



## MORAY LOCAL REVIEW BODY

27 JANUARY 2022

### SUMMARY OF INFORMATION FOR CASE No LR266

**Planning Application 21/00517/APP – Erect dwelling house and garage at Site Adjacent to the Wood of Coneloch, Birnie**

#### **Ward 1 – Speyside Glenlivet**

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 8 October 2021 on the grounds that:

The proposed house fails to comply with policy DP4 – Rural Housing of the Moray Local Development Plan 2020 because its height at 7.5 metres exceeds the maximum height specified in policy DP4's design criteria, requiring rural houses to be no more than 6.75 metres in height.

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

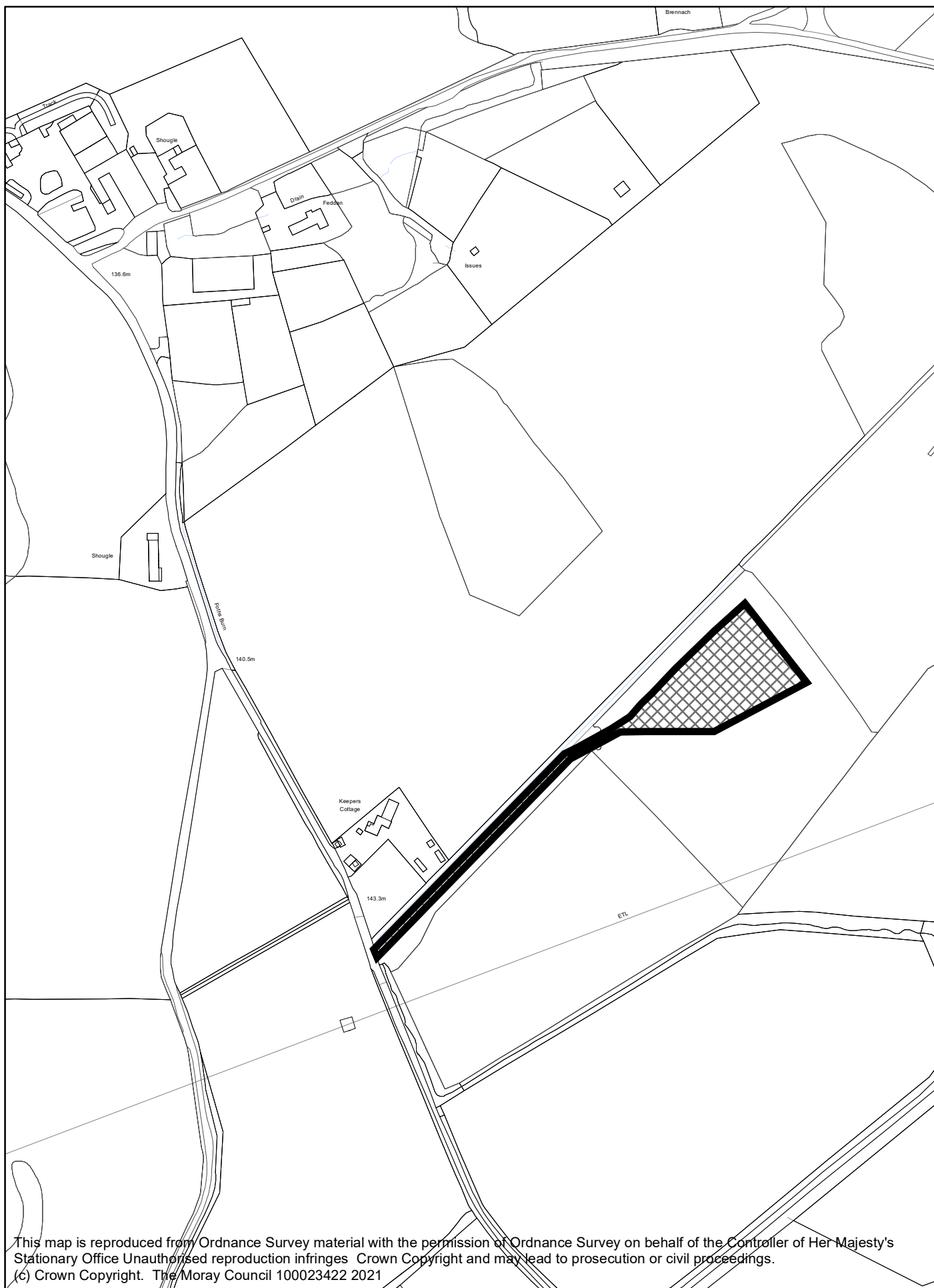
The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

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





# Location plan for Planning Application Reference Number : 21/00517/APP



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# **APPENDIX 1**

## **DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER**





The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: [development.control@moray.gov.uk](mailto: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 100392570-001

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

## Type of Application

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

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

## Description of Proposal

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

Erect dwellinghouse and garage on Site Adjacent To Wood Of Coneloch, Birnie, Elgin

Is this a temporary permission? \*

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Grant and Geoghegan Ltd.		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Neil	Building Name:	per grant and geoghegan
Last Name: *	Grant	Building Number:	
Telephone Number: *	07769744332	Address 1 (Street): *	Grant Lodge
Extension Number:		Address 2:	Birnie
Mobile Number:		Town/City: *	ELGIN
Fax Number:		Country: *	Scotland
		Postcode: *	IV30 8SW
Email Address: *	neil@ggmail.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:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	per grant and geoghegan
First Name: *	Harry	Building Number:	
Last Name: *	Fox	Address 1 (Street): *	Grant Lodge
Company/Organisation		Address 2:	Birnie
Telephone Number: *		Town/City: *	ELGIN
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV30 8SW
Fax Number:			
Email Address: *	neil@ggmail.co.uk		

## Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Site Adjacent To Wood Of Coneloch, Birnie, Elgin

Northing

854924

Easting

321474

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

5580.00

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)

Undeveloped land

## Access and Parking

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

☒ Yes ☐ No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
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?	<div style="border: 1px solid black; padding: 2px 10px;">0</div>
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)? *	<div style="border: 1px solid black; padding: 2px 10px;">3</div>
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).	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *	
<input type="checkbox"/> Yes – connecting to public drainage network <input checked="" type="checkbox"/> No – proposing to make private drainage arrangements <input type="checkbox"/> 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? *	
<input type="checkbox"/> New/Altered septic tank. <input checked="" type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed). <input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).	
Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *	
Treatment plant to soakpit to existing watercourse.	
Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *	
Note:- Please include details of SUDS arrangements on your plans Selecting 'No' to the above question means that you could be in breach of Environmental legislation.	
Are you proposing to connect to the public water supply network? *	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, using a private water supply <input type="checkbox"/> 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)

To Local Authority requirements

## 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? \*

1

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

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Neil Grant

On behalf of: Mr Harry Fox

Date: 07/04/2021

☒ 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)

3D visuals and site levels

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 Neil Grant

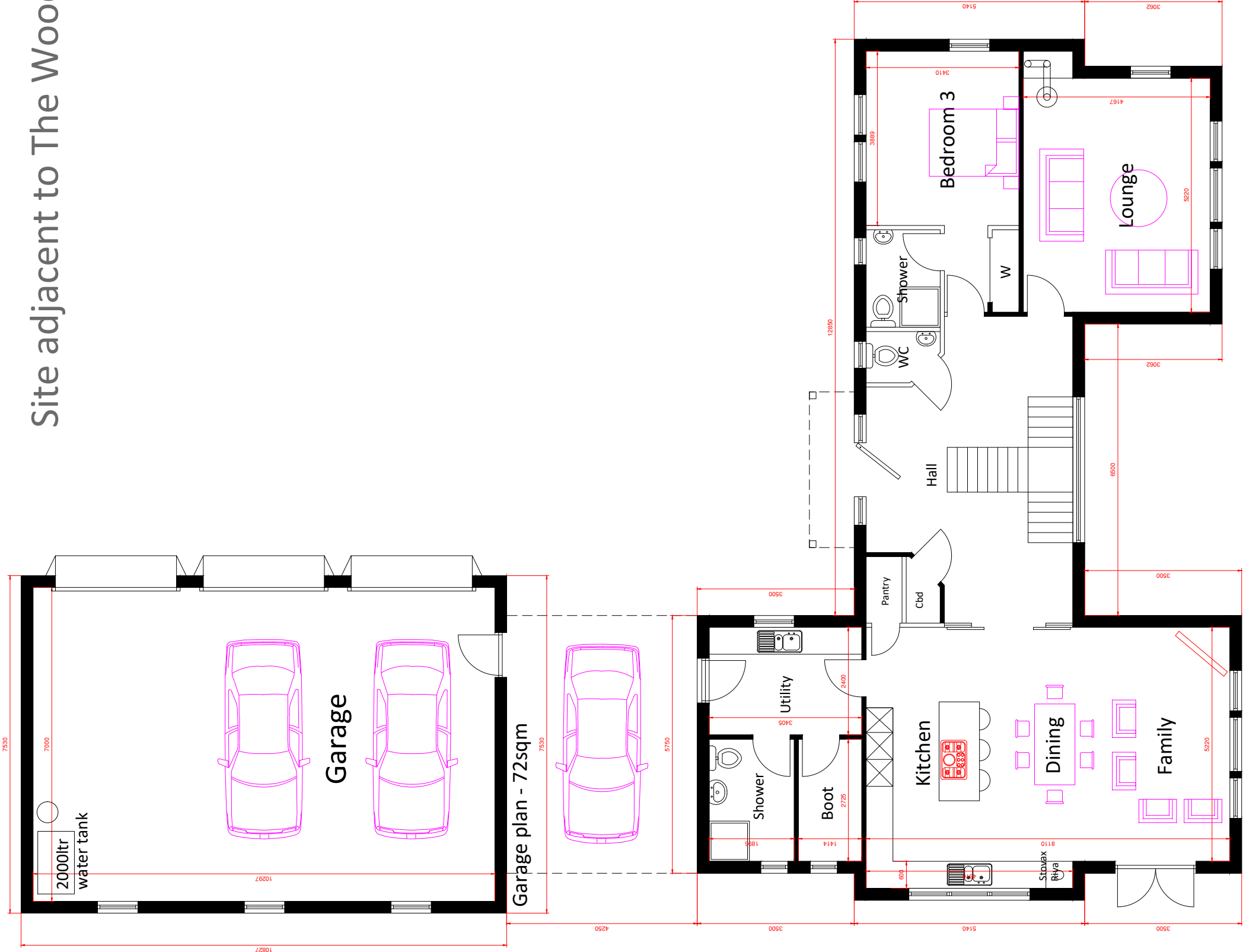
Declaration Date: 07/04/2021

## Payment Details

Cheque: X, X

Created: 07/04/2021 17:43

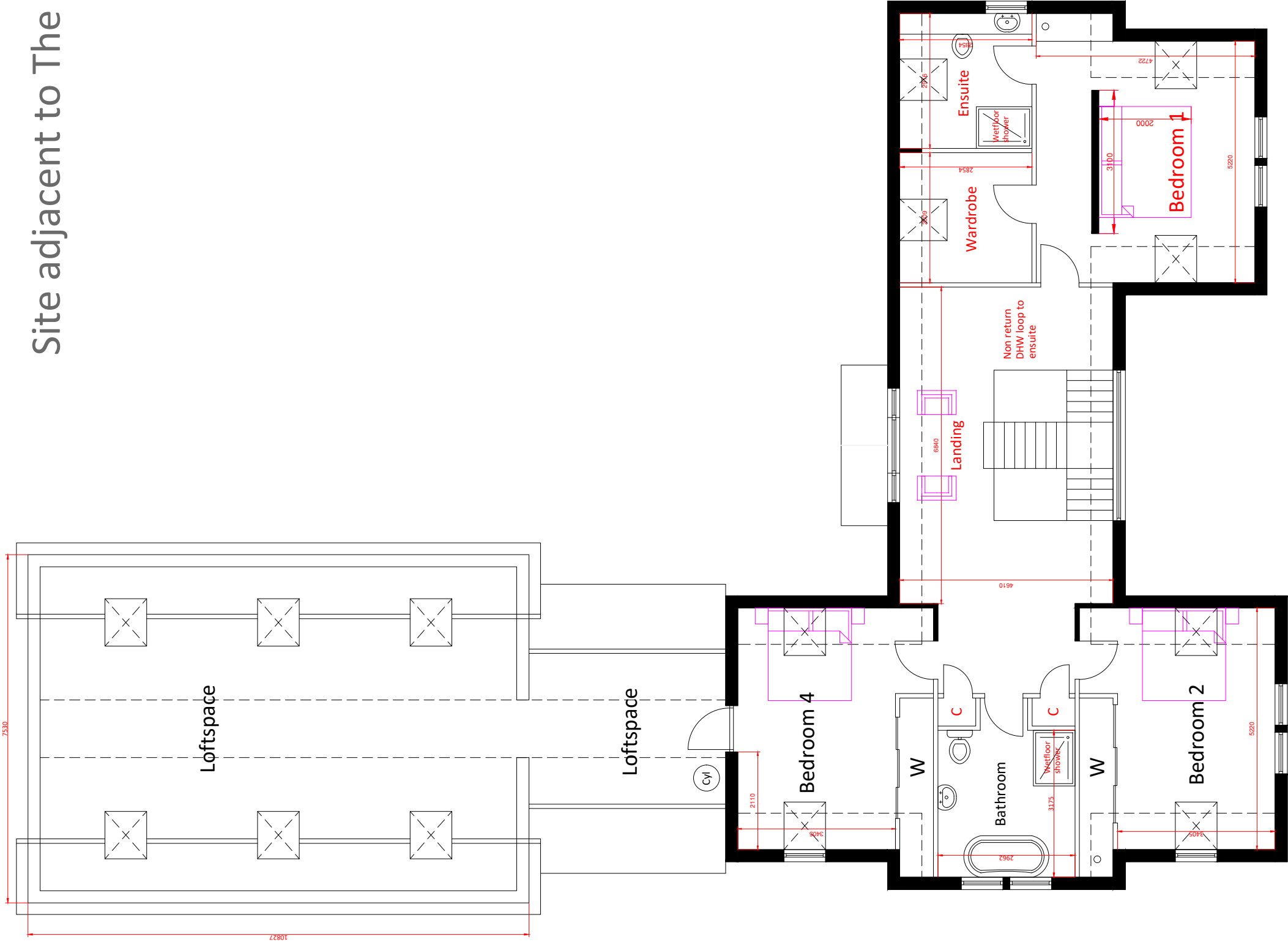
Site adjacent to The Wood of Coneloch, Birnie, Elgin



grant and  
geoghegan  
planning, development and  
architectural consultants  
T:01343 556644  
E:enquiries@ggmail.co.uk



Site adjacent to The Wood of Coneloch, Birnie, Elgin



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E:enquiries@ggmail.co.uk

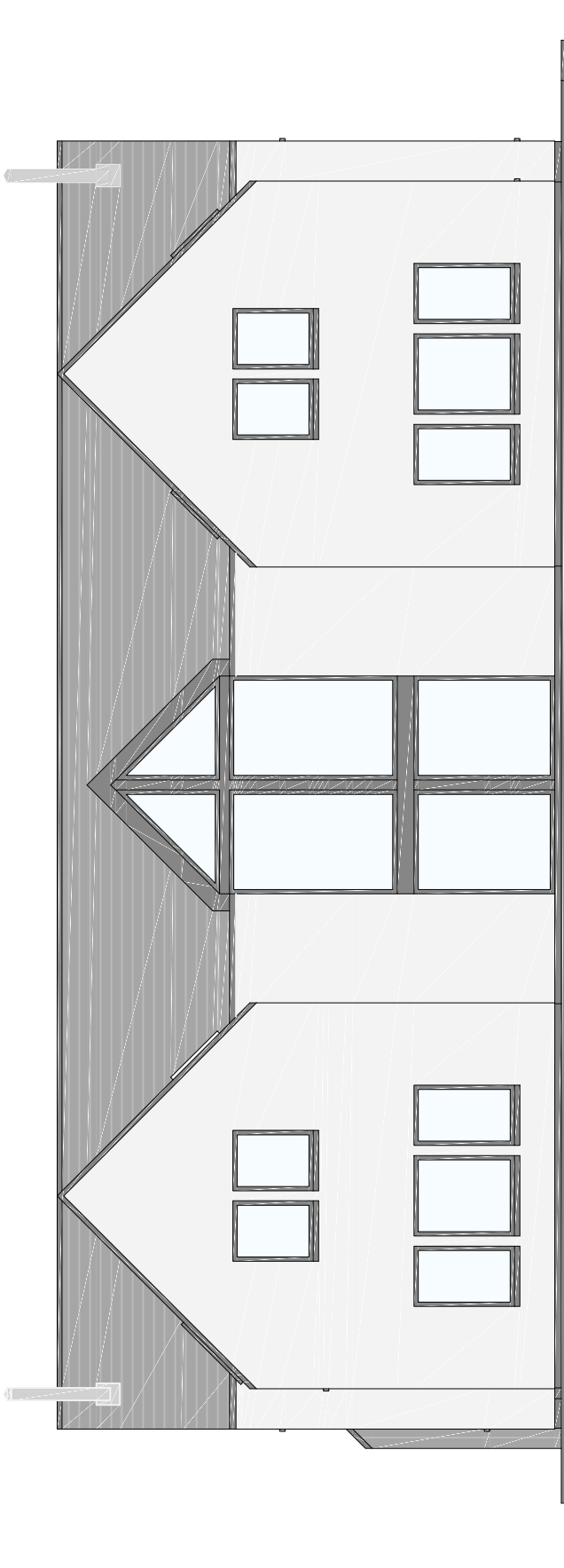


External finishes

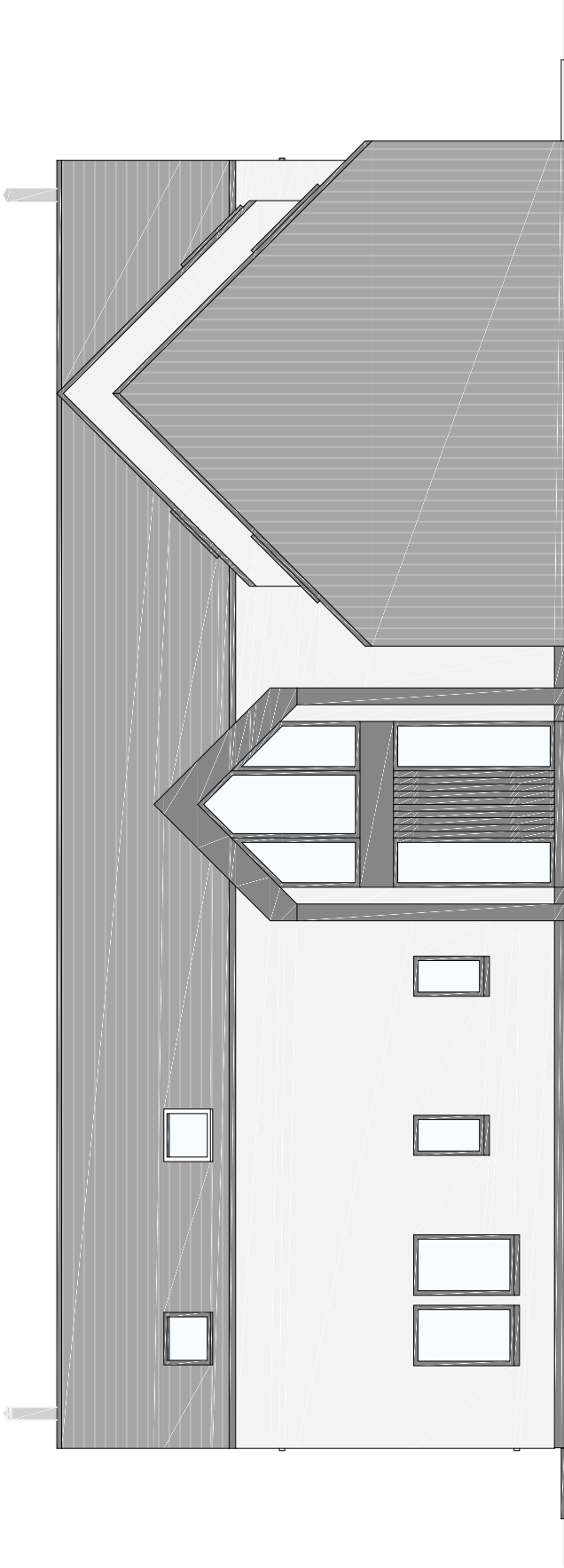
Roof  
Natural slate

Walls  
K Rend smooth render - white  
Anthracite cedaral boarding boarding

Windows/Doors  
Anthracite



Southwest Elevation



Northeast Elevation

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architectural consultants

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E:enquiries@ggmail.co.uk





External finishes

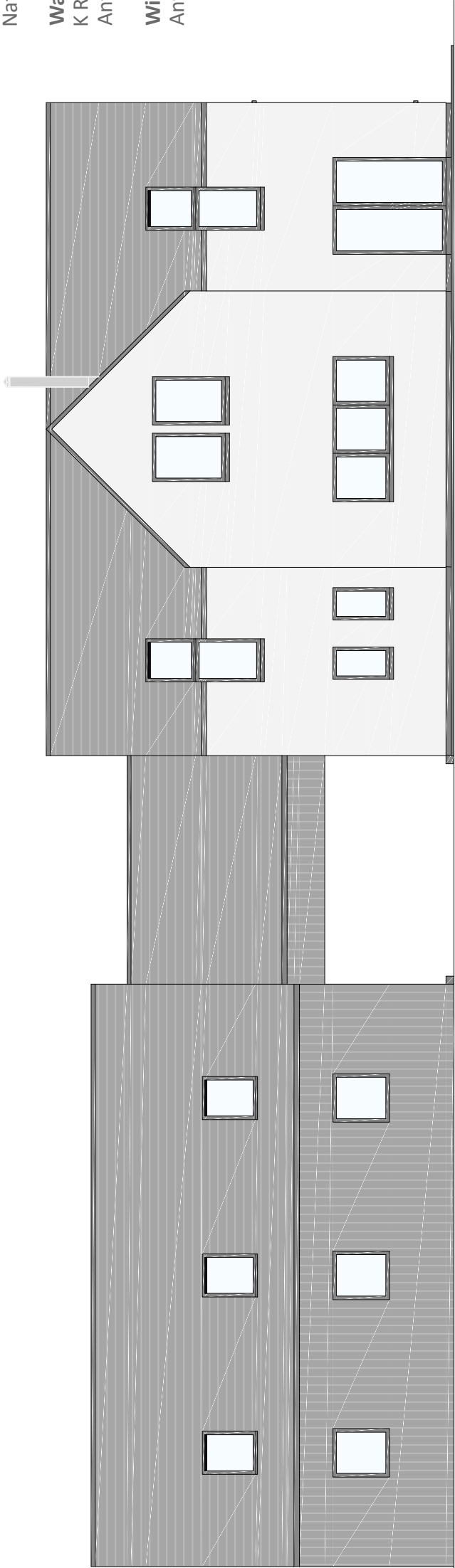
- Roof

Natural slate
- Walls

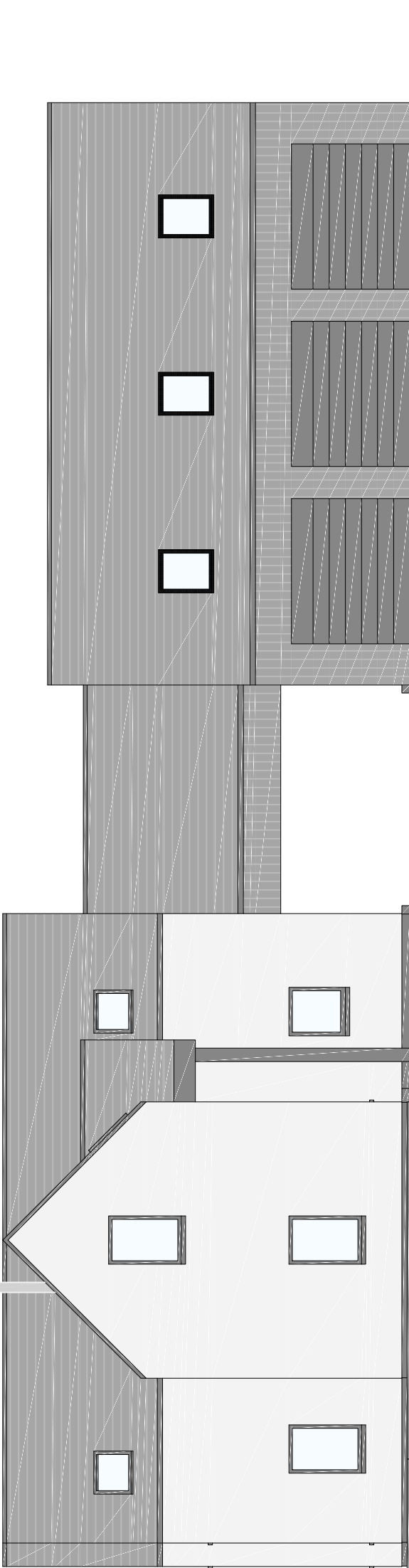
K Rend smooth render - white

Anthracite cedaral boarding boarding
- Windows/Doors

Anthracite



Northwest Elevation



Southeast Elevation

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geoghegan

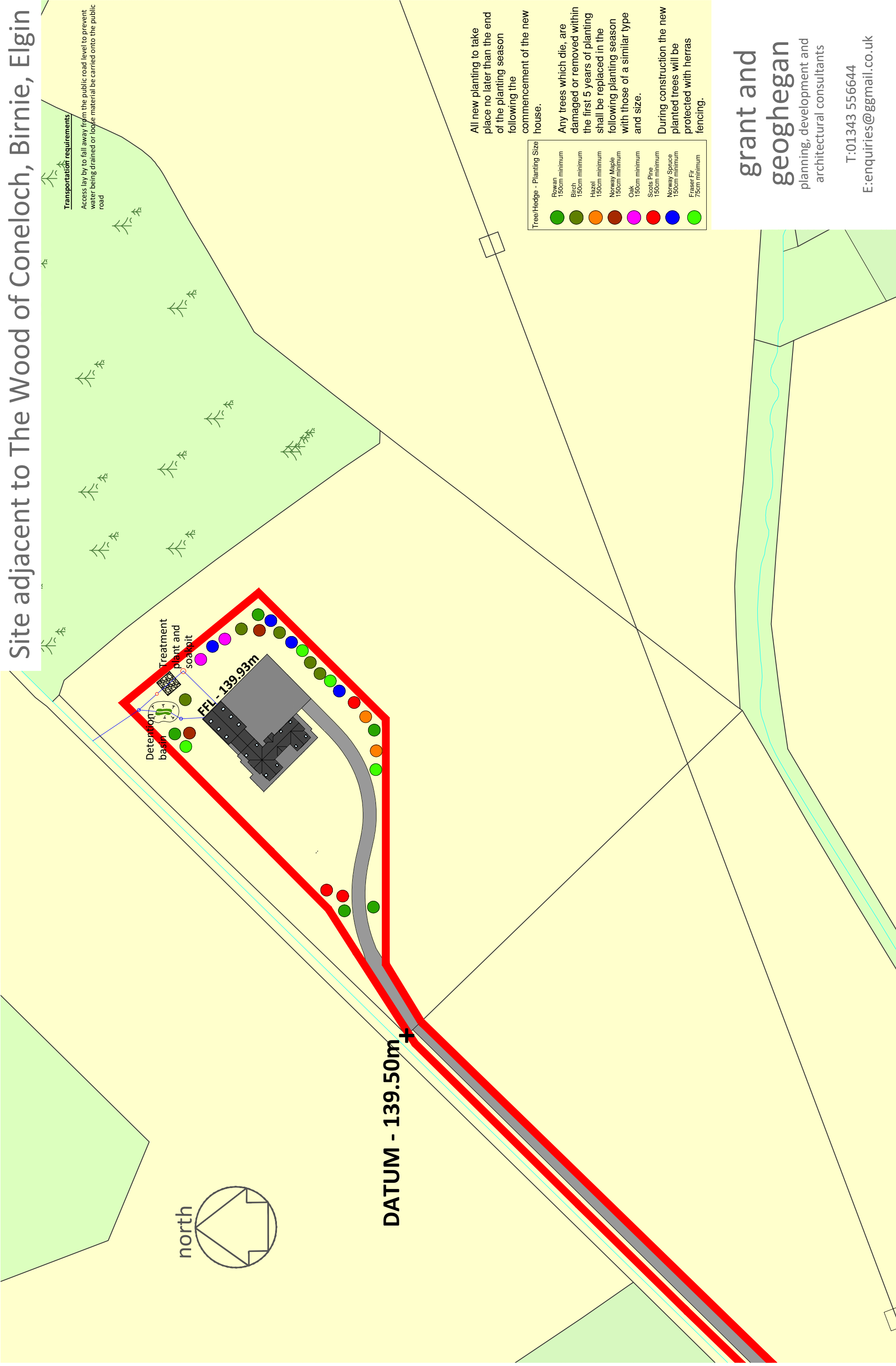
planning, development and  
architectural consultants

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

Drawing Title	Scale at A3	Date:	Drawing No.
Elevations 2	1:100	26.3.21	020/879/04



# Site adjacent to The Wood of Coneloch, Birnie, Elgin



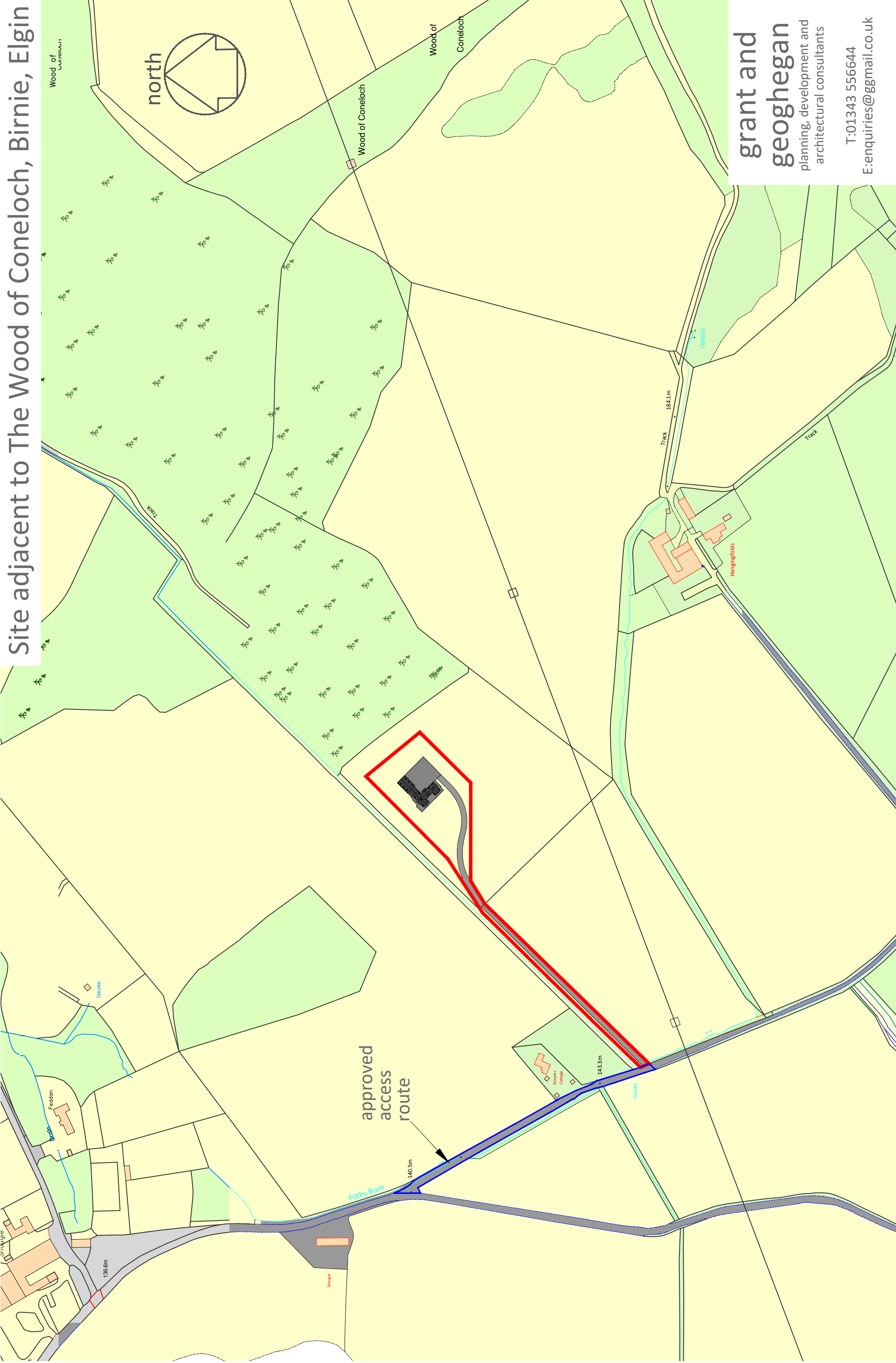
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E:enquiries@ggmail.co.uk



Site adjacent to The Wood of Coneloch, Birnie, Elgin



**grant and  
geoghegan**  
planning, development and  
architectural consultants

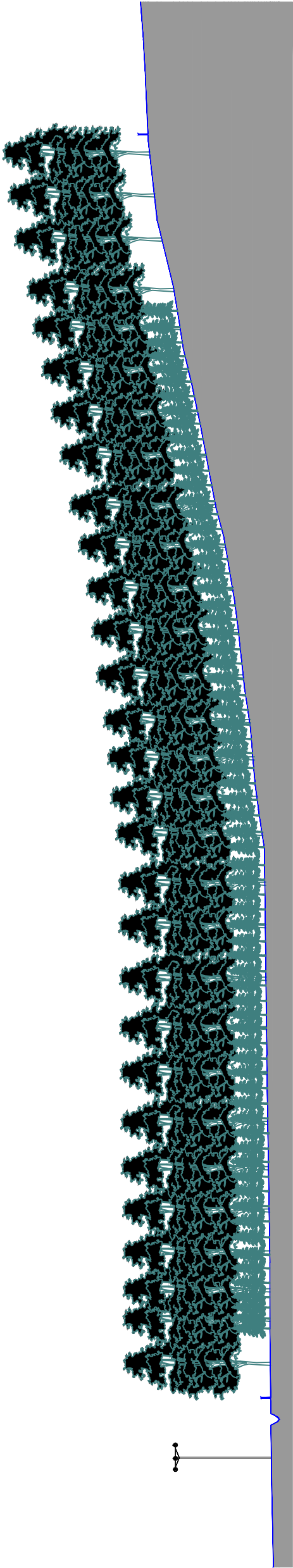
T:01343 556644  
E:enquiries@ggmail.co.uk

Drawing Title	Scale at A3	Date:	Drawing No.
Location Plan	1:2500	26.3.21	020/879/06

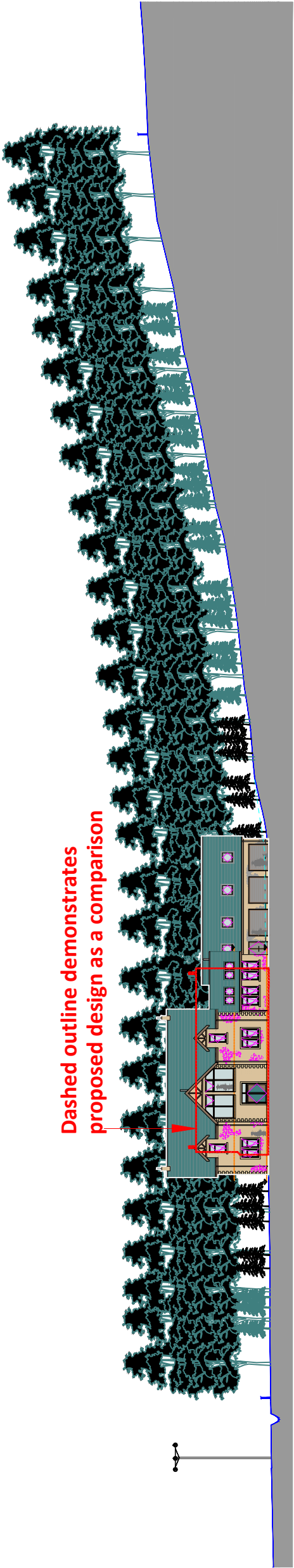




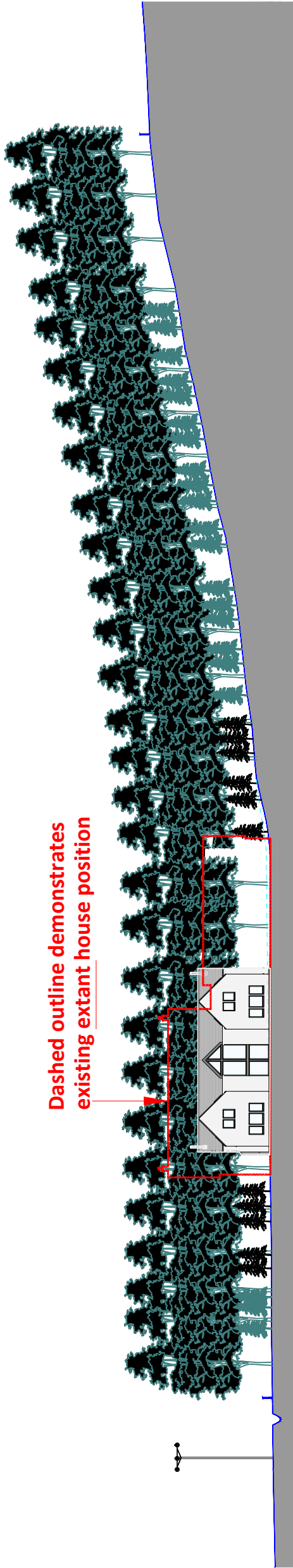
Site adjacent to The Wood of Coneloch, Birnie, Elgin



EXISTING SECTION THROUGH SITE



EXISTING APPROVED SECTION THROUGH SITE



PROPOSED SECTION THROUGH SITE WITH PROPOSED HOUSE DESIGN SHOWN

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architectural consultants

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E:enquiries@ggmail.co.uk

Drawing Title	Scale at A3	Date:	Drawing No.
Site levels	1:250	28.9.21	020/879/08





Site adjacent to The Wood of Coneloch, Birnie, Elgin



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architectural consultants

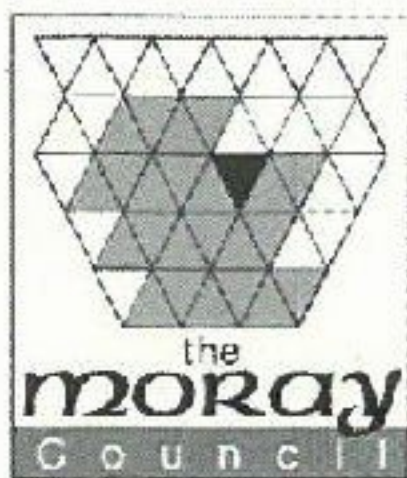
T:01343 556644  
E:enquiries@ggmail.co.uk

Drawing Title	Scale at A3	Date:	Drawing No.
3d visual	1:2000	26.3.21	020/879/07









*E*  
*Robert Frost Estate*  
*Deer Larder*

## DEVELOPMENT SERVICES

Madalina Vancea

Technical Officer

The Moray Council

6760 High Street Elgin Moray IV30 9BX

01343 563430 Fax: 01343 563990

Teresa Tait

Peter Graham and Associates LLP

Coneloch

Elgin

Moray

IV30 8SN



E-mail: [madalina.vancea@moray.gov.uk](mailto:madalina.vancea@moray.gov.uk)

Website: [www.moray.gov.uk](http://www.moray.gov.uk)

Your reference:

Our reference: 06/00125/SPRING

17/00032/PWATER

MAVA - DUNNL

19 October 2017

Dear Madam

### **Private Water Supplies (Scotland) Regulations 2006 Type A Supply - Hangingfolds, 06/00125/SPRING**

I refer to the sample of water which was taken from Hangingfolds Deer Larder on 28 September 2017.

The sample has now been analysed and a copy of the analyst's report is enclosed for your records.

The pH of the sample (5.4) was outwith the range prescribed in the above regulations (6.5 - 9.5).

The remaining results complied with the requirements of the above regulations.

- A water of this pH may be aggressive to metal pipes and I would advise you provide pH correction treatment.

The account for the sampling and analysis will follow in due course.

Should you wish to discuss the matter further, please do not hesitate to contact me.

Yours faithfully



**Madalina Vancea  
Technical Officer**



# Certificate of Chemical Analysis

## Potable Private Water Sample

**Laboratory Reference:** 10174991  
**Your Reference:** 17/00642/PWSAMP  
**For the attention of:** M Vancea  
**Received From:** Moray Council Council Offices High Street  
 Elgin Moray  
**Received On:** 28 September 2017  
**Taken From:** Deer larder tap, Hangingfolds Deer Larder, Birnie, Elgin  
**Taken On:** 28 September 2017  
**Appearance:** Clear, no sediment.  
**Odour:** No smell.  
**Taste:** No taste.

### Results of Analysis

Method Code	Determination	Result	Prescribed Concentration or Value
i4221a (2)	Taste (0 pass, 1 fail)	0	
i4202a (2)	Odour (0 pass, 1 fail)	0	
<b>i4203</b>	<b>pH</b>	<b>5.4</b>	<b>6.5 to 9.5</b>
i4208	Colour (Pt/Co Scale)	< 2 mg/l	not more than 20 mg/l
i4204	Conductivity	85 µS/cm	not more than 2500 µS/cm
i4205	Turbidity	< 0.1 NTU	not more than 4.0 NTU
i4102a	Chloride (as Cl)	18 mg/l	not more than 250 mg/l
i4102c	Nitrate (as NO <sub>3</sub> )	6 mg/l	not more than 50 mg/l
i4104	Nitrite (as NO <sub>2</sub> )	< 0.01 mg/l	not more than 0.50 mg/l
i4520a	Ammonium (as NH <sub>4</sub> )	< 0.05 mg/l	not more than 0.50 mg/l
i4521at	Total Organic Carbon (total)	< 3 mg/l	
i4523_Al	Aluminium (as Al)	< 10 µg/l	not more than 200 µg/l
i4523_Mn	Manganese (as Mn)	3 µg/l	not more than 50 µg/l
i4523_Fe	Iron (as Fe)	2 µg/l	not more than 200 µg/l
i4005b	Lead (as Pb)	9 µg/l	not more than 10 µg/l

#### Comments:(1)

The pH value of the sample was outside of the range prescribed in The Private Water Supplies (Scotland) Regulations, 2006.

The remaining results of analysis complied with the requirements of the above Regulations.

(1) Comments, opinions and interpretations are outside the scope of UKAS accreditation.

(2) This determination is not included in the UKAS Accreditation Schedule of the laboratory

Signature:



Name: James Darroch BSc, CChem, MRSC

Status: Laboratory Manager

Official Address: Aberdeen Scientific Services Laboratory, Old Aberdeen House,  
Dunbar Street, Aberdeen, AB24 3UJ

Telephone Number: (01224) 491648

Date of Report: 17 October 2017

Issue Number: 1



# Certificate of Bacteriological Examination

## Potable Water Sample

**Laboratory Reference:** 10174983  
**Your Reference:** 17/00642/PWSAMP  
**For the attention of:** M Vancea  
**Received From:** Moray Council Council Offices High Street  
Elgin Moray  
**Received On:** 28 September 2017  
**Sample Name:** Deer larder tap, Hangingfolds Deer Larder, Birnie, Elgin  
**Taken On:** 28 September 2017  
**Date of Examination:** 28 September 2017

### Results of Examination

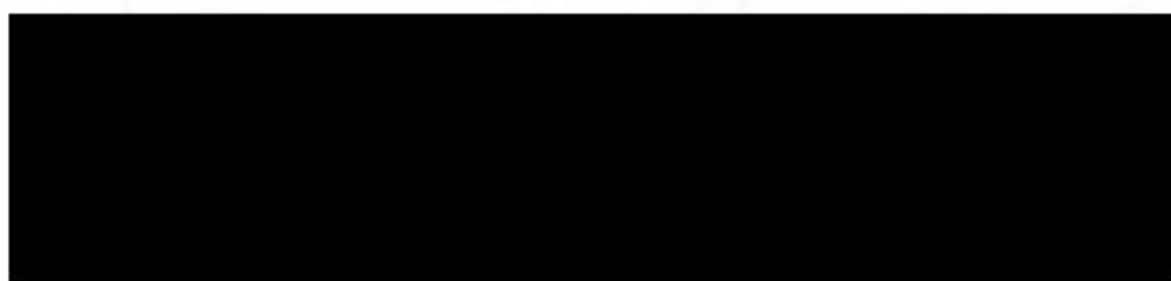
Method Code	Determination	Result	Units
i7404a	Total Coliforms	Not detected	Most Probable Number in 100 millilitre
i7404b	Escherichia coli	Not detected	Most Probable Number in 100 millilitre
i7001c	Colony Count (37 °C / 44 hours)	Not detected	in 1 millilitre
i7001a	Colony Count (22 °C / 68 hours)	Not detected	in 1 millilitre
i7602	Clostridium perfringens (including	Not detected	in 100 millilitre
i7604	Enterococci	Not detected	colony forming units per 100 millilitre

**Comments: (1)**

The above parameters comply with the requirements of the Private Water Supplies (Scotland) Regulations 2006.

(1) Comments, opinions and interpretations are outside the scope of UKAS accreditation

Signature:



Name: Kerry Parrott HNC, MIFST,

Status: Principal Scientist

Official Address: Aberdeen Scientific Services Laboratory, Old Aberdeen House,  
Dunbar Street, Aberdeen, AB24 3UJ

Telephone Number: (01224) 491648

Date of Report: 4 October 2017

Issue Number: 1



1325





Gary Mackintosh  
Email: [gmcsurveys@gmail.com](mailto:gmcsurveys@gmail.com)  
Tel: 07557431702

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

**REFUSED**

08 October 2021

Development Management  
Environmental Services  
The Moray Council

# gmcsurveys

Surveys, Setting-Out Civil Engineering Design

## Site Investigation & Drainage Assessment

WOOD OF CONELOCH

Gary Mackintosh Bsc  
[gmcsurveys@gmail.com](mailto:gmcsurveys@gmail.com)

## Contents

<b><i>Client:</i></b> .....	2
<b><i>Site Address:</i></b> .....	2
<b><i>Planning Reference:</i></b> .....	2
<b><i>Date:</i></b> .....	2
<b><i>Job Number:</i></b> .....	2
<b><i>Company Information:</i></b> .....	2
Assessment completed by: .....	2
<b><i>Site Description:</i></b> .....	3
<b><i>Soil Conditions:</i></b> .....	3
<b><i>Percolation/Soakaway Testing:</i></b> .....	3
<b><i>Conclusion and Recommendations:</i></b> .....	4
<b><i>Foul Water Discharge:</i></b> .....	4
<b><i>Surface Water Dispersal :</i></b> .....	5



***Client:***

Mr H Fox

***Site Address:***

Site Adj to Wood of Coneloch

Birnie

Elgin

***Planning Reference:***

TBC

***Date:***

28<sup>th</sup> March 2021

***Job Number:***

o846

***Company Information:***

Assessment completed by:

Gary Mackintosh Bsc

**GMCSurveys**

34 Castle Street

Forres

Moray

IV36 1PW

Email: gmcsurveys@gmail.com

Telephone: 07557431702

***Site Description:***

The proposals are to erect a new single private dwelling within land located to the south west of the Wood of Coneloch, Birnie, By Elgin.

The SEPA Flood Maps have been consulted which indicate that the site is out with any areas impacted by fluvial or pluvial flooding up to a 1:200year event. The maps do indicate surface water flooding within the Wood of Coneloch to the north east and within the field area to the north.

GMC Surveys have been asked to carry out a Drainage Assessment based on previous ground investigations and provide a drainage solution for the proposed development.

***Soil Conditions:***

Excavations were carried out on 15<sup>th</sup> March 2020 to assess the existing ground conditions and carry out infiltration and percolation testing for the disposal of foul and surface waters via soakaways.

The trial pits were excavated to depths of 1.50m.

The existing soils consist of 300 – 400mm Topsoil overlying grey firm to stiff, gravelly slightly silty Clays proved to the depth of the excavation.

There was no evidence of fill material or contamination present within the test holes. The water table was present at a depth of 1.0m below ground level within each of the test holes.

***Percolation/Soakaway Testing:***

No testing was carried out within the test holes due to the presence of existing water table.

### ***Conclusion and Recommendations:***

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

### ***Foul Water Discharge:***

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

SEPA require that the soakpit have a minimum base area of 25m<sup>2</sup>, the proposed dimensions are therefore to be 5.0m x 5.0m with 1.0m below the invert of the inlet. The 100mm outlet is to be set 300mm below the invert of the incoming pipe.

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

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

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

***Surface Water Dispersal:***

As infiltration is not available within the site, it is proposed that the surface water will also discharge to the existing watercourse to the north west of the site. In order to do so, any surface water discharge will need to be attenuated to the pre-development runoff rate. Storage will be required to ensure that the surface waters can be attenuated and stored up to and including a 1:200year event. In accordance with The Moray Council Flood Team policy regarding above ground storage, it is proposed to install a small detention basin within the site boundary.

It is proposed therefore proposed to install a small surface water detention basin to manage, store and discharge surface waters at 0.5l/s.

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

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

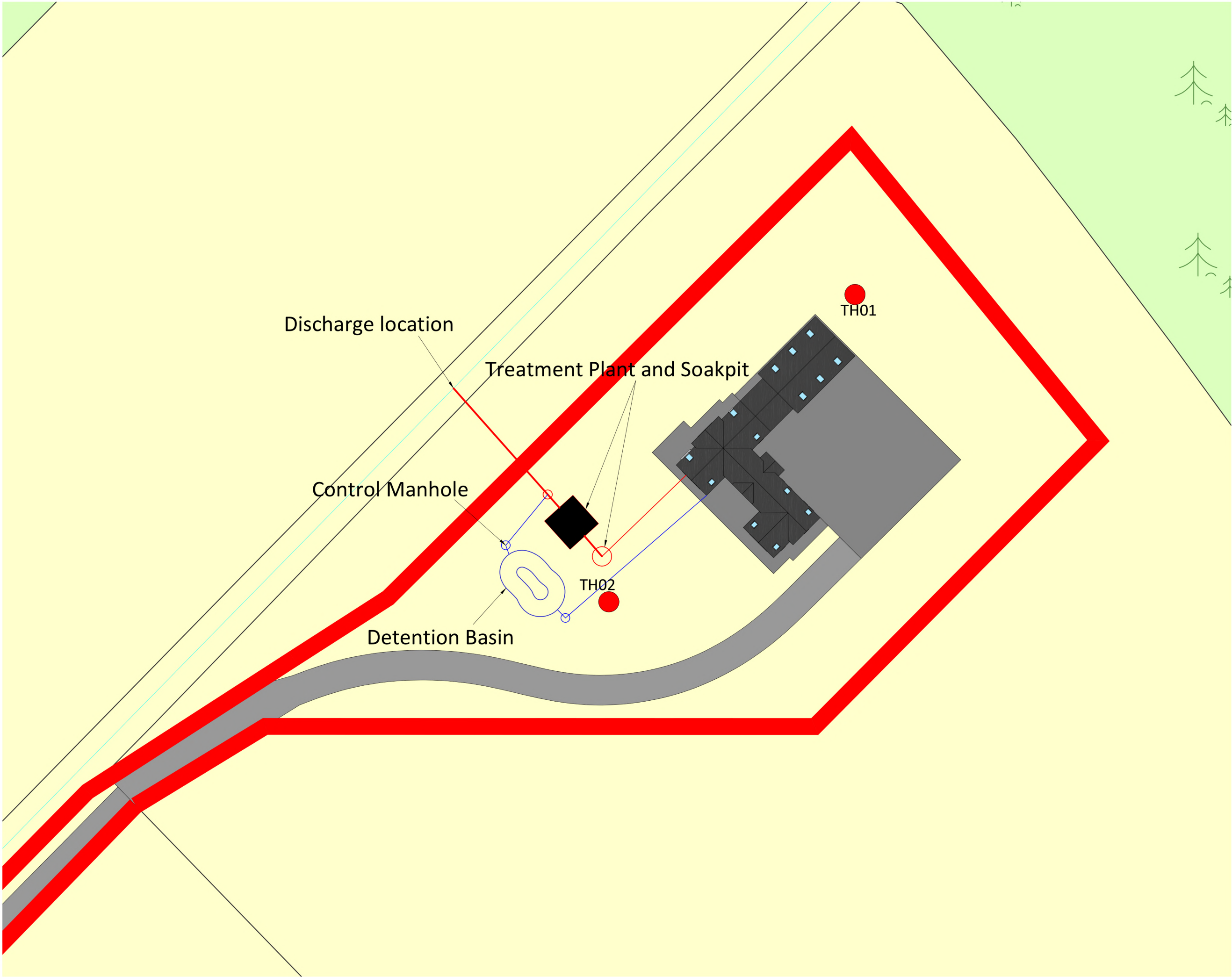
The design of the drainage features can be found in Appendix C.

## References

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

## **APPENDIX A**

### Site and Drainage Layout/Test Hole Locations



REV:	DESCRIPTION:	BY:	DATE:
STATUS:		ISSUE	

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

CLIENT:  
Mr H Fox

SITE: Site Adj to Wood of Coneloch, Birnie, Elgin			
TITLE: Test Hole Location/ Site Plan/Indicative Layout			
SCALE AT A4: NTS	DATE: MAR21	DRAWN: GM	CHECKED:
PROJECT NO: 0846	DRAWING NO: Appendix A	REVISION: -	

## **APPENDIX B**

### Storage Requirements/Basin Sizing



## **Drainage Sizing**

### **Storage Calculations**

Proposed Discharge Rate = 0.50l/s

Impermeable Area (Roof and hard standings) = 270m<sup>2</sup> (roof area with extra over)

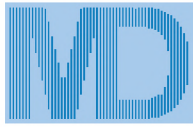
Total Storage Required = **15.20m<sup>3</sup> (1:200year)**

### **Proposed Basin Sizing**

The detention basin as shown within the appendix has a base area of 8.5m<sup>2</sup> with a plan area of 53m<sup>2</sup> and a depth of 750mm with 1:3 side slopes. The storage volume within the basin is therefore **15.38m<sup>3</sup>** with a minimum 250mm freeboard.

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

The storage calculation sheets are shown below.



MasterDrain  
SW

**gmcsurveys**  
Surveys, Setting Out, Civil Engineering Design

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

Job No. <b>0846</b>		
Sheet no. <b>1</b>		
Date <b>29/03/21</b>		
By <b>GM</b>	Checked	Approved

Project **Site Adj to Wood of Coneloch**  
Title **Surface Water Storage Requirement**

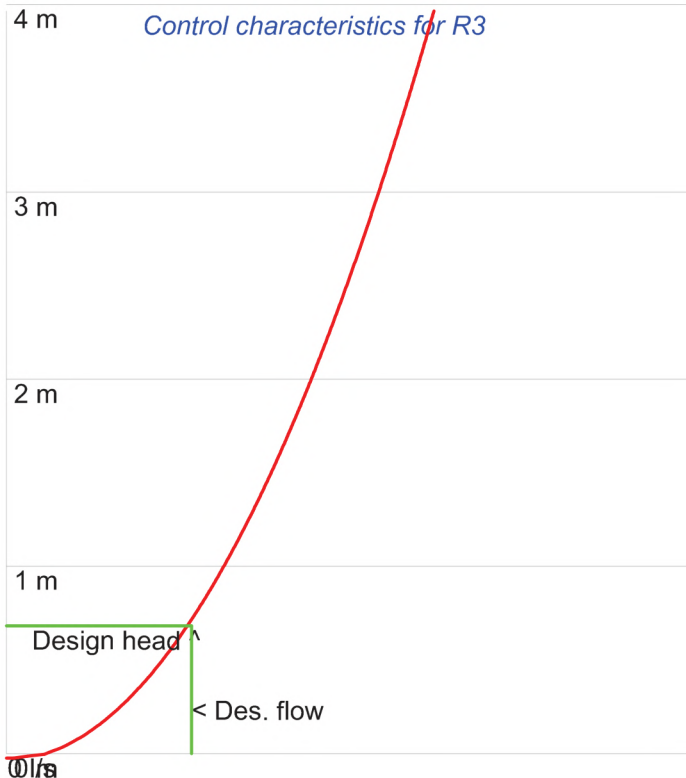
Data:-

Location = ELGIN  
M5-60 (mm) = 14  
Soil index = 0.40  
Return period = 200  
UCWI = 84.0  
Grid reference = NJ2162  
r = 0.24  
SAAR (mm/yr) = 800  
WRAP = 3  
Climate change = +35%

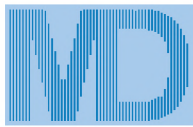
- i) Relatively impermeable soils in boulder and sedimentary clays, and in alluvium, especially in eastern England;
- ii) Permeable soils with shallow ground water in low-lying areas;
- iii) Mixed areas of permeable and impermeable soils, in approximately equal proportions.

Percentage runoff = 95.0% (manual setting)

Imperv. area = 270 m<sup>2</sup>  
Total area = 270 m<sup>2</sup>  
Total runoff = 24.6 m<sup>3</sup>  
Pervious area = 0 m<sup>2</sup>  
Equiv area = 256 m<sup>2</sup> (Tot. area x % runoff).  
Discharge rate = 0.500 l/s  
Design Head = 0.75m  
Control device = R3  
Max. calc. depth = 0.75 m  
Peak flow = 0.50 l/s  
Orifice diam = 21.2 mm  
Available depth = 0.0 m<sup>3</sup>  
Pipeline storage = 0.0 m<sup>3</sup>  
Offline storage = 0.0 m<sup>3</sup>  
Total storage = 15.2 m<sup>3</sup>  
Available MH storage = 0.0 m<sup>3</sup>  
Peak input flow = 2.68 l/s



Head (m)	Flow (l/s)	Head (m)	Flow (l/s)
0.01	0.02	2.01	0.82
0.05	0.13	2.05	0.83
0.10	0.18	2.10	0.84
0.15	0.22	2.15	0.85
0.20	0.26	2.20	0.86
0.25	0.29	2.25	0.87
0.30	0.32	2.30	0.88
0.35	0.34	2.35	0.89
0.40	0.37	2.40	0.89
0.45	0.39	2.45	0.90
0.50	0.41	2.50	0.91
0.55	0.43	2.55	0.92
0.60	0.45	2.60	0.93
0.65	0.47	2.65	0.94
0.70	0.48	2.70	0.95
0.75	0.50	2.75	0.96
0.80	0.52	2.80	0.97
0.85	0.53	2.85	0.97
0.90	0.55	2.90	0.98
0.95	0.56	2.95	0.99
1.00	0.58	3.00	1.00
1.05	0.59	3.05	1.01
1.10	0.61	3.10	1.02
1.15	0.62	3.15	1.02
1.20	0.63	3.20	1.03
1.25	0.65	3.25	1.04
1.30	0.66	3.30	1.05
1.35	0.67	3.35	1.06
1.40	0.68	3.40	1.06
1.45	0.70	3.45	1.07
1.50	0.71	3.50	1.08
1.55	0.72	3.55	1.09
1.60	0.73	3.60	1.10
1.65	0.74	3.65	1.10
1.70	0.75	3.70	1.11
1.75	0.76	3.75	1.12
1.80	0.77	3.80	1.13
1.85	0.79	3.85	1.13
1.90	0.80	3.90	1.14
1.95	0.81	3.95	1.15
2.00	0.82	4.00	1.15



MasterDrain  
SW

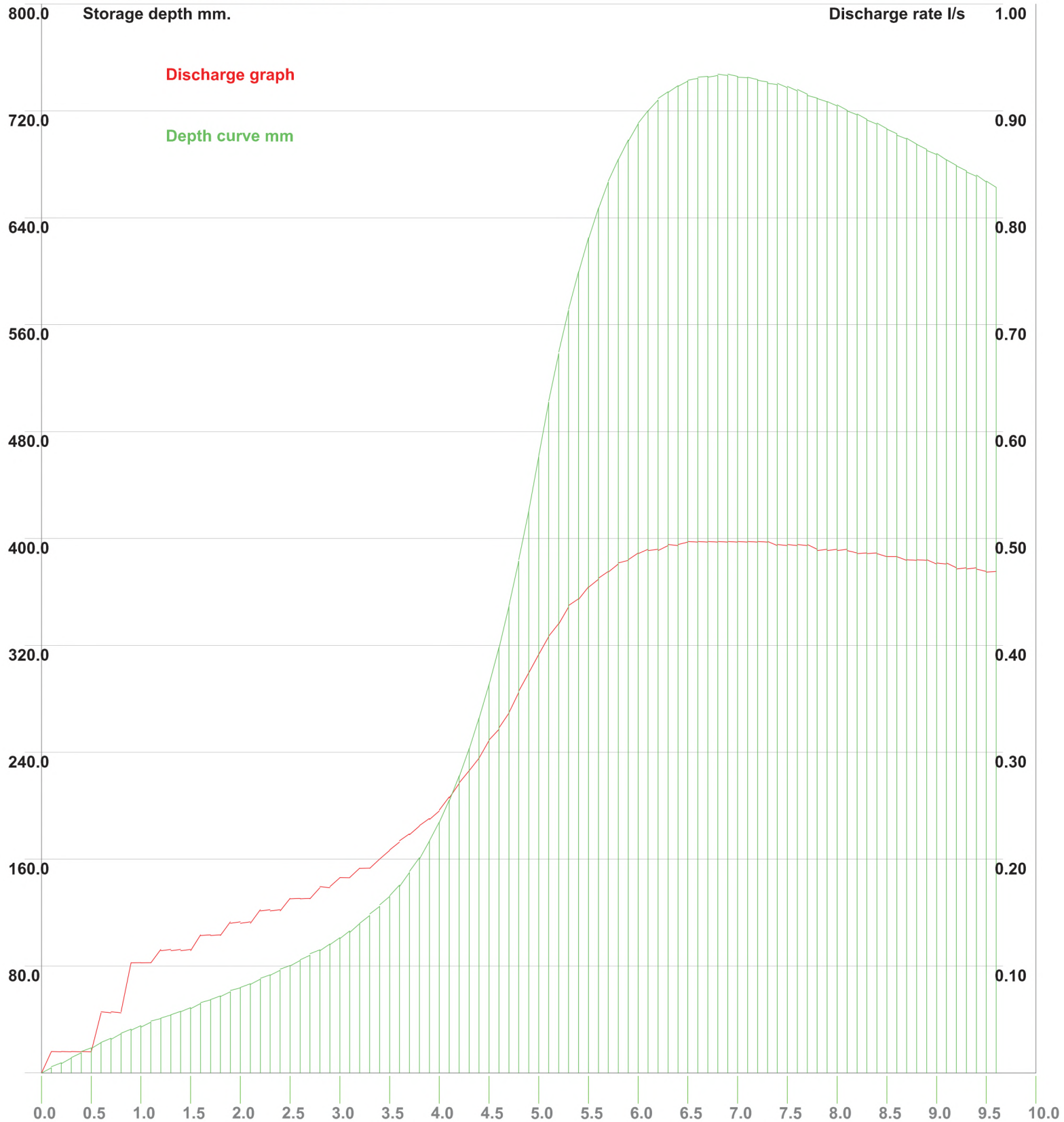
**gmcsurveys**  
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Job No. <b>0846</b>		
Sheet no. <b>2</b>		
Date <b>29/03/21</b>		
By <b>GM</b>	Checked	Approved

Project **Site Adj to Wood of Coneloch**  
Title **Surface Water Storage Requirement**

Storage curves for a 10 hours storm.





Job No.	<b>0846</b>	
Sheet no.	<b>3</b>	
Date	<b>29/03/21</b>	
By	<b>GM</b>	Checked
		Approved

MasterDrain  
SW

Project	<b>Site Adj to Wood of Coneloch</b>
Title	<b>Surface Water Storage Requirement</b>

Incremental rainfall figures.

Storm Mins	Storage Depth mm	Control Flow l/s	Storm Mins	Storage Depth mm	Control Flow l/s
6.0	3.9	0.02	306.0	502.1	0.41
12.0	7.6	0.02	312.0	538.4	0.42
18.0	11.2	0.02	318.0	570.8	0.44
24.0	15.0	0.02	324.0	599.5	0.44
30.0	18.8	0.02	330.0	625.0	0.45
36.0	22.7	0.06	336.0	647.3	0.46
42.0	25.9	0.06	342.0	666.8	0.47
48.0	29.3	0.06	348.0	683.8	0.48
54.0	32.7	0.10	354.0	698.2	0.48
60.0	35.4	0.10	360.0	710.3	0.49
66.0	38.0	0.10	366.0	720.2	0.49
72.0	40.8	0.12	372.0	728.0	0.49
78.0	43.4	0.12	378.0	734.3	0.49
84.0	46.1	0.12	384.0	738.9	0.49
90.0	48.9	0.12	390.0	742.1	0.50
96.0	51.9	0.13	396.0	744.4	0.50
102.0	54.8	0.13	402.0	745.8	0.50
108.0	57.7	0.13	408.0	746.4	0.50
114.0	60.7	0.14	414.0	746.4	0.50
120.0	63.7	0.14	420.0	745.8	0.50
126.0	66.8	0.14	426.0	744.8	0.50
132.0	70.1	0.15	432.0	743.4	0.50
138.0	73.4	0.15	438.0	741.6	0.50
144.0	76.8	0.15	444.0	739.6	0.49
150.0	80.5	0.16	450.0	737.4	0.49
156.0	84.1	0.16	456.0	735.0	0.49
162.0	88.0	0.16	462.0	732.4	0.49
168.0	92.2	0.17	468.0	729.6	0.49
174.0	96.5	0.17	474.0	726.7	0.49
180.0	101.2	0.18	480.0	723.6	0.49
186.0	106.3	0.18	486.0	720.4	0.49
192.0	111.8	0.19	492.0	717.0	0.49
198.0	117.9	0.19	498.0	713.6	0.49
204.0	124.7	0.20	504.0	710.1	0.49
210.0	132.2	0.21	510.0	706.6	0.48
216.0	140.5	0.22	516.0	702.8	0.48
222.0	150.1	0.22	522.0	699.0	0.48
228.0	161.0	0.23	528.0	695.1	0.48
234.0	173.5	0.24	534.0	691.2	0.48
240.0	187.7	0.24	540.0	687.2	0.48
246.0	204.1	0.26	546.0	683.2	0.48
252.0	222.3	0.27	552.0	679.2	0.47
258.0	242.8	0.28	558.0	675.1	0.47
264.0	265.5	0.29	564.0	671.0	0.47
270.0	290.7	0.31	570.0	666.9	0.47
276.0	318.5	0.32	576.0	662.7	0.47
282.0	349.2	0.34	582.0	658.5	0.47
288.0	383.1	0.36	588.0	654.2	0.47
294.0	420.4	0.37	594.0	650.0	0.46
300.0	461.4	0.39	600.0	645.6	0.46

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

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

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

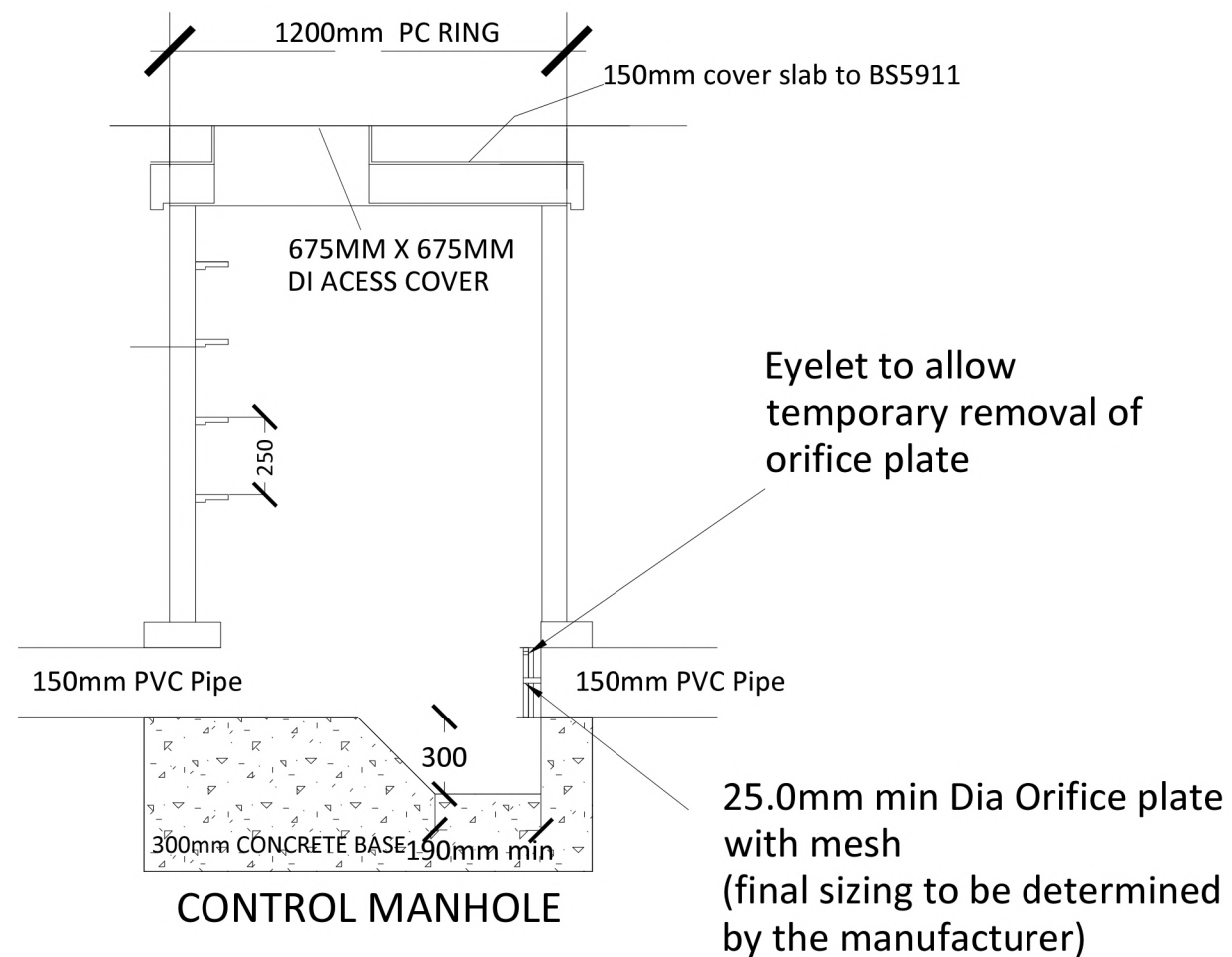
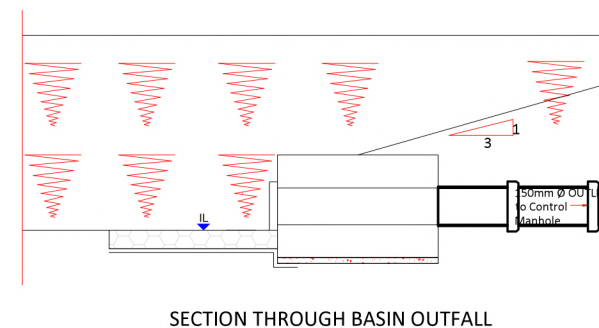
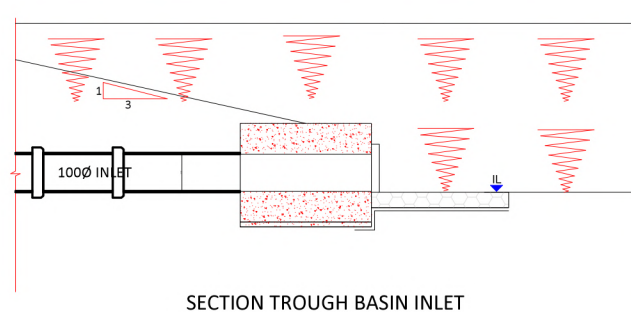
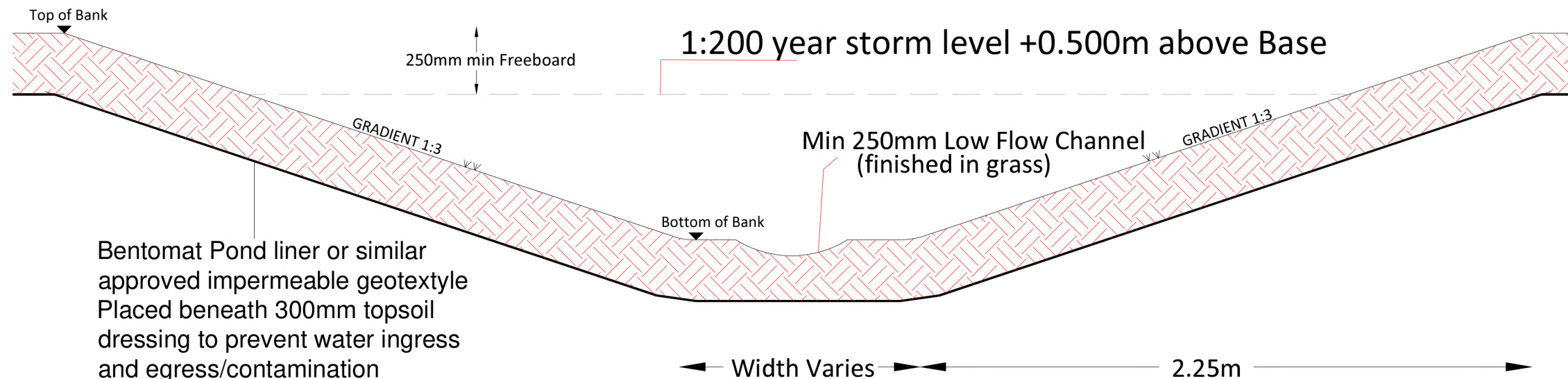
It should be noted that the six hour storm frequently requested rarely demonstrates the worst case for storage.

## **APPENDIX C**

### Drainage Details







REV:	DESCRIPTION:	BY:	DATE:
STATUS: ISSUE			

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

CLIENT: Mr H Fox

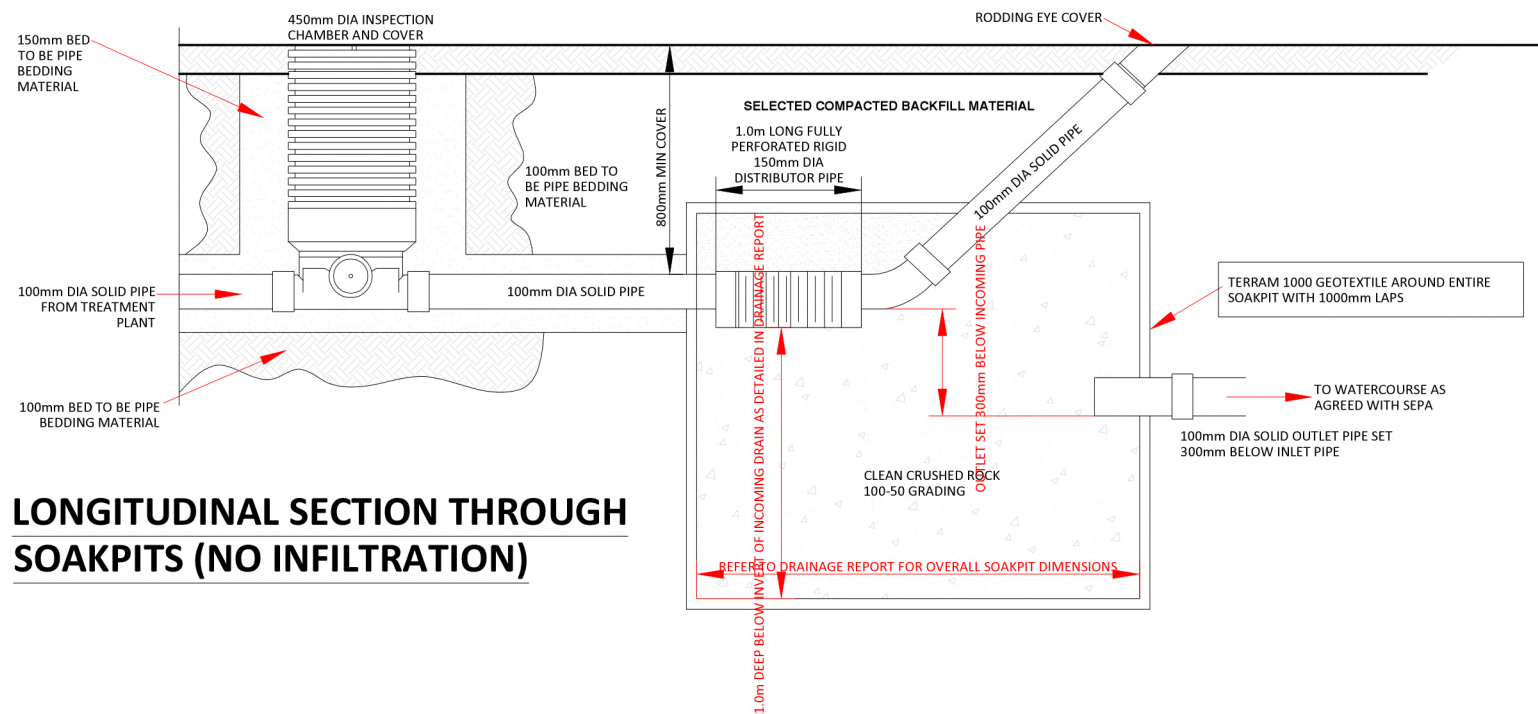
SITE: Site Adj to Wood of Coneloch, Birnie, Elgin

TITLE: Drainage Details

SCALE AT A4: NTS	DATE: MAR21	DRAWN: GM	CHECKED:
PROJECT NO: 0846	DRAWING NO: Appendix C1	REVISION:	-







REV:	DESCRIPTION:	BY:	DATE:
STATUS: <b>ISSUE</b>			

**gmcsurveys**

Surveys, Setting Out, Civil Engineering Design

T: 07557 431 702

E: gmcsurveys@gmail.com

CLIENT: **Mr H Fox**

SITE: **Site Adj to Wood of Coneloch, Birnie, Elgin**

TITLE: **Foul Soakpit**

SCALE AT A4: <b>NTS</b>	DATE: <b>MAR21</b>	DRAWN: <b>GM</b>	CHECKED:
PROJECT NO: <b>0846</b>	DRAWING NO: <b>Appendix C2</b>	REVISION:	<b>-</b>



## Well / Borehole Test & Yield Report

Report Number: 200918-1

### Customer Information

Customer: Peter Graham & Associates	Contact Address	Site Address
Tel: 01343 863969	Coneloch, Longmorn, Elgin	Site near Brylach, Birnie, Elgin
email: peter.graham@petergassoc.co.uk		
	Postcode: IV30 8SN	Postcode: IV30 8RW

### Well / Borehole Details

Test Location	Spring fed well
Well Depth	1.9m
Diameter of Well	1.2m
Well Level at Time of Test	1.2m
Pump Type & Model	RAS Premier 100 Petrol Pump
Flow Meter	No
Dipper	No

### Results

Flow	50 litres per minute
Volume of Water in Well	1.36m <sup>3</sup>

### Water Analysis

Sample Taken for Analysis	Bacteriological	Chemical
	NO	NO

### Engineers Comments

The well is fed by a spring.  
Yield test carried out on 07/09/2018 during a very dry summer.  
Spring constantly overflowing at 50 litres per minute.

Note: It may be necessary to install a storage tank to comply with building regulation or where the water demand varies throughout the day.

This report does not predict water table rise & fall throughout the year & is based on the water availability at the time of test.

Engineer: Ross Walker	Date of Test	Job Ref	Page No: 1 of 1
Manager: Gordon Charles	07/09/2018	070918-1	Date: 20/09/2018

## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Moray Flood Risk Management

**Planning Application Ref. No:** 21/00517/APP

**Erect dwellinghouse and garage on Site Adjacent To The Wood Of Coneloch Birnie Moray for Mr Harry Fox**

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

- |   | <b>Please</b>                        |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <b>x</b><br><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"/>             |

<b>Contact:</b>	Javier Cruz	<b>Date.....</b> 15/04/2021
<b>email address:</b>	Javier.cruz@moray.gov.uk	<b>Phone No .....</b>
<b>Consultee:</b>	The Moray Council, Flood Risk Management	

**From:** Andrew Miller  
**Sent:** Mon, 19 Apr 2021 10:34:36 +0100  
**To:** Planning Consultation  
**Subject:** FW: 21/00517/APP Erect dwellinghouse and garage on Site Adjacent To The Wood Of Coneloch, Birnie

---

**From:** DeveloperObligations <DeveloperObligations@moray.gov.uk>  
**Sent:** 19 April 2021 10:31  
**To:** Andrew Miller <Andrew.Miller@moray.gov.uk>  
**Subject:** 21/00517/APP Erect dwellinghouse and garage on Site Adjacent To The Wood Of Coneloch, Birnie

Hi,

No developer obligations will be sought for this application as it relates to an extant consent, 15/01751/APP

Thanks  
Rebecca

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





# **Consultee Comments for Planning Application 21/00517/APP**

## **Application Summary**

Application Number: 21/00517/APP

Address: Site Adjacent To The Wood Of Coneloch Birnie Moray

Proposal: Erect dwellinghouse and garage on

Case Officer: Andrew Miller

## **Consultee Details**

Name: Mr EH Consultations

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

Email: Not Available

On Behalf Of: Environmental Health C12

## **Comments**

No objections

Andy Stewart, PEHO



# **Consultee Comments for Planning Application 21/00517/APP**

## **Application Summary**

Application Number: 21/00517/APP

Address: Site Adjacent To The Wood Of Coneloch Birnie Moray

Proposal: Erect dwellinghouse and garage on

Case Officer: Andrew Miller

## **Consultee Details**

Name: Mr CL Consultations

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

Email: Not Available

On Behalf Of: Contaminated Land

## **Comments**

Approved unconditionally



# Consultation Request Notification - Private Water Supplies

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	27th April 2021
<b>Planning Authority Reference</b>	21/00517/APP
<b>Nature of Proposal (Description)</b>	Erect dwellinghouse and garage on
<b>Site</b>	Site Adjacent To The Wood Of Coneloch Birnie Moray
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133059504
<b>Proposal Location Easting</b>	321492
<b>Proposal Location Northing</b>	854935
<b>Area of application site (M²)</b>	5580
<b>Additional Comments</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QRFN9BGM1B00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QRFN9BGM1B00</a>
<b>Previous Application</b>	15/01751/APP 12/01175/AMC 09/01460/OUT
<b>Date of Consultation</b>	13th April 2021
<b>Is this a re-consultation of an existing application?</b>	Yes
<b>Applicant Name</b>	Mr Harry Fox
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Per Agent
<b>Agent Name</b>	Grant And Geoghegan Limited
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	Grant Lodge Birnie Elgin Moray IV30 8SW
<b>Agent Phone Number</b>	Work Telephone : 01343 556644
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Andrew Miller
<b>Case Officer Phone number</b>	01343 563274
<b>Case Officer email address</b>	andrew.miller@moray.gov.uk

<b>PA Response To</b>	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](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](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-

**MORAY COUNCIL  
PLANNING CONSULTATION RESPONSE**

**From: Environmental Health – Private Water Supplies**

**Planning Application Ref. No: 21/00517/APP**

**Erect dwellinghouse and garage on Site Adjacent To The Wood Of Coneloch  
Birnie Moray for Mr Harry Fox**

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<br><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                             |

**HOLDING COMMENTS**

- |   |                          |
|---|--------------------------|
| (d) Further information in relation to the proposed private water supply has been requested from the applicant and the application should not be approved nor submitted to committee for determination until the final consultation response clearing the supply has been received from Environmental Health (Private Water Supplies) | <input type="checkbox"/> |
|---|--------------------------|

**Reason(s) for objection**

To ensure that the development is served by an adequate and wholesome water supply

**Condition(s)**

Prior to the occupation of the house hereby approved a scheme of effective treatment to the private water supply shall be fully installed and properly maintained for the lifetime of the development. The scheme must ensure that the water to the house fully complies with the regulatory limits stated in The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 and should specifically include effective point of entry ultraviolet treatment, prefiltration and pH correction measures.

**Further comment(s) to be passed to applicant**

**Contact: Adrian Muscutt**  
**email address:**

**Date...30/04/21.....**  
**Phone No .....**



**Consultee: Environmental Health – Private Water Supplies****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.

# Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	27th April 2021
<b>Planning Authority Reference</b>	21/00517/APP
<b>Nature of Proposal (Description)</b>	Erect dwellinghouse and garage on
<b>Site</b>	Site Adjacent To The Wood Of Coneloch Birnie Moray
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133059504
<b>Proposal Location Easting</b>	321492
<b>Proposal Location Northing</b>	854935
<b>Area of application site (M<sup>2</sup>)</b>	5580
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QREFXN9BGM1B00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QREFXN9BGM1B00</a>
<b>Previous Application</b>	15/01751/APP 12/01175/AMC 09/01460/OUT
<b>Date of Consultation</b>	13th April 2021
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr Harry Fox
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Per Agent
<b>Agent Name</b>	Grant And Geoghegan Limited
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	Grant Lodge Birnie Elgin Moray IV30 8SW
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Andrew Miller
<b>Case Officer Phone number</b>	01343 563274
<b>Case Officer email address</b>	andrew.miller@moray.gov.uk
<b>PA Response To</b>	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](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](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto: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: 21/00517/APP**

**Erect dwellinghouse and garage on Site Adjacent To The Wood Of Coneloch Birnie Moray for Mr Harry Fox**

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"/>            |

*Note: Works have been confirmed as 'commenced' for this site which has been subject to previous ongoing consents from 2009 (original consent 09/01460/OUT). It should be highlighted that a number of conditions were sought by Transportation for the original 2009 application but were subsequently removed by planning officers. The following conditions are provided on the basis that the consent is still extant and therefore only the previously applied planning conditions would still apply (with the exception of Electric Vehicle charging infrastructure):*

#### **Condition(s)**

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

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

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

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

3. Three car parking spaces shall be provided within the site prior to the occupation or completion of the dwelling house, 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.

4. 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.

#### **Further comment(s) to be passed to applicant**

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

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road including footways.

Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.

Guidance on Electric Vehicle (EV) Charging requirements can be found at:

<http://www.moray.gov.uk/downloads/file134860.pdf>

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**

**Date 19 April 2021**

**email address: [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)**

**Consultee: TRANSPORTATION**

<b>Return response to</b>	<b><a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a></b>
---------------------------	---

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



04 MAY 2021

DEVELOPMENT MANAGEMENT AND BUILDING  
STANDARDS 27/04/2021

Dear Sir

P/APPLICATIONS 21/00377/APR +  
21/00447/APR + 21/00448/APR + 21/00333/APR  
21/00517/APR

Please ensure that all Wildlife  
Flora & Fauna on Enclave site  
Fully Protected including Mounds &  
Hedges & Roads and other  
features. Bird Nesting now in  
process

Best Wishes Have a Pleasant  
Holiday/Weekend

Yours faithfully

ally







## **REPORT OF HANDLING**

<b>Ref No:</b>	21/00517/APP	<b>Officer:</b>	Andrew Miller
<b>Proposal Description/ Address</b>	Erect dwellinghouse and garage on Site Adjacent To The Wood Of Coneloch Birnie Moray		
<b>Date:</b>	05.10.2021	<b>Typist Initials:</b>	SS

### **RECOMMENDATION**

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

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Moray Flood Risk Management	15/04/21	No objections.
Planning And Development Obligations	19/04/21	No obligations sought.
Environmental Health Manager	16/04/21	No objections.
Contaminated Land	22/04/21	No objections.
Private Water Supplies	30/04/21	No objections subject to condition requiring a suitable private water supply.
Transportation Manager	19/04/21	No objections subject to conditions.

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
PP3 Infrastructure and Services	N	
DP1 Development Principles	N	
DP2 Housing	N	
DP4 Rural Housing	Y	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	

### **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
<b>Issue:</b> Impact of proposal on flora and fauna.
<b>Comments (PO):</b> The proposal is not considered to have a significant adverse impact on flora and fauna that would warrant further investigation or refusal of the application.

## 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 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

### Site

An area of agricultural ground with an implemented planning consent for the erection of a house (15/01751/APP). The site is accessed via an existing track which joins a private road which has a junction with the public road to the west of the site. There is a ditch to the north west of the site and extensive tree cover beyond the site to the north east. The site is flat. There is one house to the south west of the application site adjacent to the private road. Development is otherwise well dispersed.

### Proposal

Planning permission is sought for the erection of a house with attached triple garage. As noted above, an existing consent is in place with records on file showing foundation trenches and access having been formed.

The proposed house would be a different design to that consented. It would comprise an L-shaped footprint and be 1.5 storey in height. The house itself has two protruding gables on the southwest elevation along with a flush fully glazed central gable. The north east elevation would have a gable style glazed entrance, along with another protruding section with linking roof connecting to the garage. The house would be finished in white render and whilst the garage would be finished in dark grey cladding. Both would have a slate roof and dark grey doors and window frames. Foul water would discharge to a septic tank and soakaway, surface water to a soakaway and water would be supplied via an existing connection to a private water supply.

### Rural Housing (DP4)

The extant consent was permitted under the Moray Local Development Plan 2015, which has since been superseded by the 2020 MLDP. As a result rural housing policy has changed with new design and siting requirements introduced under policy DP4, as well as areas of Moray designated where there is a build-up of rural housing. In these areas (designated "Pressurised and Sensitive") policy DP4 creates a presumption against new housing development.

This site does not fall in a Pressurised and Sensitive Area, but given the extant consent in place the principle of a house on the site is established. Consideration therefore lies with the design of the house, relative to the criteria contained in policy DP4.

The proposed house is of an appropriate scale for the site and formed of simple, well-proportioned elements. Whilst there are glazed gable features these are not excessive. There are no more than two primary wall finishes, with the natural slate roof a suitable finish. The roof pitch and gable widths are within the specified limits and window openings have a vertical emphasis. However, the height of the house at 7.5 metres exceeds the maximum limit of 6.75 metres as specified in policy DP4.

The sections submitted showing the consented house compared to that proposed are noted. All new rural housing is required to meet this criteria. Consent for the house permitted on site has been in place since 2012. Given the length of time that has passed since the original consent this is considered to have limited weight and does not justify a departure from policy DP4. Accordingly the proposal fails to comply with policy DP4 on the basis the height of the house exceeds the maximum specified in the design criteria.

### **Access and Parking (PP3)**

The consented access arrangement would be utilised, with the Transportation Manager raising no objections to this but recommending conditions in relation to provision of EV charging, parking and turning areas. Subject to these conditions the proposal complies with policy PP3.

### **Drainage (EP12, EP13)**

Foul drainage would be treated via a septic tank to soakaway, whilst surface water would be treated via its own soakaway. A drainage assessment submitted with the application found ground conditions on site are suitable for the arrangement proposed. The proposal therefore complies with policies EP12 and EP13.

### **Private Water Supply**

The existing supply to the site will be utilised, and Environmental Health have not objected to this but recommend a condition requiring the supply to be treated to ensure the supply is potable.

### **Developer Obligations (PP3, DP2)**

Developer obligations are not required in this case under policy PP3, as well as DP2 in respect of affordable housing, on the basis the site has an extant consent for the erection of a house.

### **Conclusion**

The proposed house fails to comply with policy DP4 on the basis its height (7.5 metres) exceeds the maximum specified under the design criteria (6.75 metres), therefore refusal is recommended.

## **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

Reference No.	Description			
15/01751/APP	Erect house garage and workshop Site Adjacent To The Wood Of Coneloch Birnie Moray			
	<b>Decision</b>	Permitted	<b>Date Of Decision</b>	30/10/15
12/01175/AMC	Erect house garage and workshop on Site Adjacent To The Wood Of Coneloch Birnie Moray			
	<b>Decision</b>	Permitted	<b>Date Of Decision</b>	11/09/12
09/01460/OUT	Erection of dwellinghouse on Site Adjacent To The Wood Of Coneloch Birnie Elgin Moray			
	<b>Decision</b>	Permitted	<b>Date Of Decision</b>	10/12/09

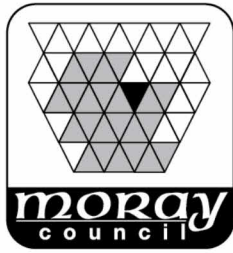
ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	Departure from development plan No Premises	13/05/21
PINS	Departure from development plan No Premises	13/05/21

DEVELOPER CONTRIBUTIONS (PGU)	
Status	NONE SOUGHT

DOCUMENTS, ASSESSMENTS etc. *		
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name: Drainage Statement.		
Main Issues: Details ground conditions and proposed drainage arrangement.		

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)			

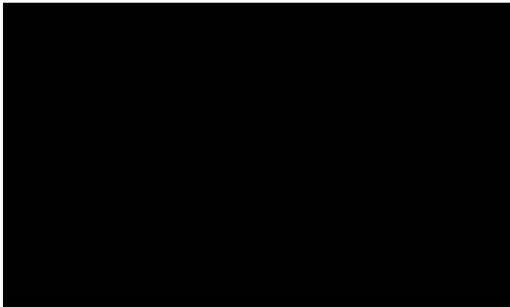


**MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**REFUSAL OF PLANNING PERMISSION**

**[Speyside Glenlivet]  
Application for Planning Permission**

TO

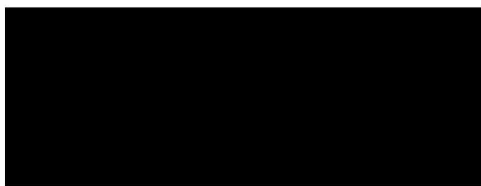


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Erect dwellinghouse and garage on Site Adjacent To The Wood Of Coneloch  
Birnie Moray**

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

Date of Notice: **8 October 2021**



**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 fails to comply with policy DP4 - Rural Housing of the Moray Local Development Plan 2020 because its height at 7.5 metres exceeds the maximum height specified in policy DP4's design criteria, requiring rural houses to be no more than 6.75 metres in height.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

Reference	Version	Title
020/879/01		Ground floor plan
020/879/02		First floor plan
020/879/03		Elevations 1
020/879/04		Elevations 2
020/879/05		Site plan
020/879/06		Location plan
020/879/08		Site levels

**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](http://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.	
Forename	H	Forename	Neil
Surname	Fox	Surname	Grant
Company Name		Company Name	Grant & Geoghegan
Building No./Name		Building No./Name	Unit 4
Address Line 1		Address Line 1	Westerton Road Business Centr
Address Line 2		Address Line 2	Westerton Road South
Town/City		Town/City	Keith
Postcode		Postcode	AB55 5FH
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
<b>3. Application Details</b>			
Planning authority		Moray Council	
Planning authority's application reference number		21/00517/APP	
Site address			
Site Adjacent to the Wood of Coneloch, Birnie, Elgin			
Description of proposed development			
Erect dwellinghouse and garage			

Date of application

13/04/2021

Date of decision (if any)

08/10/2021

**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.

Grounds of appeal in separate document.

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

Yes ☐ No ☒

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

## 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

Appendices to the Grounds of Appeal in separate document.

**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:  Date:

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

# **grant & geoghegan ltd.**

**Chartered Planning Development and Architectural Consultants**

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

T: 01343 556644  
E: [enquiries@ggmail.co.uk](mailto:enquiries@ggmail.co.uk)

## **Grounds of Appeal**

**Site at Coneloch, Birnie, Moray**

**Issue Date:**  
15<sup>th</sup> November 2021

# CONTENTS

**1.0.** Introduction

**2.0.** The Proposal

**3.0.** Reason for Refusal

**4.0.** The Principle of Development

**5.0.** Main Issues

**6.0.** Conclusion

## 1.0 Introduction

The following Statement is submitted under section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) and constitutes Grounds of Appeal against a decision to refuse planning permission for the erection of a dwellinghouse and garage at Coneloch, Birnie.

The notice of review has been lodged within the prescribed three month period from the refusal of permission dated the 8<sup>th</sup> of October 2021.

## 2.0 The Proposal

Planning permission is sought for a single dwellinghouse served by a private water supply and private drainage (septic tank/soakaway and SUDS to soakaway). The site is served by an existing access track which extends from Mannocho Road a short distance to the west.

The proposed 4 bedroom dwelling is of 1½ storey construction (7.5 to the ridge) construction, with a rectangular shaped plan form, 45 degree pitched roof and traditional gables. External finishes include natural slate to the roof and a combination of white K rend and anthracite cedar cladding to the walls. The submitted plans are in Appendix 1 (page 3 of accompanying document).

## 3.0 Reason for Refusal

*“The proposed house fails to comply with policy DP4 – Rural Housing of the Moray Local Development Plan 2020 because its height at 7.5 metres exceeds the maximum height specified in policy DP4’s design criteria, requiring rural houses to be no more than 6.75 metres in height.”*

Having reviewed the reason for refusal (Decision Notice in Appendix 2, page 10), the Appellants strongly contend the proposals constitute an acceptable departure from policy on account of the planning history which exists on the subject site.

## 4.0 The Principle of Development

This application was refused solely on the height of the proposed dwellinghouse- the principle of residential development on the appeal site is not in dispute. In this respect, as detailed in the description of planning history provided in the delegated report (appendix 3, page 14), the appointed officer confirms the site has a history of single house permissions dating back to 2009 and in the description of development (appendix 3, page 13), confirms that the planning permission has been implemented lawfully.

For the avoidance of doubt, we have also appended a letter from Moray Council which confirms that planning permission granted under reference 15/01751/APP has been implemented lawfully and therefore exists in perpetuity (appendix 4, page 16). The suite of approved plans has also been appended to these Grounds of Appeal (appendix 4).

In terms of technical and/ or environmental considerations, page 1 of the appointed officer’s report (appendix 3, page 12) confirms there has been no material change in circumstance at the proposed site. This is evidenced in consultation responses from Moray Flood Risk Management, Environmental Health, Contaminated Land, Private Water Supplies and the Transportation Manager



in which no objections are raised. In addition, there are no objections from members of the public or any other third party.

## 5.0 Main Issues

Given that the principle of a single house development on this site is not in dispute and there are no technical or third party objections to the proposals, the key issue in assessing the merits or otherwise of this appeal can be summarised as follows:

- Does the material weight given to an extant planning permission in the decision making process, which has commenced lawfully, diminish over time?

The appeal site has the benefit of an extant planning permission for a house which is 11.6 metres high. These Grounds of Appeal are submitted in support of a proposal which seeks planning permission to erect a house with a maximum ridge height of 7.5 metres in height. 6.75m is the maximum building height prescribed in policy DP4 Rural Housing.

As Member's will be aware, Sections 25(1)a and 37(2) of the Planning Act requires planning applications to be determined in accordance with the Development Plan unless there are "material considerations" to justify doing otherwise. In this context, the appellants recognise the proposed dwelling is 75cm higher than what is prescribed in the relevant policy test, however would strongly contend that the existence of planning permission in perpetuity on the appeal site to be a significant material consideration in the determination of this case, such that would warrant a positive recommendation.

Members are asked to draw their attention to a recent approval under reference 21/00101/APP (approved 16/03/2021) for a house 7.1 metres in height. The appointed Officer gave the following justification in reaching this decision (appendix 5, page 26):-

***"In respect of policy DP4 - Rural Housing, the design of the proposed house complies with the design criteria outlined in the policy apart from the proposed houses exceeds the maximum height requirement of 6.75 metres. The proposed house is the same height as that of the most recent planning consent on the site (7.1 metres). Given the minimal additional height over the maximum specified in DP4 (350 mm difference), the similarity of height to that recently consented (within the past 10 months), as well as the suitability of the design in all other respects of policy DP4, the proposal is considered to be an acceptable departure from the development plan (namely policy DP4 - Rural Housing) in this instance."***

In coming to the opposite view in respect of the proposals at hand, the appointed officer states the following (appendix 3, page 13):-

***"The proposed house is of an appropriate scale for the site and formed of simple, well-proportioned elements. Whilst there are glazed gable features these are not excessive. There are no more than two primary wall finishes, with the natural slate roof a suitable finish. The roof pitch and gable widths are within the specified limits and window openings have a vertical emphasis. However, the height of the house at 7.5 metres exceeds the maximum limit of 6.75 metres as specified in policy DP4."***

***The sections submitted showing the consented house compared to that proposed are noted. All new rural housing is required to meet this criteria. Consent for the house permitted on site has been in place since 2012. Given the length of time that has passed since the original consent this is considered to have limited weight and does not justify a departure from policy DP4. Accordingly the proposal fails to comply with policy DP4 on the basis the height of the house exceeds the maximum specified in the design criteria."***

These two cases are almost identical- both sites have the benefit of planning permission in perpetuity and the key determining factor is the height of the buildings. The only difference is the time that has elapsed since the permissions were granted.

In coming to a recommendation of refusal, the appellants could understand the appointed Officer's position if the permission had expired (or could expire) but in a situation where development has commenced lawfully, and the originally approved arrangements could be built out without any further permission, it is apparent that this permission carries the same material weight in the decision making process as any other permission of the same status, approved recently or otherwise.

When all matters are considered in the round, the proposed reduction of 4.1 metres in building height, the accordance of the updated proposals to all other aspects of policy DP4 in respect of siting and design and the substantial backdrop of mature planting which exist on the subject site weigh heavily in favour of approving the proposals.



**Illustration demonstrating the reduction in height to that originally approved**

## 5.0 Conclusion

The physical land use principle of housing on the appeal site is firmly established. There are no technical or environmental objections to the proposal and no adverse comments were made by the general public.

The time that has elapsed between the original grant of planning permission is irrelevant because the approved arrangements can be built out without any further permission from the Planning Authority. In this context, it is as relevant now as it was the day the permission was implemented.

We would submit that the existence of planning permission in perpetuity for a dwellinghouse that is a full 4.1m higher than the dwelling proposed in these Grounds of Appeal (4.85m higher than what is prescribed in policy) carries substantial weight in the decision making process. Although the proposals under consideration are 75cm higher than the relevant policy test, the updated proposals clearly align more closely with the Council's overall aim to reduce domestic building height in rural areas.

Further, we would point to the Officer's assessment which confirms the proposals are in full accordance with all the other requirements set out in Policy DP4 in respect of siting and design and in particular that the house is considered to be of an appropriate scale for the site.

On the whole, the appellants contend that insufficient weight was given to the site's history of planning permission in the decision making process and Members are respectfully requested to adopt a more pragmatic view and reconsider the decision to refuse the proposed development in this context.

# **grant & geoghegan ltd.**

**Chartered Planning Development and Architectural Consultants**

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

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

## **Grounds of Appeal- Appendices**

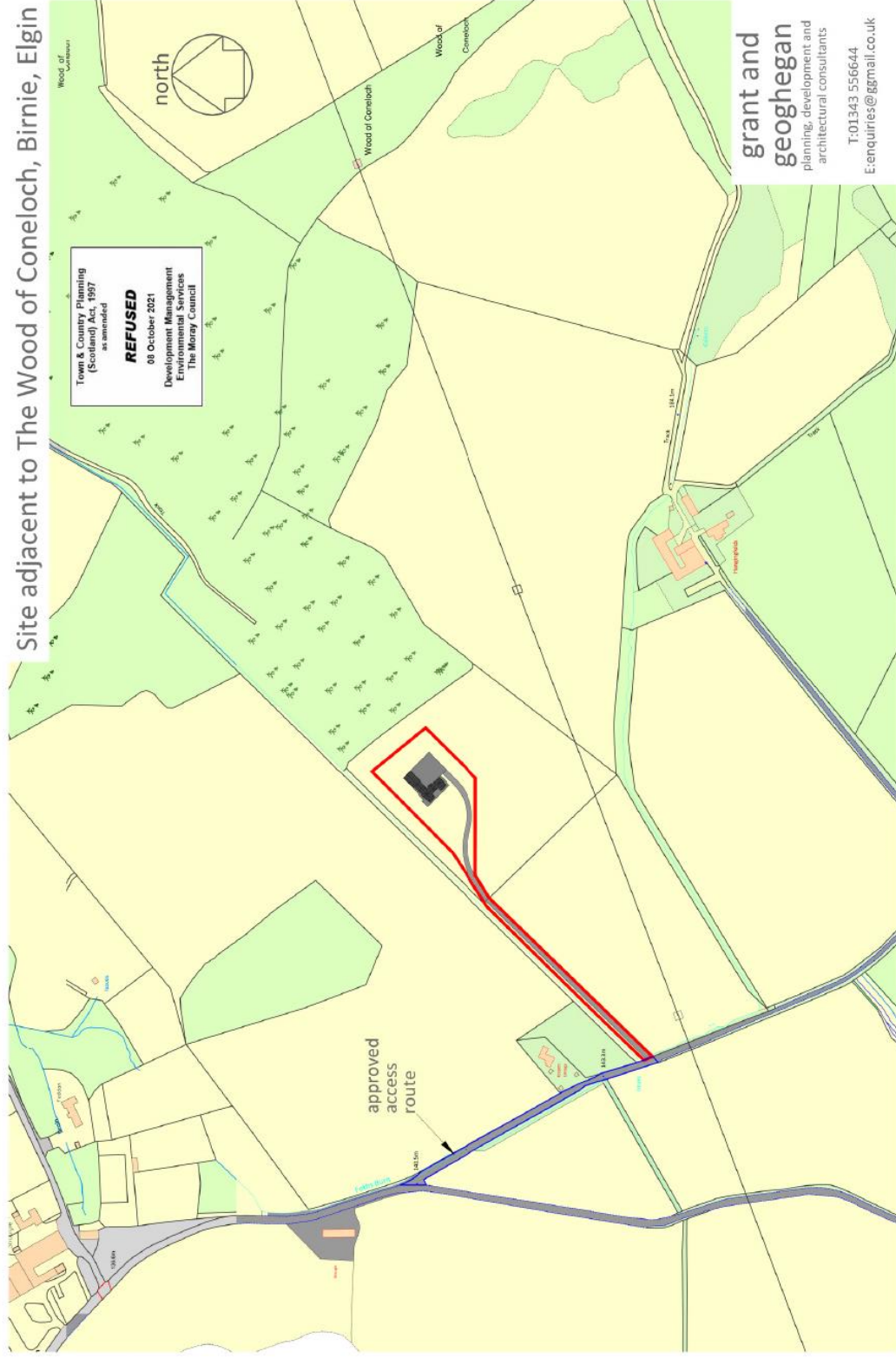
**Site at Coneloch, Birnie, Moray**

**Issue Date:**  
15<sup>th</sup> November 2021

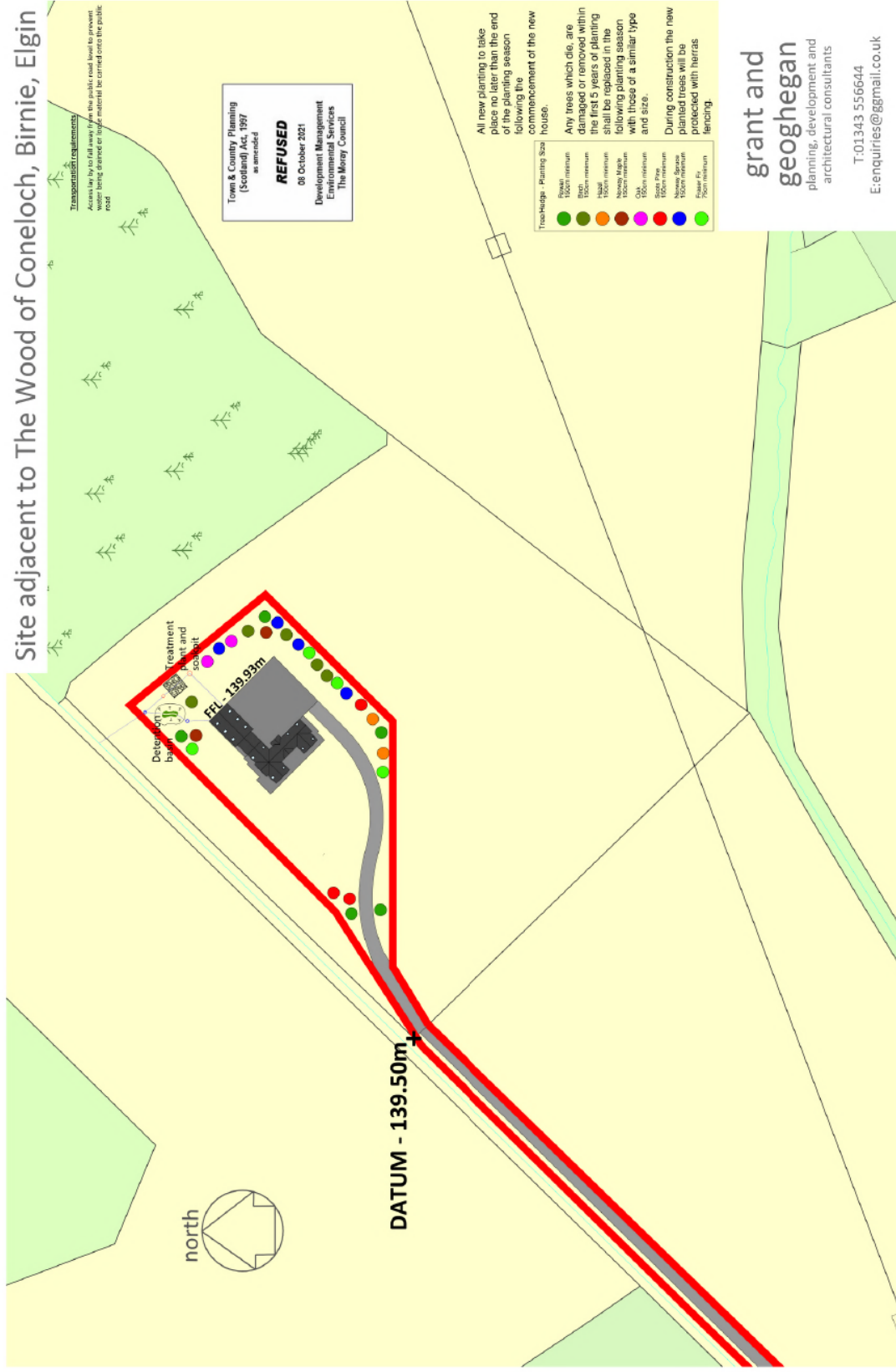
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Site adjacent to The Wood of Coneloch, Birnie, Elgin



Site adjacent to The Wood of Coneloch, Birnie, Elgin



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geoghegan  
planning, development and  
architectural consultants

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

Drawing Title	Scale at A3	Date:	Drawing No.
Site Plan	1:500	26.3.21	020/879/05



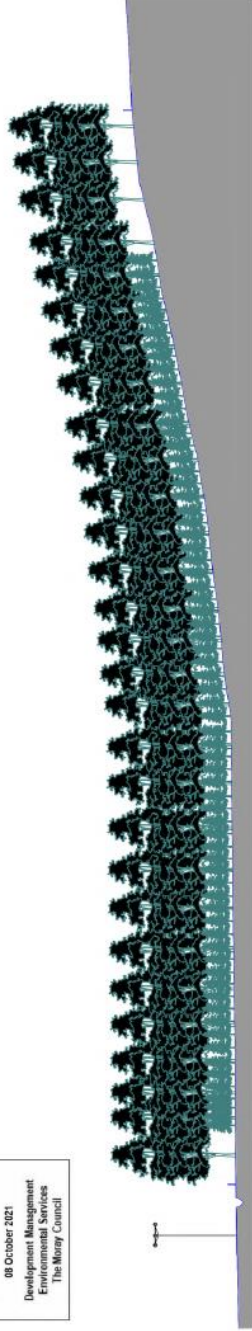
# Site adjacent to The Wood of Coneloch, Birnie, Elgin

Town & Country Planning  
(Scotland) Act, 1957  
as amended

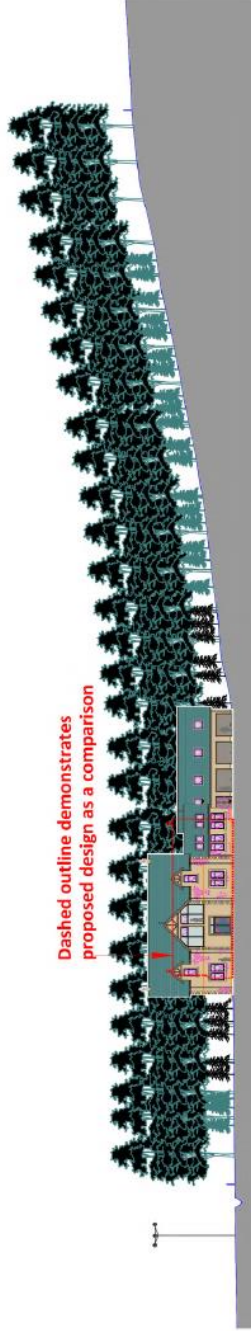
**REFUSED**

08 October 2021

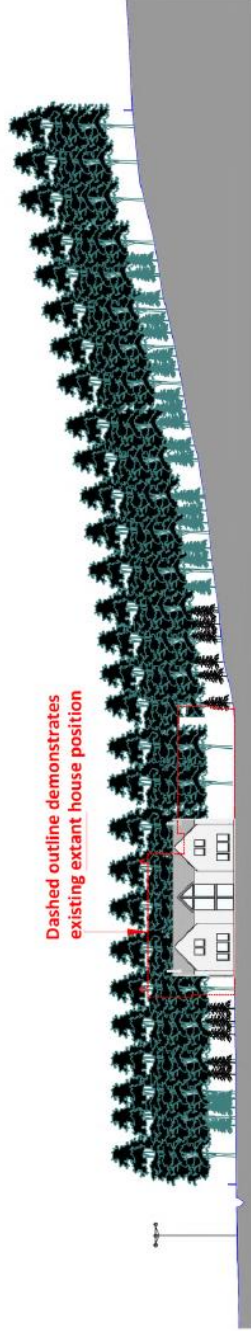
Development Management:  
Environmental Services  
The Mory Council



EXISTING SECTION THROUGH SITE



EXISTING APPROVED SECTION THROUGH SITE



PROPOSED SECTION THROUGH SITE WITH PROPOSED HOUSE DESIGN SHOWN

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planning, development and  
architectural consultants

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E:enquiries@ggmail.co.uk

## AMENDED PLANS

Drawing Title	Scale at A3	Date:	Drawing No.
Site levels	1:250	28.9.21	020/879/08



Site adjacent to The Wood of Coneloch, Birnie, Elgin

External finishes

- Roof  
Natural slate
- Walls  
K Rend smooth render - white  
Anthracite cedar boarding
- Windows/Doors  
Anthracite

Town & Country Planning  
(Scotland Act, 1997)  
as amended  
**REFUSED**  
08 October 2021  
Development Management  
Environmental Services  
The Mory Council



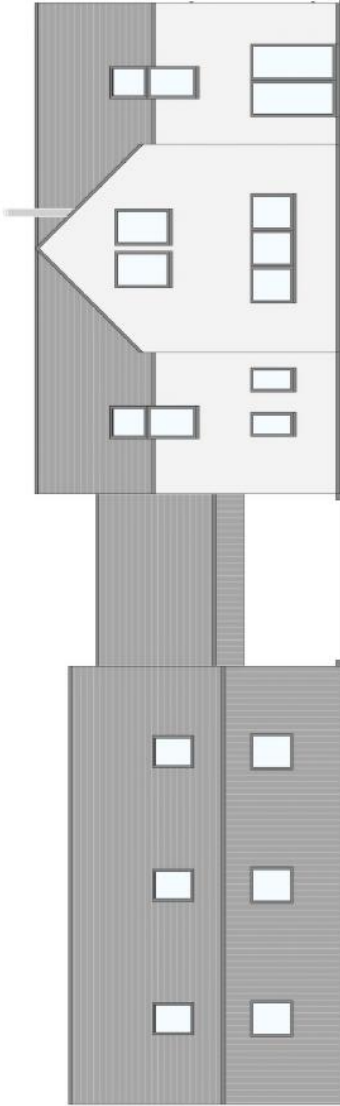
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planning, development and  
architectural consultants  
T:01343 556644  
E:enquiries@ggmail.co.uk

Drawing Title	Scale at A3	Date:	Drawing No.
Elevations 1	1:100	26.3.21	020/879/03

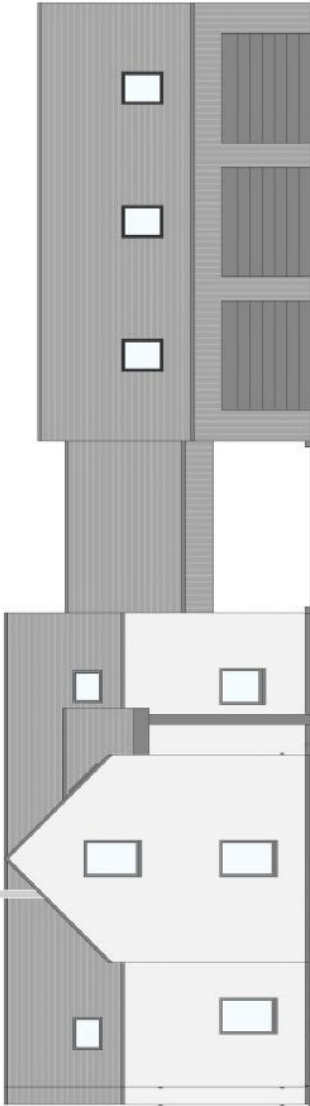
Site adjacent to The Wood of Coneloch, Birnie, Elgin

External finishes

- Roof**  
Natural slate
- Walls**  
K Rend smooth render - white  
Anthracite cedar boarding
- Windows/Doors**  
Anthracite



Northwest Elevation

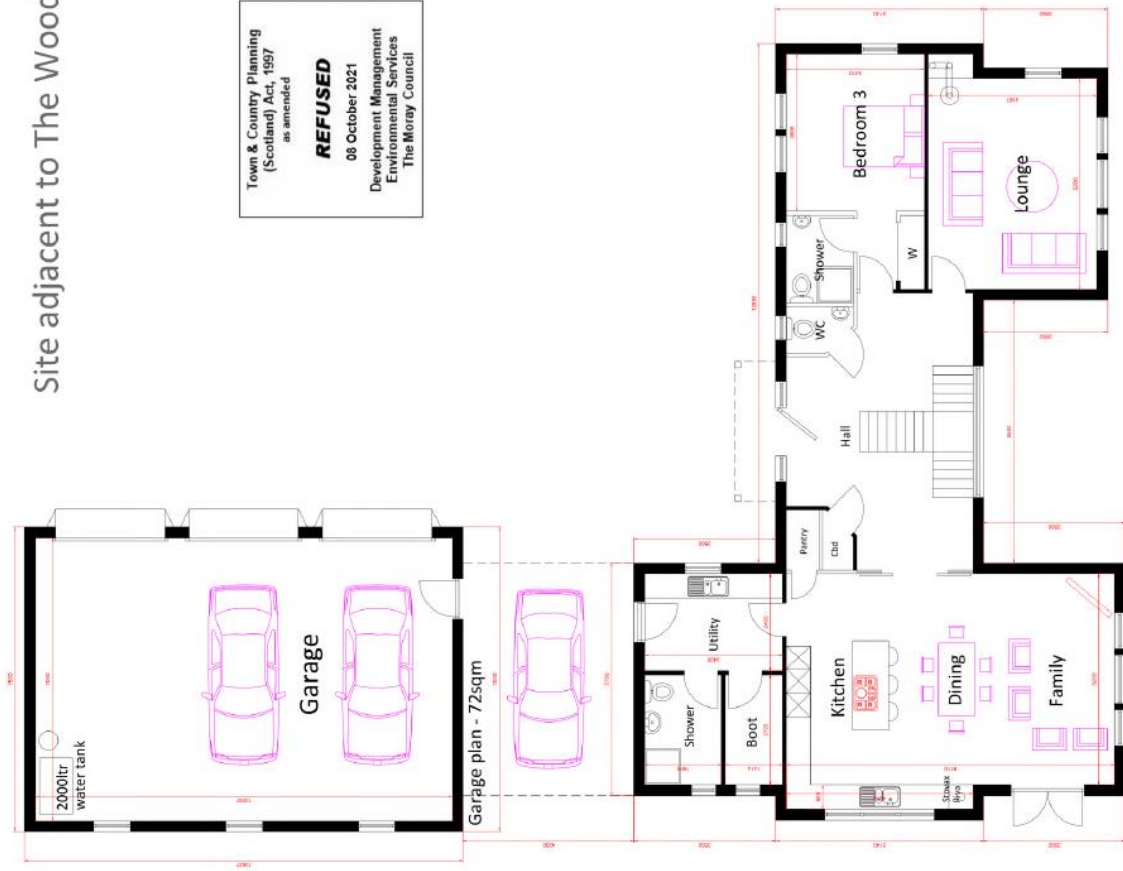


Southeast Elevation

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Drawing Title	Scale at A3	Date:	Drawing No.
Elevations 2	1:100	26.3.21	020/879/04

Site adjacent to The Wood of Coneloch, Birnie, Elgin

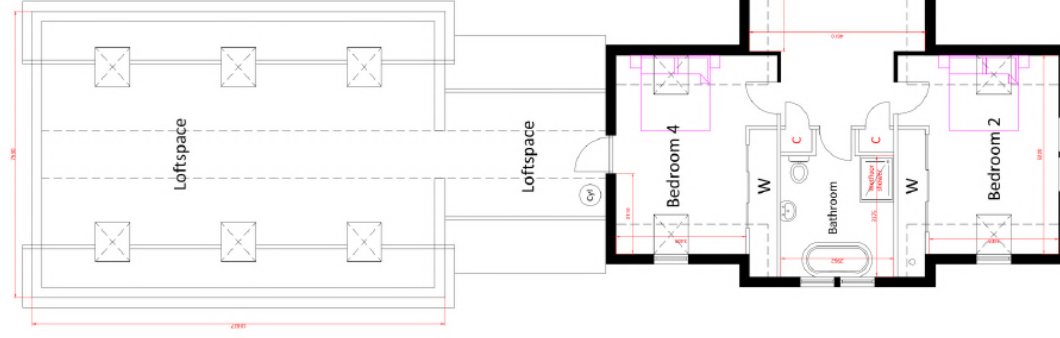


Town & Country Planning  
(Scotland) Act, 1997  
as amended  
**REFUSED**  
08 October 2021  
Development Management  
Environmental Services  
The Moray Council

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Drawing Title	Scale at A3	Date:	Drawing No.
Ground floor plan	1:100	26.3.21	020/879/01

Site adjacent to The Wood of Coneloch, Birnie, Elgin



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

**REFUSED**

08 October 2021

Development Management  
Environmental Services  
The Moray Council

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planning, development and  
architectural consultants

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

Drawing Title	Scale at A3	Date:	Drawing No.
First floor plan	1:100	26.3.21	020/879/02



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

**REFUSAL OF PLANNING PERMISSION**

**[Speyside Glenlivet]  
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 and garage on Site Adjacent To The Wood Of Coneloch  
Birnie Moray**

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

Date of Notice: **8 October 2021**



**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 fails to comply with policy DP4 - Rural Housing of the Moray Local Development Plan 2020 because its height at 7.5 metres exceeds the maximum height specified in policy DP4's design criteria, requiring rural houses to be no more than 6.75 metres in height.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

Reference	Version	Title
020/879/01		Ground floor plan
020/879/02		First floor plan
020/879/03		Elevations 1
020/879/04		Elevations 2
020/879/05		Site plan
020/879/06		Location plan
020/879/08		Site levels

**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](http://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.

**REPORT OF HANDLING**

<b>Ref No:</b>	21/00517/APP	<b>Officer:</b>	Andrew Miller
<b>Proposal Description/ Address</b>	Erect dwellinghouse and garage on Site Adjacent To The Wood Of Coneloch Birmie Moray		
<b>Date:</b>	05.10.2021	<b>Typist Initials:</b>	SS

**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	15/04/21	No objections.
Planning And Development Obligations	19/04/21	No obligations sought.
Environmental Health Manager	16/04/21	No objections.
Contaminated Land	22/04/21	No objections.
Private Water Supplies	30/04/21	No objections subject to condition requiring a suitable private water supply.
Transportation Manager	19/04/21	No objections subject to conditions.

**DEVELOPMENT PLAN POLICY**

Policies	Dep	Any Comments (or refer to Observations below)
PP3 Infrastructure and Services	N	
DP1 Development Principles	N	
DP2 Housing	N	
DP4 Rural Housing	Y	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	

**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
<b>Issue:</b> Impact of proposal on flora and fauna.
<b>Comments (PO):</b> The proposal is not considered to have a significant adverse impact on flora and fauna that would warrant further investigation or refusal of the application.

## **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 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

### **Site**

An area of agricultural ground with an implemented planning consent for the erection of a house (15/01751/APP). The site is accessed via an existing track which joins a private road which has a junction with the public road to the west of the site. There is a ditch to the north west of the site and extensive tree cover beyond the site to the north east. The site is flat. There is one house to the south west of the application site adjacent to the private road. Development is otherwise well dispersed.

### **Proposal**

Planning permission is sought for the erection of a house with attached triple garage. As noted above, an existing consent is in place with records on file showing foundation trenches and access having been formed.

The proposed house would be a different design to that consented. It would comprise an L-shaped footprint and be 1.5 storey in height. The house itself has two protruding gables on the southwest elevation along with a flush fully glazed central gable. The north east elevation would have a gable style glazed entrance, along with another protruding section with linking roof connecting to the garage. The house would be finished in white render and whilst the garage would be finished in dark grey cladding. Both would have a slate roof and dark grey doors and window frames. Foul water would discharge to a septic tank and soakaway, surface water to a soakaway and water would be supplied via an existing connection to a private water supply.

### **Rural Housing (DP4)**

The extant consent was permitted under the Moray Local Development Plan 2015, which has since been superseded by the 2020 MLDP. As a result rural housing policy has changed with new design and siting requirements introduced under policy DP4, as well as areas of Moray designated where there is a build-up of rural housing. In these areas (designated "Pressurised and Sensitive") policy DP4 creates a presumption against new housing development.

This site does not fall in a Pressurised and Sensitive Area, but given the extant consent in place the principle of a house on the site is established. Consideration therefore lies with the design of the house, relative to the criteria contained in policy DP4.

The proposed house is of an appropriate scale for the site and formed of simple, well-proportioned elements. Whilst there are glazed gable features these are not excessive. There are no more than two primary wall finishes, with the natural slate roof a suitable finish. The roof pitch and gable widths are within the specified limits and window openings have a vertical emphasis. However, the height of the house at 7.5 metres exceeds the maximum limit of 6.75 metres as specified in policy DP4.



The sections submitted showing the consented house compared to that proposed are noted. All new rural housing is required to meet this criteria. Consent for the house permitted on site has been in place since 2012. Given the length of time that has passed since the original consent this is considered to have limited weight and does not justify a departure from policy DP4. Accordingly the proposal fails to comply with policy DP4 on the basis the height of the house exceeds the maximum specified in the design criteria.

#### **Access and Parking (PP3)**

The consented access arrangement would be utilised, with the Transportation Manager raising no objections to this but recommending conditions in relation to provision of EV charging, parking and turning areas. Subject to these conditions the proposal complies with policy PP3.

#### **Drainage (EP12, EP13)**

Foul drainage would be treated via a septic tank to soakaway, whilst surface water would be treated via its own soakaway. A drainage assessment submitted with the application found ground conditions on site are suitable for the arrangement proposed. The proposal therefore complies with policies EP12 and EP13.

#### **Private Water Supply**

The existing supply to the site will be utilised, and Environmental Health have not objected to this but recommend a condition requiring the supply to be treated to ensure the supply is potable.

#### **Developer Obligations (PP3, DP2)**

Developer obligations are not required in this case under policy PP3, as well as DP2 in respect of affordable housing, on the basis the site has an extant consent for the erection of a house.

#### **Conclusion**

The proposed house fails to comply with policy DP4 on the basis its height (7.5 metres) exceeds the maximum specified under the design criteria (6.75 metres), therefore refusal is recommended.

#### **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

Reference No.	Description			
15/01751/APP	Erect house garage and workshop Site Adjacent To The Wood Of Coneloch Birnie Moray			
	Decision	Permitted	Date Of Decision	30/10/15
12/01175/AMC	Erect house garage and workshop on Site Adjacent To The Wood Of Coneloch Birnie Moray			
	Decision	Permitted	Date Of Decision	11/09/12
09/01460/OUT	Erection of dwellinghouse on Site Adjacent To The Wood Of Coneloch Birnie Elgin Moray			
	Decision	Permitted	Date Of Decision	10/12/09

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	Departure from development plan No Premises	13/05/21
PINS	Departure from development plan No Premises	13/05/21

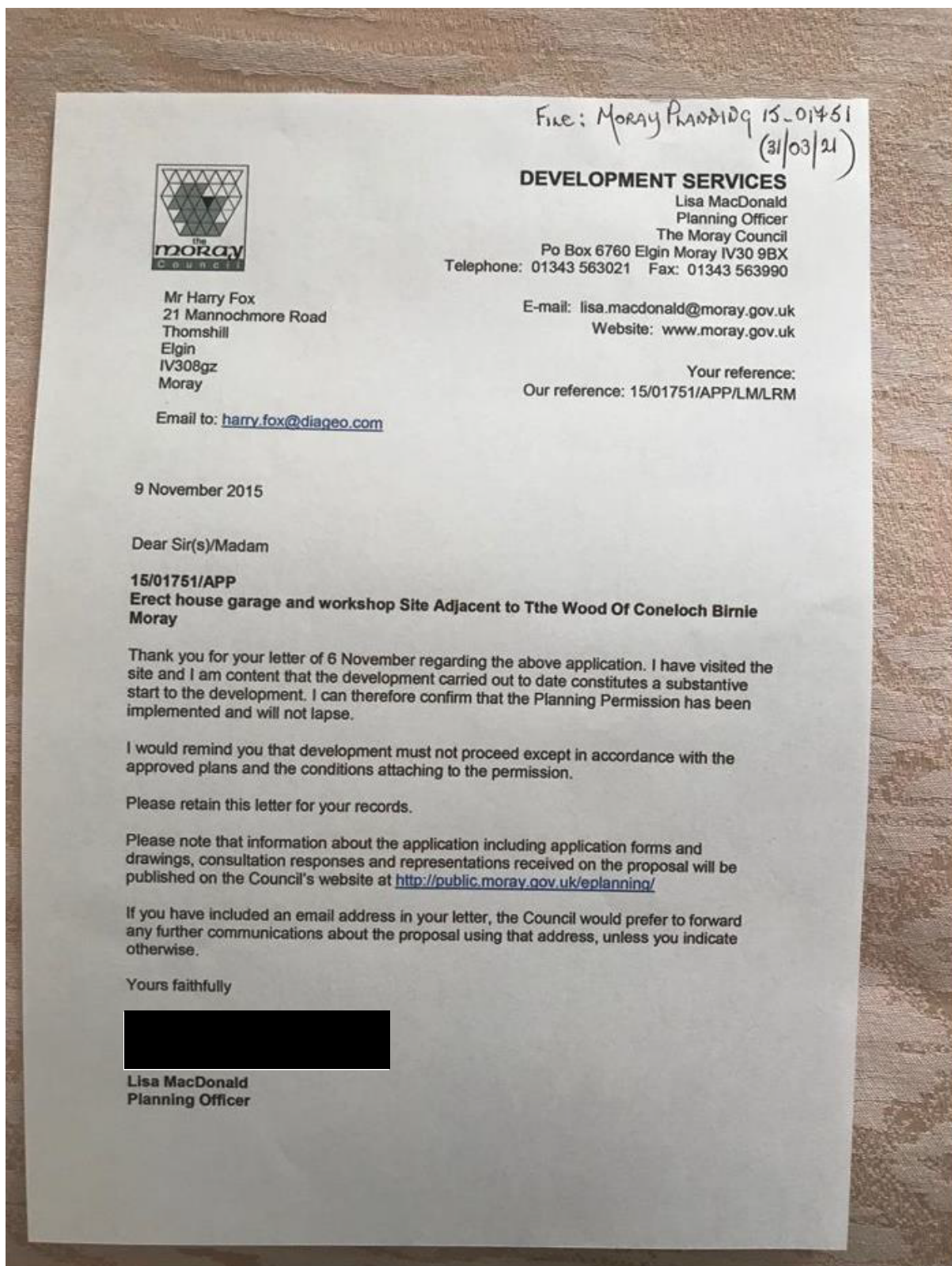
DEVELOPER CONTRIBUTIONS (PGU)	
Status	NONE SOUGHT

DOCUMENTS, ASSESSMENTS etc. *		
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Drainage Statement.	
Main Issues:	Details ground conditions and proposed drainage arrangement.	

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)			

Appendix 4: Letter confirming substantive start on site





1. THIS DRAWING IS THE PROPERTY OF THE MORAY COUNCIL AND SHOULD NOT BE REPRODUCED WITHOUT WRITTEN CONSENT	2. ANY REVISIONS MUST BE APPROVED BY THE MORAY COUNCIL	3. THIS DRAWING IS THE PROPERTY OF THE MORAY COUNCIL AND SHOULD NOT BE REPRODUCED WITHOUT WRITTEN CONSENT	4. THIS DRAWING IS THE PROPERTY OF THE MORAY COUNCIL AND SHOULD NOT BE REPRODUCED WITHOUT WRITTEN CONSENT	5. THIS DRAWING IS THE PROPERTY OF THE MORAY COUNCIL AND SHOULD NOT BE REPRODUCED WITHOUT WRITTEN CONSENT
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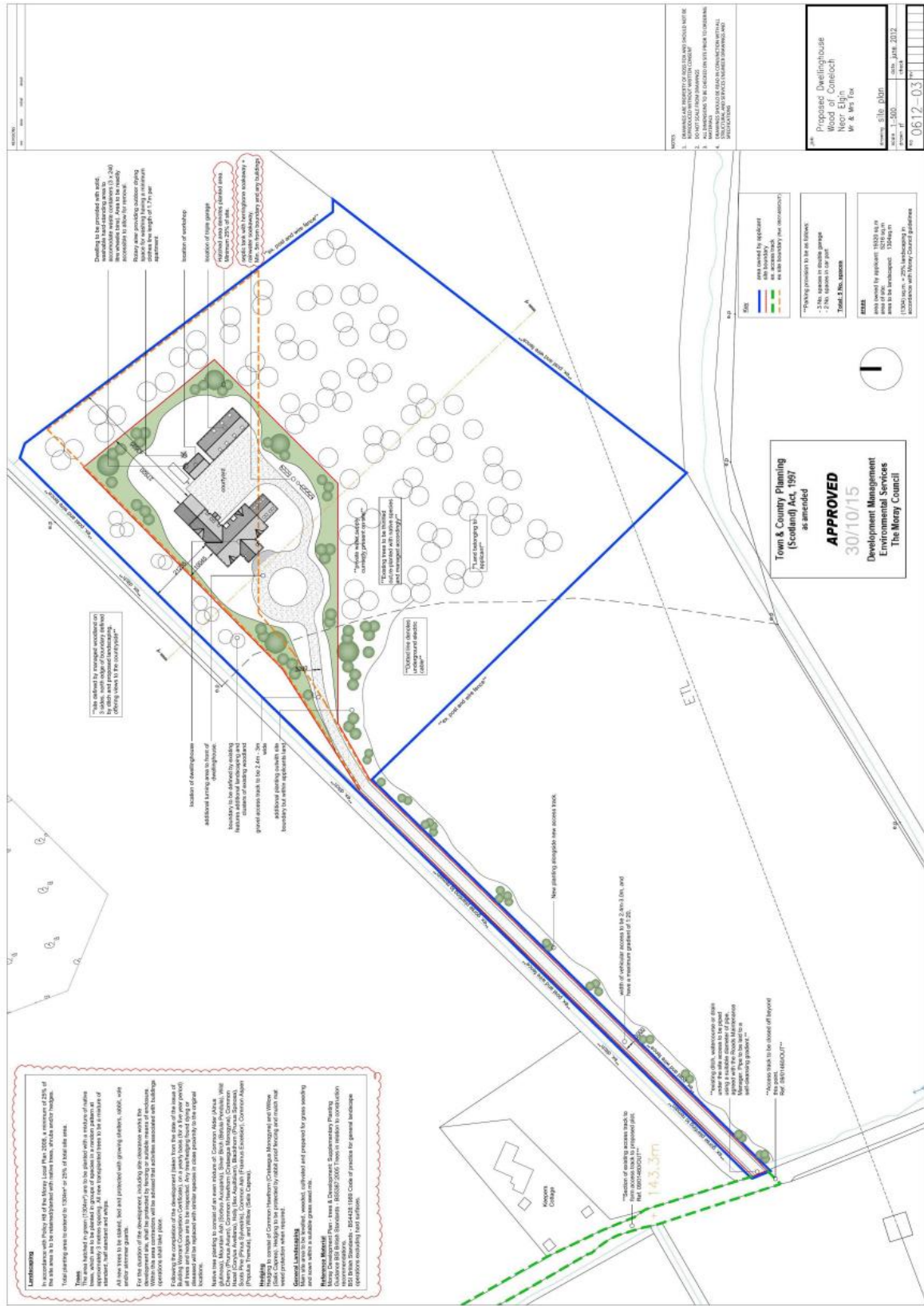
**Town & Country Planning  
(Scotland) Act, 1997  
as amended**

**APPROVED**

**30/10/15**

**Development Management  
Environmental Services  
The Moray Council**

client <b>Mr &amp; Mrs Fox</b>	drawing <b>location plan</b>	
project <b>proposed dwellinghouse</b>	drawing no. <b>0612-01</b>	revision date june 2012
	drawn rf	scale 1-5000













NOTES

1. DRAWINGS ARE PROPERTY OF ROSS FOX AND SHOULD NOT BE REPRODUCED WITHOUT WRITTEN CONSENT

2. DO NOT SCALE FROM DRAWINGS

3. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO ORDERING MATERIALS

4. DRAWINGS SHOULD BE READ IN CONJUNCTION WITH ALL STRUCTURAL AND SERVICES ENGINEER DRAWINGS AND SPECIFICATIONS

MATERIALS SCHEDULE

Render: Buff - 1

Sandstone - 2

Quoins, Sandstone - 3

UPVC Windows & Doors: Oak - 4

Roof Tile: Slate - 5

Roof Windows - 6

Solar Panels - 7

Window & Door surrounds: Sandstone - 8

\* Basecourse: buff coloured granite

\* Timber Fascias & Soffits: Oak coloured

\* UPVC Rainwater Gutter: Brown

\*\*ALL MATERIALS TO BE AGREED WITH PLANNING DEPARTMENT\*\*

The Moray Council policy H8 in terms of gable / eaves height formula (The width of the gable should not be greater than 2.5 times the height of the ground to the eaves.)

Gable width = 6000mm

GL - Eaves = 5290mm

= 5290x2.5

= 13225mm

Town & Country Planning  
(Scotland) Act, 1957  
as amended

APPROVED

30/10/15

Development Management  
Environmental Services  
The Moray Council

WEST ELEVATION

1:100

revisions

rev	initial	date	detail
A	rf	12	planning amendments

client

Mr & Mrs Fox

proposed dwellinghouse

drawing

west elevation

drawing no.

0612-13

revision

A

date

June 2012

drawn

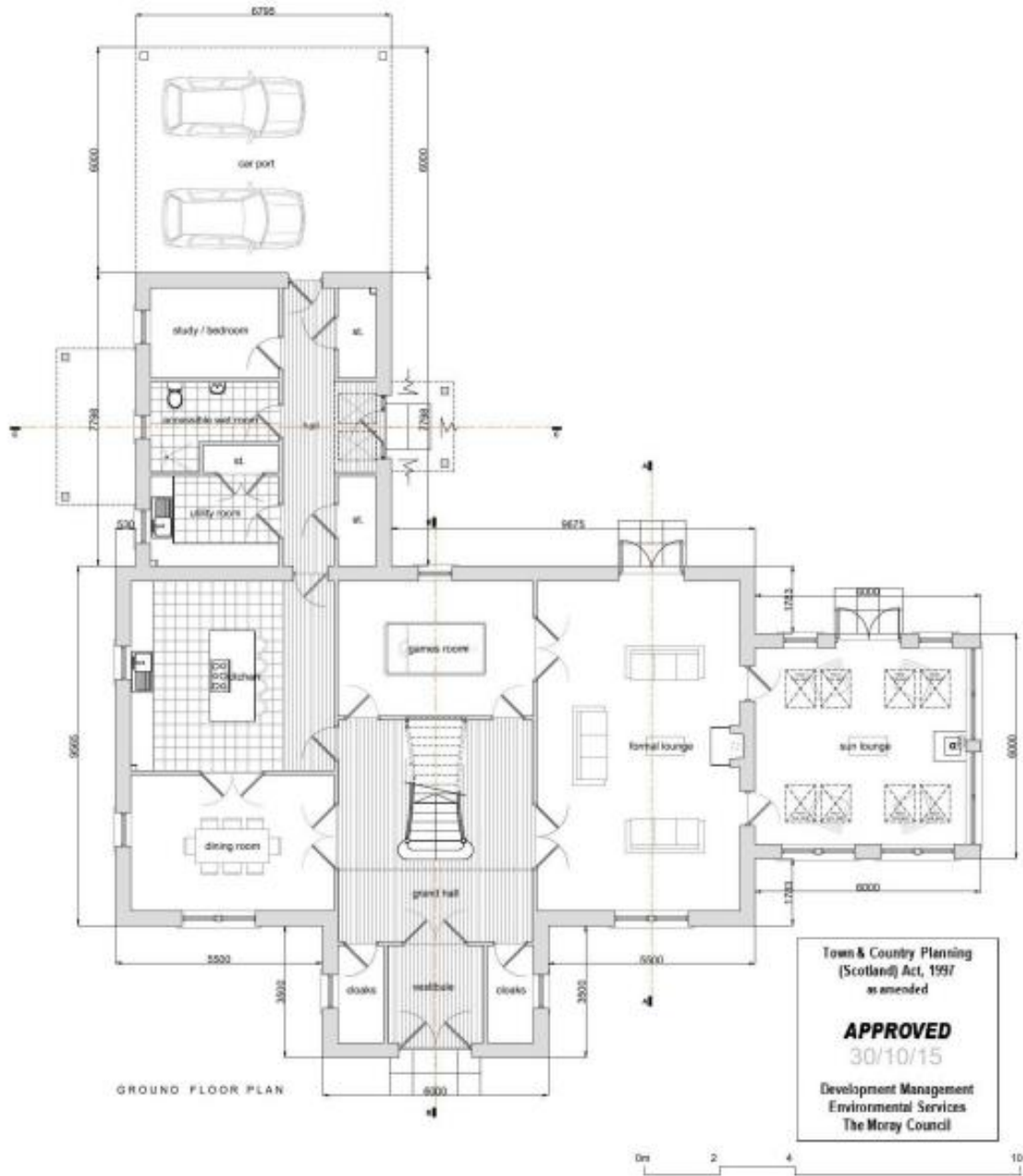
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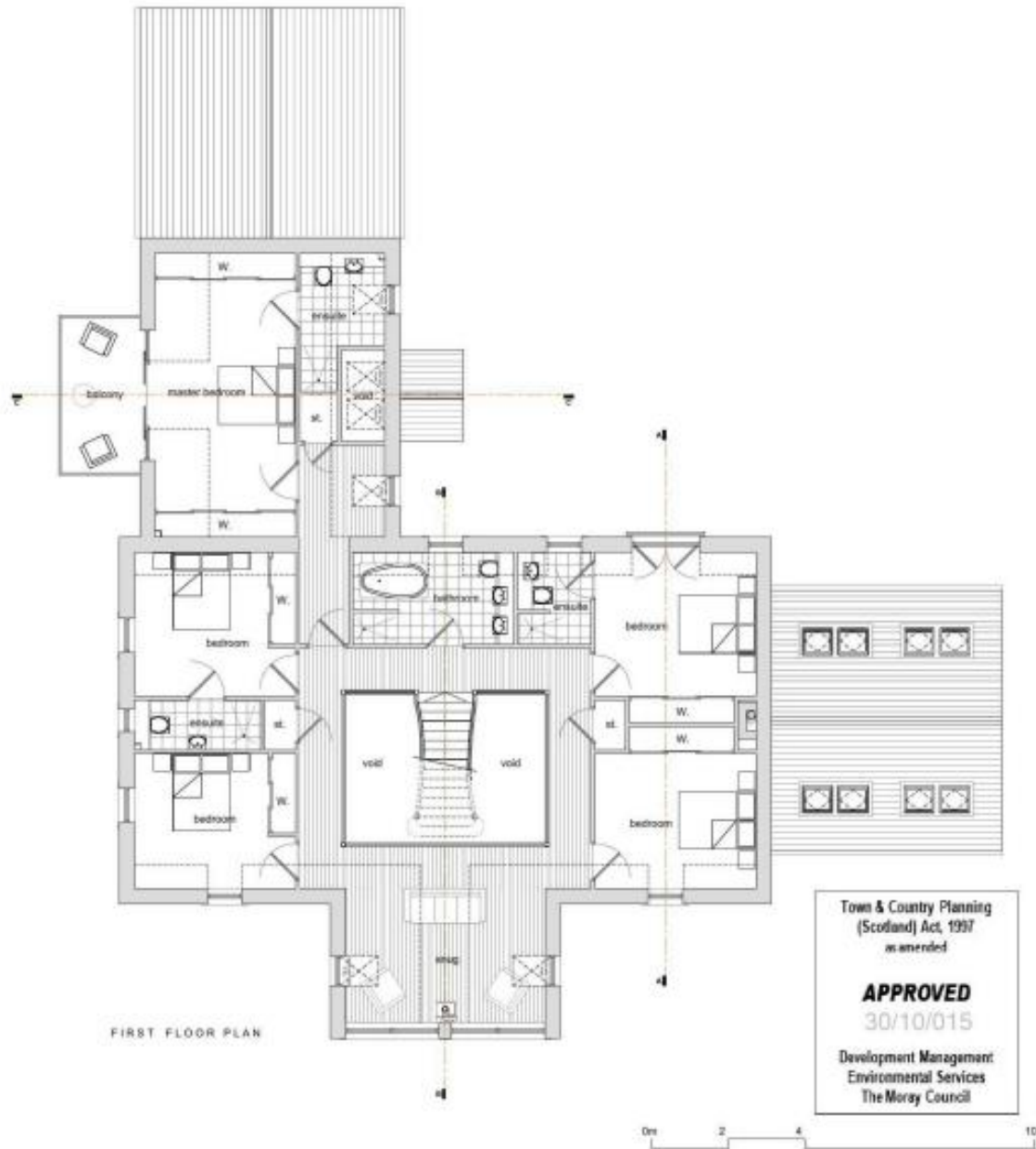
22

NOTES	1. DRAWINGS ARE PROPERTY OF ROSS FOX AND SHOULD NOT BE REPRODUCED WITHOUT WRITTEN CONSENT	2. DO NOT SCALE FROM DRAWINGS	3. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO ORDERING MATERIALS	4. DRAWINGS SHOULD BE READ IN CONJUNCTION WITH ALL STRUCTURAL AND SERVICES ENGINEER DRAWINGS AND SPECIFICATIONS
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client <b>Mr &amp; Mrs Fox</b>	drawing <b>gf layout</b>		
project <b>proposed dwellinghouse</b>	drawing no. <b>0612-05</b>	revision	date june 2012
		drawn at	scale 1:100

NOTES	1. DRAWINGS ARE PROPERTY OF ROSS FOX AND SHOULD NOT BE REPRODUCED WITHOUT WRITTEN CONSENT	2. DO NOT SCALE FROM DRAWINGS	3. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO ORDERING MATERIALS	4. DRAWINGS SHOULD BE READ IN CONJUNCTION WITH ALL STRUCTURAL AND SERVICES ENGINEER DRAWINGS AND SPECIFICATIONS
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client <b>Mr &amp; Mrs Fox</b>	drawing <b>ff layout</b>		
project <b>proposed dwellinghouse</b>	drawing no. <b>0612-06</b>	revision	date june 2012
		drawn by	scale 1:100

**REPORT OF HANDLING**

<b>Ref No:</b>	21/00101/APP	<b>Officer:</b>	Andrew Miller
<b>Proposal Description/ Address</b>	Revise house design approved under ref 20/00462/APP to erect dwellinghouse and detached garage on Site 90M North West Of Speyview Farmhouse Orton Fochabers Moray		
<b>Date:</b>	16/03/21	<b>Typist Initials:</b>	FJA

**RECOMMENDATION**

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	N
	Pre-determination	N

**CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Transportation Manager	04/02/21	No objections subject to repeat of conditions applied to 20/00462/APP and an additional condition requiring EV charging details to be agreed.
Scottish Water	01/02/21	No objections – unable to confirm capacity for water supply so advise pre-development enquiry is undertaken directly with Scottish Water.
Moray Flood Risk Management	01/02/21	No objections.
Planning And Development Obligations	12/02/21	No obligation sought.

**DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
DP1 Development Principles	N	
PP3 Infrastructure and Services	N	
DP4 Rural Housing	Y	
EP3 Special Landscape Areas	N	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	

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		
<b>Issue:</b> Impact of development on flora and fauna. <b>Comments (PO):</b> The proposal is not considered to result in a significant adverse impact on flora and fauna that would warrant refusal of the proposal.		

#### OBSERVATIONS – ASSESSMENT OF PROPOSAL

##### Site

A relatively small agricultural field to the north of a small group of houses that sit to the east of Inchberry. The site is enclosed by post and wire fencing with metalled access road to the north and east. To the west of the site is further agricultural land, whilst a house lies to the south. The site has an implemented consent for the erection of a house (12/01800/APP) and has a more recent grant of consent for the erection of an alternative house design (20/00462/APP).

##### Proposal

Revised house design to that previously consented, per the submitted plans.

##### Evaluation

The main consideration here lies with the proposed alternative house design, and the implications of the Moray Local Development Plan 2020 on the proposal. The principle of the house is acceptable given the extant consents in place for the site.

In respect of policy DP4 - Rural Housing, the design of the proposed house complies with the design criteria outlined in the policy apart from the proposed houses exceeds the maximum height requirement of 6.75 metres. The proposed house is the same height as that of the most recent planning consent on the site (7.1 metres). Given the minimal additional height over the maximum specified in DP4 (350 mm difference), the similarity of height to that recently consented (within the past 10 months), as well as the suitability of the design in all other respects of policy DP4, the proposal is considered to be an acceptable departure from the development plan (namely policy DP4 - Rural Housing) in this instance.

The indicative landscaping is noted - a condition will be placed requiring a detailed scheme to be agreed.

The house is acceptable in all other respects, with consultees raising no objection. A condition will be placed per the recommendation of the Transportation Manager in relation to EV charging infrastructure.

##### REASON(S) FOR DECISION

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

The proposed house is considered to be an acceptable departure from policy DP4 - Rural Housing, of the Moray Local Development Plan 2020 because its overall height, whilst greater than the maximum



permitted (6750mm) under DP4, would be identical to that consented under 20/00462/APP (within the past 10 months) and would be a minimal difference (350mm) over the maximum height. The house is suitable in all other respects of policy DP4, as well as other relevant policies.

#### OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

Planning history, in particular consent 20/00462/APP.

#### HISTORY

HISTORY

Reference No.	Description			
20/00462/APP	Erect dwellinghouse and detached garage on Site 90M North West Of Speyview Farmhouse Orton Fochabers Moray			
	Decision	Permitted	Date Of Decision	25/05/20
12/01800/APP	New house Nr Bow Bank Inchberry Fochabers Moray			
	Decision	Permitted	Date Of Decision	18/12/12

#### ADVERT

Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	No Premises Departure from development plan	11/03/21
PINS	No Premises Departure from development plan	11/03/21

#### DEVELOPER CONTRIBUTIONS (PGU)

Status	NONE SOUGHT
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#### DOCUMENTS, ASSESSMENTS etc. \*

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

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Drainage Statement	
Main Issues:	Outlines ground conditions of site and proposed drainage arrangement.	

#### 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:		

<b>DIRECTION(S) MADE BY SCOTTISH MINISTERS</b> (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)			