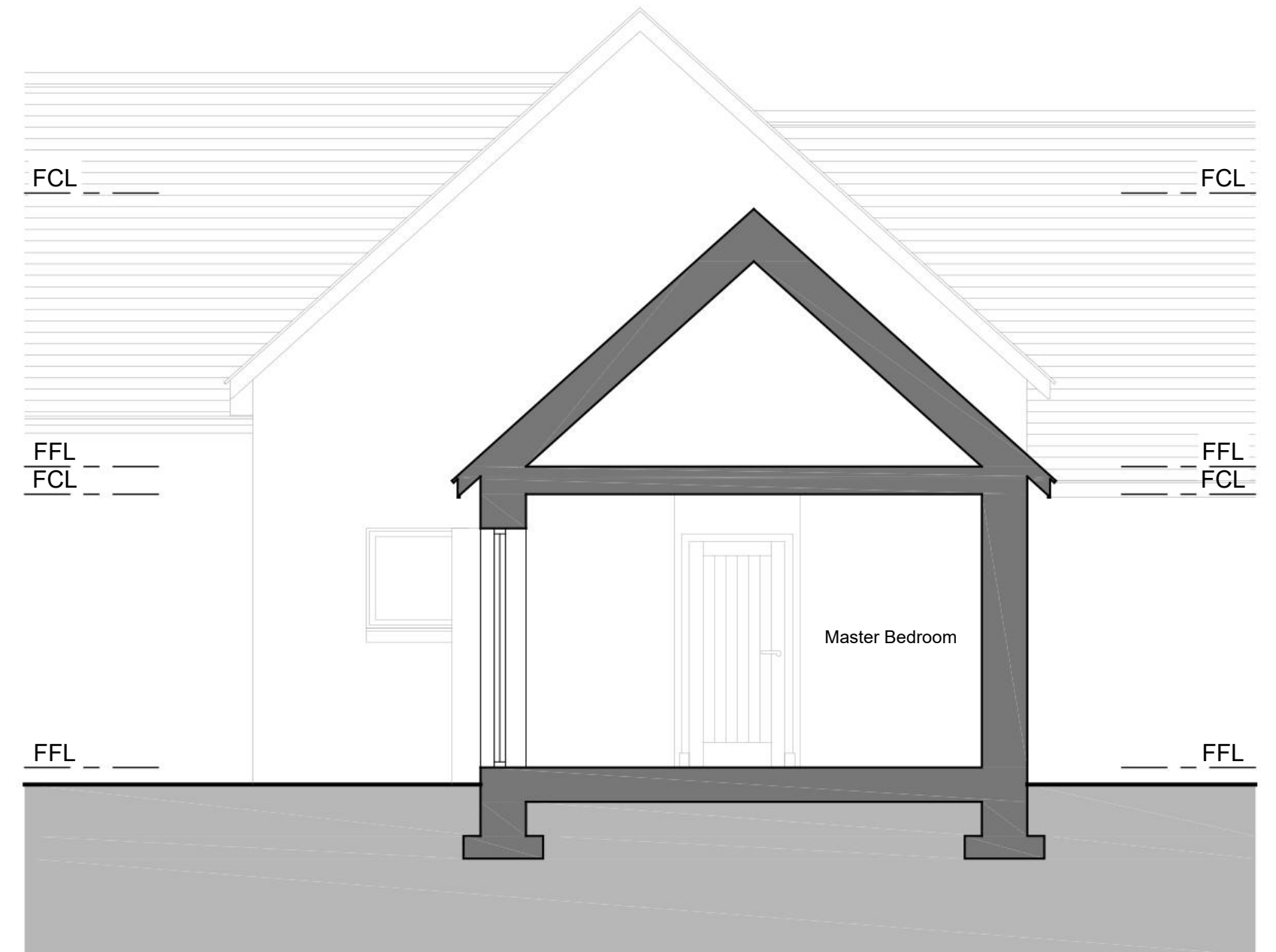


South West Elevation
Scale 1:100

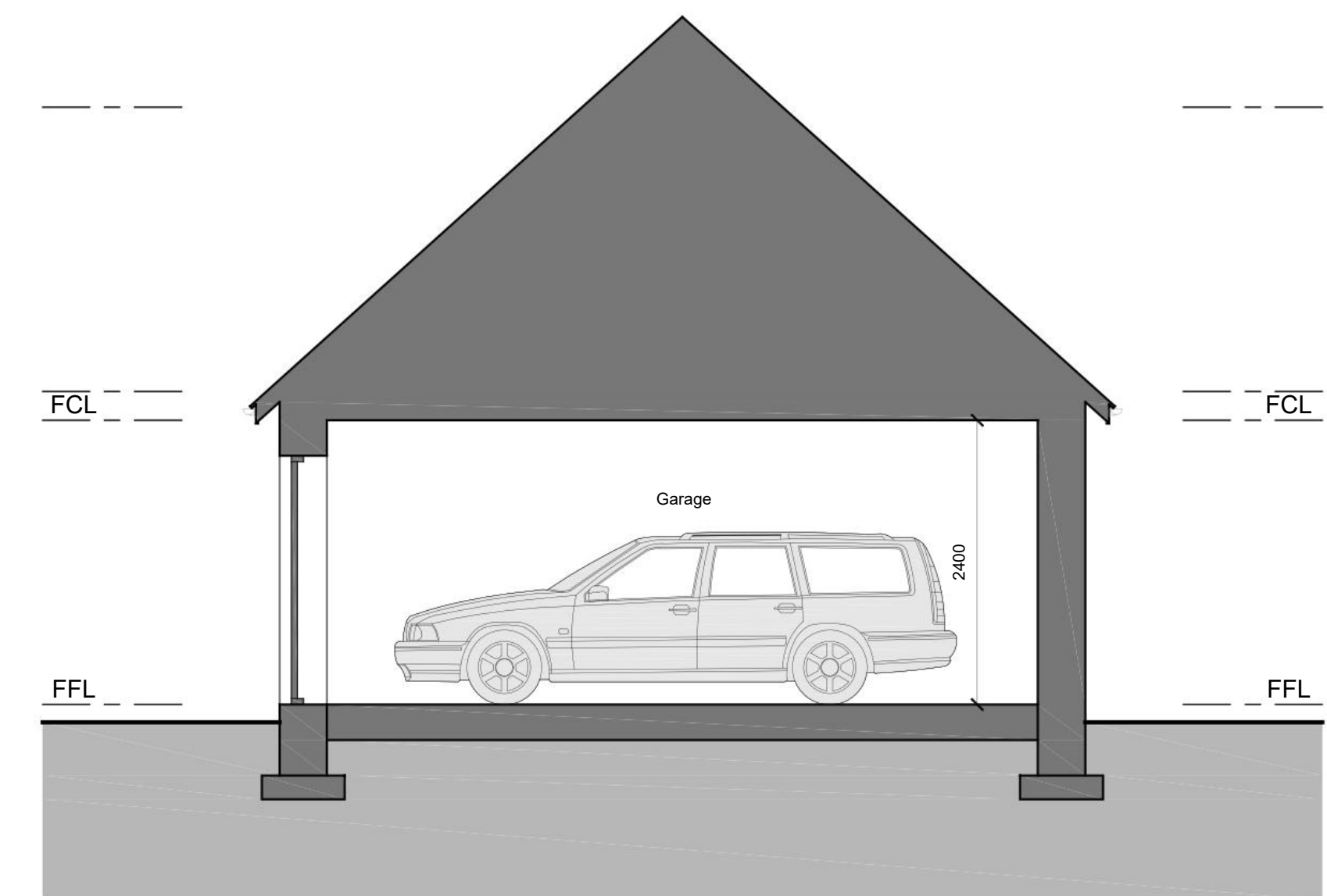
MATERIALS

Wall finish - Smooth render / stonework
Roof finish - Natural slate
Window and door finish - Grey alu-clad
Rainwater goods - Aluminium

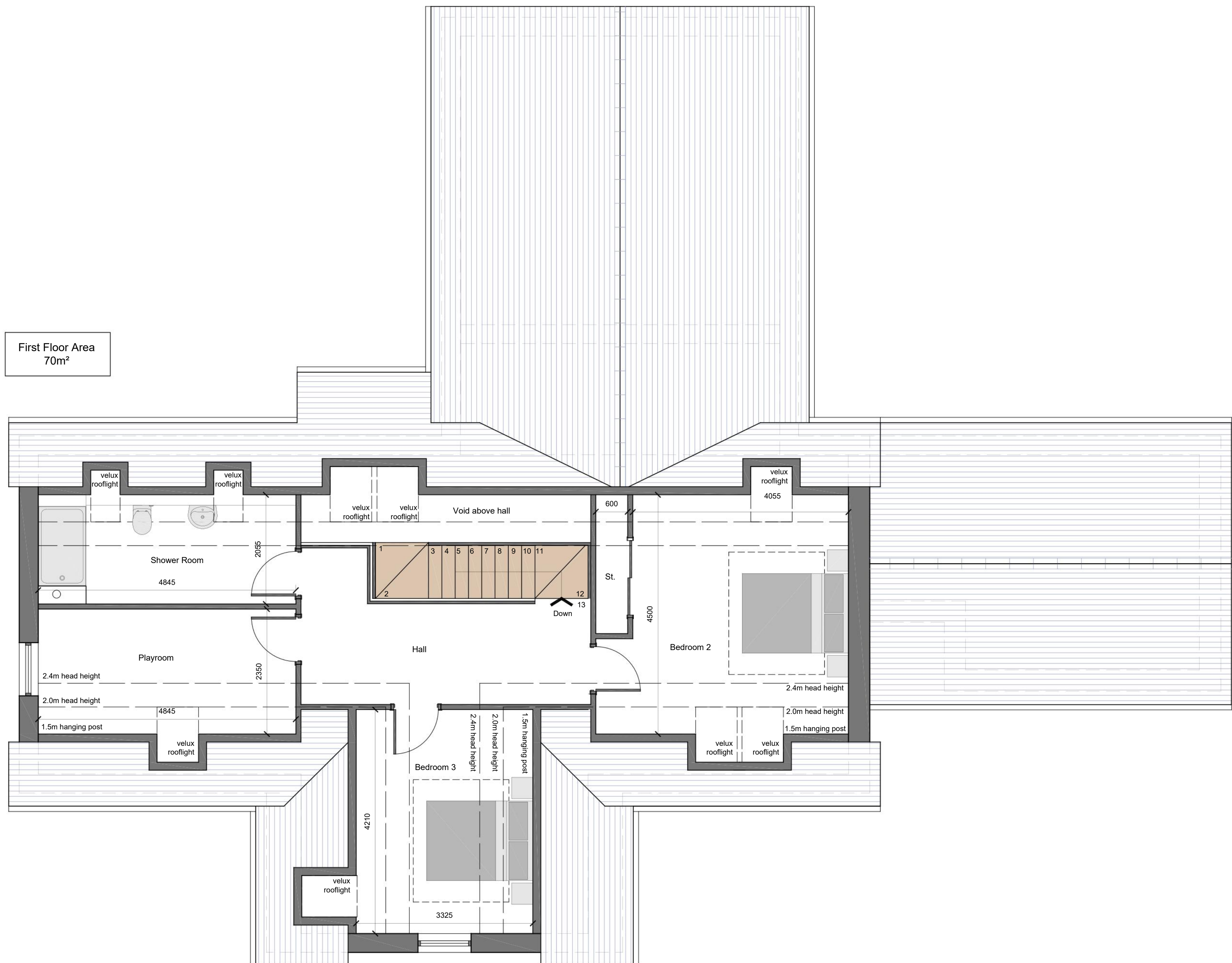
Rev:	Details:	Date:	By:




Section C-C
Scale 1:50





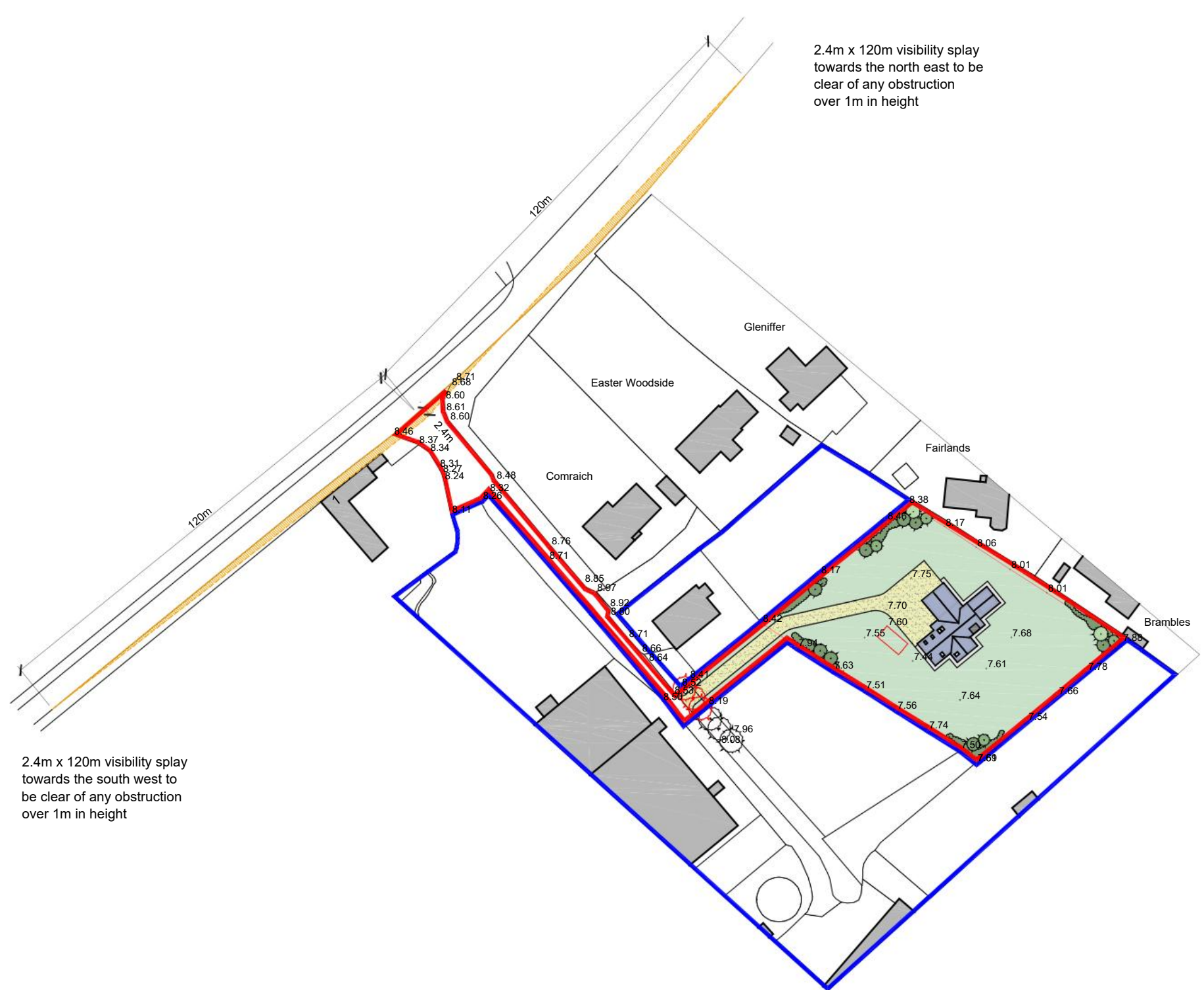
Section D-D
Scale 1:50



First Floor Plan
Scale 1:50

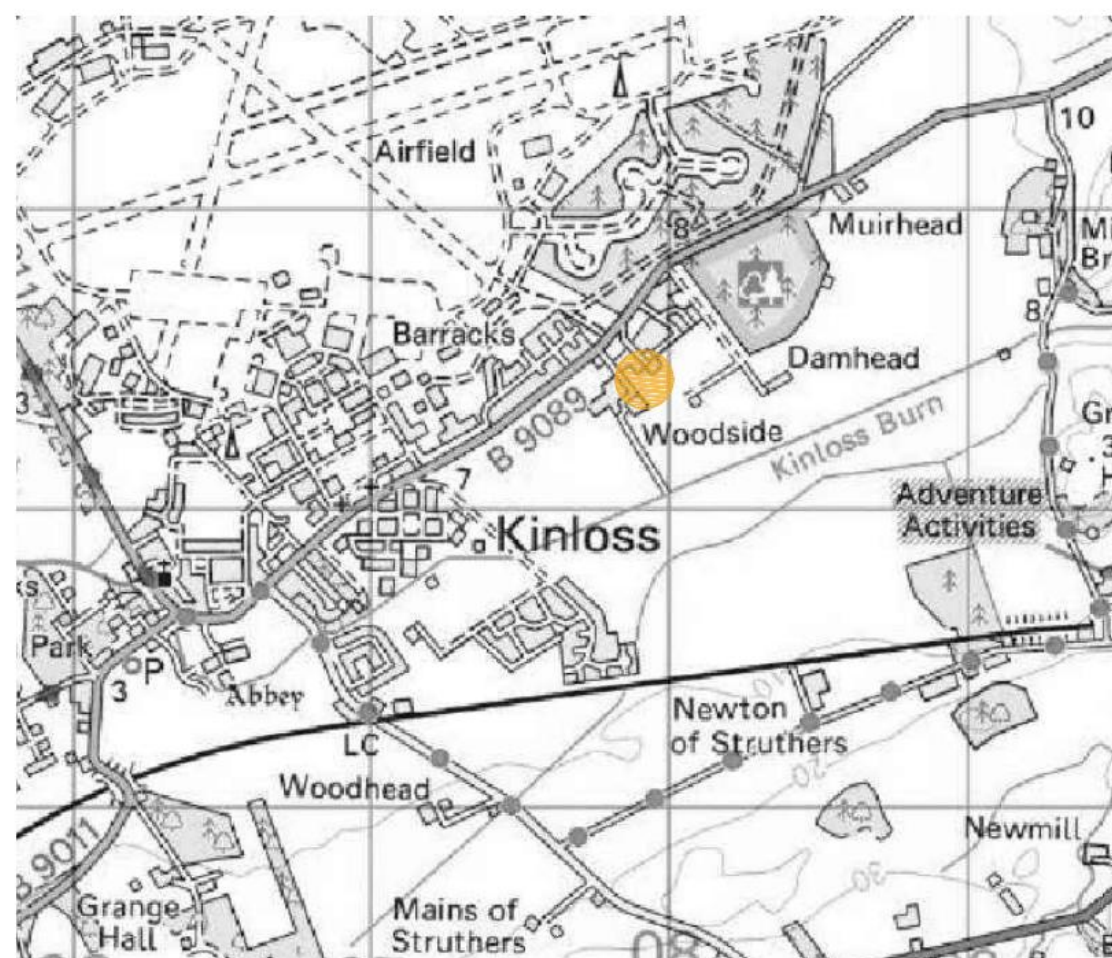
Project New House At: Site adjacent Woodside Farm Kinloss Forres IV36 3UA For: Mr & Mrs A. Rhind		 JOHN WINK DESIGN
Drawing Planning - First Floor Plan, Sections & Elevations		
Scale As noted @ A1	Date August 2019	
Revision -	Dwg No 2102-021	
1: 01464 841113 e-office@johnwinkdesign.co.uk Midtown of Foudland Glens of Foudland Huntly Aberdeenshire AB54 6AR		
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Site Location Plan / Visibility Splays




Scale 1:1,250



Ordnance Survey Map

Scale 1:25,000



Project New House		 JOHN WINK DESIGN
At: Site adjacent Woodside Farm Kinloss Forres IV36 3UA		
For: Mr & Mrs A. Rhind		
Drawing Planning - SLP & OS Map		
Scale As noted @ A3	Date August 2019	 
Revision -	Drg No 2102-SLP	
t-01464 841113 e-office@johnwinkdesign.co.uk Midtown of Foudland Glens of Foudland Huntly Aberdeenshire AB54 6AR		
Note Dimensions must not be scaled from this drawing. If in any doubt - ask! All dimensions to be checked prior to work commencing or prior to any components being manufactured. Any discrepancy to be reported. All work and material to comply fully with all current British Standards Codes of Practice, building regulations, IEE regulations and all HSE acts.		
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Civil & Structural Consulting Engineers Ltd
16 Albert Street
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AB25 1XQ
T – 01224 646555
E – info@macleodjordan.co.uk

Project Number: 12102

Project Title: New Dwelling House

Project Address: Site Adjacent to Woodside Farm, Kinloss,
Forres, IV36 3UA

Client: Mr & Mrs Rhind

Document Number: REP-001

Document Title: Drainage Assessment

-	07.08.19	First Issue	VN	RM	RM
Revision	Date	Notes	Prepared By	Checked By	Approved By

CONTENTS

1.0	INTRODUCTION	2
2.0	EXISTING SITE	2
3.0	DEVELOPMENT PROPOSALS	2
4.0	EXISTING DRAINAGE	2
5.0	SURFACE WATER DRAINAGE	2
6.0	FOUL DRAINAGE	3
7.0	SITE INVESTIGATION	3
8.0	FUTURE MAINTENANCE	3
9.0	CONCLUSIONS	3

1.0 INTRODUCTION

This drainage strategy is prepared in accordance with the guidance given in the following documents:-

- Water Assessment & Drainage Assessment Guide – A guide for Scotland, produced by SEPA on behalf of the Sustainable Urban Drainage Scottish Working Party (SUDSWP), January 2016.
- Planning Advice Note (PAN) 61: Planning and Sustainable Urban Drainage Systems, issued by the Scottish Executive Development Department, July 2001.
- The SUDS Manual – (CIRIA C753)
- Sewers for Scotland, Third Edition, April 2015, published by WRc plc.
- The Water Environment (Controlled Activities) (Scotland) Regulations.

2.0 EXISTING SITE

The existing site is adjacent to Woodside Farmshop near Kinloss, Forres (NJ081625). It can be accessed via an unclassified public road off the B9089 public road near Kinloss.

3.0 DEVELOPMENT PROPOSALS

The development proposal is to build a three bedroom dwelling house which can be accessed via a new access road off the unclassified public road leading to the B9089 public road.

4.0 EXISTING DRAINAGE

There are currently no drainage facilities on the site. Details for foul and rainwater drainage proposals are included in Items 5 and 6 of this report.

5.0 SURFACE WATER DRAINAGE

Infiltration testing carried out at the site identified that the ground is of permeable nature. Therefore, it is proposed to dispose of all the rainwater, from the roof and parking areas of the proposed development, to a rainwater soakaway, located within the site boundaries. A minimum rainwater area soakaway equivalent to 25 square metres should be adopted. Drainage calculations are attached in Appendix A and drainage and soakaway details can be found on Drawing Number 12102-D1 in Appendix B.

6.0 FOUL DRAINAGE

Percolation testing carried out at the site identified that the ground is of permeable nature. Therefore, it is proposed to dispose of the foul water from the development, to a foul water soakaway, located within the site boundaries. A minimum soakaway surface area equivalent to 25 square metres should be adopted. For a three bedroom house (equivalent to 5PE), it is recommended by SEPA, to adopt a sewage treatment plant with 5PE minimum treatment capacity. Therefore, it is proposed to adopt a Balmoral Hydroclear HC6 sewage treatment plant, or equal approved. Drainage calculations are attached in Appendix A and drainage and soakaway details can be found on Drawing Number 12102-D1 in Appendix B.

7.0 SITE INVESTIGATION

A trial pit was excavated, with the assistance of a mechanical excavator, as shown on Drawing Number 12102-D1 in Appendix B. Groundwater was not encountered in the trial pit. The results are as follows:

Trial Pit 1 (TP1) -- 1800mm deep

400mm topsoil

1400mm fine sand

8.0 FUTURE MAINTENANCE

The future maintenance of the foul and rainwater disposal system will be the responsibility of owners/proprietors of the proposed development. This will be inspected on an annual basis. If blockage is identified or suspected, within the system, it will be cleaned out without delay. In the event of a system failure, it will be replaced with a similar specification.

9.0 CONCLUSIONS

Based on the investigations and the contents of this report I conclude that the proposed development site can accommodate the drainage proposals itemised within this report.

The subsoil materials, identified in the trial pits as being free from contamination and pollution, are deemed to be suitable for the proposed development. Based on the investigations and the contents of this report I conclude that a minimum safe bearing capacity of 100Kn/sqm can be used for foundations and ground bearing slab design for the project.

APPENDIX A

DRAINAGE CALCULATIONS

Members'
Ref.

CALCULATIONS

OUTPUT

From percolation testing

$$V_p = \frac{15 \times 60}{110} = 8.18 \text{ secs/mm}$$

$$f = \frac{1}{V_p} = \frac{1}{8.18 \times 10^3} = 12.2 \times 10^{-5} \text{ m/sec}$$

Rainwater Drainage

$$\begin{aligned} \text{Total Roof Area} &= 300 \text{ m}^2 \\ \text{Parking Area} &= 190 \text{ m}^2 \end{aligned}$$

$$f = 12.2 \times 10^{-5} \text{ m/sec}$$

$$a = 2(2.5 + 1.0) \times 0.8 \times 0.5 = 2.8 \text{ m}^2$$

$$\begin{aligned} S &= (490 \times 0.0145) - (2.8 \times 12.2 \times 10^{-5} \times 900) \\ &= 6.8 \text{ m}^3 \end{aligned}$$

Allow for 30% voids

$$V = \frac{6.8}{0.7} = 22.7 \text{ m}^3$$

Adopt 5.0 x 5.0 x 1.0 dp. s.w. soakaway

Foul Drainage

3 bedrooms → 5 pe

$$V_p = 8.18 \text{ secs/mm}$$

$$\Delta t = 5 \times 8.18 \times 0.25 = 10.2 \text{ m}^2$$

Adopt 5.0 x 5.0 x 1.0 dp f.w. soakaway

+ 6pe sewage treatment plant
(Balmoral Hydroclear HCG or eq.)

APPENDIX B

DRAWING NUMBER D01



SCALE 1:20

WIST

		Rev	THE DRAW OTHER
--	--	-----	----------------------

THE
DRAW
OTHER

Pr

100

Sta	Ch	Dr
-----	----	----

SITE PLAN
Scale 1:250



Unit 15
Netherton Business Centre
Kemnay,
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Noise Assessment for proposed dwelling house At Woodside Farm, Kinloss

Prepared for: Midtown of Foudland,
Glens of Foudland
Huntly, Aberdeenshire AB54 6AR

On behalf of: The owners of the property

Prepared by: Rod McGovern CEng MIAgrE MIOA

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Date: 22 November 2019

Summary

The report below has considered the impact of noise from the Kinloss aerodrome on the residents of the proposed dwelling house. The location of the site is in an area of high noise, in the 66 – 72 dB contour band, so the building needs to be constructed to reduce noise as much as possible. The assessment has been based on the following:

- Standard wall construction, as described in Note on page 5
- High performance double glazing for the windows, and example given in Table 2
- Double plasterboard on the ceilings with resilient bars
- A mechanical ventilation system with heat recovery

The result is that the required noise limits are met in the living areas but the bedrooms will be 36 dB, rather than 35 dB. BS8233 states, in NOTE 7: Where development is considered necessary or desirable, despite external noise levels above WHO guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved.

The report below is based on the upper level of the contour band and the noise may not be continuously at this level.

As it is not practical to further reduce the sound levels in the bedrooms it is considered that the achieved sound levels will be sufficient to avoid unacceptable disturbance to the occupants.



Environmental Noise Assessment

Project No: PA945

Report Ref: KD2310191NR

Issue Date: 20th November 2019

Woodside Farm, Kinloss, Forres, IV36 3UA

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1. Summary

1.1. Proposal

The development of a new residential dwelling is proposed at Woodside Farm, Kinloss, Forres, IV36 3UA.

1.2. Reason for Assessment

The proposed dwelling is to be situated within the 66 – 72 dB $L_{Aeq,16hr}$ contour band of noise from RAF Lossiemouth. A noise assessment is required to determine the potential noise impact and façade insulation necessary to achieve desirable internal noise levels.

1.3. Planning Conditions & Criteria

In accordance with BS8233:2014, the following criteria have been stipulated by The Moray Council:

- 35dB $L_{Aeq,16hr}$ within living rooms (07:00 – 23:00)
- 35dB L_{Aeq} within bedrooms (07:00 – 23:00)
- 40dB L_{Aeq} within dining rooms (07:00 – 23:00)

1.4. Assessment Standards & Justification

‘BS8233:2014 – Guidance on sound insulation and noise reduction for buildings’ is a recognised standard for assessing and mitigating environmental noise levels upon a proposed noise sensitive development. The standard gives a rigorous calculation method for determining interior noise levels based on measured or derived environmental noise levels.

1.5. Noise Assessment Outcome

It is determined that by using mitigation as specified in Section 1.6. for the building façades, the outcome summarised in the following table is achieved.

Table 1. – Noise Assessment Outcome

Internal Space	Noise Parameter	Internal Noise Level (dB)	Within Desirable/Acceptable Limit (BS8233)
Lounge	Daytime $L_{Aeq, 16hr}$	35	Yes
Kitchen / Dining Room	Daytime $L_{Aeq, 16hr}$	39	Yes
Master Bedroom	Daytime $L_{Aeq, 16hr}$	36	Yes
Bedroom 2	Daytime $L_{Aeq, 16hr}$	36	Yes

1.6. Mitigation Recommendations

Table 2. – Mitigation Recommendations

Internal Space	Glazing		Ventilation
	Minimum Performance, R_w+C_{tr}	Example Specification	
Lounge	36	8/16/10.8A*mm	MVHR System
Kitchen / Dining Room	32	8/16/8.8mm	MVHR System
Master Bedroom	46	12.8A/16/16.8A*mm	MVHR System
Bedroom 2	46	12.8A/16/16.8A*mm	MVHR System

A* – Denotes an acoustic PVB interlayer laminate

Notes:

- The calculation of internal noise levels has been based on a 'standard' external wall construction (Brick and Block construction, 75mm cavity with mineral wool insulation).

1.6.1. Insulated Roof Specification

The following roof enhancements are recommended to ensure that desirable internal noise levels are maintained for habitable rooms located within the roof space.

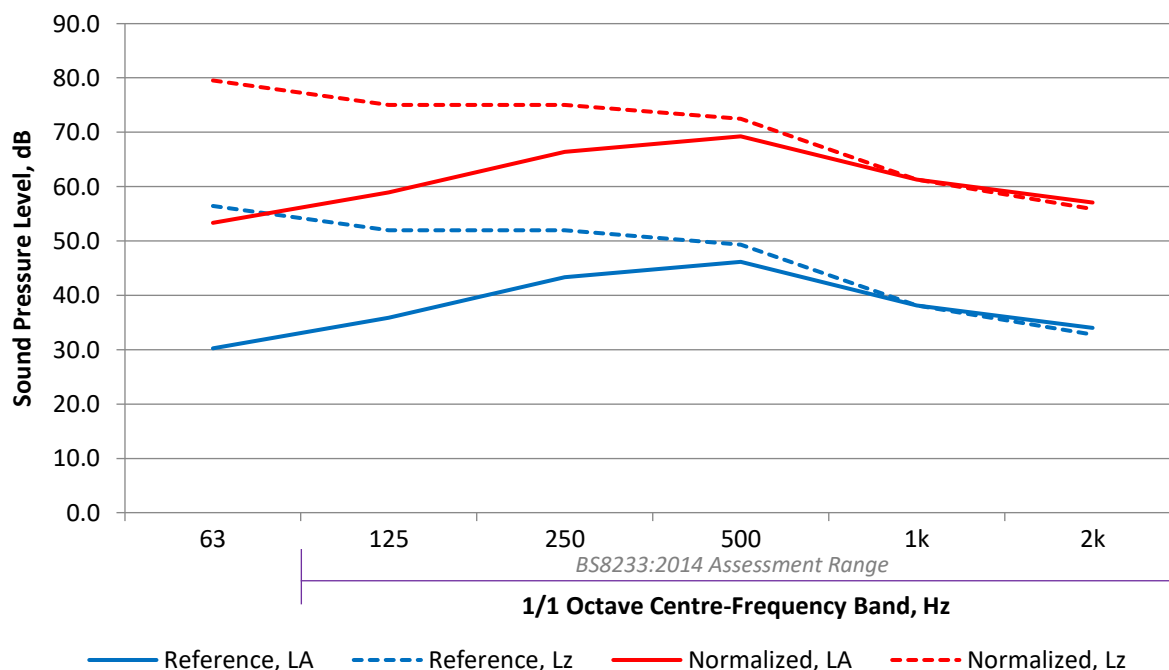
- Roof Slates/Tiles
- Timber Roof Rafters (Assumed 200mm)
- 100mm fiberglass insulation within the roof cavity (Min. Density 10kg/m3)
- Resilient rails installed perpendicular to the roof rafters. Installation should adhere to the manufacturer's instructions.
- 2x No. 12.5mm Standard Plasterboard

2. BS8233:2014 Noise Assessment

2.1. External Noise Levels

To derive spectral sound levels in the 125Hz to 2kHz range, measured noise data of a jet aircraft flyover (*Pàmies et al., 2014*) has been normalized to match a broadband figure of 72 dB(A), representing the upper boundary of the noise contour band within which the dwelling is to be situated. The reference and assessment noise levels are shown below in Figure 1, where it is demonstrated that A-Weighted noise levels are highest in the 250 – 500Hz bands.

Figure 1. – External Noise Data



2.2. Internal Noise Levels – Assumed Insulation

Internal noise levels have been calculated in order to demonstrate that the proposed development can achieve suitable internal noise levels inside rooms, when appropriate glazing and ventilation systems are used.

Room dimensions and glazing areas have been determined based on plans provided by the applicant and are considered within the calculation of internal noise levels. All assumed construction details are given in **Appendix A**.

An insulated roof specification has been provided for habitable rooms within the roof space. A detained sound insulation model is given in **Appendix B**.

2.3. Daytime Internal Noise Levels

2.3.1. Lounge

Considering the insulation with the addition of 36 dB R_w+C_{tr} rated glazing and an MVHR system, daytime noise would be reduced from 72 dB $L_{Aeq, 16hr}$ to interior levels of **35 dB $L_{Aeq, 16hr}$** .

The desirable limit of BS8233:2014 suggests a guideline of 35dB $L_{Aeq, 16hr}$ for resting conditions, and up to 40dB is considered acceptable for necessary developments.

The assumed standard of construction would place the internal levels in the lounge at below 35dB(A), therefore within the desirable category.

2.3.2. Kitchen / Dining Room

Considering the insulation with the addition of 32 dB R_w+C_{tr} rated glazing and an MVHR system, daytime noise would be reduced from 72.0 dB $L_{Aeq, 16hr}$ to interior levels of **39 dB $L_{Aeq, 16hr}$** .

The desirable limit of BS8233:2014 suggests a guideline of 40 dB $L_{Aeq, 16hr}$ for resting conditions, and up to 45dB is considered acceptable for necessary developments.

The assumed standard of construction would place the internal levels in the kitchen / dining room at below 40dB(A), therefore within the desirable category.

2.3.3. Master Bedroom (Within Roof Space)

Considering the insulation with the addition of 46 dB R_w+C_{tr} rated glazing, an MVHR system and the recommended roof specification given in section 1.6.1, daytime noise would be reduced from 72.0 dB $L_{Aeq, 16hr}$ to interior levels of **36.0 dB $L_{Aeq, 16hr}$** .

The desirable limit of BS8233:2014 suggests a guideline of 35dB $L_{Aeq, 16hr}$ for resting conditions, and up to 40dB is considered acceptable for necessary developments.

The assumed standard of construction would place the internal levels in the master bedroom at 36 dB(A), therefore exceeding the desirable category by a margin of 1.0 dB. Occupants of the proposed dwelling are unlikely to spend time in the bedrooms during the day and more likely to spend time in the living areas, where desirable noise levels have been met.

2.3.3. Bedroom 2 (Within Roof Space)

Considering the insulation with the addition of 46 dB R_w+C_{tr} rated glazing, an MVHR system and the recommended roof specification given in section 1.6.1, daytime noise would be reduced from 72.0 dB $L_{Aeq, 16hr}$ to interior levels of **36.0 dB $L_{Aeq, 16hr}$** .

The desirable limit of BS8233:2014 suggests a guideline of 35dB $L_{Aeq, 16hr}$ for resting conditions, and up to 40dB is considered acceptable for necessary developments.

The assumed standard of construction would place the internal levels in bedroom 2 at 36 dB(A), therefore marginally above the desirable category. Occupants of the proposed dwelling are unlikely to spend time in the bedrooms during the day and more likely to spend time in the living areas, where desirable noise levels have been met.

2.4. Effect Level and Exposure Outcomes

A summary of internal noise levels and their respective BS8233 classifications can be found below:

Table 3. – Mitigation Recommendations

Internal Space	Noise Parameter	Internal Noise Level (dB)	BS8233 Classification
Lounge	Daytime $L_{Aeq, 16hr}$	35	Desirable
Kitchen / Dining Room	Daytime $L_{Aeq, 16hr}$	39	Desirable
Master Bedroom	Daytime $L_{Aeq, 16hr}$	36	Desirable / Acceptable
Bedroom 2	Daytime $L_{Aeq, 16hr}$	36	Desirable / Acceptable

References

T. Pàmies, J. Romeu, M. Genescà, Robert Arcos, Active control of aircraft fly-over sound transmission through an open window, In Applied Acoustics, Volume 84, 2014, Pages 116-121, ISSN 0003-682X, <https://doi.org/10.1016/j.apacoust.2014.02.018>.

APPENDIX A – BS8233 Rigorous Design Calculations

Lounge

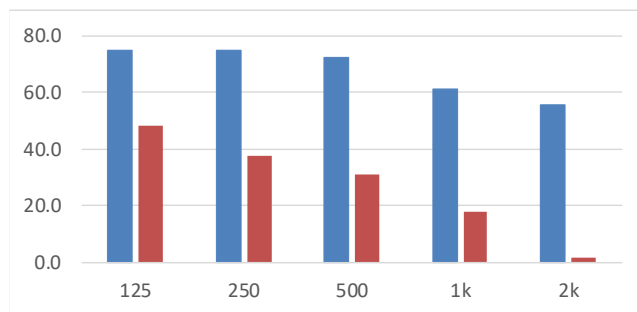
Room Properties

Room Width (m)	4.8
Room Depth (m)	6.0
Room Height (m)	2.4
Glazed Area (m ²)	13.0
Is dwelling within roof?	<input checked="" type="checkbox"/>

Sound Insulation Properties

Freq. Hz	125	250	500	1k	2k
Wall, dB R _{w+Ctr}	41	45	45	54	58
Roof, dB R _{w+Ctr}	41	45	45	54	58
Glazing, dB R _{w+Ctr}	31	41	46	46	59
Vents, D _{n,e,w+Ctr}	41	45	45	54	58

Noise Levels, dB



External Level	72.0 dB LAeq
Internal Level	34.9 dB LAeq
Insertion Loss	37.1 dB LAeq

Sound Insulation Requirement

	Minimum Sound Insulation Requirement	Suitable Systems
Glazing	36 dB R _{w+Ctr}	Laminated Double Glazing 8/16/10.8A
Ventilation	- D _{n,e,w+Ctr}	Heat recovery system Multi-room Heat Recovery System

Suitable systems given as reference only. Other products that achieve the required sound insulation values are available.

Technical Calculations

Frequency, Hz	125	250	500	1k	2k
Term 1	6.895E-05	2.7E-05	2.7E-05	3.5E-06	1.38E-06
Term 2	0.0008964	9E-05	2.8E-05	2.8E-05	1.42E-06
Term 3	-1.02E-05	-4E-06	-4.1E-06	-5E-07	-2E-07
Term 4	0	0	0	0	0
Internal, dB L _{eq}	48.1	37.7	31.2	17.8	1.9
Internal, dB LAeq	32.0	29.1	28.0	17.8	3.1

Façade Components

Wall	Brick and block, 75mm cavity
Roof	Not Within Roof Space
Glazing	Laminated Double Glazing
Vents	Heat recovery system

Calculations conducted in accordance with BS8233:2014 rigorous calculation method

$$L_{eq,2} = L_{eq,ff} + 10 \log_{10} \left(\frac{A_0}{S} 10^{\frac{-D_{01}}{10}} + \frac{S_{w1}}{S} 10^{\frac{-R_{w1}}{10}} + \frac{S_{ew}}{S} 10^{\frac{-R_{ew}}{10}} + \frac{S_{\pi}}{S} 10^{\frac{-R_{\pi}}{10}} \right) + 10 \log_{10} \left(\frac{S}{A} \right) + 3$$

Dining / Kitchen

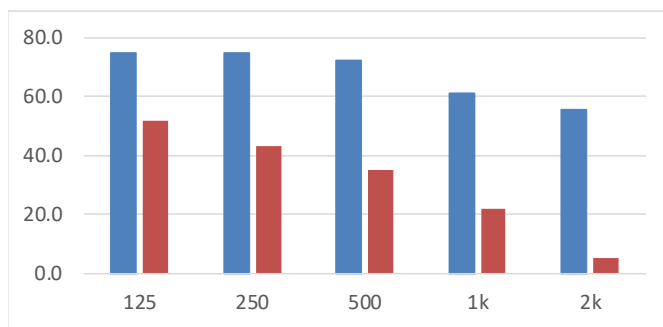
Room Properties

Room Width (m)	10.0
Room Depth (m)	5.0
Room Height (m)	2.4
Glazed Area (m ²)	10.0
Is dwelling within roof?	<input checked="" type="checkbox"/>

Sound Insulation Properties

Freq. Hz	125	250	500	1k	2k
Wall, dB R _{w+Ctr}	41	45	45	54	58
Roof, dB R _{w+Ctr}	41	45	45	54	58
Glazing, dB R _{w+Ctr}	26	34	41	41	56
Vents, D _{n,e,w+Ctr}	41	45	45	54	58

Noise Levels, dB



External Level	72.0 dB LAeq
Internal Level	39.4 dB LAeq
Insertion Loss	32.6 dB LAeq

Sound Insulation Requirement

Minimum Sound Insulation Requirement			Suitable Systems
Glazing	32	dB R _{w+Ctr}	Double Glazing 8/16/8.8
Ventilation	-	D _{n,e,w+Ctr}	Heat recovery system Multi-room Heat Recovery System

Suitable systems given as reference only. Other products that achieve the required sound insulation values are available.

Technical Calculations

Frequency, Hz	125	250	500	1k	2k
Term 1	3.31E-05	1.3E-05	1.3E-05	1.7E-06	6.6E-07
Term 2	0.0010466	0.00017	3.3E-05	3.3E-05	1.05E-06
Term 3	4.634E-05	1.8E-05	1.8E-05	2.3E-06	9.25E-07
Term 4	0	0	0	0	0
Internal, dB L _{eq}	52.0	43.3	35.3	21.7	5.1
Internal, dB LAeq	35.9	34.7	32.1	21.7	6.3

Façade Components

Wall	Brick and block, 75mm cavity
Roof	Not Within Roof Space
Glazing	Double Glazing
Vents	Heat recovery system

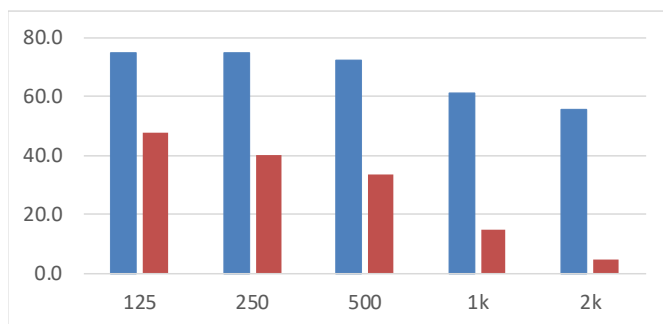
Calculations conducted in accordance with BS8233:2014 rigorous calculation method

$$L_{eq,2} = L_{eq,ff} + 10 \log_{10} \left(\frac{A_0}{S} 10^{-\frac{D_{ext}}{10}} + \frac{S_{wi}}{S} 10^{-\frac{R_{wi}}{10}} + \frac{S_{ew}}{S} 10^{-\frac{R_{ew}}{10}} + \frac{S_{ni}}{S} 10^{-\frac{R_{ni}}{10}} \right) + 10 \log_{10} \left(\frac{S}{A} \right) + 3$$

Master Bedroom (Within Roof Space)

Room Properties		Sound Insulation Properties					
Room Width (m)	4.4	Freq. Hz	125	250	500	1k	2k
Room Depth (m)	4.0	Wall, dB R_{w+Ctr}	41	45	45	54	58
Room Height (m)	2.4	Roof, dB R_{w+Ctr}	43	52	59	64	66
Glazed Area (m ²)	6.0	Glazing, dB R_{w+Ctr}	34	41	47	53	61
Is dwelling within roof?	✓	Vents, $D_{n,e,w+Ctr}$	41	45	45	54	58

Noise Levels, dB



External Level	72.0 dB LAeq
Internal Level	36.1 dB LAeq
Insertion Loss	35.9 dB LAeq

Sound Insulation Requirement

Minimum Sound Insulation Requirement			Suitable Systems
Glazing	46	dB R_{w+Ctr}	Laminated Double Glazing 12.8A/16/16.8A
Ventilation	-	$D_{n,e,w+Ctr}$	Heat recovery system Multi-room Heat Recovery System

Suitable systems given as reference only. Other products that achieve the required sound insulation values are available.

Technical Calculations

Frequency, Hz	125	250	500	1k	2k
Term 1	2.821E-05	1.1E-05	1.1E-05	1.4E-06	5.63E-07
Term 2	0.0002262	4.5E-05	1.1E-05	2.8E-06	4.51E-07
Term 3	3.43E-05	1.4E-05	1.4E-05	1.7E-06	6.84E-07
Term 4	8.353E-05	1.1E-05	2.1E-06	6.6E-07	4.19E-07
Internal, dB L_{eq}	47.9	40.1	33.7	15.0	4.9
Internal, dB LAeq	31.8	31.5	30.5	15.0	6.1

Façade Components

Wall	Brick and block, 75mm cavity
Roof	Roof / Ceiling (Insul)
Glazing	Laminated Double Glazing
Vents	Heat recovery system

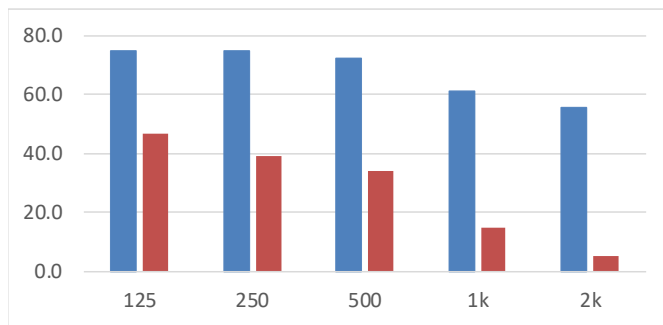
Calculations conducted in accordance with BS8233:2014 rigorous calculation method

$$L_{eq,2} = L_{eq,ff} + 10 \log_{10} \left(\frac{A_0}{S} 10^{\frac{-D_{0,2}}{10}} + \frac{S_{wi}}{S} 10^{\frac{-R_{wi}}{10}} + \frac{S_{ew}}{S} 10^{\frac{-R_{ew}}{10}} + \frac{S_{n}}{S} 10^{\frac{-R_{n}}{10}} \right) + 10 \log_{10} \left(\frac{S}{A} \right) + 3$$

Bedroom 2 (Within Roof Space)

Room Properties		Sound Insulation Properties					
Room Width (m)	4.5	Freq. Hz	125	250	500	1k	2k
Room Depth (m)	4.0	Wall, dB R_{w+Ctr}	41	45	45	54	58
Room Height (m)	2.4	Roof, dB R_{w+Ctr}	43	52	59	64	66
Glazed Area (m ²)	3.0	Glazing, dB R_{w+Ctr}	34	41	47	53	61
Is dwelling within roof?	✓	Vents, $D_{n,e,w+Ctr}$	41	45	45	54	58

Noise Levels, dB



External Level	72.0 dB LAeq
Internal Level	35.6 dB LAeq
Insertion Loss	36.4 dB LAeq

Sound Insulation Requirement

Minimum Sound Insulation Requirement			Suitable Systems
Glazing	46	dB R_{w+Ctr}	Laminated Double Glazing 12.8A/16/16.8A
Ventilation	-	$D_{n,e,w+Ctr}$	Heat recovery system Multi-room Heat Recovery System

Suitable systems given as reference only. Other products that achieve the required sound insulation values are available.

Technical Calculations

Frequency, Hz	125	250	500	1k	2k
Term 1	2.758E-05	1.1E-05	1.1E-05	1.4E-06	5.5E-07
Term 2	0.0001106	2.2E-05	5.5E-06	1.4E-06	2.21E-07
Term 3	5.737E-05	2.3E-05	2.3E-05	2.9E-06	1.14E-06
Term 4	8.353E-05	1.1E-05	2.1E-06	6.6E-07	4.19E-07
Internal, dB L_{eq}	46.7	39.4	34.2	14.8	5.4
Internal, dB LAeq	30.6	30.8	31.0	14.8	6.6

Façade Components

Wall	Brick and block, 75mm cavity
Roof	Roof / Ceiling (Insul)
Glazing	Laminated Double Glazing
Vents	Heat recovery system

Calculations conducted in accordance with BS8233:2014 rigorous calculation method

$$L_{eq,2} = L_{eq,ff} + 10 \log_{10} \left(\frac{A_0}{S} 10^{\frac{-D_{ext}}{10}} + \frac{S_{wi}}{S} 10^{\frac{-R_{wi}}{10}} + \frac{S_{ew}}{S} 10^{\frac{-R_{ew}}{10}} + \frac{S_{n}}{S} 10^{\frac{-R_{n}}{10}} \right) + 10 \log_{10} \left(\frac{S}{A} \right) + 3$$

APPENDIX B – Sound Insulation Model

Sound Insulation Prediction (v9.0.19)

Program copyright Marshall Day Acoustics 2017

Margin of error is generally within $R_w \pm 3$ dB

Peak Acoustics - Key No. 5547

Job Name:

Initials:kyle

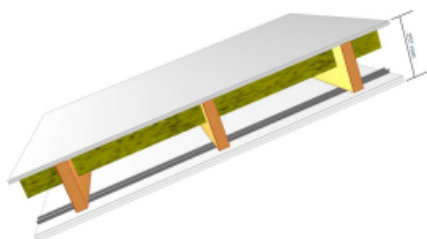
Job No.:

Date:18/11/2019

File Name:Roof - Enhanced.ixl



Notes:



R_w 62 dB
C -2 dB
Ctr -6 dB

Mass-air-mass resonant frequency = 34 Hz

Panel Size = 2.7 m x 4.0 m

Partition surface mass = 50.5 kg/m²

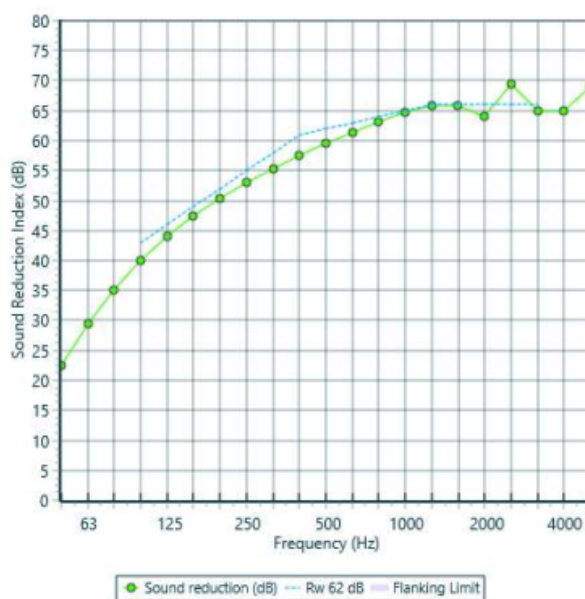
System description

Panel 1 : 1 x 14 mm Roofing tiles

Frame: Solid Joist with resilient rail (2E2 mm x 45 mm) ; Stud spacing 600 mm ; Cavity Width 218 mm ; 1 x Fibreglass (10kg/m³) Thickness 100 mm

Panel 2 : 2 x 12.5 mm Gyproc Wallboard 12.5mm

freq.(Hz)	R(dB)	R(dB)
50	23	
63	29	26
80	35	
100	40	
125	44	43
160	47	
200	50	
250	53	52
315	55	
400	57	
500	59	59
630	61	
800	63	
1000	65	64
1250	66	
1600	66	
2000	64	66
2500	69	
3150	65	
4000	65	66
5000	69	





MORAY LOCAL REVIEW BODY

25 JUNE 2020

SUMMARY OF INFORMATION FOR CASE No LR237

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

Ward 8 – Forres

Planning permission was granted under the Statutory Scheme of Delegation by the Appointed Officer on 5 February 2020 subject to the following conditions:

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

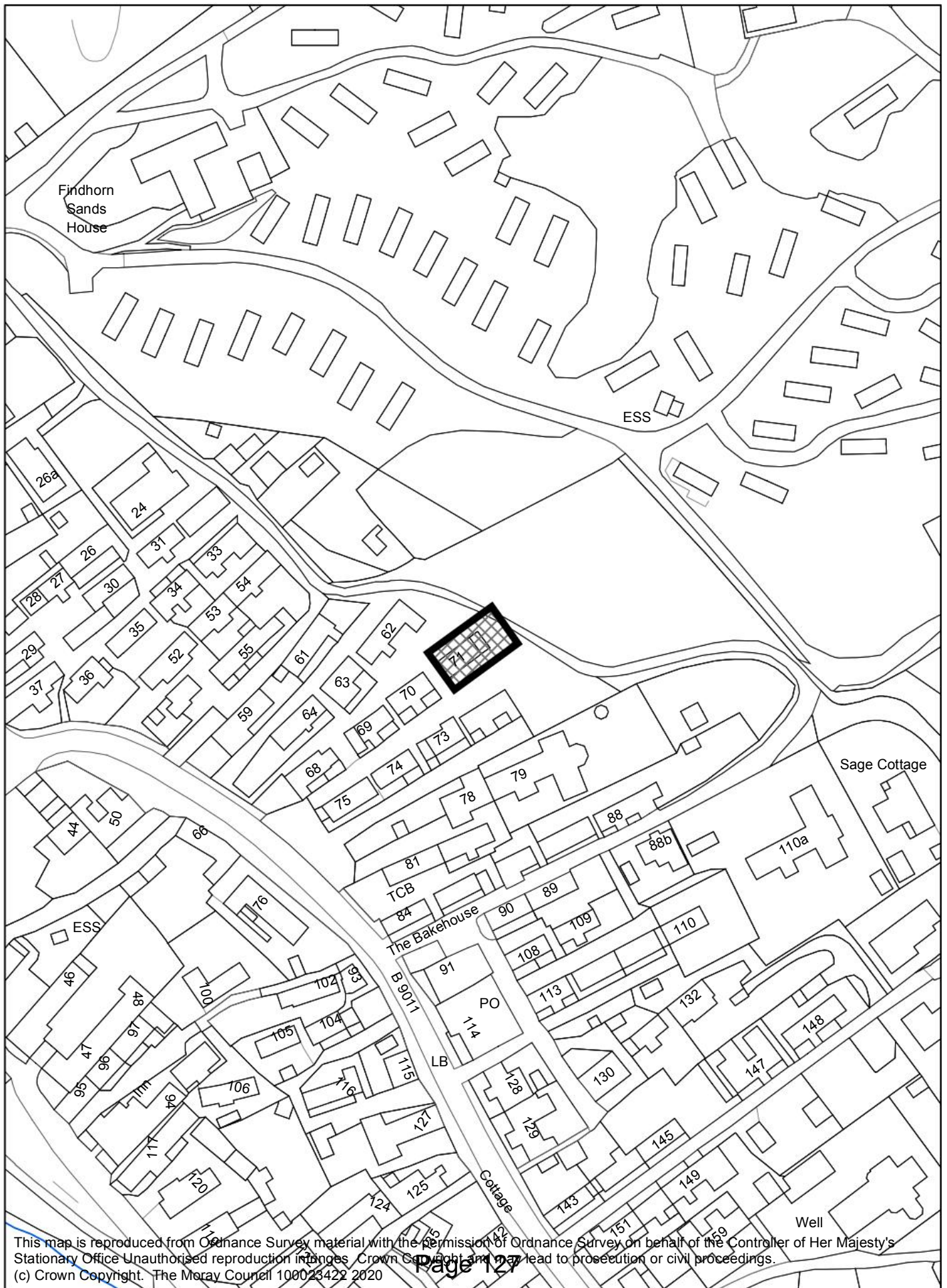
Reason: To avoid overlooking of the adjacent property in the interest of residential amenity.

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**





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

11 DEC 2019

HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (SCOTLAND) ACT 1997
The Town and Country Planning (Development Management Procedure) (SCOTLAND) REGULATIONS 2013

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	<div>MR.</div>	Ref No.	
Forename	<div>MARTIN</div>	Forename	
Surname	<div>LUSTY</div>	Surname	
Company Name		Company Name	
Building No./Name	<div>71</div>	Building No./Name	
Address Line 1		Address Line 1	
Address Line 2		Address Line 2	
Town/City	<div>FINDHORN</div>	Town/City	
Postcode	<div>IV36 3YF</div>	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Address or Location of Proposed Development (please include postcode)

71 FINDHORN IV36 3YF.

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Describe the Proposed Works
Please describe accurately the work proposed:

INSTALL NEW THERMAL PANELS AND EXTERNAL WALL OPENINGS

Have the works already been started or completed Yes ☐ No ☒

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

Date started:

/

Date completed:

/

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

5. Pre-Application Discussion

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

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

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

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

Name: Date: Ref No.:

6. Trees

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

Yes ☐ No ☒

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

7. Changes to Vehicle Access and Parking

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

Yes ☐ No ☒

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

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

Yes ☐ No ☒

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

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

1

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

1

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

8. Planning Service Employee/Elected Member Interest

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

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the applicant / ~~agent~~ certify that this is an application for planning permission and that accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/~~agent~~ hereby certify that the attached Land Ownership Certificate has been completed ☐

I, the applicant/~~agent~~ hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes ☐ No ☐ N/A ☐

Signature:

Name:

MARTIN LUSTY

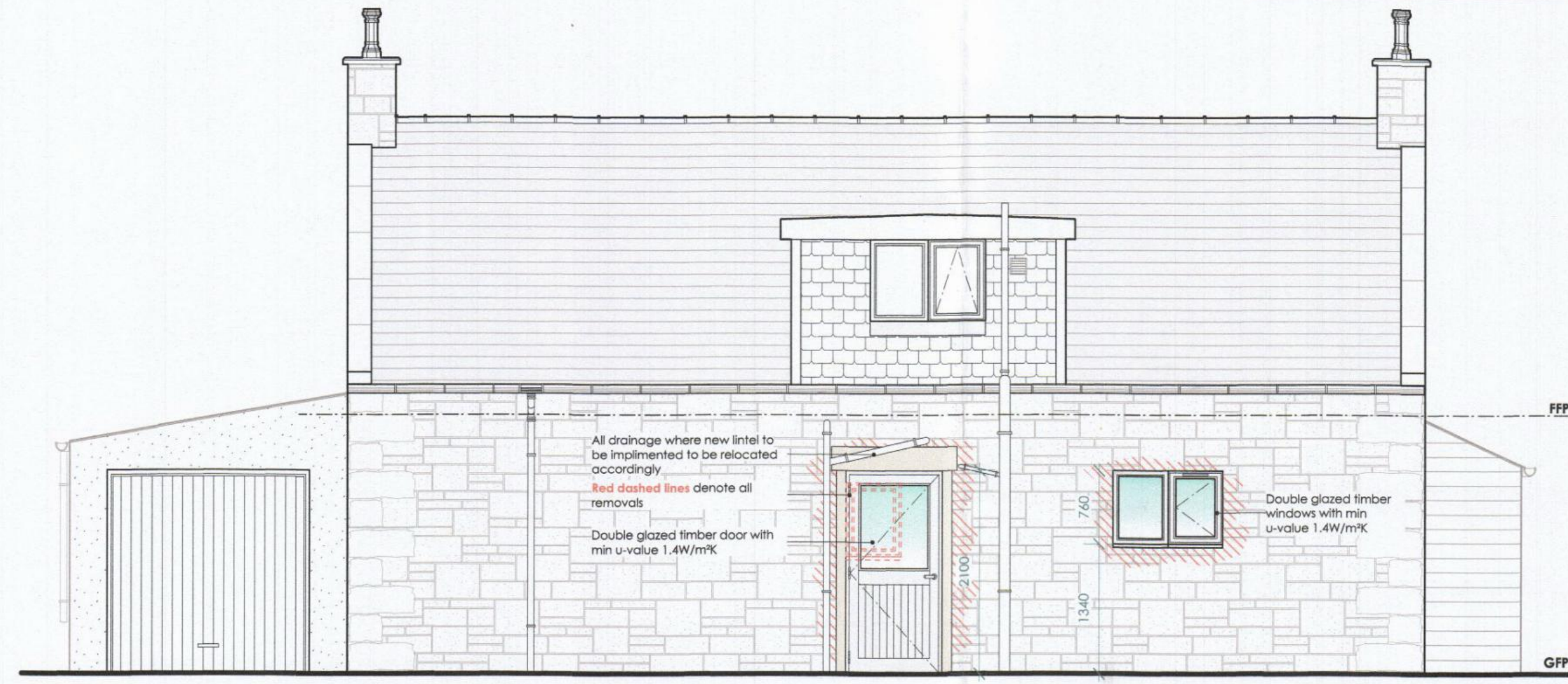
Date:

11/12/19

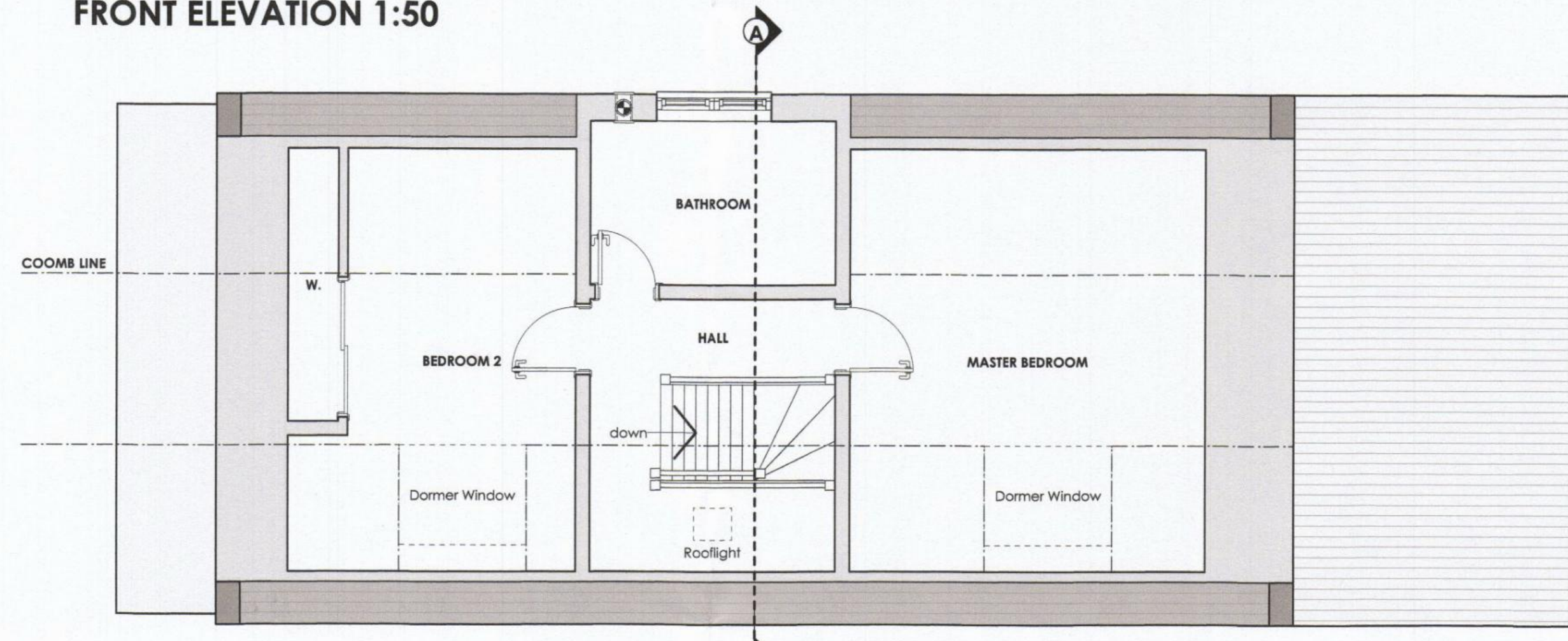
Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.



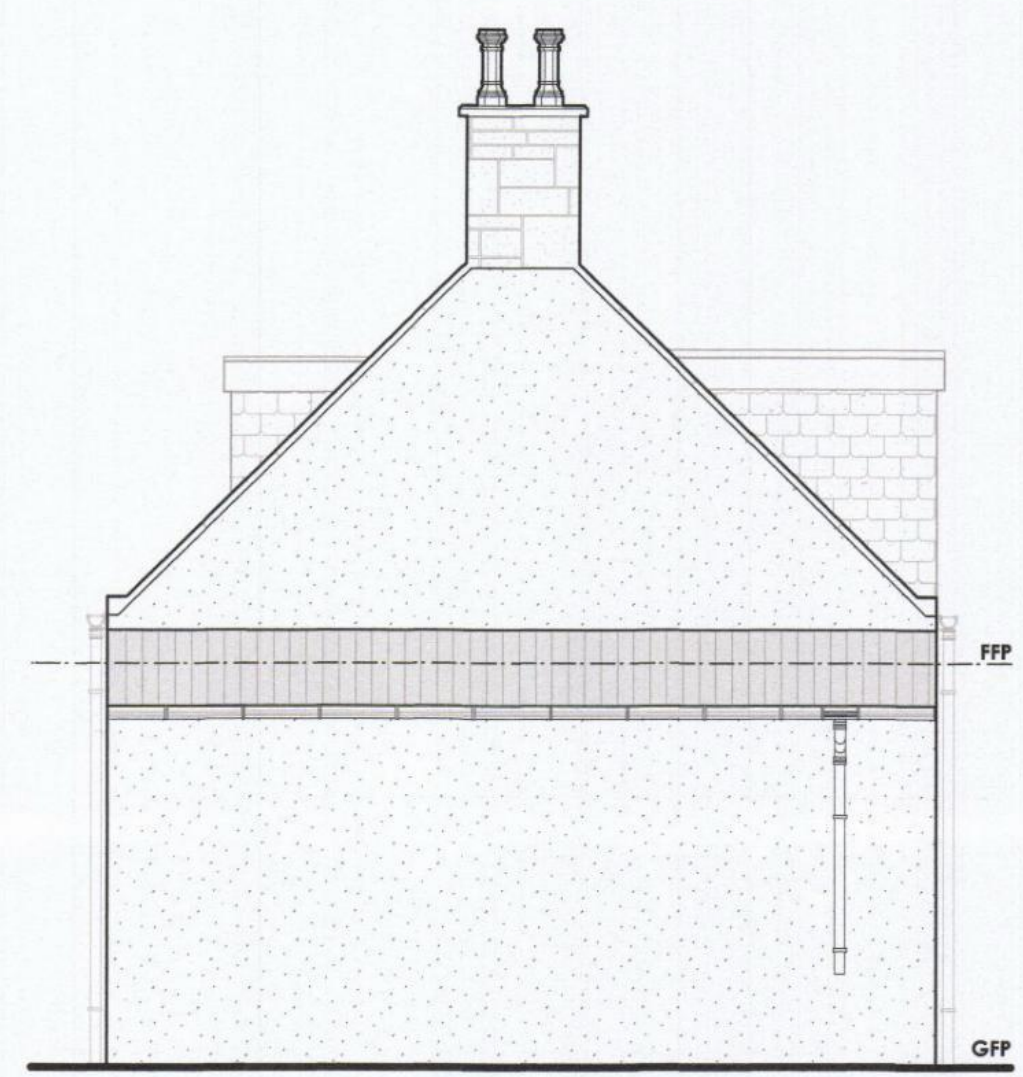
FRONT ELEVATION 1:50



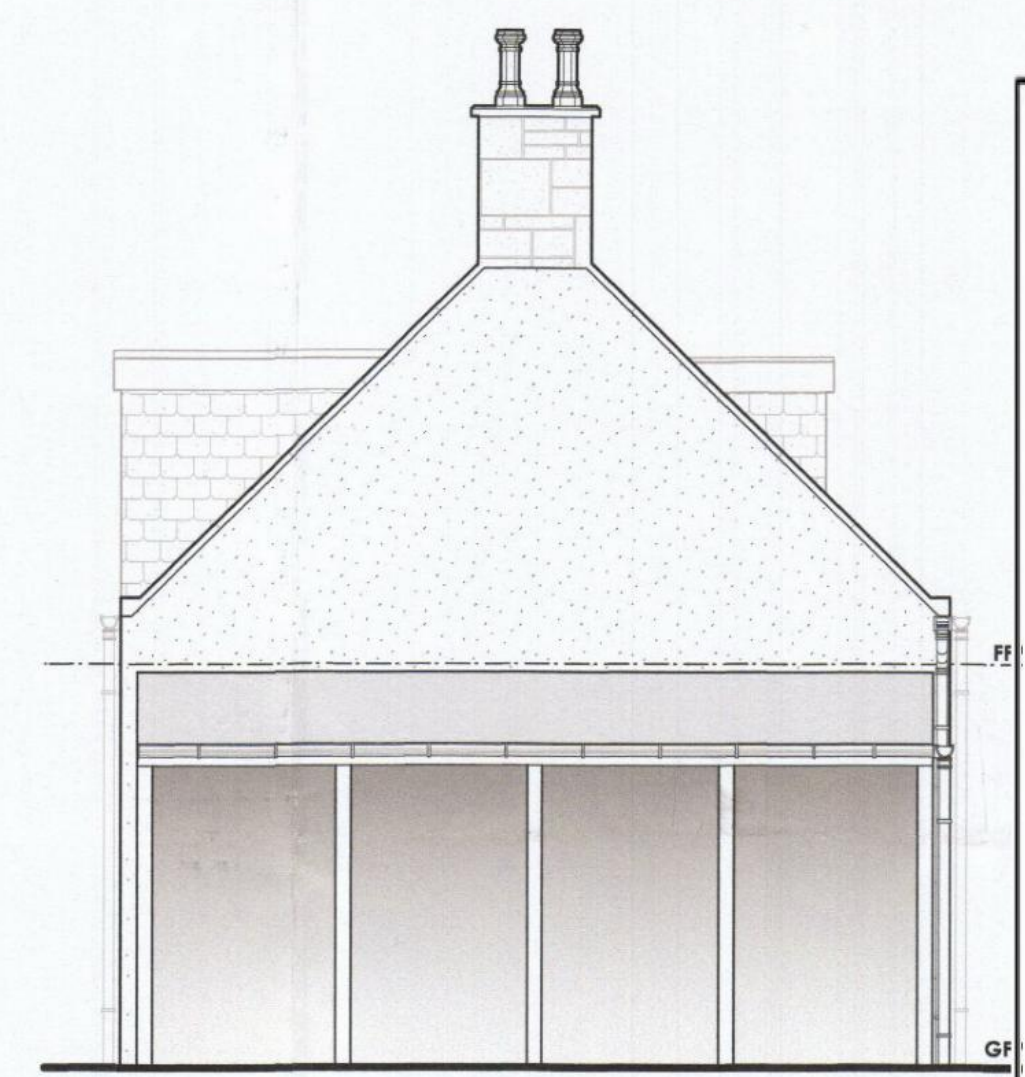
REAR ELEVATION 1:50



FIRST FLOOR ELEVATION 1:50
NO NEW WORKS



SIDE ELEVATION 1:50



SIDE ELEVATION 1:50

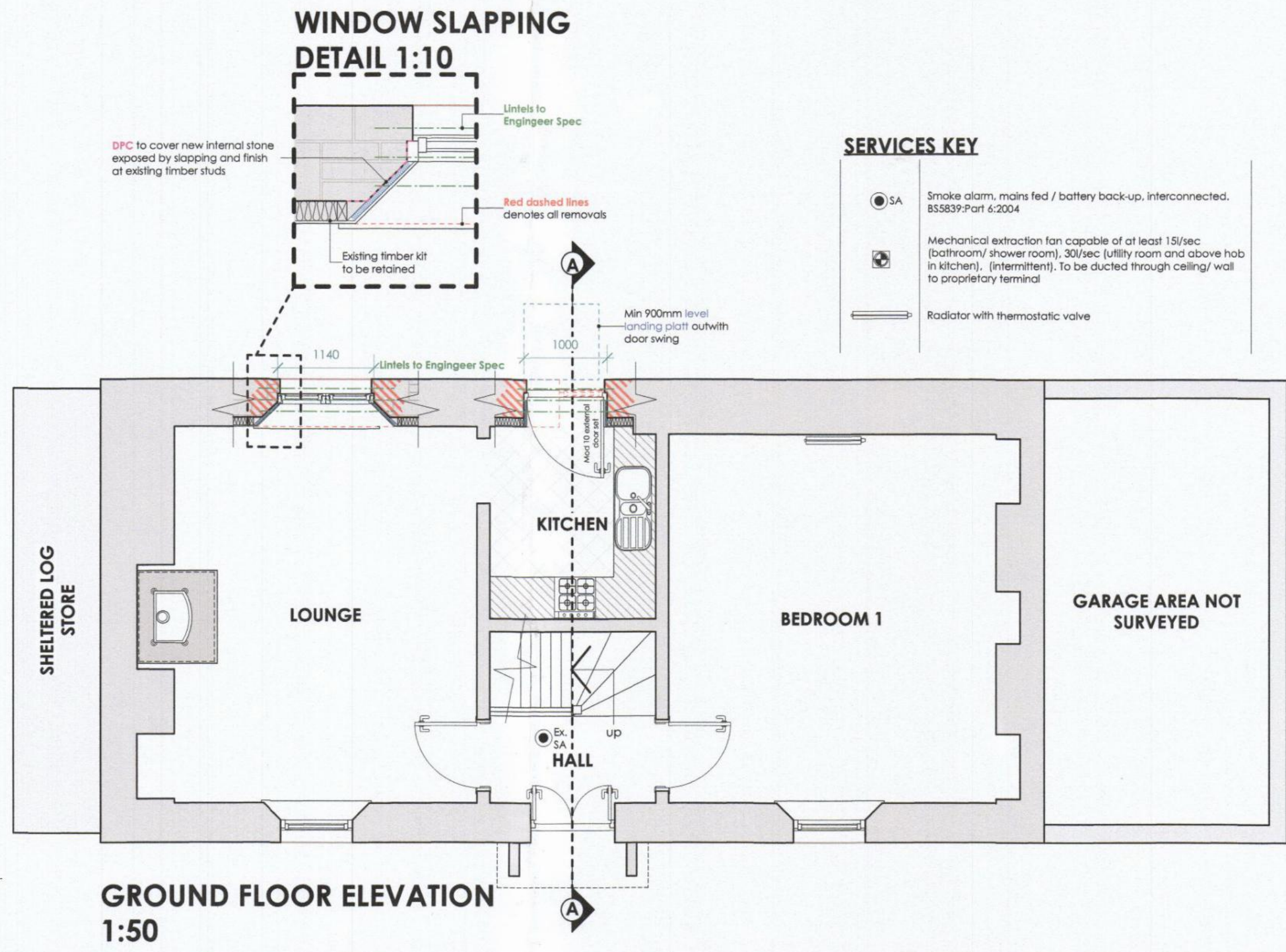
Town & Country Planning
(Scotland) Act, 1997
as amended

APPROVED

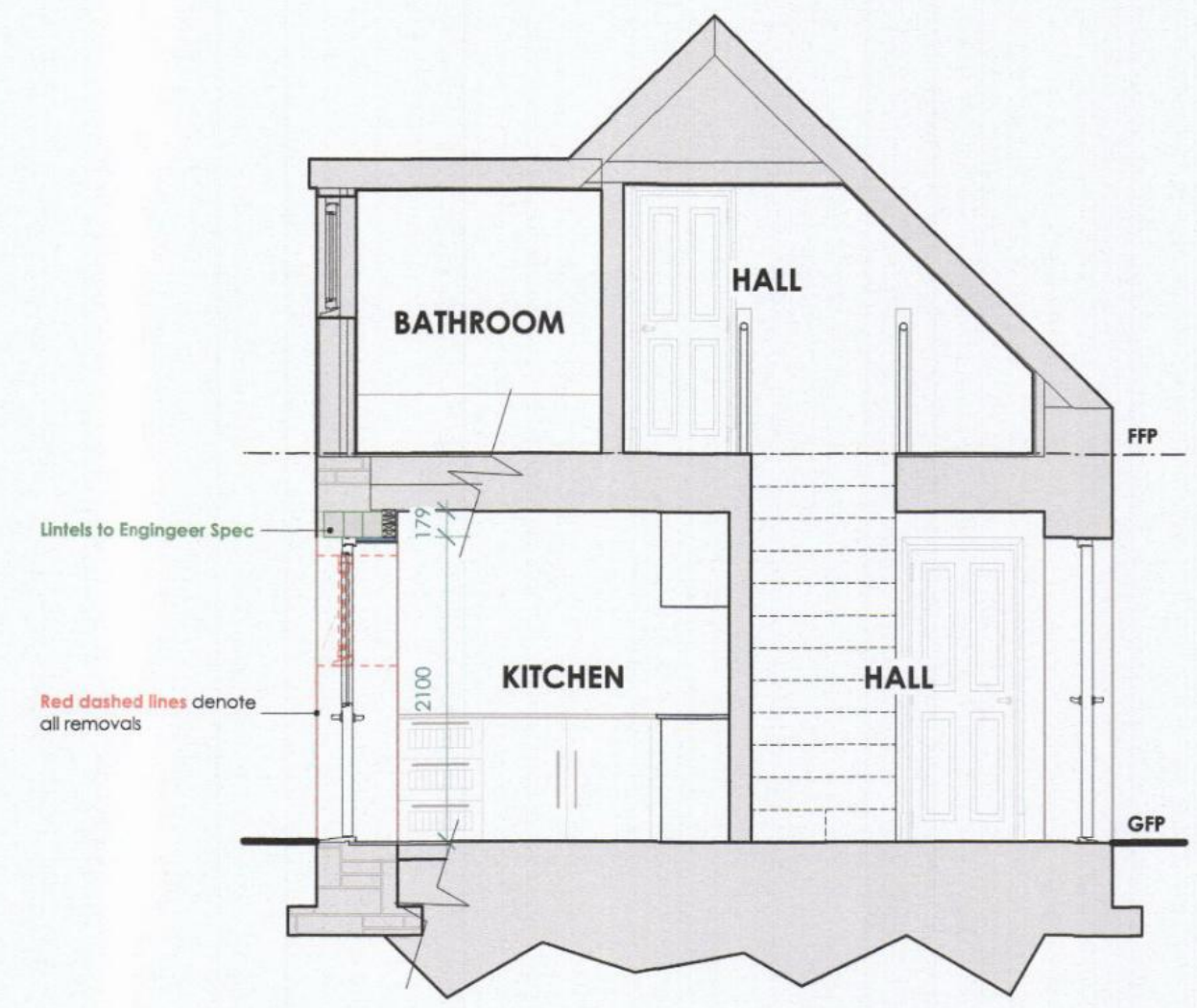
05 February 2020

Development Management
Environmental Services
The Moray Council

Boundary dimensions assumed to relate with existing buildings and fencelines.



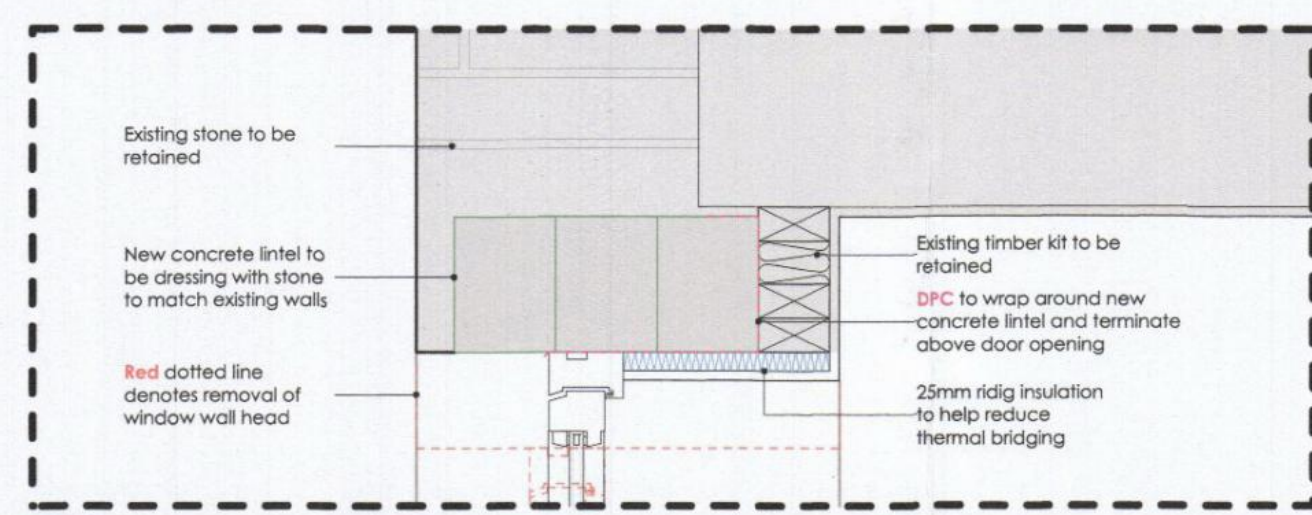
GROUND FLOOR ELEVATION 1:50



SECTION A-A 1:50

D.P.C.'s:
To be 'Viqueen 2007'. D.P.C.s around inside faces of eills, lintels, and all openings to be pitch free Xtra Load Elite or similar.

WINDOWS:
To be high performance timber windows with U-Value no greater than 1.4W/m²K. 4mm glazing, 16mm airspace, 4mm glazing all to be low 'E' glass (E=0.05). 1200mm² trickle ventilation to apartments and 1000mm² trickle ventilation to bathrooms, en-suites and kitchens.
An operable window or rooflight, that provides natural ventilation to meet standard 3.14, should have controls for opening, positioned at least 350 mm from any internal corner, projecting wall or similar obstruction and at a height of:
• not more than 1.2 m above floor level, where access to controls is unobstructed; or
• not more than 1.5 m above floor level, where access to controls is limited by a fixed obstruction of not more than 900 mm high which projects not more than 600 mm in front of the position of the controls, such as a kitchen base unit. Where obstruction is greater, a remote means of opening, in an unobstructed location, should be provided; or
• not more than 1.2 m above floor level, in an unobstructed location, within an enhanced apartment (see clause 3.11.2) or within accessible sanitary accommodation (see clause 3.12.3) not provided with mechanical ventilation.



DOOR HEAD DETAIL 1:10

HEAD OFFICE - MORAY 31 Brendans, 69 South Guildry Street, Elgin, IV30 1QH T 01343 540020		LOSSIEMOUTH OFFICE Ellel, James Street, Moray, IV30 4BX T 01343 810175	
HIGHLANDS 4 Bridge Street, Nairn, Highlands, IV12 4EJ T 01467 300230 m 0781 3872818 w cmdesign.biz e office@cmdesign.biz		DEVON OFFICE T 01392 345566	

Mr. Lusty

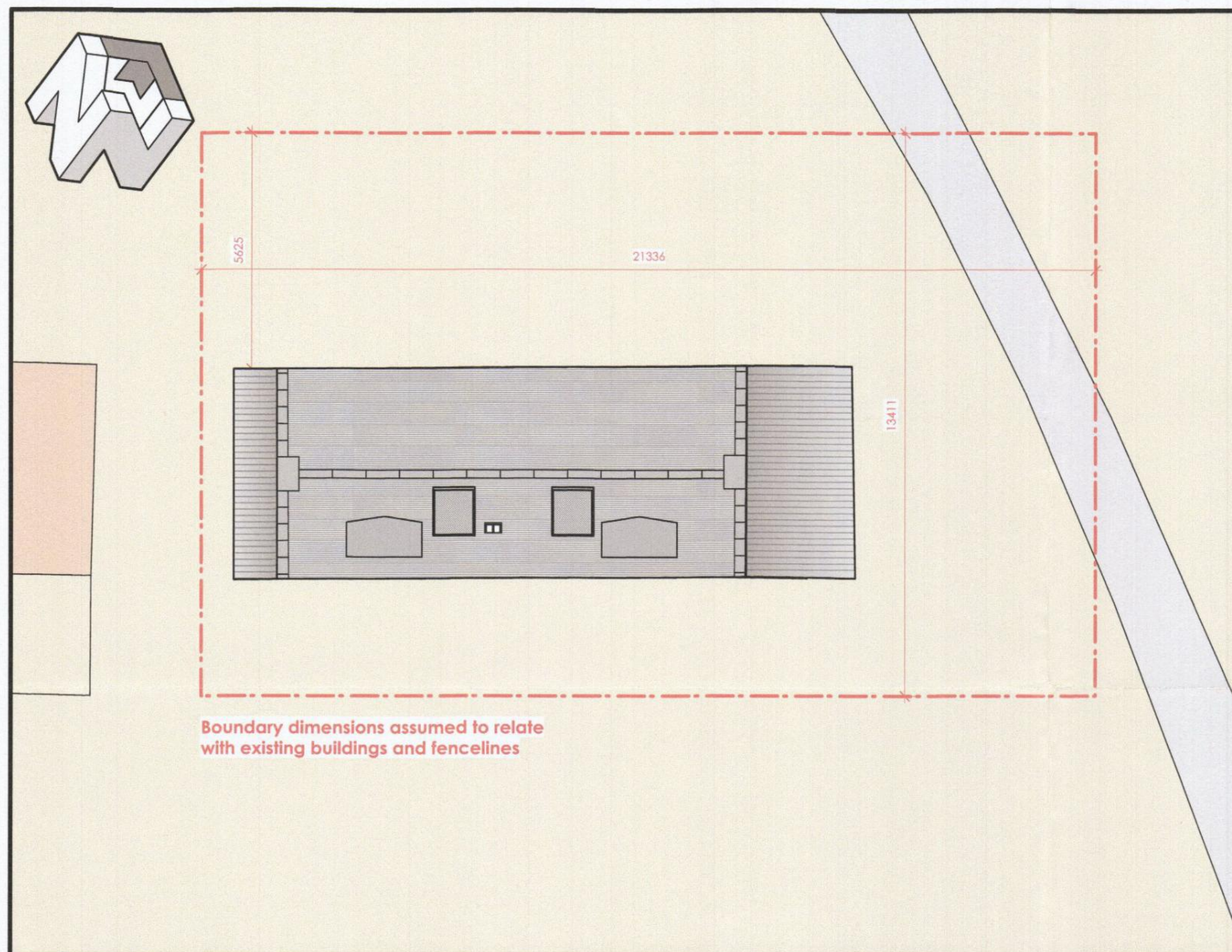
New Thermal Panels & External Wall Openings at 71
Findhorn, IV36 3YF

DETAILED PROPOSALS
Floor Plans, Section & Elevations

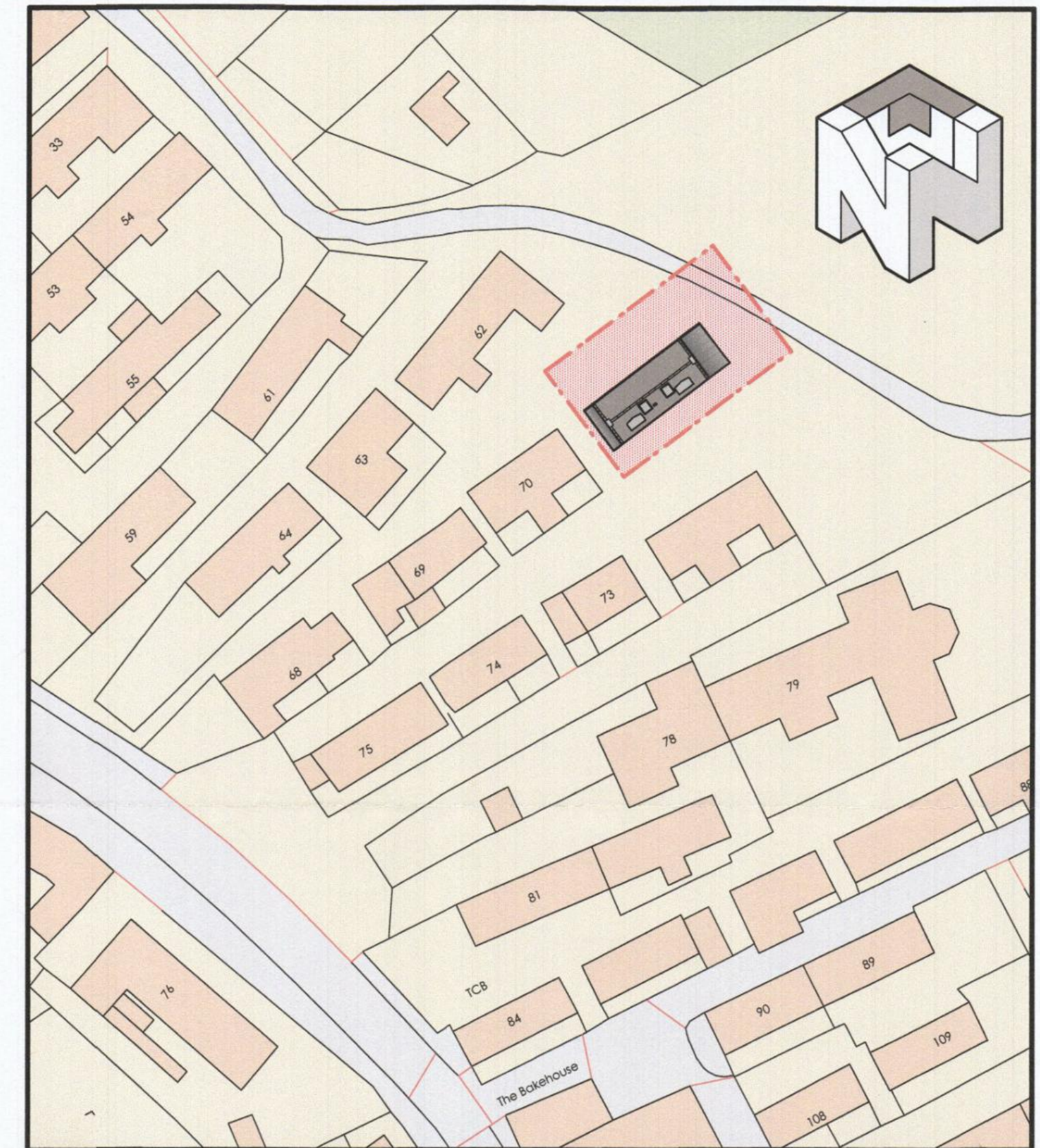
Date:	Amendments:	Rev:
16.09.19 Building Warrant Points		B
24.09.19 Planning Amendments		C
1.11.19 Client amendments		D

Drawn By: Dom Mella Date: 23.07.19 Checked By: Date:

190062.LUSTY.03PB D



SITE PLAN 1:100



LOCATION PLAN 1:500

Ordnance Survey, (c) Crown Copyright 2018. All rights reserved. Licence number 100022432

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

APPROVED

05 February 2020

Development Management
Environmental Services
The Moray Council



19/01606/APP .11 DEC 2019

HEAD OFFICE - MORAY St Brendans, 69 South Guildry Street, Elgin, IV30 1QN t 01343 540020	LOSSIEMOUTH OFFICE Ellet, James Street, Moray, IV30 6BX t 01343 810175
HIGHLANDS 4 Bridge Street, Nairn, Highlands, IV12 4EJ t 01667 300230 m 0781 3872818 w cmdesign.biz e office@cmdesign.biz	DEVON OFFICE t 01392 345566

Mr. Lusty

New Thermal Panels & External Wall Openings at 71 Findhorn, IV36 3YF

DETAILED PROPOSALS
Location & Site Plan

Date:	Amendments:	Rev:
1.11.19	Client amends	A

Drawn By:	Date:	Checked By:	Date:
Dom Melia	25.07.19		

190062.LUSTY.04PB A

Comments for Planning Application 19/01606/APP

Application Summary

Application Number: 19/01606/APP

Address: 71 Findhorn Forres Moray IV36 3YF

Proposal: Install new thermal panels and external wall openings at

Case Officer: Craig Wilson

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Inadequate plans
- Procedures not followed correctly
- Road access

Comment: We own number [REDACTED] which we currently run as an affordable housing long term rental.

This is the third time we have placed the same objections to the developments at Number 71. This summer a fence was constructed which :

- Destroys the historic green strip - contrary to the Moray Local Plan and to the Conservation Area principles.
- Obstructs the 9 -foot- wide right of way along the strip. impeding emergency access to our property.
- Obtrudes access to number 63 for ordinary deliveries and maintenance.
- Due to its narrowing of the strip, disabled access is now impossible.

Following complaints from neighbours, FVCCC and Findhorn Community Council, Moray Council permitted the owner of number 63 to submit retrospective planning. We registered the same objections again to this. The planning application was withdrawn late into the consultation period by Mr Lusty who was given a further opportunity to re-submit an application. . This new planning application makes no mention of the fence. We accept that the purpose of Planning is to encourage good practice and that it is not intended to be punitive. However considerable time and public money has been wasted on this and we are still stuck with the original problem and our objections are unchanged.

Comments for Planning Application 19/01606/APP

Application Summary

Application Number: 19/01606/APP

Address: 71 Findhorn Forres Moray IV36 3YF

Proposal: Install new thermal panels and external wall openings at

Case Officer: Craig Wilson

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Inadequate plans
- Legal issues
- Loss of privacy (being overlooked)
- Parking
- Permitted Development
- Poor design
- Precedent
- Procedures not followed correctly
- Road access
- View affected

Comment: I would like to object to the planning application made by Mr Lusty for the following reasons:

1) The boundary indicated encroaches on my land (Title Number MOR8814), and also the FVCC's land (Title Number MOR16171). This includes the area of most of the fence Mr Lusty has constructed. The fence Mr Lusty has erected without planning permission is not shown on this new planning application, nor has the fence been removed. Therefore the amended planning application does nothing to normalise the fence construction. The application does refer to "existing fencelines" however these are not specified or indicated on the location plan.

Accordingly, as per my previous objection as Title Holder, he does not have my consent to have a fence in that location.

2) Windows to the rear of houses in this part of the village are limited in order to provide privacy

to neighbours. If this application is granted it sets a precedent for large rear windows in properties in the conservation area.

3) The new door to Mr Lusty's kitchen is also out of keeping with the area - no houses have back doors into the strip-leys. Again this sets a precedent for the conservation area.

4) Both the new window and door overlook my house and straight into my lounge. It is only 8 metres away. This will affect my privacy greatly.

In summary if permission is granted it would alter the look of the conservation area, set a precedent for similar developments, and reduce the privacy my house currently enjoys. It would not resolve the issue of the fence being constructed without planning permission, the necessity of which Mr Lusty continues to ignore.

Comments for Planning Application 19/01606/APP

Application Summary

Application Number: 19/01606/APP

Address: 71 Findhorn Forres Moray IV36 3YF

Proposal: Install new thermal panels and external wall openings at

Case Officer: Craig Wilson

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Legal issues
- Procedures not followed correctly

Comment: I notice that the fence Mr. Lusty has erected without permission is not now mentioned, despite the fact this is still an on-going issue that has not been resolved. This is STILL a huge concern of mine and needs to be given your full attention.

I have already placed 2 objections.

This is my third.

I back up my neighbours objections 100%. ([REDACTED]) and I will continue to strongly object to this fence which is blocking off our rightful access to the lane and creating a precedent for future unauthorised work in the village.

.

[REDACTED]

Comments for Planning Application 19/01606/APP

Application Summary

Application Number: 19/01606/APP

Address: 71 Findhorn Forres Moray IV36 3YF

Proposal: Install new thermal panels and external wall openings at

Case Officer: Craig Wilson

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Findhorn

Comment Details

Commenter Type: Civic Group

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inadequate plans
- Road access

Comment: The Findhorn Village Conservation Company (TFVCC) have commented on past application by Mr Lusty. The Board's concerns still stand that the feu plans of the property must be carefully examined as it appears that the boundaries of Mr Lusty's property are incorrect. The property boundaries are encompassing land that is owned by TFVCC.

TFVCC are also concerned that a fence has been erected, but it is not detailed in this planning application and as previously commented it is out of character within the stripway which is located in a conservation area. Historically the stripways are a network of open green corridors which form public right of ways between the rows of traditional cottages and the Local Development plan demands the protection of this network.

REPORT OF HANDLING

Ref No:	19/01606/APP	Officer:	Craig Wilson
Proposal Description/ Address	Install new thermal panels and external wall openings at 71 Findhorn Forres Moray IV36 3YF		
Date:	05/02/20	Typist Initials:	FJA

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)

REPRESENTATIONS

Representations Received	YES
Total number of representations received FOUR	
Names/Addresses of parties submitting representations	
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.	
Summary and Assessment of main issues raised by representations	
<p>Issue:</p> <ul style="list-style-type: none"> - This is the third time we have placed the same objections to the developments at Number 71. <p>This summer a fence was constructed which :</p> <p>Destroys the historic green strip - contrary to the Moray Local Plan and to the Conservation Area principles.</p> <ul style="list-style-type: none"> • Obstructs the 9 -foot- wide right of way along the strip. impeding emergency access to our property. • Obstructs access to number 63 for ordinary deliveries and maintenance. • Due to its narrowing of the strip, disable access is now impossible. 	

- The boundary indicated encroaches on my land (Title Number MOR8814), and also the FVCC's land (Title Number MOR16171). This includes the area of most of the fence Mr Lusty has constructed. The fence Mr Lusty has erected without planning permission is not shown on this new planning application, nor has the fence been removed. Therefore the amended planning application does nothing to normalise the fence construction. The application does refer to "existing fencelines" however these are not specified or indicated on the location plan. Accordingly, as per my previous objection as Title Holder, he does not have my consent to have a fence in that location.
- TFVCC are also concerned that a fence has been erected, but it is not detailed in this planning application and as previously commented it is out of character within the stripley which is located in a conservation area. Historically the stripleys are a network of open green corridors which form public right of ways between the rows of traditional cottages and the Local Development plan demands the protection of this network.

Comments (PO): The previous application was withdrawn after the applicant was advised that the fence was unacceptable in its current form and location. A new application to amend the fence is being pursued and if this fails to materialise then formal enforcement action will be taken to seek its regularisation. This application is solely for a new window and door to the rear and solar panels to the front. For the avoidance of doubt, ownership of land is a private legal matter not a planning matter.

Issue: Windows to the rear of houses in this part of the village are limited in order to provide privacy to neighbours. If this application is granted it sets a precedent for large rear windows in properties in the conservation area.

Both the new window and door overlook my house and straight into my lounge. It is only 8 metres away. This will affect my privacy greatly.

Comments (PO): The proposed new window is small scale; it is not a large window and will therefore not set a precedent for large rear windows. In any case each case is assessed on its individual merits. In terms of privacy, it is not considered that the small window would result in a significant amenity loss, in terms of privacy or overlooking, to neighbouring property. The new window would result in mutual overlooking as windows from the objector's property face the applicants. A condition will be imposed that the window and door are obscure glazed.

Issue: The new door to Mr Lusty's kitchen is also out of keeping with the area - no houses have back doors into the stripleys. Again this sets a precedent for the conservation area.

Comments (PO): Doors located to the rear of cottages are features found elsewhere on other historic properties within the conservation area. The insertion of a door to the rear would not alter our understanding of the traditional cottages contribution to the conservation area within the context of its location at the end of a stripley. The proposal would therefore preserve and enhance rather than detract from the character of the conservation area

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

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

In this case the proposal is not subject to an allocated site.

The main issues are considered below

Impact of the development on the Listed Building and surrounding environment (Policy BE3, H4 & IMP1)

In considering an application for planning permission in a conservation area, current policy, in particular policy BE3, requires all new development to preserve and enhance the character and appearance of an area, to ensure that new development does not adversely affect the quality and experience of the area. The design of the new development should therefore be derived from a thorough understanding of the special qualities of the conservation area, which led to its designation in the first place

Policy H4 seeks to ensure that alterations and extensions do not adversely affect the appearance of the house and the surrounding area in terms of style, scale, proportions or materials.

IMP1 seeks to ensure that development proposals relate satisfactorily to their surroundings in terms of siting, design etc.

The site contains a small traditional fisherman's cottage with lean-to garage on eastern gable. The proposed alterations to the existing cottage will retain one of the earliest surviving structures within the conservation area and located at the eastern end of a stripley it will maintain this pattern of development which contributes to the historic layout and understanding of the Findhorn Conservation Area.

In keeping with policy BE3, the proposal will retain the existing building and alter it by adding solar panels to the roof (south facing on front elevation) and inserting a door and small window to rear elevation. The window and door are to be timber and face onto the rear stripley. The mix of materials - both old and new - is also found elsewhere and is considered acceptable for use within the Conservation Area.

It has been suggested in objections that the proposal will result in overlooking and create privacy issues. Essential to the determination of this application is the recognition of not only the architectural character of these properties, but also an appreciation of the spaces between them. The size of gardens, open space and proximity between buildings present in the Findhorn Conservation Area would be unacceptable in almost any other village. Therefore the expectations of space between buildings, amenity and privacy must be assessed within the context of a very dense, organic layout of buildings all at varying heights. The spacing between the proposed house and neighbouring properties is directly comparable to dozens of other nearby properties and the striples/lanes dividing them. Windows to the front and rear of properties face on the public lanes and essentially face each other. A small window to the rear of 71 Findhorn already exists. This is to be replaced with a door and a new window slapped in to serve kitchen area to allow light in.

It is not considered that the small window would result in a significant amenity loss, in terms of privacy or overlooking, to neighbouring property. The new window would result in mutual overlooking as windows from the objector's property face the applicants. However the justification for the window is to let light into the lounge area, a condition will therefore be imposed that the new window is obscure glazed. On this basis, there is no sufficient justification to refuse the application in terms of impact on privacy or overlooking grounds.

The window and door located to the rear of cottages are features found on other historic properties within the conservation area. In any case, the insertion of a door to the rear would not alter our understanding of the traditional cottages contribution to the conservation area within the context of its location at the end of a stripley. The proposal would therefore preserve and enhance rather than

detract from the character of the conservation area.

Overall, the alterations are considered to be acceptable and as such the proposal will not adversely affect but enhance and contribute in a positive manner to the character and appearance of the Conservation Area in which it is located. The proposal is therefore acceptable in terms of policy BE3, H4 and IMP1.

It is recommended that permission be granted for this development.

REASON(S) FOR DECISION

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

The design, scale and materials are considered to be acceptable for the location without creating an adverse effect on the character and appearance of the Conservation area or neighbouring amenity. The application would therefore accord with development plan policies and supplementary planning guidance relating to those matters.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

HISTORY

Reference No.	Description			
19/01101/APP	Install thermal panels erect new fence line and external wall slapping at 71 Findhorn Forres Moray IV36 3YF			
	Decision	Withdrawn	Date Of Decision	30/10/19
97/01536/FUL	Construct timber store on western gable of cottage at 71 Findhorn Forres Moray IV36 3YF			
	Decision	Permitted	Date Of Decision	13/08/98

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Forres Gazette	Planning application affecting LB/CA	16/01/20	
PINS	Planning application affecting LB/CA	16/01/20	

DEVELOPER CONTRIBUTIONS (PGU)

Status	
--------	--

DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?		NO
----------------------------------------------------	--	----

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

Document Name:

Main Issues:

S.75 AGREEMENT

Application subject to S.75 Agreement		NO
---------------------------------------	--	----

Summary of terms of agreement:

Location where terms or summary of terms can be inspected:

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

Section 30	Relating to EIA		NO
------------	-----------------	--	----

Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
------------	-----------------------------------------------------------------------------------------------	--	----

Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
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Summary of Direction(s)

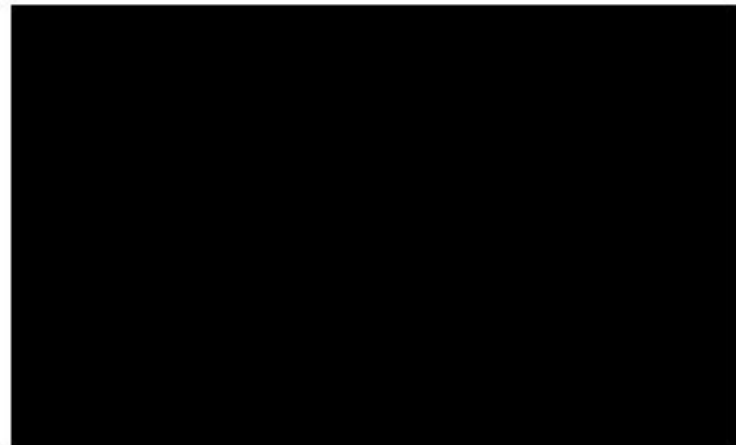


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

PERMISSION FOR DEVELOPMENT

**[Forres]
Application for Planning Permission**

TO



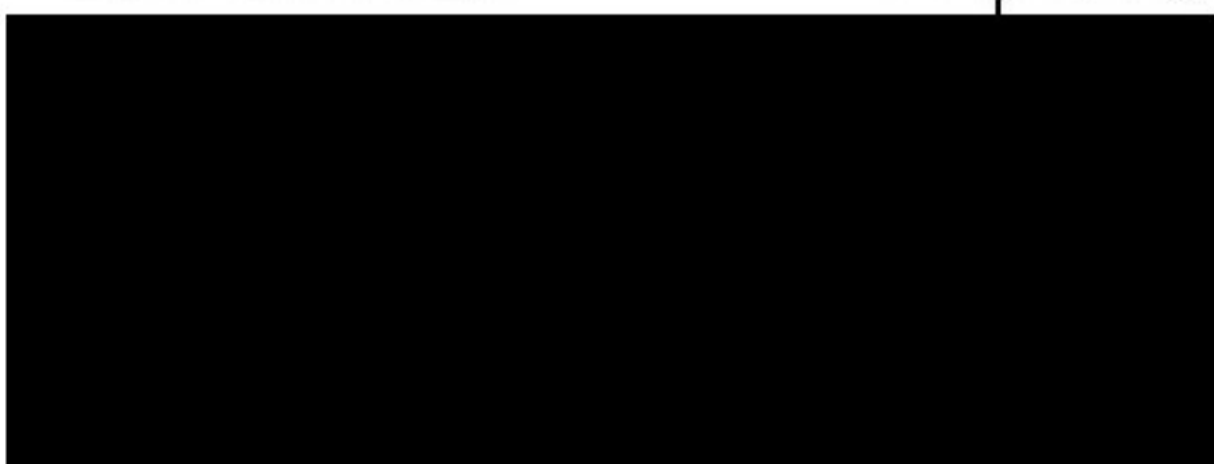
With reference to your application for planning permission under the above-mentioned Act as amended, Moray Council in exercise of its powers hereby **GRANT** planning permission for the following development:-

**Install new thermal panels and external wall openings at 71 Findhorn Forres
Moray IV36 3YF**

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

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

Date of Notice: **5 February 2020**



Head Economic Growth and Development Services
Economy, Environment and Finance
Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT NOTE

YOU ARE OBLIGED TO COMPLY WITH THESE CONDITIONS AND NOTES

SCHEDULE OF CONDITIONS

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

CONDITION(S)

Permission is granted subject to the following conditions: -

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

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

REASON(S) FOR DECISION

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

The design, scale and materials are considered to be acceptable for the location without creating an adverse effect on the character and appearance of the Conservation area or neighbouring amenity. The application would therefore accord with development plan policies and supplementary planning guidance relating to those matters.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
190062.LUSTY.03PB	D	Elevations and floor plans
190062.LUSTY.04PB	A	Site and location plan

IMPORTANT NOTES ABOUT THIS DECISION

DURATION OF THIS PERMISSION

In accordance with Section 58 (i) of the Town and Country Planning (Scotland) Act 1997 as amended, the development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.

If the development has not commenced within this period then this permission shall lapse unless there is a specific condition attached to this permission which varies the stated timescale.

COMMENCEMENT AND COMPLETION OF THE DEVELOPMENT

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

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

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

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

ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

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

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

It is noted that an Application for a Building Warrant has been received in respect of these proposals.

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

N/A

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

N/A

TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION

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

N/A

NOTICE OF APPEAL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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



MORAY COUNCIL

NOTIFICATION OF INITIATION OF DEVELOPMENT

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

Application Number **19/01606/APP**

Date Decision Issued

Location and Description of Development Install new thermal panels and external wall openings at 71 Findhorn Forres Moray IV36 3YF

Please note that all suspensive conditions must be discharged prior to commencement of development

Date works are to Commence	
----------------------------	--

Name, Address and contact details of developer

The Full name and Address and contact details of the landowner, if a different person

Where an agent is appointed, their full name and contact details

Signed

Name (Print)

Date

Please complete and return this form to:

Development Management & Building Standards Manager, Moray Council, PO Box 6760, Elgin, Moray, IV30 1BX

OR

E-mail: development.control@moray.gov.uk



MORAY COUNCIL

NOTIFICATION OF COMPLETION OF DEVELOPMENT

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

Application Number **19/01606/APP**

Date Decision Issued

Location and Description of Development Install new thermal panels and external wall openings at 71 Findhorn Forres Moray IV36 3YF

Date of completion of works	
------------------------------------	--

Name, Address and contact details of developer

.....

.....

.....

The Full name and Address and contact details of the landowner, if a different person

.....

.....

.....

Where an agent is appointed, their full name and contact details

.....

.....

.....

Signed

Name (Print)

Date

.....

.....

.....

Please complete and return this form to:

Development Management & Building Standards Manager, Moray Council, PO Box 6760, Elgin, Moray IV30 1BX

E-mail: development.control@moray.gov.uk



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS

NOTICE OF REVIEW

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

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

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

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR	Ref No.	
Forename	MARTIN	Forename	
Surname	LUSTY	Surname	
Company Name		Company Name	
Building No./Name	71	Building No./Name	
Address Line 1	FINDHORN	Address Line 1	
Address Line 2		Address Line 2	
Town/City	MORAY	Town/City	
Postcode	IV36 3YF	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Application Details	
Planning authority	MORAY COUNCIL
Planning authority's application reference number	19/01606/APP
Site address	71 FINDHORN, MORAY, IV36 3YF
Description of proposed development	INSTALL NEW THERMAL PANELS AND EXTERNAL WALL OPENINGS.

Date of application

11/12/19

Date of decision (if any)

5/2/20

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

4. Nature of Application

Application for planning permission (including householder application)



Application for planning permission in principle



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



Application for approval of matters specified in conditions



5. Reasons for seeking review

Refusal of application by appointed officer



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



Conditions imposed on consent by appointed officer



6. Review procedure

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

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure



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

7. Site inspection

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

Can the site be viewed entirely from public land?



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



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

8. Statement

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

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

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

SEE SEPARATE SHEET

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

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

9. List of Documents and Evidence

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

SITE PLAN
ORIGINAL PLAN
REVIEW STATEMENT
PLANNING APPROVAL DOCUMENT WITH CONDITION
PHOTOGRAPHS.

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

10. Checklist

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

Full completion of all parts of this form



Statement of your reasons for requesting a review



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

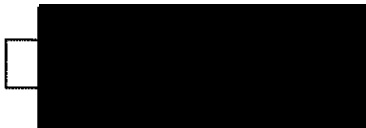


Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number,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

DECLARATION

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

Signature:



Name:

MARTIN LUSTY.

Date:

17/07/20

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

71 FINDHORN MORAY

APPELLANTMR MARTIN LUSTY

REVIEW

INSTALL NEW THERMAL PANELS AND EXTERNAL WALL OPENINGS.

PLANNING REFERENCE NUMBER 19/01606/APP

DATE Thursday, 13 February 2020

PROPOSAL. This is a simple planning application to install 2 No solar panels, provide a new rear door to my house add a small window to increase the light into my lounge area. The solar panels are not an issue. The principal of forming a new door and window are also on the face of it, acceptable. However, the reason for seeking a Review is for the planning condition imposed on the consent which states that any glazing has to be obscure glass to level 4. This requirement defeats the object of going to all the costs to get light into the lounge and will actually reduce the light into my kitchen.

REASONS FOR IMPOSING THE CONDITION. The planning officer states that reason for imposing the condition is “to avoid overlooking of the adjacent property in the interest of residential amenity”.

REASONS TO ALLOW CLEAR GLASS.

1. The planning officer has not taken into consideration any of my rights. I only have a small window in my lounge which makes the room dark and gloomy most of the day. I am a nature lover and like to see the sky and birds during the day.
2. The window itself is only 1.14 x 0.76 high. The cill height is set at 1.34 meters. If I am sitting down in my lounge, I cannot see out of the window nor could any of my neighbours see what I am doing if they were to be looking out of their windows across to me.
3. The area of Findhorn where I live has a tapered layout with the narrowest space between buildings being at the South West side and the widest distance being to the North East where my house is located. The distance between windows at the narrowest end of the taper is 6 meters whereas at the end where my house is situated it is 9 meters. I have provided a site plan which shows houses in a row numbered 62, 63 and 64. These are tapered and are across from the row of houses comprising of 68, 69, 70 and my own house number 71. From this site plan you can also see that the nearest neighbour is number 62 Findhorn who has a gable wall facing my house but even this is on an angle. It is my opinion that the distance between number 62 Findhorn and my own property number 71 Findhorn is one of the very few in the village with this amount (9 meters) between windows. Most others in this area are far less distance between them.

4.



Why am I being singled out?

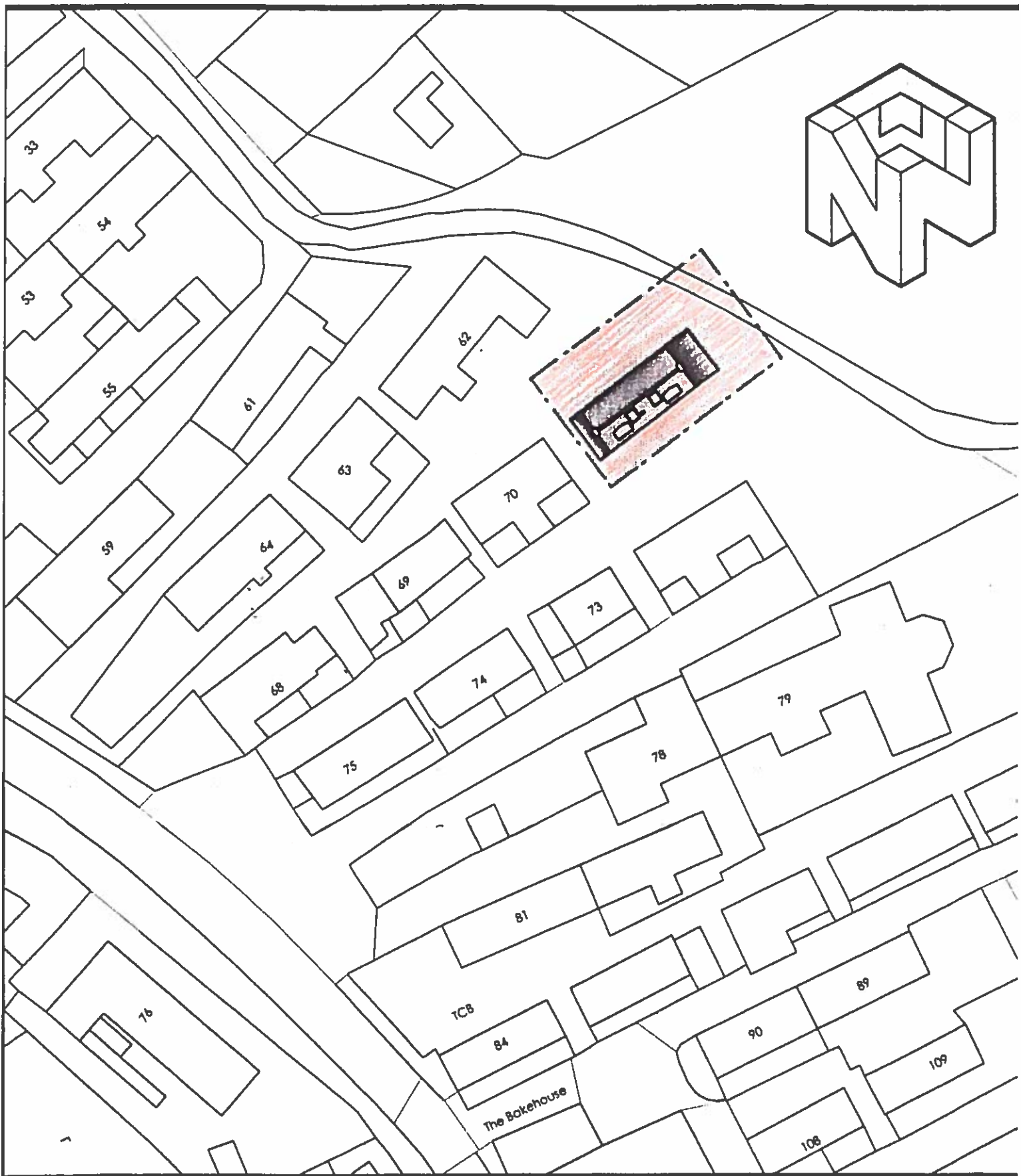
CONCLUSIONS/SUMMARY.

The character of this Conservation area part of Findhorn is for clusters of small cottages all in close proximity to one another. Living in this area, one expects a degree of closeness with ones neighbours. Given the fact that my door and window are located well in excess of what could be considered the average distance from properties adjacent, the justification for imposing this condition appears harsh. Why would my windows being obscure glass make any real difference to the amenity or character of this conservation area?

I tried to give consideration to all my neighbours before embarking on this project which was to improve my carbon footprint of my house and also obtain a better quality of life for myself internally with more light coming in. We are all encouraged to go green or use sustainable materials but if you want just a little more light in your lounge, you have to blank this out in the interest of amenity even although this represents the exact character of the area.

With the utmost respect, I have tried to do the right things here. Went through proper channels and paid out lots of money to obtain a better quality of life for myself. Having Grade 4 obscure glazing does not give me what I was seeking and the only dwelling this has any relevance for is 9 meters away and on an angle. Other buildings are 6 meters or less away window to window (4.5 meters in one instance) but no one complains. Why am I being treated differently?

Please over turn this unfair condition and grant me normal glazing to be the same as all my other neighbours.



LOCATION PLAN 1:500

Page 167



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

PERMISSION FOR DEVELOPMENT

[Forres]
Application for Planning Permission

TO Mr Martin Lusty
71 Findhorn
Forres
Moray
IV36 3YF

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

Install new thermal panels and external wall openings at 71 Findhorn Forres Moray IV36 3YF

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

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

Date of Notice: **5 February 2020**



Head Economic Growth and Development Services
Economy, Environment and Finance
Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT NOTE

YOU ARE OBLIGED TO COMPLY WITH THESE CONDITIONS AND NOTES

SCHEDULE OF CONDITIONS

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

CONDITION(S)

Permission is granted subject to the following conditions: -

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

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

REASON(S) FOR DECISION

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

The design, scale and materials are considered to be acceptable for the location without creating an adverse effect on the character and appearance of the Conservation area or neighbouring amenity. The application would therefore accord with development plan policies and supplementary planning guidance relating to those matters.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
190062.LUSTY.03PB	D	Elevations and floor plans
190062.LUSTY.04PB	A	Site and location plan

IMPORTANT NOTES ABOUT THIS DECISION

DURATION OF THIS PERMISSION

In accordance with Section 58 (i) of the Town and Country Planning (Scotland) Act 1997 as amended, the development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.

If the development has not commenced within this period then this permission shall lapse unless there is a specific condition attached to this permission which varies the stated timescale.

COMMENCEMENT AND COMPLETION OF THE DEVELOPMENT

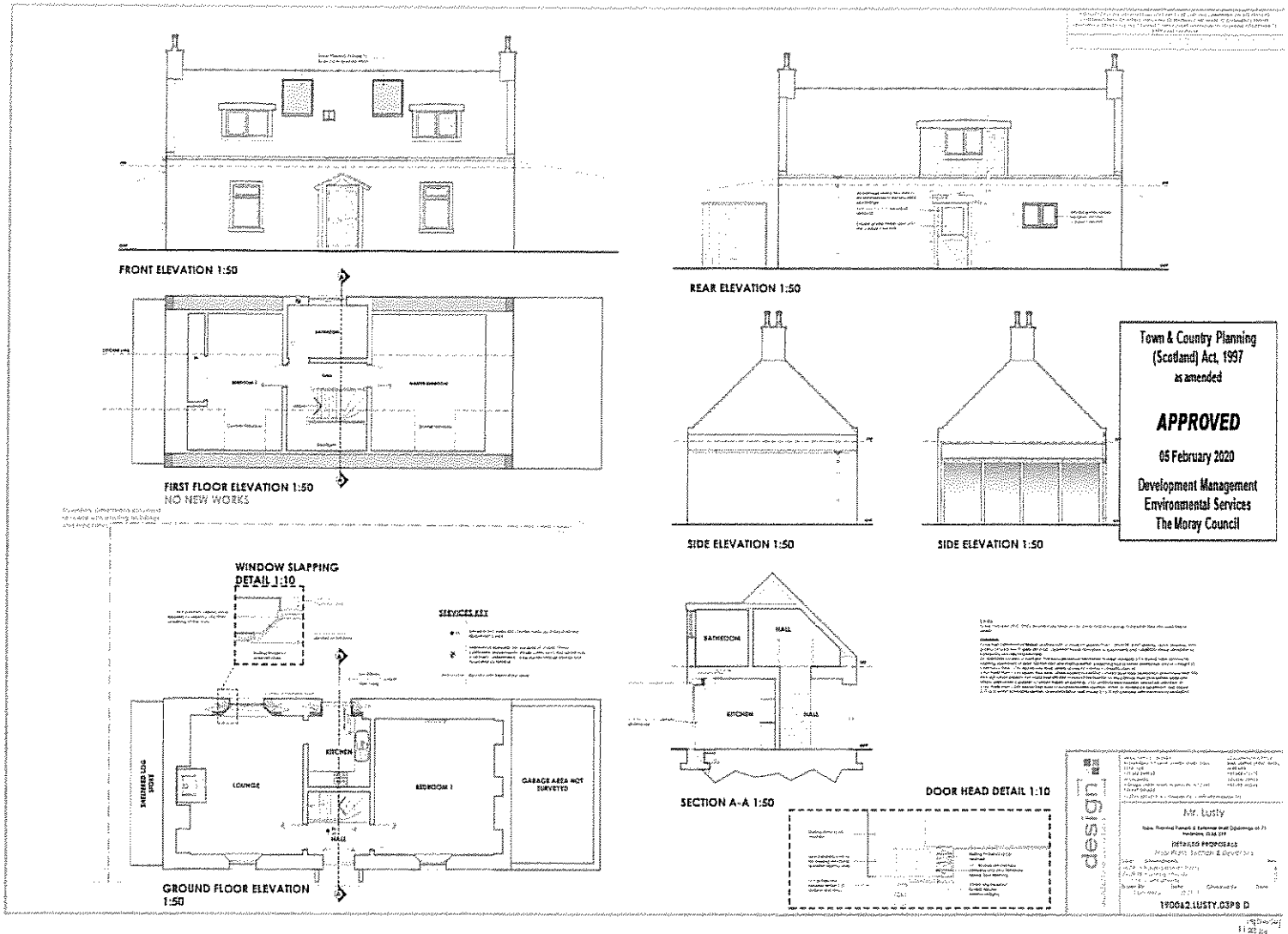
The following are statutory requirements of the Town & Country Planning (Scotland) Act 1997, as amended. Failure to meet their respective terms represents a breach of planning control and may result in formal enforcement action. Copies of the notices referred to below are attached to this permission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

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

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

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

ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT





APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

Lissa Rowan

From: Lissa Rowan
Sent: 07 April 2020 15:38
To: Lissa Rowan
Subject: FW: Notice of Review - Planning Application 19/01606/APP

From: [REDACTED]
Sent: 07 April 2020 3:23 PM
To: Lissa Rowan
Subject: Re: Notice of Review - Planning Application 19/01606/APP

Good afternoon Ms Rowan,

Thank you for the update about this planning application.

As per my original objection, and comments on the appeal, the distance between the two windows would be under 8 metres and would provide considerable overlooking.

Kind Regards,

--

[REDACTED]



APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS

From: Martin Lusty <[REDACTED]>
Sent: 04 June 2020 13:30
To: Lissa Rowan
Subject: Application for Review of Planning Application 19

Lissa

Thank you for your email of last week keeping me updated.

Unsurprisingly, the only representation that has been received comes from my neighbour at No 62. As a matter of fact, the distance is about 9m (not 8m as he states) to the recently added extension to no 62. When I arrived in Findhorn 30 years ago the distance would have been considerably greater. [REDACTED]

[REDACTED] Being at the end of the strip, there is quite a distance between our houses, and it is now clear that it was his expectation when purchasing No 62 that the land between the front of his house and the back of mine was available for his amenity; however, I do happen to have a back garden, which I use to cultivate organic vegetables and he is not interested.

Findhorn is a wee fishing village where the distances between the houses are small. The distance between my house and his is on the top end for Findhorn, and there are many other houses where the distance is *much* smaller (the front of No 61 and the back of No 63 have less than 4m between them), yet there are windows of clear glass overlooking one another. Bearing this in mind, would you not deem that the imposed condition for *frosted glass* is discriminatory?

I am of the opinion that planners use the distance of 4 metres as a guide for windows in relation to boundaries. This being the case, the 8-9 meters between my window and that of my neighbour in No 62 would meet this designation. The character of this area of Findhorn is for closely grouped houses together with very little in the way of privacy but people choose to live in this much sought after village knowing that windows and properties are very close together.

There is at present a planning application (20/00348/APP) to erect a wee fence on my property boundary 0.9m high with a minimal visual impact, to protect my garden from vehicular traffic. I could have the height changed to 1.8m and make it a screen, which would block off his property from sight; however, it would be unsightly and my neighbours would not be happy. Unlike [REDACTED], I do respect my neighbours' feelings.

I feel privileged living in a place like Findhorn, and being able to enjoy wildlife that I would never in a big city. Quite apart from back windows allowing more light into my kitchen and lounge, frosted glass would not only reduce the amount of light, but would deprive me of the pleasure of being able to see the birds in my garden as well as watching the plants grow day by day. I can only reiterate what I have stated above, that imposing such a condition (ie frosted glass) is not only discriminatory, but that the owner of No 62 should never have chosen to come to a wee village like Findhorn in the first place, were privacy such an important issue to him.

Kind Regards - Martin Lusty



MORAY LOCAL REVIEW BODY

25 JUNE 2020

SUMMARY OF INFORMATION FOR CASE No LR238

Planning Application 19/01239/APP – Erect New Dwelling House at Site adjacent to Arradoul House, Arradoul House, Arradoul, Buckie, AV56 5BB

Ward 3 – Buckie

Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 10 December 2020 on the grounds that:

The proposal is unacceptable because: The development would result in the loss of part of an amenity land designation, an established wooded area around 'Arradoul House' which has been specifically protected under the terms of Policy E5 of the MLDP 2015 and the related Arradoul Settlement Statement designated to maintain the visual amenity of this part of the village and forms part of the setting of Arradoul House. The introduction of the proposed dwelling (and all associated development) on the application site between 'Arradoul House' and the neighbouring property, 'The Beeches' would consolidate built form in this locality and lead to removal of trees, eroding the existing pleasant and attractive wooded character of the amenity land designation and is contrary to Policies E5, H5, H3 and IMP1 of the Moray Local Development Plan 2015 and the Related Rural Groupings Supplementary Guidance.

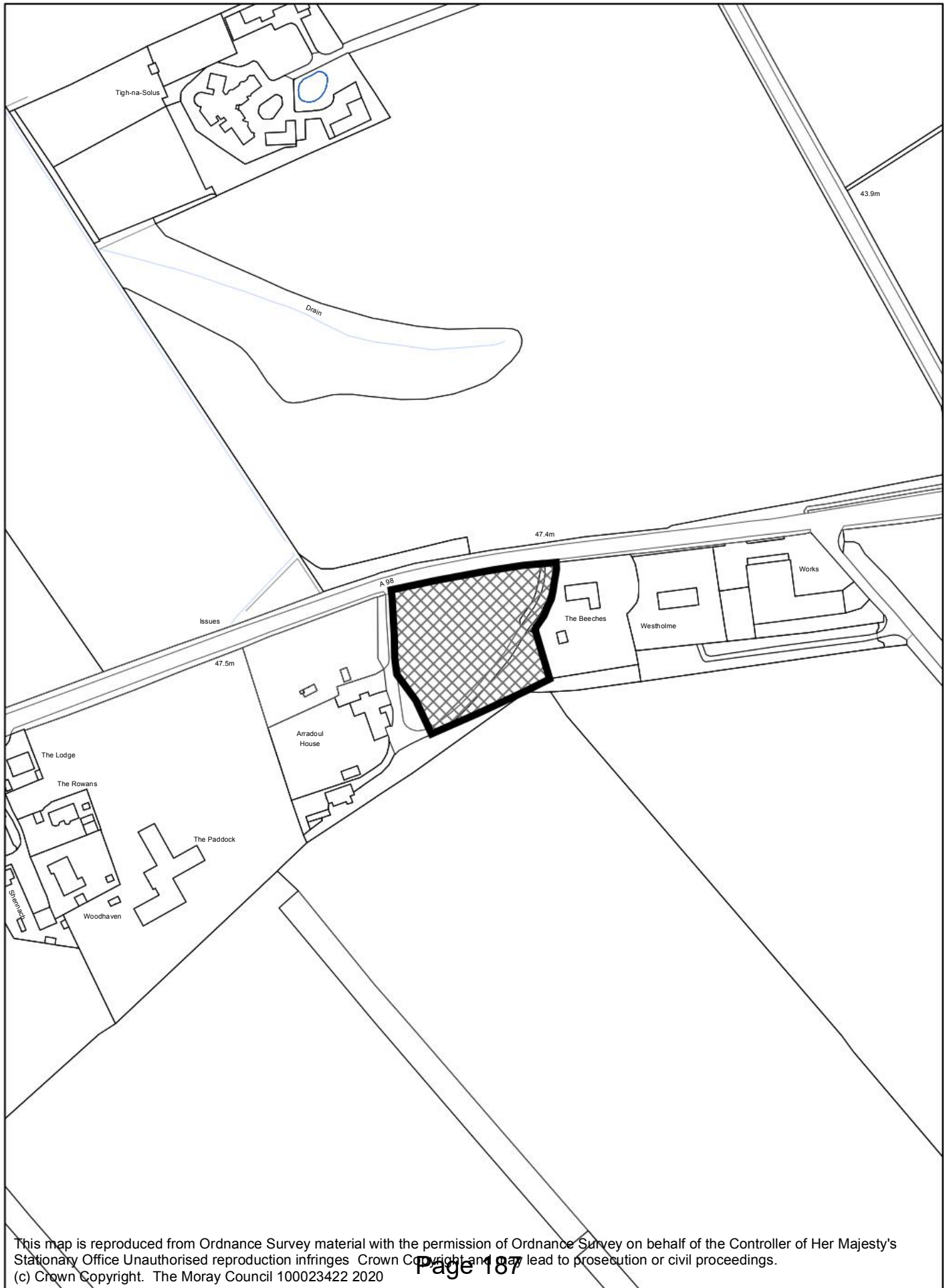
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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

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



Location plan for Planning Application Reference Number : 19/01239/APP





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR.	Ref No.	16/97.
Forename	WILLIAM	Forename	COLIN
Surname	BENSON	Surname	KEIR.
Company Name		Company Name	PEANS ROS
Building No./Name	ARRADOL HOUSE	Building No./Name	MAIN STREET
Address Line 1		Address Line 1	OFFICES.
Address Line 2	ARRADOL	Address Line 2	ULQUHART
Town/City	BUCKIE	Town/City	BY EGIN
Postcode	AB56 5BB	Postcode	IV30 8LG.
Telephone		Telephone	01343 842635
Mobile		Mobile	07766 315501.
Fax		Fax	—
Email		Email	ctkplans@aol.com

3. Postal Address or Location of Proposed Development (please include postcode)

SITE ADJACENT TO ARRADOL HOUSE
ARRADOL, BUCKIE, AB56 5BB.

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application
What is the application for? Please select one of the following:

Planning Permission	<input checked="" type="checkbox"/>
Planning Permission in Principle	<input type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

*Please provide a reference number of the previous application and date when permission was granted:

Reference No:	17/01687/APP 16/01910/APP	Date:	10/1/2018 28/2/17.
---------------	------------------------------	-------	-----------------------

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

5. Description of the Proposal

Please describe the proposal including any change of use:

ERECT SINGLE DWELLING HOUSE

Is this a temporary permission?

Yes ☐ No ☒

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

—

Have the works already been started or completed?

Yes ☐ No ☒

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

Date started:

Date completed:

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

—

6. Pre-Application Discussion

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

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

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

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

Name: Date: Ref No.:

—

7. Site Area

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

Hectares (ha):

0.4

Square Metre (sq.m.)

8. Existing Use

Please describe the current or most recent use:

GARDEN Ground

9. Access and Parking

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

Yes ☐ No ☒

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

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

Yes ☐ No ☒

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

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

0

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

4

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

10. Water Supply and Drainage Arrangements

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

Yes ☒ No ☐

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

Yes, connecting to a public drainage network

☐

No, proposing to make private drainage arrangements

☒

Not applicable – only arrangement for water supply required

☐

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

Discharge to land via soakaway

☒

Discharge to watercourse(s) (including partial soakaway)

☐

Discharge to coastal waters

☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

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

☐

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

☐

Please show more details on your plans and supporting information.

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

Yes ☒ No ☐

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

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

Yes ☒ No ☐

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

11. Assessment of Flood Risk

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

Yes ☐ No ☒

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

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

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

12. Trees

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

Yes ☒ No ☐

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

13. Waste Storage and Collection

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

Yes ☒ No ☐

If yes, please provide details and illustrate on plans.

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

14. Residential Units Including Conversion

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

Yes ☒ No ☐

If yes how many units do you propose in total?

1

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

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

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☒

If yes, please provide details below:

Use type:

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

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

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

Yes ☐ No ☒ Don't Know ☐

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

17. Planning Service Employee/Elected Member Interest

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

Yes ☐ No ☒

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

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

☒

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

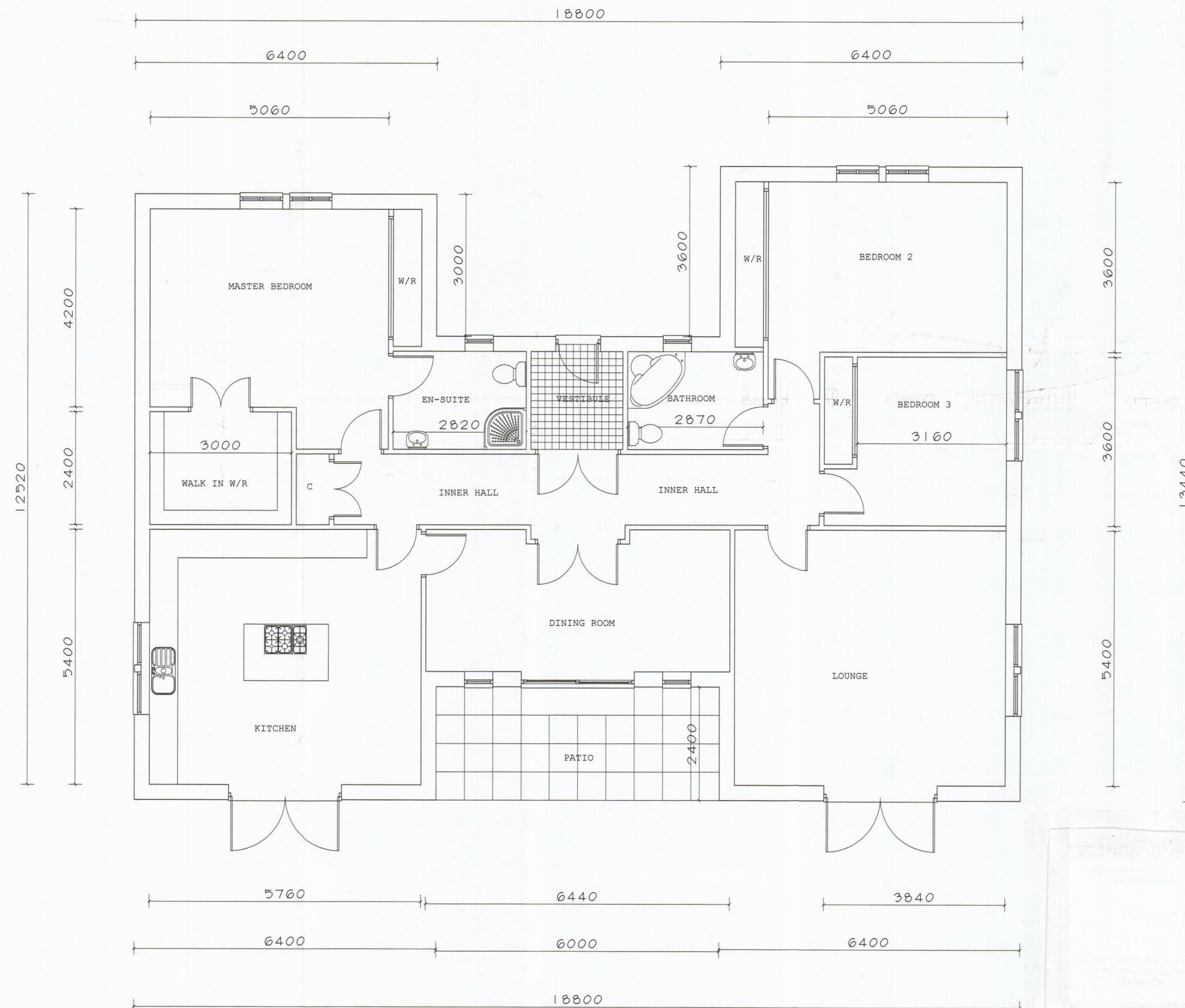
Yes ☐ No ☐ N/A ☒

Signature:

Name:

Date:

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



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

REFUSED

10 December 2019

Development Management
Environmental Services
The Moray Council

Planning Ref No.		
Building Warrant Ref No.		
Structural Engineer Ref No.		
Revisions and Distributions.		
Date	Revision.	Amended by.

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No works to commence on site until all relevant Local Authority consents have been obtained. No responsibility taken for work commenced before all Local Authority consents have been issued.

Contractors will have deemed to have visited the site to familiarise themselves with all aspects of the project prior to submitting any quotation for the building operations.

Any deviation to the approved plans to be reported to this office. Contractors to check all dimensions on site prior to commencement of any building operations.

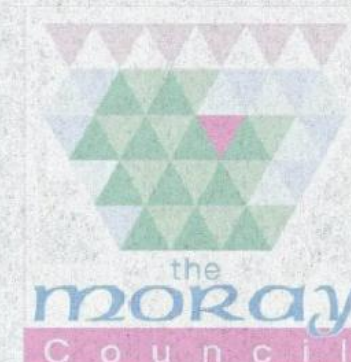
Given dimensions only to be used. DO NOT SCALE DRAWINGS.

Any roof truss or timbers tying into an existing roof to be checked on site by the contractor to ensure heights and ridges meet correctly.

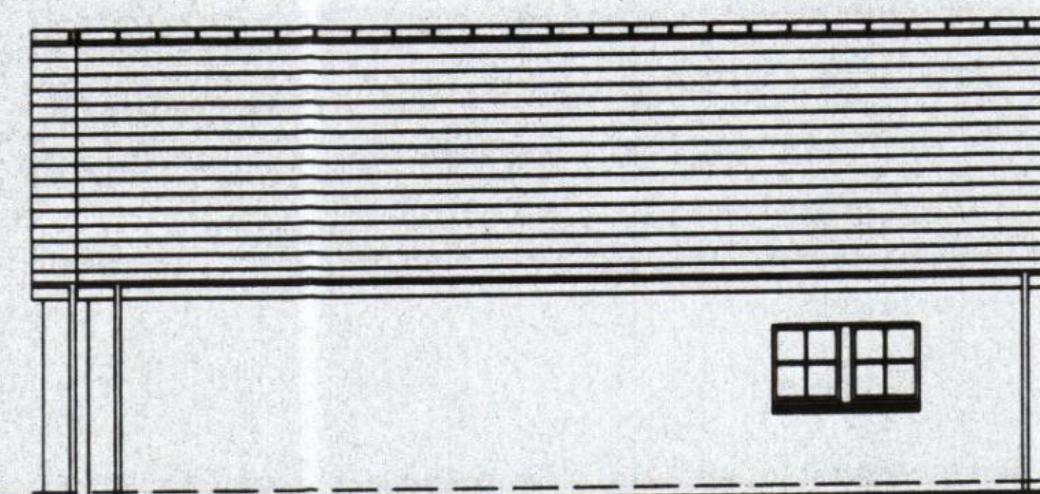
PLANS PLUS (URQUHART)
ARCHITECTURAL
DESIGN CONSULTANTS
Main Street Offices, Urquhart, By Elgin IV30 8LG.
Tel No 01343 842635 / 07766 315501 ctkplans@aol.com

Project PROPOSED NEW DWELLING HOUSE AT PLOT ADJACENT TO aRRADOUL HOUSE BUCKIE. Project No. 16-97-D-1

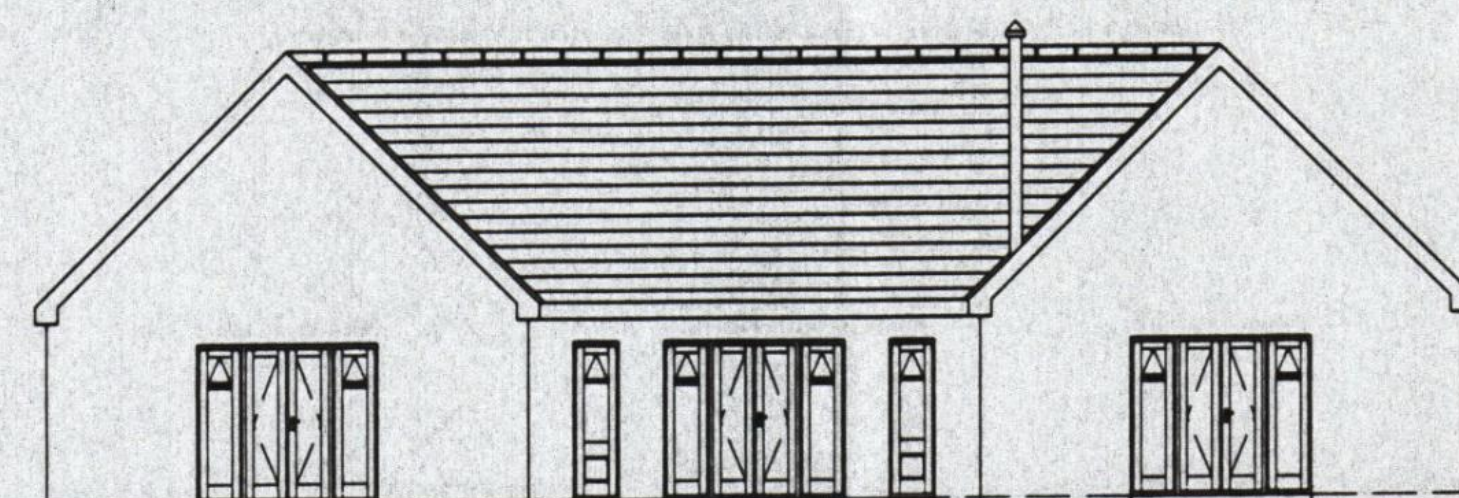
Client MR W BENSON Drawn By Colin T Keir Scale 1-50



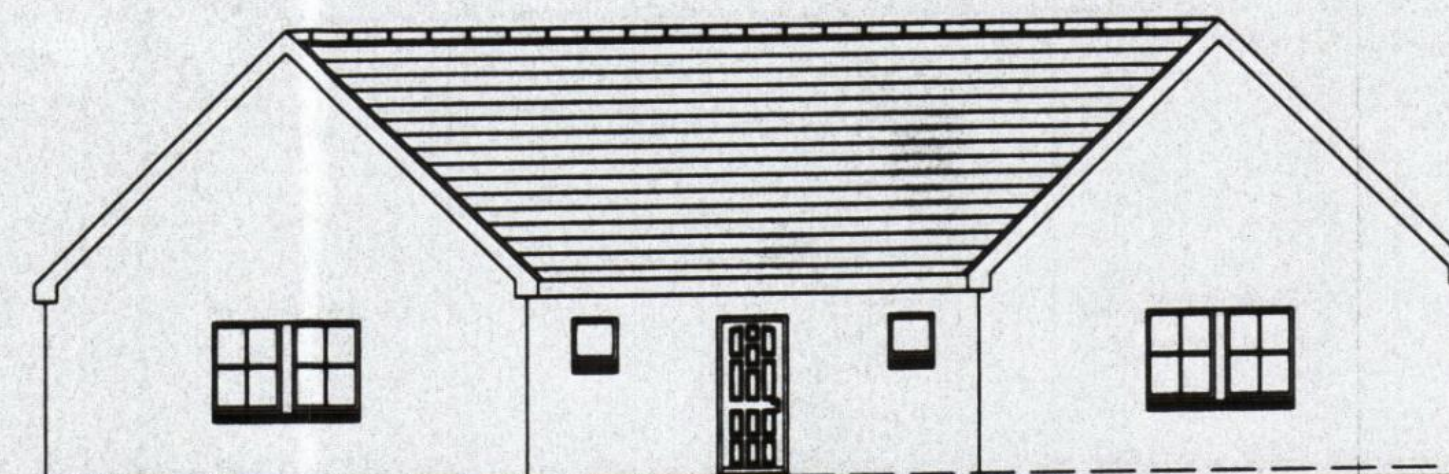
EASTERN ELEVATION SCALE 1-100.



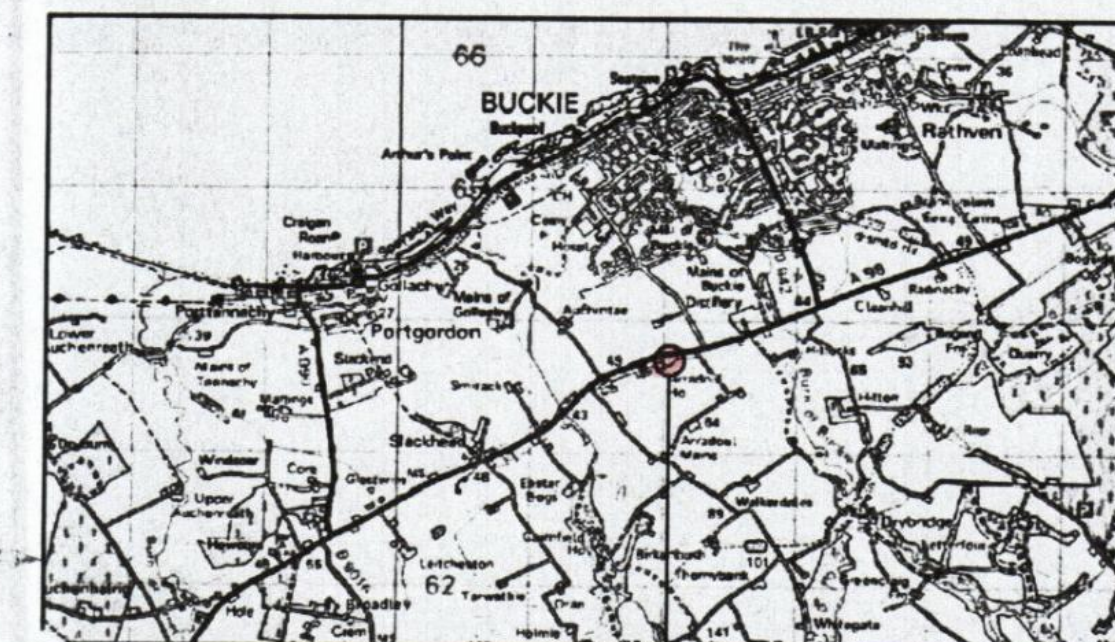
WESTERN ELEVATION SCALE 1-100.



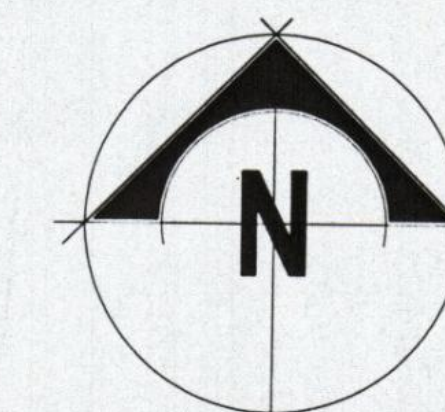
SOUTHERN ELEVATION SCALE 1-100.



NORTHERN ELEVATION SCALE 1-100.



Site referred to application NOT TO SCALE

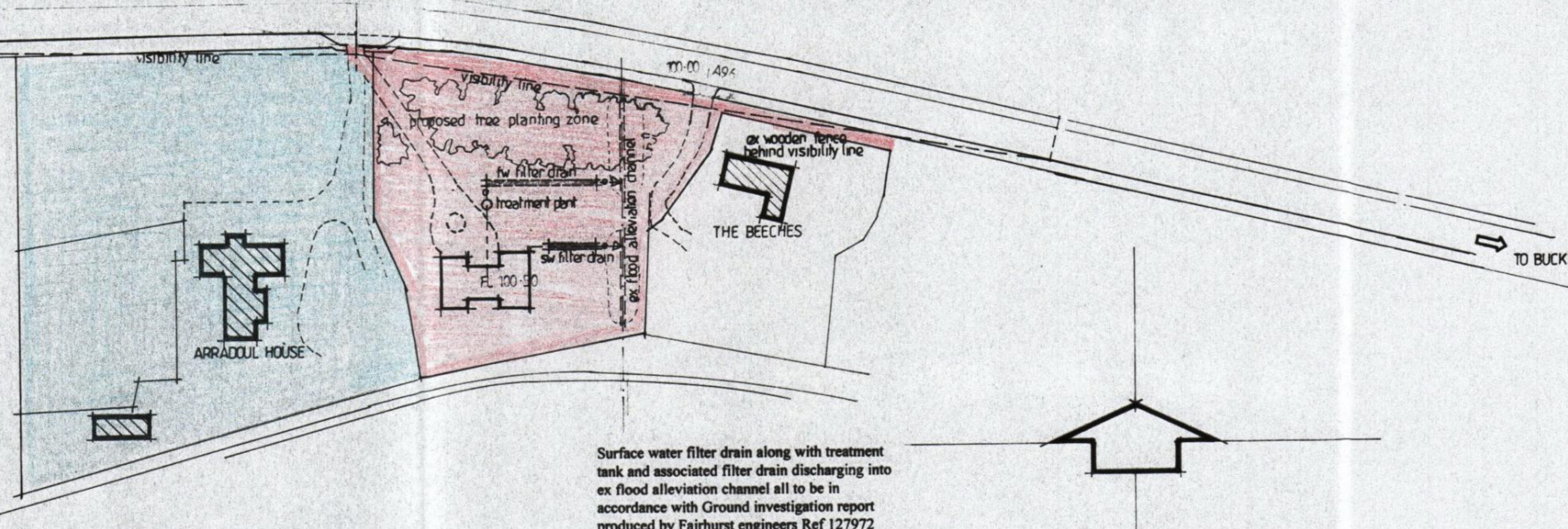


4.5m deep by 160m visibility splay provided Westwards, over roadside verge, and area of ground under applicants control. Area to be maintained and kept clear of any obstructions above 0.6m in height above level of carriageway.

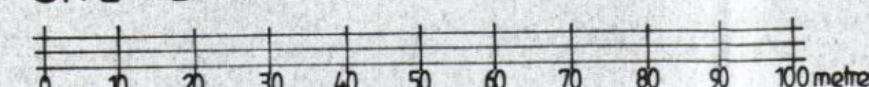
Vehicular access to lead off proposed new lay-by 8.0m long by 2.5m deep with 30° splayed ends, provided at road side and formed with 290 type 1 sub-base with 80mm Dense Bituminous Macadam road base topped with 40mm base course and 40mm wearing course. Min 1.0m wide verge provided around perimeter of lay-by. Existing track upgraded to match lay-by finish for min 5.0m length

Proposed tree planting zone behind visibility splay consisting of additional native species of trees planted to increase tree coverage between road and new house to protect setting of Arradoul House and reduce impact of new dwelling from carriageway

4.5m deep by 160m visibility splay to be provided Eastwards, over roadside verge. Area to be maintained, and kept clear of any obstructions above 0.6m in height above level of carriageway



SITE PLAN 1~1000



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

REFUSED

10 December 2019

**Development Management
Environmental Services
The Moray Council**

Planning Ref No.		
Building Warrant Ref No.		
Structural Engineer Ref No.		
Revisions and Distributions.		
Date	Revision.	Amended
A 14/5/2018	Access onto A96 redesigned	
B 12/9/2018	Access onto A96 relocated to Arradoul house drive	
C 11/10/2019	Foul and rainwater drainage updated	
<p>Crown copyright all rights reserved License No. 100041145.</p> <p>No works to commence on site until all relevant Local Authority consents have been obtained. No responsibility taken for work commenced before all Local Authority consents have been issued.</p> <p>Contractors will have deemed to have visited the site to familiarise themselves with all aspects of the project prior to submitting any quotation for the building operations.</p> <p>Any deviation to the approved plans to be reported to this office. Contractors to check all dimensions on site prior to commencement of any building operations.</p> <p>Given dimensions only to be used. DO NOT SCALE DRAWINGS.</p> <p>Any roof truss or timbers tying into an existing roof to be checked on site by the contractor to ensure heights and ridges meet correctly</p>		
<p>PLANS PLUS (URQUHART) ARCHITECTURAL DESIGN CONSULTANTS Main Street Offices, Urquhart, By Elgin IV30 8LG. Tel No 01343 842635 / 07766 315501 ctkplans@aol.com</p>		
Project	PROPOSED DWELLING HOUSE AT PLOT ADJACENT TO ARRADOUL HOUSE, BUCKIE.	Project No. 16-97-D-2[C
Client	Drawn By	Scale
MR BENSON.	Colin T Keir	1-100

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Any roof truss or timbers tying into an existing roof to be checked on site by the contractor to ensure heights and ridges meet correctly

PLANS PLUS (URQUHART)

ARCHITECTURAL

DESIGN CONSULTANTS
10101 Sunset Blvd., Suite 200, Los Angeles, CA 90067

Tel No 01343 842635 / 07766 315501 ctkplans aol.com

Project	PROPOSED DWELLING HOUSE AT	Project No.
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PLOT ADJACENT TO ARRADOUL HOUSE, BUCKIE.	16-97-D-2(
---------------------------------------------	------------

Client	Drawn By	Scale
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MR BENSON.	Colin T Keir	1-100
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19/01239/APP 15 OCT 2019

Consultee Comments for Planning Application 19/01239/APP

Application Summary

Application Number: 19/01239/APP

Address: Site Adjacent To Arradoul House Arradoul Moray

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

Consultee Details

Name: Mr CL Consultations

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

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

Comments

Approved Unconditionally

Adrian Muscutt

From: DeveloperObligations
Sent: Tue, 29 Oct 2019 15:36:45 +0000
To: Shona Strachan
Cc: DC-General Enquiries
Subject: 19/01239/APP Erect dwellinghouse on Site Adjacent to Arradoul House, Arradoul
Attachments: 19-01239-APP Erect dwellinghouse on Site Adjacent to Arradoul House, Arradoul.pdf

Hi

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

Regards
Hilda

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



Developer Obligations: ASSESSMENT REPORT



MORAY
council

Date: 29/10/2019

Reference: 19/01239/APP

Description: Erect dwellinghouse on Site
Adjacent to Arradoul House, Arradoul

Applicant: Mr William Benson

Agent: Plans Plus

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

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

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare (<i>Contribution towards reconfiguration at Seafield and Cullen Medical Practice</i>)	
Sports and Recreation	Nil
Total Developer Obligations	

Breakdown of Calculation

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

3 bed= 1 SRUE

This assessment is therefore based on 1 SRUE.

Developer Obligations Discount for Small Scale Development

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



Moray Council DEVELOPER OBLIGATIONS

INFRASTRUCTURE

Education

Primary Education

Pupils generated by this development are zoned to Millbank Primary School. The school is currently operating at 62% functional capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Primary Education = Nil

Secondary Education

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

Contribution towards Secondary Education = Nil

Transport

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

Contributions towards Transport = Nil

Healthcare

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

General Practitioner (GP) and floorspace requirement per GP is 271m².

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

Seafield and Cullen Medical Practice is the nearest GP Practice within which healthcare facilities can be accessed against the proposed development. NHS Grampian has confirmed that Seafield and Cullen Medical Practice is currently working at design capacity and existing space will be required to be reconfigured.

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

[REDACTED]

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

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

Contribution for Sports and Recreation Facilities = Nil



TERMS OF ASSESSMENT

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

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

PAYMENT OF CONTRIBUTIONS

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

INDEXATION

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

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



MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: The Moray Council, Flood Risk Management

Planning Application Ref. No: 19/01239/APP

Erect dwellinghouse on, Site Adjacent To Arradoul House, Arradoul, Moray

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

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

Contact: James Ross

Date: 19th November 2019

Email Address: James.ross@moray.gov.uk

Phone No: 01343 533762

Consultee: The Moray Council, Flood Risk Management

29th October 2019

Moray Council
Council Office High Street
Elgin
IV30 9BX



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

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

Dear Local Planner

AB56 Arradoul To Arradoul House Site Adjacent
PLANNING APPLICATION NUMBER: 19/01239/APP
OUR REFERENCE: 784262
PROPOSAL: Erect dwellinghouse

Please quote our reference in all future correspondence

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

Water

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

Foul

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

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

Infrastructure within boundary

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

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."

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

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

General notes:

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

Site Investigation Services (UK) Ltd
Tel: 0333 123 1223
Email: sw@sisplan.co.uk
www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping

arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>**

Next Steps:

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider

to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

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

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

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

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

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

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

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

Yours sincerely

Angela Allison

Angela.Allison@scottishwater.co.uk

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	5th November 2019
Planning Authority Reference	19/01239/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site Adjacent To Arradoul House Arradoul Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133069297
Proposal Location Easting	342042
Proposal Location Northing	863713
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=PYSLQBBG0D800
Previous Application	15/01898/PE 16/00392/PE 16/01910/APP
Date of Consultation	22nd October 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr William Benson
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Plans Plus
Agent Organisation Name	
Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

The statutory period allowed for a consultation response is 14 days. Due to scheduling

pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 19/01239/APP

Erect dwellinghouse on Site Adjacent To Arradoul House Arradoul Moray for Mr William Benson

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 the erection of a new dwelling within the grounds of Arradoul House. The submitted drawings show provision of an 8m Layby at the access, which would not be required at this location. However the existing access would require to be upgraded (to allow two meeting vehicles to pass each other within the access). The following conditions would apply:

Condition(s)

1. No development shall commence until a visibility splay 4.5 metres by 160 metres has been provided in both directions at the access onto the A98 Fochabers – Cullen – Fraserburgh Road (except for those works associated with the provision of the visibility splay); and thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway.

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. Notwithstanding the submitted details no development shall commence until full details of the upgrading works required at the access onto the public road has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority including:
 - The widening of the access to a minimum width of 5.5m first the first 10m measured from the edge of the public carriageway, with a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway, and with the first 10m of the access track, measured from the edge of the public carriageway constructed to the Moray Council specification and surfaced with bituminous macadam; and
 - The existing drop kerbs extended across the widened access with tactile blister paving to The Moray Council specification; and

- White marker posts to the Moray Council standards and specification provided on either side of the development access, located to the rear of the existing footway; and
- thereafter the access shall be upgraded in accordance with the approved drawings prior to first occupation of the new dwelling.

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

3. No development shall commence until details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority showing:

- Measures to ensure that the existing eastern access (adjacent to 'The Beeches') is permanently closed off to all vehicular traffic associated with the proposed new dwelling and Arradoul House; and
- Measures to ensure that access is retained for maintenance purposes to all parts of the existing Flood protection infrastructure during and after the construction of the new dwelling; and

thereafter the access route shall be permanently closed off to vehicular traffic, with access to the flood protection infrastructure for maintenance provided in accordance with the approved drawings prior to the first occupation of the new dwelling.

Reason: To ensure acceptable development in the interests of road safety through the provision of details currently lacking.

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

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

5. Parking provision shall be as follows:

- 2 spaces for the new dwelling; and
- 3 spaces retained for Arradoul House.

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

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

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

Further comment(s) to be passed to applicant

There is currently an access agreement in relation to the maintenance of the flood protection infrastructure located within the garden grounds of Arradoul House, and this access must be retained.

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

boundary.

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

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

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

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

The formation of the required visibility splays will involve the removal of vegetation. The existing flood alleviation works enclosure fence may remain, along with the existing low boundary wall.

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

Date 06 November 2019

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

Consultee Comments for Planning Application 19/01239/APP

Application Summary

Application Number: 19/01239/APP

Address: Site Adjacent To Arradoul House Arradoul Moray

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

Consultee Details

Name: Mr EH Consultations

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

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

Comments

Approved Unconditionally

Andrew Stewart



19/01239/APP - 3 OCT 2019
design consultants

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

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

DRAINAGE STATEMENT

**PROJECT :- ERECT NEW DWELLING HOUSE AT ARRADOUL
BUCKIE**

PROJECT NUMBER 16-97

This proposal is for a new dwelling house and porosity tests have been carried out. There is no Scottish Water sewer available therefore after testing, it was felt that a bio disc with filtration drain was required.

Soakaways are proposed for taking the rain water but the outlets from the soakaways will link into the pipe from the bio disc before being discharged into the adjacent ditch.

Fairhurst have calculated to ensure that the post run off rate does not exceed the pre run off rates for this site.





design consultants

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

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

PLANNING STATEMENT

PROJECT :- ERECT NEW DWELLING HOUSE AT ARRADOUL BUCKIE

PROJECT NUMBER 16-97

This proposal is for a new dwelling in an area of well defined garden ground with a stone wall to the North and fences on all 3 other boundaries. The house style has been designed so as to comply with housing in the countryside policies. It has been set back on the plot so that any vehicles travelling East to West will still see Arradoul House which is located next door and also owned by the applicant. Setting the house back also reduces the amount of trees to be removed to a minimum.

The applicant has full control of all the land to allow the visibility splay to be formed. There is a small area of land between the next door neighbour to the East's wooden fence and the back of the pavement which is owned by the applicant. This is shown on our coloured site plan. There are two stone decorative lions within the visibility splay which will be repositioned back and out of the visibility splay.

We feel that by having the house set back on the plot and by retaining the maximum amount of trees, this will ensure that the setting of Arradoul House will not be compromised.



REPORT OF HANDLING

Ref No:	19/01239/APP	Officer:	Shona Strachan
Proposal Description/ Address	Erect dwellinghouse on Site Adjacent To Arradoul House Arradoul Moray		
Date:	10/12/19	Typist Initials:	FJA

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Contaminated Land	23/10/19	No objection
Transportation Manager	06/11/19	No objection with conditions and informatives
Scottish Water	29/10/19	No objection but this does not guarantee connection to Scottish Water Infrastructure. Advisory information is provided for the applicant about Scottish Water infrastructure in the vicinity of the site.
Environmental Health Manager	23/10/19	No objection
Moray Flood Risk Management	19/11/19	No objection subject to an informative about the need for access provision to the flood alleviation channel to be maintained in line with the requirements of the minute of agreement between Moray Council and the applicant.
Planning And Development Obligations	29/10/19	Response confirms that an obligation is required towards healthcare provision.

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
Moray Local Development Plan 2015		
PP1: Sustainable Economic Growth		
PP3: Placemaking		
H5: Development Within Rural Groupings	Y	
Arradoul	Y	
E4: Trees and Development		
ER2: Development in Woodlands		
E5: Open Spaces	Y	
H3: Sub division for House Plots	Y	
EP9: Contaminated Land		
EP10: Foul Drainage		
BE2: Listed Buildings	Y	
T2: Provision of Access		
T5: Parking Standards		
IMP1: Developer Requirements	Y	
IMP3: Developer Obligations		
2020 Proposed Local Development Plan		
PP1 Placemaking		
PP3 Infrastructure & Services		
DP1 Development Principles		
EP10 Listed Buildings.		

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

Legislative Requirements

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

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

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

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

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

The main issues are considered below.

Proposal

Application for planning permission to erect dwelling house on site adjacent to Arradoul House Arradoul, Buckie.

The proposed house has a compact single storey design with H-shaped plan form. The details of the external finishes have not been provided as part of the application; however, this could be dealt with by condition.

The proposed access would involve using the existing western access onto the A98. This would be a shared access with Arradoul House and would need to be upgraded to accommodate the proposed intensification of use.

The proposed drainage arrangements include: a bio disc with filtration drain and a surface water soakaway. The dwelling would connect to the public water supply.

This application has been the subject of previous refusals under application reference 16/01910/APP (as issued on 28 February 2017) and 17/01687/APP (as issued on 10 January 2018).

The main amendment to the current application compared with 17/01687/APP is the change in access proposed, with the dwelling now seeking to make use of the western access onto the A98 to be upgraded and shared with Arradoul House. The site layout plan also shows the existing Moray Council flood alleviation channel which is located through the site and would need to remain accessible to Moray Council for maintenance purposes.

Site Characteristics

An irregular shaped area of garden land which forms the eastern part of the curtilage of 'Arradoul House', currently mature trees, grass, tracks and an open drainage channel which forms part of a Moray Council flood alleviation scheme.

Neighbouring dwellings lie to the east, the A98 and open farmland to the north, Arradoul House to the west and an embankment and farmland to the south.

The site forms part of an amenity land designation within the village of Arradoul, as identified within the Rural Groupings Supplementary Guidance of the Moray Local Development Plan 2015.

Arradoul House is a Category C listed building.

Planning History

As noted, the site is the subject of two previous refusals. Application 16/01910/APP was refused because of the proposals unacceptable siting on 'Amenity Land' as defined in the Arradoul settlement statement, house design and access grounds.

Application 17/01687/APP proposed a change in house design and sought to re-position the dwelling on site. This proposal also changed the access arrangement to the eastern site access. This application was refused because of the proposals unacceptable siting on 'Amenity Land' as defined in the Arradoul settlement statement and access grounds.

Policy Assessment

Impact of development upon 'amenity land' designation

(MLDP 2015 - Arradoul Settlement Statement, Policies E5, H5, H3, BE2 and IMP1):

The application site forms part of an amenity land designation in Arradoul, which is identified within the Rural Groupings Supplementary Guidance of the Moray Local Development Plan (MLDP) 2015 as an established wooded area around 'Arradoul House' that contributes to the visual amenity of the village and where tree felling to provide development is not permitted.

For amenity land designations within rural groupings, the governing policy E5 Open Spaces states that development which would cause the loss of, or adversely impact on such areas will be refused unless;

- The proposal is for public use that outweighs the value of the open space or is ancillary to the principle use and will enhance sport and recreation; and
- The development is sited and designed to minimise adverse impacts on the recreational, amenity and biodiversity value of the site; and
- There is a clear excess of the type of ENV designation within easy access to the wider area and loss of the open space will not negatively impact upon the overall quality and quantity of open space provision or
- Alternative provision or equal or greater benefit will be made available and is easily accessible for users of the developed space.

The proposal for an individual private dwelling would not fall within any of the above categories of accepted development and would therefore be contrary to this Policy.

Policy H5: Development within Rural Groupings allows for new housing in such areas provided it has adequate road access, drainage infrastructure etc., fits the character of the area and does not adversely impact upon environmental amenity or areas specifically identified as "amenity land" which contribute to the environmental setting and character of the village concerned.

Policy H3 Sub Division for House Plots also permits plots to be formed through sub division in rural groupings provided the new plot is less than 50% of the original and is at least 400sqm. There is also a requirement for the proposal, including the house style to complement the character of the area and scale/architecture of the parent property/neighbouring properties whilst protecting residential amenity.

Policy BE2 Listed Buildings seeks to protect the character, integrity and setting of listed buildings and requires development proposals i.e. alterations/extensions to listed buildings or new development

within their curtilage to be of the highest quality and to respect the original structure in terms of setting, scale, materials and design.

Policy IMP1 Developer Requirements requires new development to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area and to comply with set criteria. This includes the requirement for development to be appropriate to the surrounding area in terms of scale, density and character.

As with the previous applications on this site, this proposal is unacceptable because in essence the proposal would result in the loss of part of an amenity land designation, an established wooded area around 'Arradoul House' which has been specifically protected under the terms of policy E5 of the MLDP to maintain the visual amenity of this part of the village. The introduction of the proposed dwelling and associated development on the subject site which sits between 'Arradoul House' and the neighbouring property, 'The Beeches' would consolidate the built form at this locality and lead to removal of trees, eroding the existing pleasant and attractive wooded character of the amenity land designation contrary to policies E5, H5, H3 and IMP1 of the MLDP 2015. The visual Impact of this consolidation of built form would be exacerbated further by the prominent roadside location of the development which although set back in the site would remain visible from the adjacent main road.

The supporting statement indicates that the proposed siting of the house onsite will limit the number of trees to be removed from the site and the site plan shows a proposed planting zone, seeking to minimise the impact of the development. Whilst this position is noted, the construction of the proposed dwelling together with formation of associated access drive, parking facilities and private drainage septic tank/soakaway arrangements in close proximity to the trees/root systems is likely to result in some felling. The creation of any garden areas with satisfactory light levels is also likely to lead to pressure for some trees to be removed both at construction stage and in the future. On this basis, it is reasonable to assume that some trees will be removed as part of the development. Furthermore, it is re-iterated here that the Arradoul Settlement Statement expressly advises that "tree felling to provide development is not permitted".

In terms of design, it is acknowledged that the design submitted is for a smaller, more sympathetic dwelling set further back in the site; however, this does not negate the loss of amenity land and the related removal of trees to provide a development site.

In relation to amenity, adequate separation distances between the proposed house and neighbouring properties and intervening vegetation/boundary screening would ensure that existing amenity and privacy levels are maintained at an acceptable level.

Water and Drainage (EP5 and EP10)

The proposed drainage arrangements include: a bio disc with filtration drain and a surface water soakaway. The dwelling would connect to the public water supply.

Scottish Water has raised no objection to the proposal but has provided advisory information to the applicant about Scottish Water infrastructure on site. A copy of the consultation response from Scottish Water will be issued alongside the decision for the applicant's attention. It is noted here that this is a separate matter from the planning process.

Moray Flood Risk Management has assessed the drainage assessment submitted as part of the application, subject to the required amendment to provide sufficient climate change allowance Moray Flood Risk Management has now accepted the drainage information and has provided an informative for the applicant on the need for access provision to the flood alleviation channel to be maintained in line with the requirements of the Minute of Agreement between Moray Council and the applicant.

It is also noted that the onsite drainage provision would be the subject of further assessment under Building Regulations. The information provided is acceptable in relation to the requirements of

Policies EP5 and EP10. However, this is separate from the main objection to this proposal in terms of its inappropriate siting/location.

Access and Parking (T2 and T5)

The Transportation Service has raised no objection to the proposal subject to conditions including requirements for upgrades to the existing access (to be shared with Arradoul House), measures to ensure that the existing eastern access is to be closed off, acceptable roads drainage measures and requirements for onsite parking and turning for the site and Arradoul House. Based on these requirements, the proposal would satisfy the requirements of Policies T2 and T5. However, it is noted here that compliance with transport policies is separate from the main objection to this proposal in terms of its inappropriate siting/location.

Developer Obligations (IMP3)

An assessment has been carried out in relation to Policy IMP3 Developer Obligations. The assessment identifies that an obligation towards healthcare provision is required. The agent has confirmed acceptance of the identified obligations adding that this would be settled up-front before the issue of any planning consent. This acceptance of the obligation does not over-ride the unacceptable nature of the proposal based upon its location/siting characteristics.

Conclusion and Recommendation:

The application is considered to represent an unacceptable form of development which fails to comply with the provisions of the Moray Local Development Plan 2015 and the application is therefore refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY				
Reference No.	Description			
15/01898/PE	Proposed new Georgian styled dwelling house at Site Adjacent To Arradoul House Buckie Moray Dummy Area			
	Decision	ID/PE Answered	Date Of Decision	02/11/15
16/00392/PE	Proposed dwellinghouse on Site Adjacent To Arradoul House Buckie Moray			
	Decision	ID/PE Answered	Date Of Decision	15/04/16
16/01910/APP	Erect dwellinghouse on Site Adjacent To Arradoul House Arradoul Moray			
	Decision	Refuse	Date Of Decision	28/02/17
17/01687/APP	Erect dwellinghouse on Site Adjacent To Arradoul House Arradoul Moray			
	Decision	Refuse	Date Of Decision	10/01/18

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Advertiser	No PremisesDeparture from development plan	18/11/19
PINS	No PremisesDeparture from development plan	18/11/19

DEVELOPER CONTRIBUTIONS (PGU)	
Status	

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:	Planning Statement	
Main Issues:	<p>Provides comments in support of the siting and design of the dwelling. Asserting that having the house set back on the site, retaining as many trees as possible will help ensure that the setting of Arradoul House will not be compromised.</p> <p>Drainage Statement and Ground Investigation Report</p> <p>Provides details of the onsite drainage provision including the required supporting calculations.</p>	

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)			



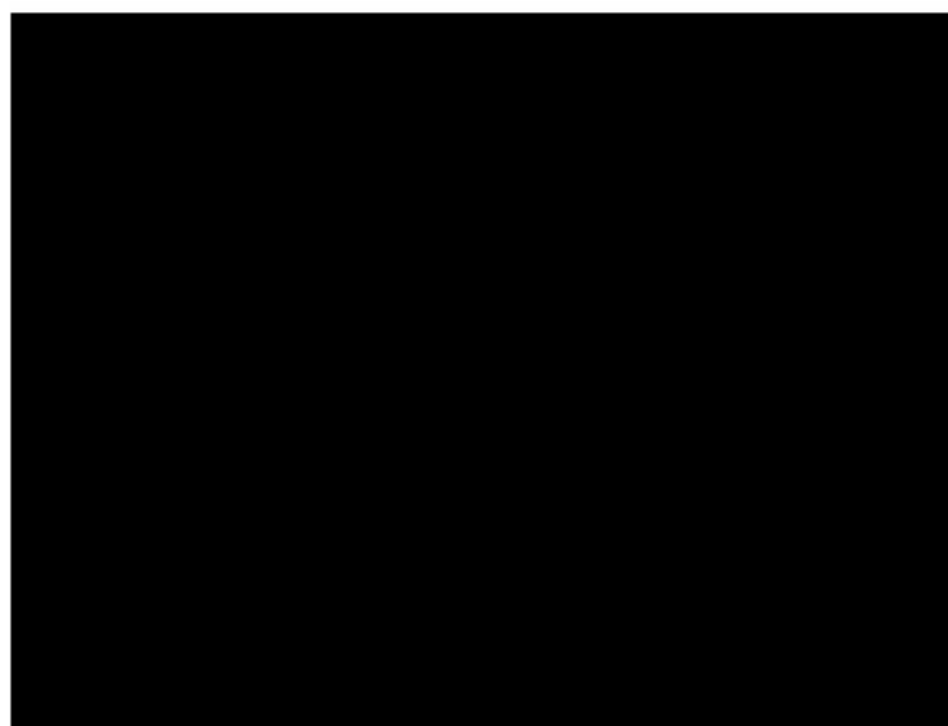
MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended

REFUSAL OF PLANNING PERMISSION

[Buckie]

Application for Planning Permission

TO

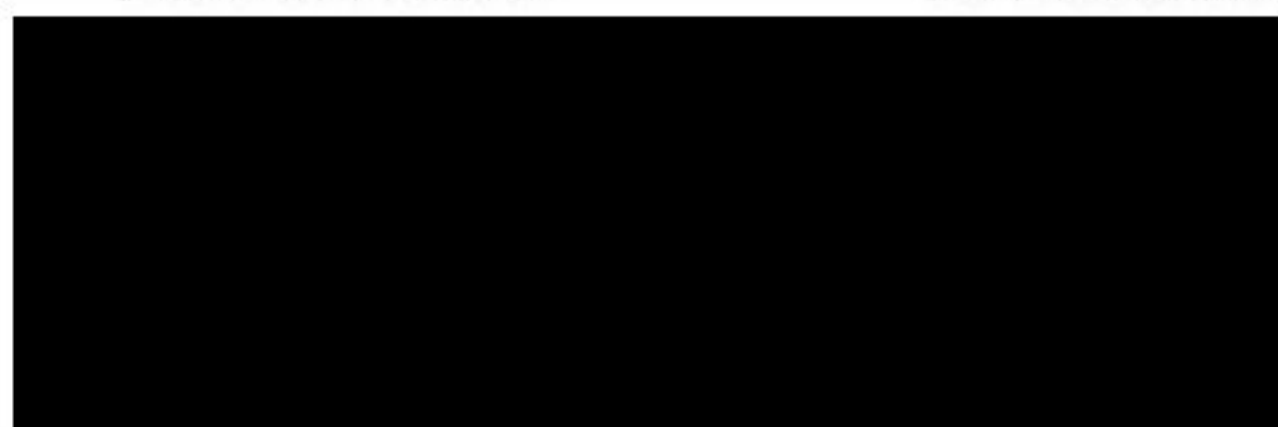


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Erect dwellinghouse on Site Adjacent To Arradoul House Arradoul Moray

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

Date of Notice: **10 December 2019**



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department

Moray Council

Council Office

High Street

ELGIN

Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal is unacceptable because: The development would result in the loss of part of an amenity land designation, an established wooded area around 'Arradoul House' which has been specifically protected under the terms of Policy E5 of the MLDP 2015 and the related Arradoul Settlement Statement designated to maintain the visual amenity of this part of the village and forms part of the setting of Arradoul House. The introduction of the proposed dwelling (and all associated development) on the application site between 'Arradoul House' and the neighbouring property, 'The Beeches' would consolidate built form in this locality and lead to removal of trees, eroding the existing pleasant and attractive wooded character of the amenity land designation and is contrary to Policies E5, H5, H3, IMP1 of the MLDP 2015 and the Related Rural Groupings Supplementary Guidance.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
16-97-D-1		Floor Plan
16-97-D-2		Elevations
16-97-D-2C		Elevations, site and location plan

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS

NOTICE OF REVIEW

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

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

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

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR.	Ref No.	16/97
Forename	WILLIAM	Forename	COLIN
Surname	BENSON	Surname	KEIR
Company Name	—	Company Name	PLANS PLUS
Building No./Name	ARRADOO	Building No./Name	MAIN STREET
Address Line 1	HOUSE	Address Line 1	OFFICES
Address Line 2	ARRADOO	Address Line 2	URQUHART
Town/City	BUCKIE	Town/City	BY ELGIN
Postcode	AB56 5BB	Postcode	IV30 8LG
Telephone	—	Telephone	01343 842635
Mobile	—	Mobile	07766 315501
Fax	—	Fax	—
Email	—	Email	ctkplans@aol.com
3. Application Details			
Planning authority	MORAY COUNCIL		
Planning authority's application reference number	19/01239/APP		
Site address	SITE ADJACENT TO ARRADOO HOUSE ARRADOO HOUSE, ARRADOO, BUCKIE AB56 5BB		
Description of proposed development	ERECT NEW DWELLING HOUSE		

Date of application

16/10/2019

Date of decision (if any)

10/12/2019

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

4. Nature of Application

Application for planning permission (including householder application)



Application for planning permission in principle



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



Application for approval of matters specified in conditions



5. Reasons for seeking review

Refusal of application by appointed officer



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



Conditions imposed on consent by appointed officer



6. Review procedure

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

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure



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

7. Site inspection

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

Can the site be viewed entirely from public land?



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



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

No

8. Statement

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

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

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

SEE SEPARATE SHEET.

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

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

9. List of Documents and Evidence

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

DRAWING,
REFUSAL NOTICE
REVIEW STATEMENT.

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

10. Checklist

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

Full completion of all parts of this form



Statement of your reasons for requesting a review



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



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

DECLARATION

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

Signature:

[Redacted Signature]

Name:

COUN KONG

Date:

19/2/2020

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



design consultants

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

REVIEW STATEMENT

PLOT ADJACENT TO ARRADOUL HOUSE, ARRADOUL, BUCKIE.

CLIENT :- MR WILLIAM BENSON.

This is a simple application to have a new house in a wooded area of Arradoul to the East of Arradoul House. Both the existing house and the proposed new house are in the ownership of the applicant. A previous application for a much larger house was considered inappropriate and it is noted that the proposed house was deemed acceptable in terms of design and size by the planner who dealt with the application.

Previously, access and visibility were a concern and again we note that Transportation offered no objections to the proposal (with conditions which can be met).

This leaves only one reason for refusal and that is amenity. With no real consultation with ourselves during the course of the application, we feel that the planner has made assumptions as to how many trees will need to be felled to accommodate the house. We estimate only 3 trees would be lost to achieve this. The applicant is prepared to plant numerous additional trees to the North of the proposed house as a buffer zone between the road and the house. The additional trees would provide screening from the road. Additional planting between the proposed house and the main house (Arradoul House) would also be provided to ensure that there was a density in terms of trees between Arradoul House and the road and proposed house.

From late autumn to well into spring time the trees in this area are devoid of leaves and Arradoul House can be quite prominent



without the leaves on the trees to screen it from the road. Despite a house being located to the back of the land (the South side of the plot) with the additional planting of trees and shrubs to the North and West of the proposed house, we feel that the setting of Arradoul House will not be compromised by this additional building. There is considerable land particularly to the North where the additional trees and shrubs could be easily be accommodated. Any new tree could be set as a minimum height of 1.8 meters high reducing the time it would take for the new planting to mature.

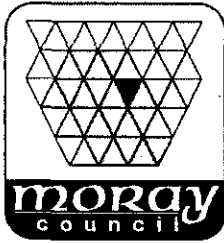
The proposed new dwelling house is 36 meters away from the nearest point of Arradoul House.

The proposed new house is set back 50 meters from the edge of the carriageway.

With these figures in mind, there is ample room to avoid this proposed house impacting on the setting and amenity of Arradoul House.

If one was to draw a line from the wooden fence to the East of the plot (The Beeches) and project this to the rear most point of Arradoul House you will see that the proposed house does not come in front of this line. It is set further back. This line represent the vision line any passer by would be likely to see. We have dotted this line on to the site plan in a broken red pen line for clarity. This clearly demonstrates that the house has little or no impact on Arradoul House itself.

With all the above in mind, we respectfully ask that the committee see this application for what it is and that with careful landscaping, the amenity surrounding Arradoul House will not be compromised by this new single dwelling house for the owner.



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

REFUSAL OF PLANNING PERMISSION

**[Buckie]
Application for Planning Permission**

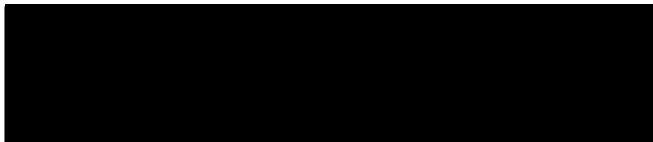
**TO Mr William Benson
 c/o Plans Plus
 Main Street
 URQUHART
 By Elgin
 Moray
 IV30 8LG**

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

Erect dwellinghouse on Site Adjacent To Arradoul House Arradoul Moray

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

Date of Notice: **10 December 2019**



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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal is unacceptable because: The development would result in the loss of part of an amenity land designation, an established wooded area around 'Arradoul House' which has been specifically protected under the terms of Policy E5 of the MLDP 2015 and the related Arradoul Settlement Statement designated to maintain the visual amenity of this part of the village and forms part of the setting of Arradoul House. The introduction of the proposed dwelling (and all associated development) on the application site between 'Arradoul House' and the neighbouring property, 'The Beeches' would consolidate built form in this locality and lead to removal of trees, eroding the existing pleasant and attractive wooded character of the amenity land designation and is contrary to Policies E5, H5, H3, IMP1 of the MLDP 2015 and the Related Rural Groupings Supplementary Guidance.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
16-97-D-1		Floor Plan
16-97-D-2		Elevations
		Elevations, site and location plan

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

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

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