



Moray Local Review Body

Thursday, 24 February 2022

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Local Review Body** is to be held at **Various Locations via Video-Conference**, on **Thursday, 24 February 2022** at **09:30**.

BUSINESS

1 Sederunt

2 Declaration of Group Decisions and Members Interests *

3 Minute of meeting dated 27 January 2022 5 - 6

New Cases

4 LR267 - Ward 5 - Heldon and Laich 7 - 132

Planning Application 21/01206/APP – Erection of 2no Self-Catering Apartments (East Wing) at Norland, Stotfield Road, Lossiemouth

5 LR268 - Ward 7 - Elgin City South 133 - 194

Planning Application 21/01153/APP – Carport with Balcony at 20 Elmfield Road, Elgin, IV30 6HQ

6 LR269 - Ward 6 - Elgin City North 195 - 344

Planning Application 21/01146/APP – Erection of hot sandwich shop including drive through at 4 Riverside Road, Elgin, IV30 6LS

Planning Application 21/00168/APP – Proposed erection of dwelling-house and attached garage at Plot 3 Easter Coltfeld, Alves, Elgin

Summary of Local Review Body functions:

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

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

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

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

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

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

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

THE MORAY COUNCIL

Moray Local Review Body

SEDERUNT

Councillor Amy Taylor (Chair)
Councillor David Bremner (Depute Chair)

Councillor Gordon Cowie (Member)
Councillor Donald Gatt (Member)
Councillor Aaron McLean (Member)
Councillor Ray McLean (Member)
Councillor Louise Nicol (Member)
Councillor Laura Powell (Member)
Councillor Derek Ross (Member)

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

Minute of Meeting of the Moray Local Review Body

Thursday, 27 January 2022

Various Locations via Video-Conference

PRESENT

Councillor David Bremner, Councillor Gordon Cowie, Councillor Donald Gatt, Councillor Aaron McLean, Councillor Ray McLean, Councillor Louise Nicol, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor

IN ATTENDANCE

Ms Webster, Principal Planning Officer (Strategic Planning and Development) and Mr Henderson, Planning Officer as Planning Advisers, Mr Hoath, Senior Solicitor as Legal Adviser and Mrs Rowan, Committee Services Officer as Clerk to the Moray Local Review Body.

1 Chair

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

2 Declaration of Group Decisions and Members Interests *

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

3 Minutes

The Minutes of the meetings of the Moray Local Review Body dated 28 October 2021 and 16 December 2021 were submitted and approved.

4 Case LR266 - Ward 1 - Speyside Glenlivet

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

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

The 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.

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

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

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

Councillor Gatt sought confirmation from the Planning Adviser that the Applicant currently had planning permission for a building 4.1 metres taller than the proposal in question.

In response, Mr Henderson, Planning Adviser advised that in 2012, planning permission was granted for a new house and that the development was commenced in 2015 therefore this planning application is currently live however stated that this planning application had been considered against a previous Moray Local Development Plan.

Councillor Gatt stated that the difference in height between the proposal and the maximum height specified in policy DP4's design criteria of 6.75 metres is 0.75 metres and moved that the MLRB uphold the appeal and grant planning permission in respect of Planning Application 21/00517/APP as in his opinion, the proposal is an acceptable departure from policy DP4 (Rural Housing) as the Applicant currently has planning permission for a proposal significantly higher than what is currently being proposed. This was seconded by Councillor R McLean.

Councillor A McLean moved as an amendment that the MLRB uphold the original decision of the Appointed Officer to refuse planning permission as the proposed house fails to comply with policy DP4 (Rural Housing) of the MLDP 2020 as its height, at 7.5 metres, exceeds the maximum height of 6.75 metres specified in policy. This was seconded by Councillor Ross.

On a division there voted:

For the Motion (3):	Councillors Gatt, R McLean and Powell
For the Amendment (6):	Councillors A McLean, Ross, Bremner, Cowie, Nicol, and Taylor
Abstentions (0):	Nil

Accordingly, the Amendment became the finding of the Meeting and the MLRB agreed to refuse planning permission in respect of Planning Application 21/00517/APP as the proposed house fails to comply with policy DP4 (Rural Housing) of the MLDP 2020 as its height, at 7.5 metres, exceeds the maximum height of 6.75 metres specified in policy.



MORAY LOCAL REVIEW BODY

24 FEBRUARY 2022

SUMMARY OF INFORMATION FOR CASE No LR267

Planning Application 21/01206/APP – Erection of 2no Self-Catering Apartments (East Wing) at Norland, Stotfield Road, Lossiemouth

Ward 5 – Heldon and Laich

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 29 September 2021 on the grounds that:

The design and siting of the proposal is considered to represent overdevelopment, whilst also having an adverse impact on the character and amenity of the surrounding area which is designated as a Special Landscape Area in the Moray Local Development Plan 2020 (MLDP). On this basis, the proposal fails to comply with MLDP policies DP1 - Development Principles, DP8 - Tourism Facilities and Accommodation and EP3 - Special Landscape Areas and Landscape Character.

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

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

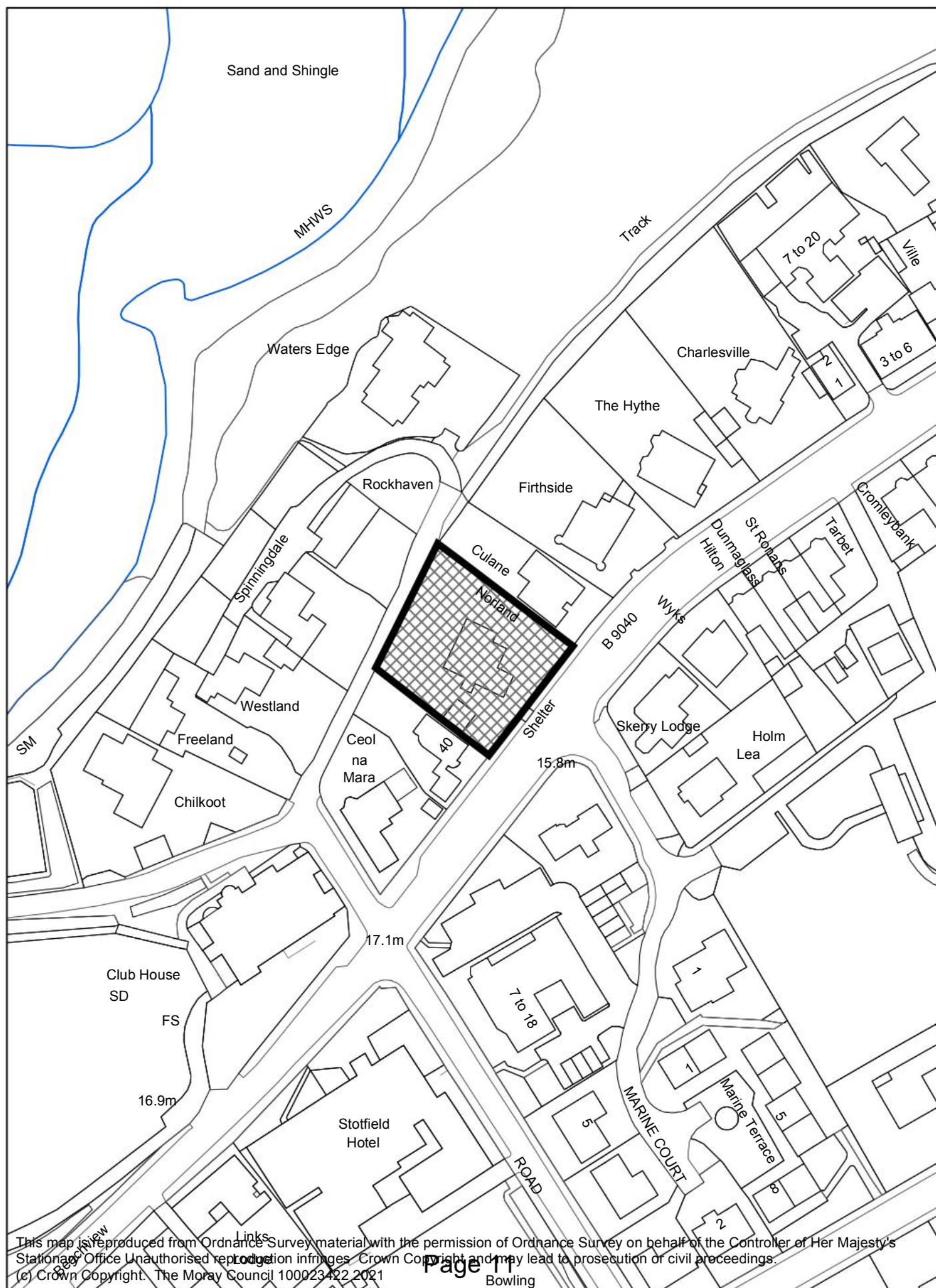
Further Representations received in response to the Notice of Review are attached as **Appendix 3**.

No representation was received from the Applicant in response to the Further Representations.



APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100246380-005

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)

Reapplication of Previously Withdrawn App Ref: 20/01722/APP - Apartment Development (East Wing)

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

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Norland
First Name: *	B	Building Number:	
Last Name: *	Harris	Address 1 (Street): *	Stotfield Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Lossiemouth
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV31 6QP
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

NORLAND

Address 2:

STOTFIELD ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

LOSSIEMOUTH

Post Code:

IV31 6QP

Please identify/describe the location of the site or sites

Northing

871003

Easting

323005

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

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

Previous Withdrawn App Ref: 20/01722/APP

Title:

Mr

Other title:

First Name:

Andrew

Last Name:

Miller

Correspondence Reference
Number:

20/01722/APP

Date (dd/mm/yyyy):

01/06/2021

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

Site Area

Please state the site area:

1319.00

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)

Domestic Dwelling and Bed & Breakfast

Access and Parking

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

☒ Yes ☐ No

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

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

☐ Yes ☒ No

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

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

3

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)? *

10

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

Water Supply and Drainage Arrangements

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

☒ Yes ☐ No

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

☒ Yes – connecting to public drainage network
☐ No – proposing to make private drainage arrangements
☐ Not Applicable – only arrangements for water supply required

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

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

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

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

☒ Yes

☐ No, using a private water supply

☐ No connection required

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

Assessment of Flood Risk

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

☐ Yes ☐ No ☒ Don't Know

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

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

☐ Yes ☐ No ☒ Don't Know

Trees

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

☐ Yes ☒ No

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

Waste Storage and Collection

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

☒ Yes ☐ No

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

Please see plans

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? *

2

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: Craig Mackay

On behalf of: Mr B Harris

Date: 02/08/2021

☒ 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 ☐ T 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 ☐ T 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 ☐ T 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 ☐ T 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 ☐ T 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 ☐ T 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:

☐ T Site Layout Plan or Block plan.

☐ T Elevations.

☐ T Floor plans.

☐ T Cross sections.

☐ ≤ Roof plan.

☐ ≤ Master Plan/Framework Plan.

☐ ≤ Landscape plan.

☐ ≤ Photographs and/or photomontages.

☐ ≤ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	≤	Yes	T	N/A
A Design Statement or Design and Access Statement. *	≤	Yes	T	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	N/A

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

Drainage Statement & Supporting Statement

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.

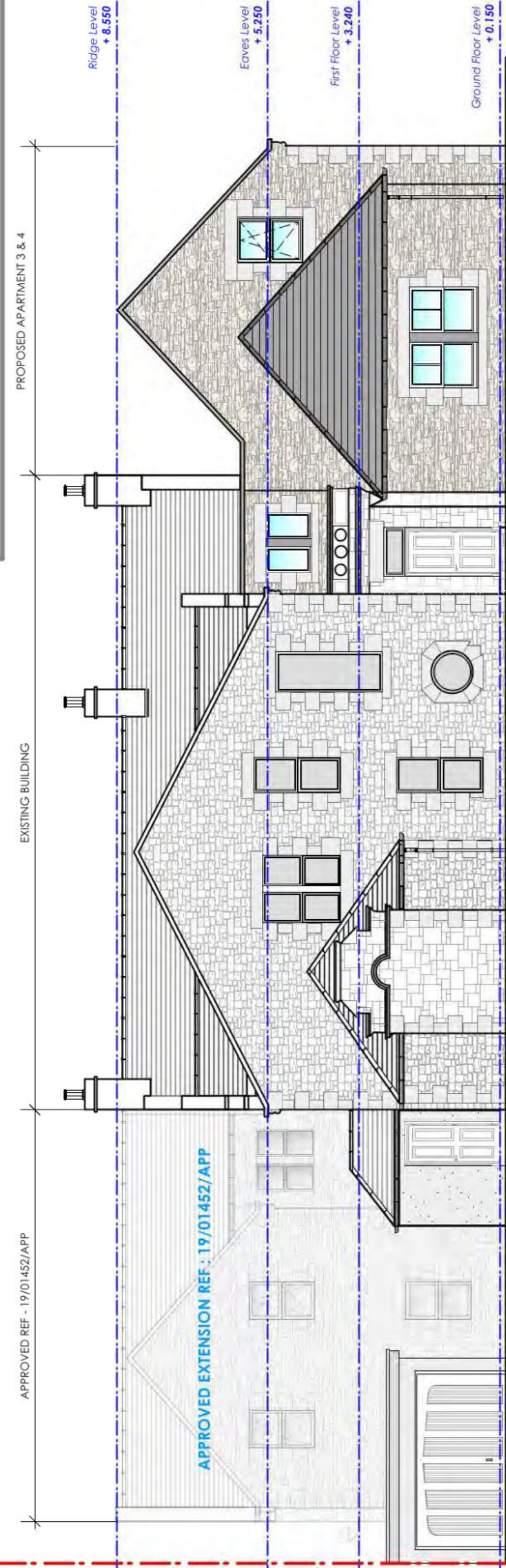
Declaration Name: Mr Craig Mackay

Declaration Date: 03/08/2021

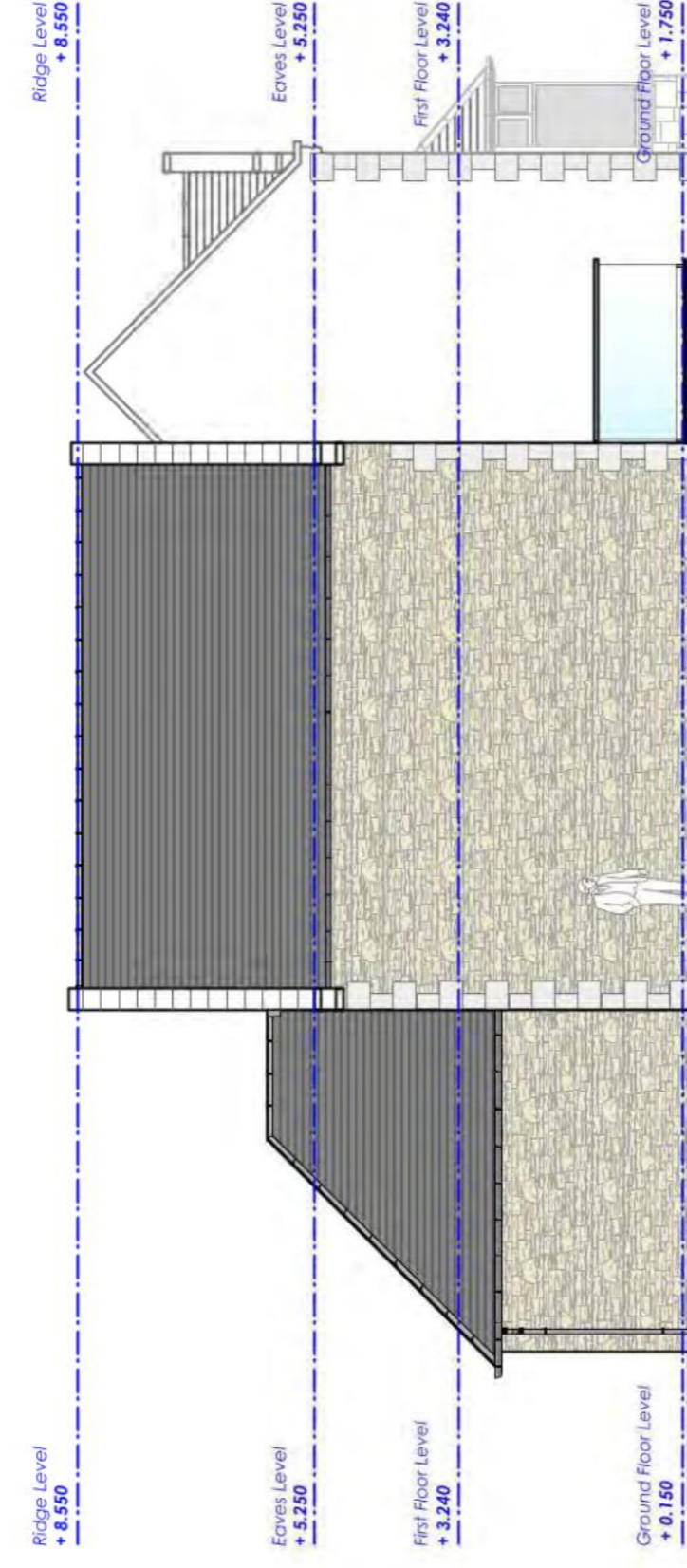
DO NOT SCALE OFF DRAWINGS. ALL LINES ARE TO BE CHECKED/CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS. ORDERING OF MATERIALS, NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED. CONTRACTORS ACCEPT RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS.
CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION



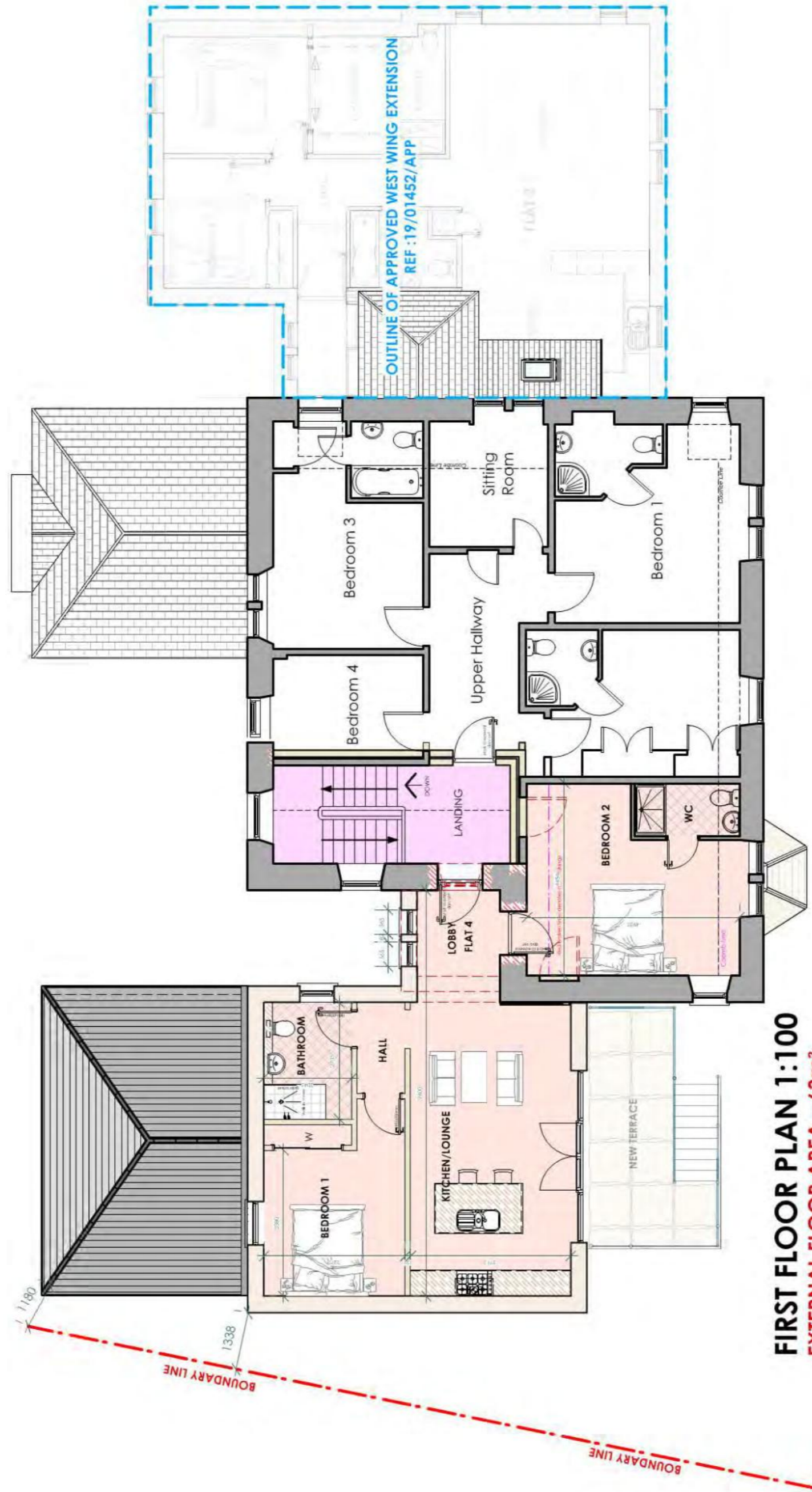
REAR ELEVATION 1:100



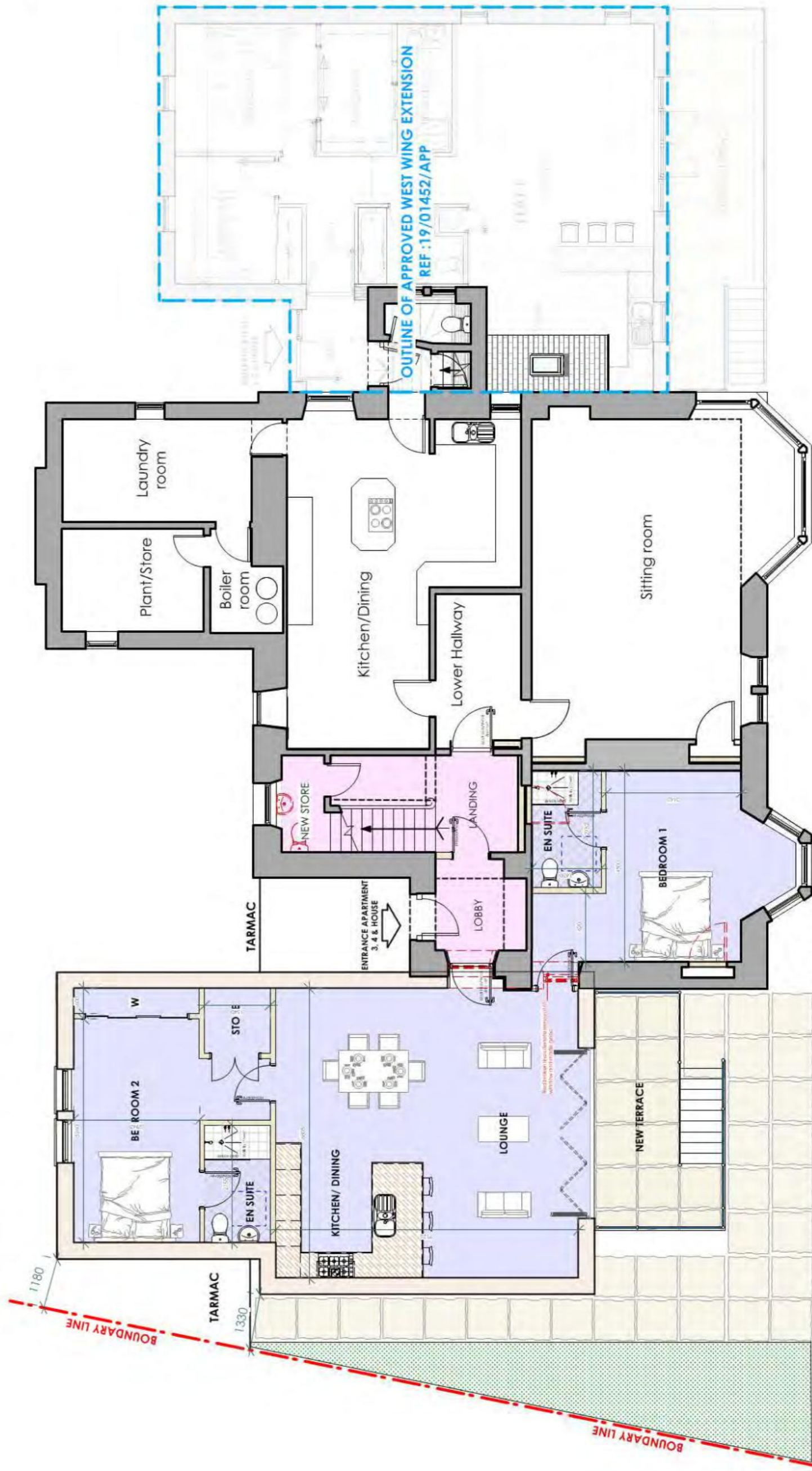
FRONT ELEVATION 1:100



EAST ELEVATION 1:100



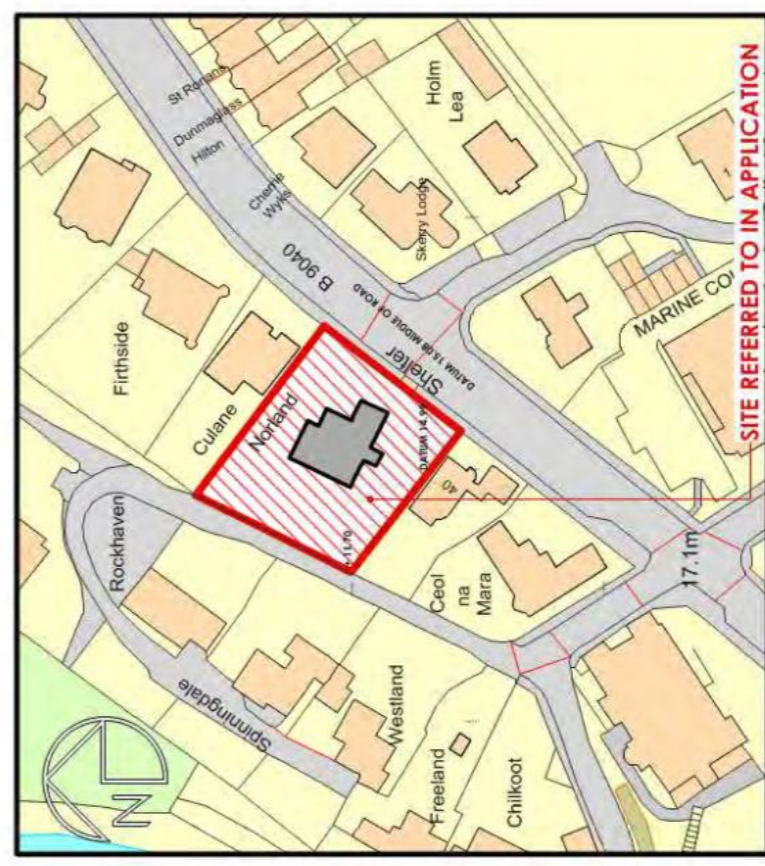
FIRST FLOOR PLAN 1:100
EXTERNAL FLOOR AREA - 63m²



GROUND FLOOR PLAN 1:100
EXTERNAL FLOOR AREA - 91m²



SITE & PARKING PLAN
1 : 200



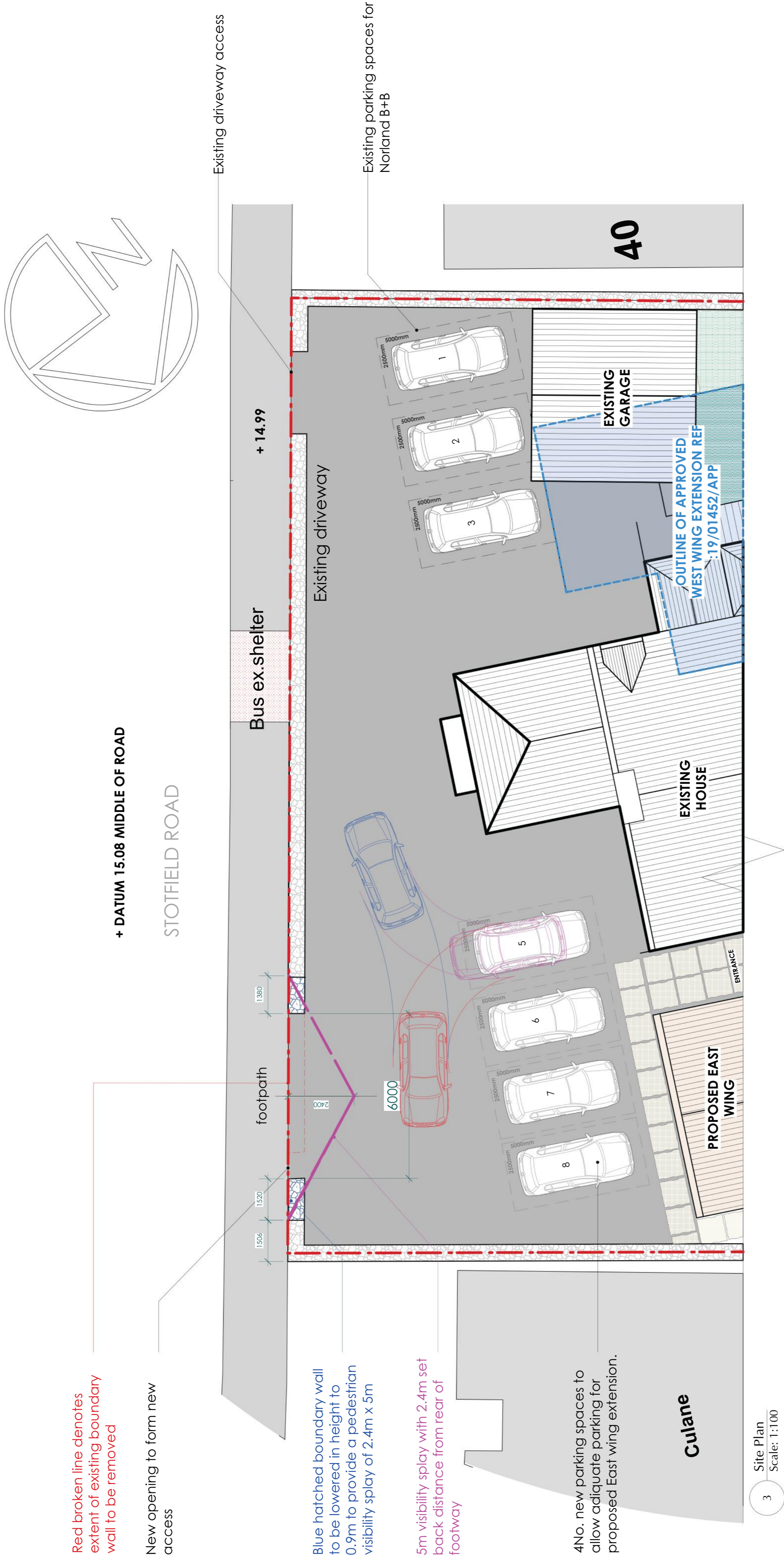
LOCATION PLAN 1:1500

cm design architectural consultants

HEAD OFFICE - MOYAT
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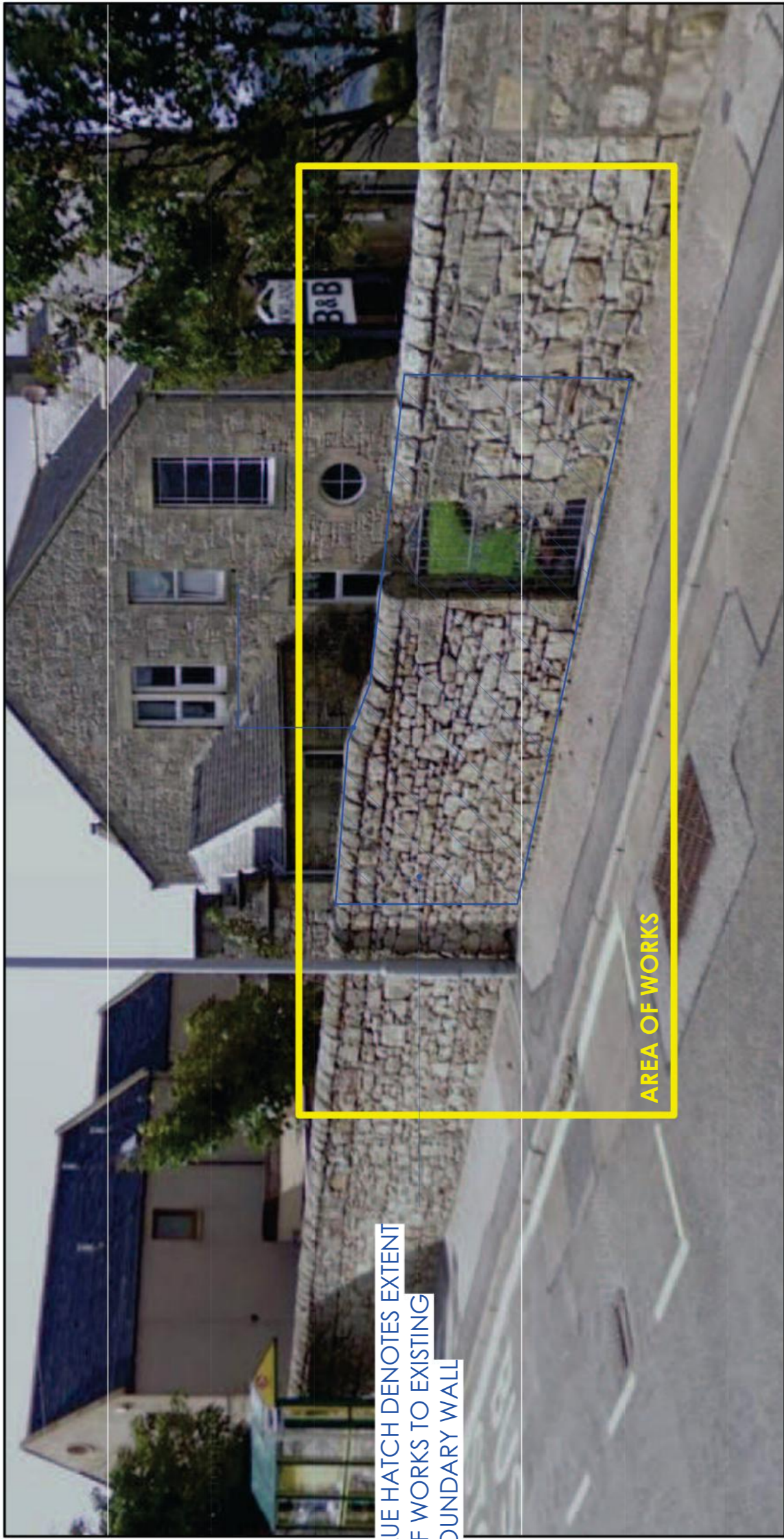
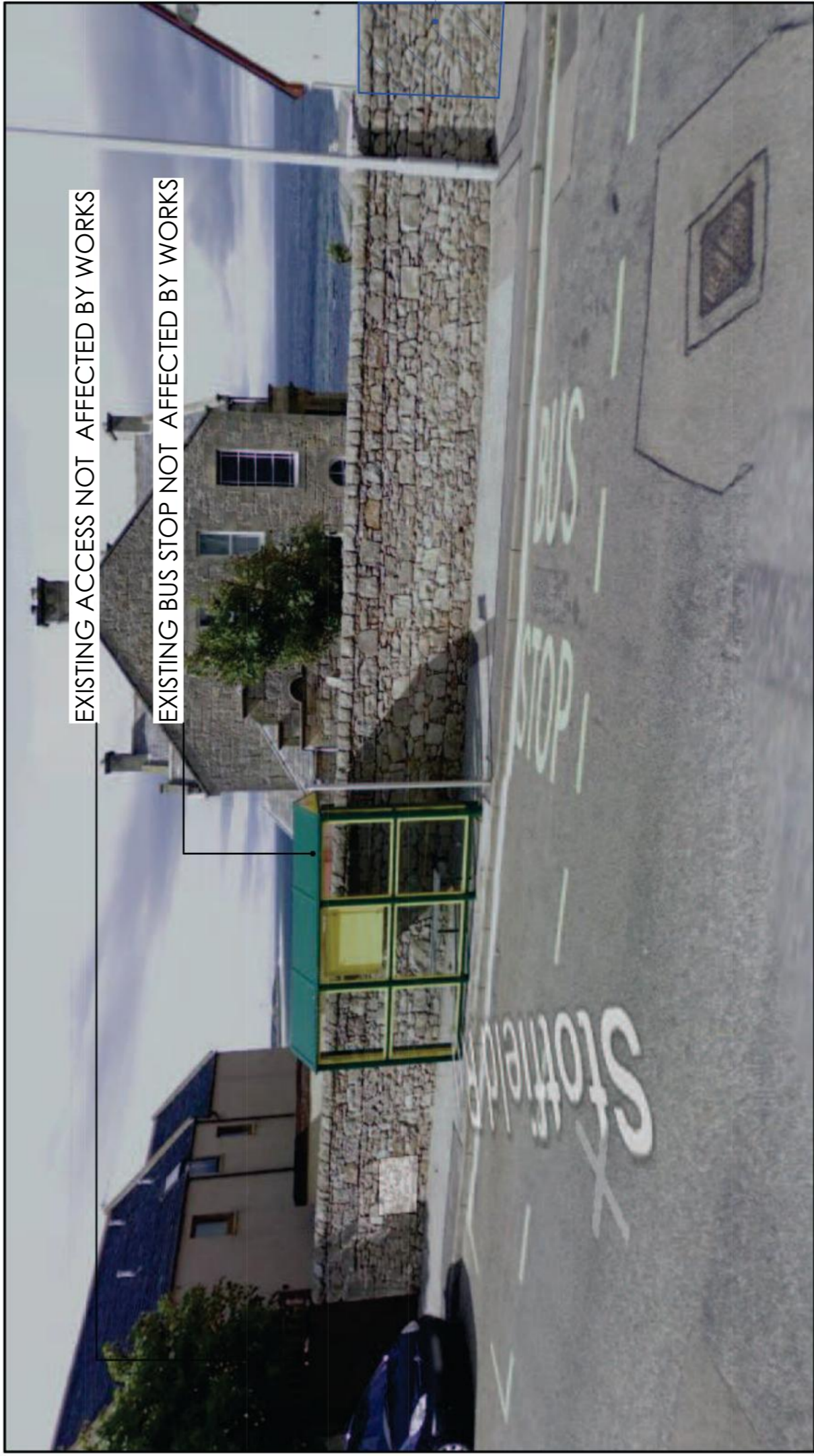
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PARKING SCHEDULE

- Existing house :**
- 3 spaces as existing
- Proposed West wing - Planning Ref - 19/01452/APP**
- 6 spaces shown on North of property
- Proposed East Wing :**
- 4 spaces shown on south of property



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MR B HARRIS

EXTENSION TO FORM 2 SELF CATERING APARTMENTS FOR USE IN GUEST HOUSE AND ADDITIONAL PARKING

PLANNING PROPOSALS (EAST WING)
VISIBILITY SPLAY

Date: Amendments: Rev:

Drawn By: B MACKEY Date: 3.2.21 Checked By: Date:

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Surveys, Setting-Out Civil Engineering Design

Drainage Assessment

STOTFIELD ROAD, LOSSIEMOUTH

Gary Mackintosh Bsc
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Client:

Mr B Harris

Site Address:

Norland
Stotfield Road
Lossiemouth

Planning Reference:

19/01452/APP

Date:

10th November 2019

Job Number:

0792

Company Information:

Assessment completed by:

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Introduction

Norland is located to the north of Stotfield Road, Lossiemouth. Following the approval to erect 2No self - catering units as an extension to the west of the existing building, it is proposed to erect a matching extension to the east wing of the existing building . To accompany the proposed units, parking is also proposed to the north west of the existing building.

To meet the needs of the local Planning Authority, a Drainage Assessment is required in accordance with policy EP5 of The Moray Local Plan.

Existing Site:

A walkover survey of the site has been carried out which has a medium gradient falling from Stotfield Road to the south east, to St Gerardine Road to the north west. There is an existing garage to the south east of the main property which is to be demolished to make way for the proposed parking. The existing tarred driveway leading from Stotfield road is to be maintained providing 4 parking spaces. The west area of the site is currently garden grounds.

The overall site area is approximately 1,342m².

The SEPA Flood Maps have been consulted which indicate that the site is not at risk of any fluvial or pluvial flooding up to and including a 1:200year event.

The existing roof area is managed within a surface water system which could not be identified during the site visit however it is considered that the existing surface water infrastructure will remain in situ.

The foul water from the existing property discharges to the public sewer.

Ground Conditions:

Trial pits were excavated on 4th November 2019 in order to assess the existing ground conditions and their suitability for the use of sub surface soakaways as a method of surface water management.

The trial pits were excavated to a depth of 1800mmbgl providing existing soils of 150 – 200mm Topsoil overlying light brown fine to medium fine slightly gravelly Sands with some cobbles overlying dark brown medium Sandy Gravels proved to the depth of the excavations. The gravels were sub rounded in shape.

Infiltration testing was carried out in full accordance with BRE digest 365. The results can be found in the table below.

Infiltration Test	Pit Dimensions (w/l)	Test Zone (mbgl)	Infiltration Rate (m/s)
INF01	1.0m x 1.2m	1.0 – 1.5	3.33×10^{-5}
INF02	0.8m x 1.2m	1.1 – 1.8	4.73×10^{-5}

Local Water Courses:

There are no existing water courses within the surrounding area of the site.

The Coastline is approximately 95m north west of the site at its nearest location.

Existing Foul and Surface Water Runoff:

The site area may be considered to produce 0.46l/s runoff during a two year return period storm event (runoff calculations are included in Appendix B).

The existing foul drainage discharges to the public sewer within St Gerardines Road.

The Proposed Site

The site plan is shown in APPENDIX A.

The proposals are for 2 new self – units to be erected as an extension to the south side of the existing building.

The site is to be made of the following impermeable areas:

195m² – Existing Roof Area (Existing surface water system to be maintained)

200m² – New extension Roof Area

160m² – Existing Driveway (Existing surface water system to be maintained)

145m² – Proposed Parking Access Area to West

Drainage Strategy

Foul Drainage

In accordance with good practice the development will require to be served by a separate foul and surface water system and incorporate SUDS facilities.

The existing Foul Drainage is to be maintained within the site therefore if it is proposed to connect the additional accommodation to the existing discharge. Approval will be required from Scottish Water prior to the additional loads being added to the system.

Storm Drainage

The existing surface water drainage system is to be maintained.

Due to the site being restricted in terms of space to accommodate multiple drainage structures, it is proposed to install a single new soakaway to manage the runoff from the final new roof area and the new parking area. As this represents a reasonable percentage of the overall site area it is recommended that the soakaway be sized to manage flows up to and including a 1:200 year event.

Please see calculations within Appendix C detailing the suitability and requirement of a surface water soakaway with dimensions of 13.0m x 2.0m x 1.5m below the invert of the inlet based on a contributing area of 330m² up to and including a 1:200year event with 35% allowance for climate change.

It is therefore proposed that the parking bays be formed in permeable pavements with an aqua channel or gullies to the site entrance to manage surface water flows within the access and parking areas. The runoff from the new roof areas is to be conveyed to the soakaway using standard pvc piping.

The proposed indicative drainage arrangements are shown within Appendix A.

Conclusion

The proposals are to erect an additional extension to the east of existing property, Norland, Stotfield Road, Lossiemouth, over and above the previously approved works.

The existing foul and surface water drainage is to remain in situ with the foul water discharge from the new self – catering units making a direct connection to the existing system.

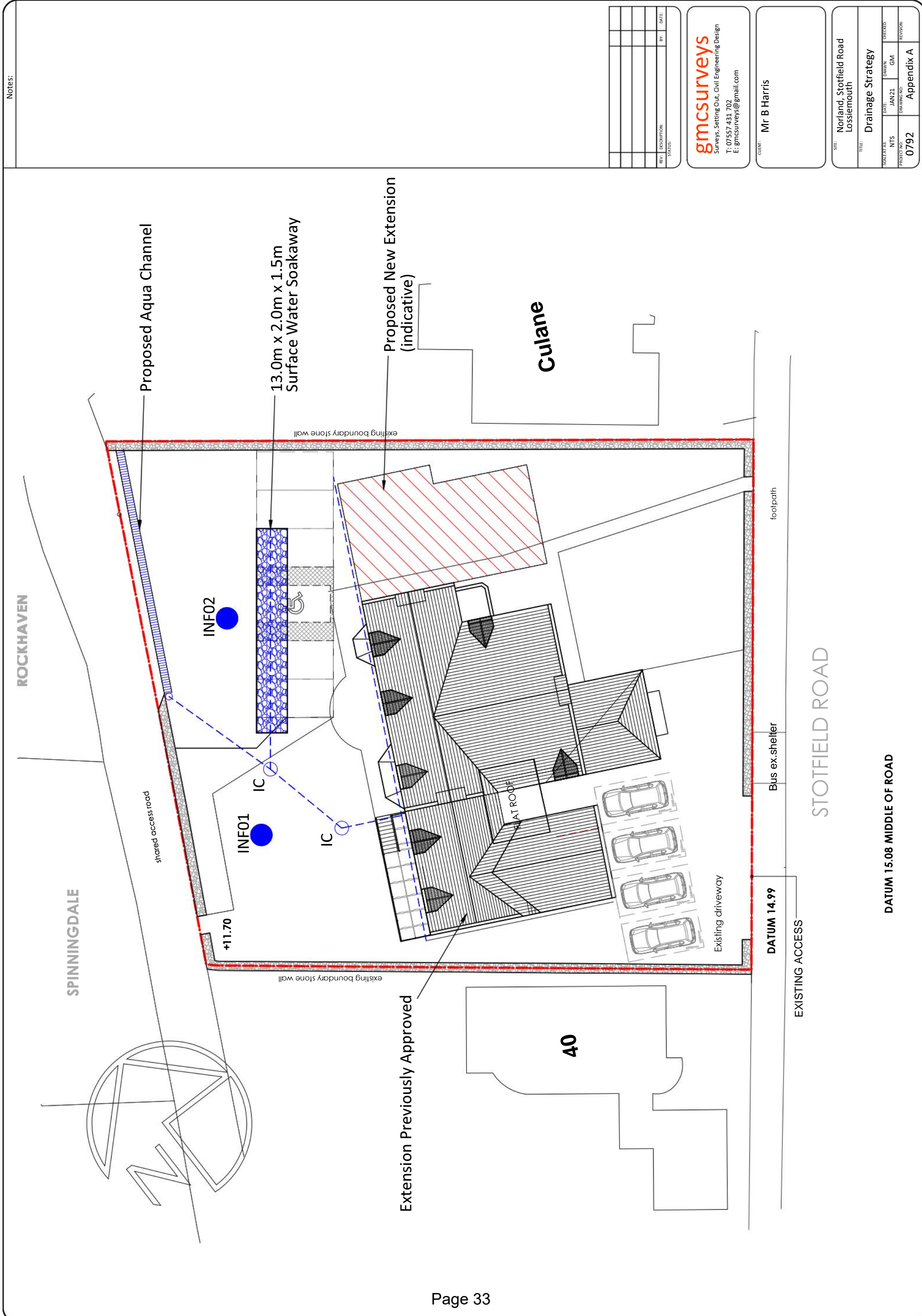
The surface water runoff from the new roof, parking and access areas is to be managed within a proposed soakaway to be located beneath the new parking bays. The soakaway is to be sized to manage surface water flows from both new roof areas and parking area up to and including a 1:200year event with 35% allowance for climate change.

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. Building Research Establishment. BRE Digest 365 – Soakaway Design, 1991.
6. CIRIA, Report 156, Infiltration Drainage – Manual of Good Practice, 1996.
7. WRc plc Sewers for Scotland – A Policy, Design and Construction Guide for Developers in Scotland, 2001.

APPENDIX A

Drainage Strategy/Site Layout



APPENDIX B

Greenfield Runoff Estimation



MasterDrain
SW 11.0

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Surveys, Setting Out Civil Engineering Design

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Job No. 0595		
Sheet no. 1		
Date 26/11/19		
By GM	Checked	Approved

Project **Norland, Stotfield Road, Elgin**
Title **Greenfield Runoff Estimation**

Hydrological Data:-

FSR Hydrology:-

Location	= LOSSIEMOUTH	Grid reference	= NJ2370
M5-60 (mm)	= 12	r	= 0.26
Soil runoff	= 0.40	SAAR (mm/yr)	= 700
WRAP	= 3	Area	= Scotland & N. Ireland
Hydrological area	= 1	Hydrological zone	= 2

Soil classification for WRAP type 3

- 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.

Design data:-

Area = 0.00134 Km² - 0.134 Ha - 1340 m²

Calculation method:-

Runoff is calculated from:-

$$Q_{\text{BAR(rural)}} = 0.00108 \text{ AREA}^{0.89} \cdot \text{SAAR}^{1.17} \cdot \text{SOIL}^{2.17}$$

where

AREA = Site area in Km²
SAAR = Standard Average Annual Rainfall (mm/yr)
SOIL = Soil value derived from Winter Rainfall Acceptance Potential
 $Q_{\text{BAR(rural)}}$ = Runoff (cumecs)

$Q_{\text{BAR(rural)}}$ is then multiplied by a growth factor - GC(T) - for different storm return periods derived from EA publication W5-074/A.

Calculated data:-

For areas less than 50Ha, a modified calculation which multiplies the 50Ha runoff value by the ratio of the site area to 50Ha is used
Reducing factor used for these calculations is 0.003

Mean Annual Peak Flow $Q_{\text{BAR(rural)}}$ = 0.46 l/s



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Job No.	0595	
Sheet no.	2	
Date	26/11/19	
By	GM	Checked
		Approved

Project **Norland, Stotfield Road, Elgin**

Title **Greenfield Runoff Estimation**

Values for $Q_{BAR(rural)}$

Ret. per.	m ³ /hr	l/s	l/s/ha	Ret. per.	m ³ /hr	l/s	l/s/ha
1yr	1.395	0.388	2.892	100yr+20%	4.924	1.368	10.207
2yr	1.477	0.410	3.062	100yr+30%	5.334	1.482	11.057
5yr	2.019	0.561	4.185	100yr+40%	5.744	1.596	11.908
10yr	2.380	0.661	4.933	200yr	4.596	1.277	9.526
30yr	3.004	0.834	6.226	200yr + 30%	5.974	1.660	12.384
50yr	3.479	0.967	7.213	500yr	5.334	1.482	11.057
100yr	4.103	1.140	8.506	1000yr	5.958	1.655	12.350

Growth factors -

1yr	2yr	5yr	10yr	30yr	50yr	100yr	200yr	500yr	1000yr
0.85	0.90	1.23	1.45	1.83	2.12	2.50	2.80	3.25	3.63

The above is based on the Institute of Hydrology Report 124
to which you are referred for further details (see Sect 7).
Note that the 200 and above year growth curves were taken from W5-074.

APPENDIX C

Drainage Calculations



MasterDrain
SW 16.53

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Sheet no.	1		
Date	11/01/21		
By	GM	Checked	Approved
Title			

Project **Norland, Stotfield Road, Lossiemouth**

Title **Surface Water Soakaway - Full Contributing area**

Rectangular pit design data:-

Pit length	= 13 m	Pit width	= 2 m
Depth below invert	= 1.5 m	Percentage voids	= 30.0%
Imperm. area	= 330 m ²	Infiltr. factor	= 0.000033 m/s
Return period	= 200 yrs	Climate change	= 35%

Calculations :-

Surface area of soakaway to 50% storage depth (not inc. base):-

$$a_{s50} = 2 \times (\text{length} + \text{width}) \times \text{depth}/2 = 22.5 \text{ m}^2$$

Outflow factor : $O = a_{s50} \times \text{Infiltration rate} = 0.0007425 \text{ m/s}$

Soakaway storage volume : $S_{\text{actual}} = \text{length} \times \text{width} \times \text{depth} \times \% \text{voids}/100 = 11.7 \text{ m}^3$

Duration	Rainfall mm/hr	Inflow m ³	Depth (hmax) m	Outflow m ³	Storage m ³
5 mins	119.2	3.3	0.39	0.22	3.04
10 mins	93.0	5.1	0.60	0.44	4.65
15 mins	77.9	6.4	0.74	0.67	5.76
30 mins	55.3	9.1	1.00	1.34	7.78
1 hrs	37.5	12.4	1.24	2.67	9.70
2 hrs	24.2	16.0	1.36	5.35	10.64
4 hrs	15.3	20.1	1.21	10.69	9.44
6 hrs	11.6	22.9	0.88	16.04	6.85
10 hrs	8.1	26.8	0.01	26.73	0.04
24 hrs	4.4	34.7	0.00	64.15	0.00

Actual volume : $S_{\text{actual}} = 11.700 \text{ m}^3$

Required volume : $S_{\text{reqd.}} = 10.640 \text{ m}^3$

Soakaway volume storage OK.

Minimum required a_{s50} : 20.46 m²

Actual a_{s50} : 22.50 m²

Minimum depth required: 1.36 m

Time to maximum 2 hrs

Emptying time to 50% volume = $t_{s50} = S_{\text{reqd}} \times 0.5 / (a_{s50} \times \text{Infiltration rate}) = 01:59 \text{ (hr:min)}$

Soakaway emptying time is OK.



MasterDrain
SW 16.53

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. 0792		
Sheet no. 2		
Date 11/01/21		
By GM	Checked	Approved

Project Norland, Stotfield Road, Lossiemouth		
Title Surface Water Soakaway - Full Contributing area		

Location hydrological data (FSR):-

Location	= LOSSIEMOUTH	Grid reference	= NJ2370
M5-60 (mm)	= 12	r	= 0.26
Soil index	= 0.40	SAAR (mm/yr)	= 700
WRAP	= 3	Area	= Scotland and N. Ireland

Soil classification for WRAP type 3

- 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.

N.B. The rainfall rates are calculated using the location specific values above in accordance with the Wallingford procedure.

APPENDIX D

Indicative Drainage Details

DRAINAGE STATEMENT

PROPOSED SELF CATERING APARTMENT DEVELOPMENT (EAST WING) AT NORLAND, STOTFIELD ROAD, LOSSIEMOUTH, IV31 6QP

INTRODUCTION:

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

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

Supplementary Guidance on this matter has been produced by Moray Council and accepted as a "material consideration" by the Planning and Regulatory Services Committee and will be formally adopted shortly.

SITE DESCRIPTION:

The proposed site is situated at **Norland, Stotfield Road, Lossiemouth, IV31 6QP**. The site equates to 1319m².

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

The proposed development relates to the need for an extension to the main building (east wing) to form additional self-catering accommodation.

SITE CONDITIONS:

The site is believed to have good infiltration rates based on a walkover survey and previous planning approval and conducive to implementing the use of a soakaway.

DRAINAGE DESIGN:

The additional roof water from the new extension will be directed to the new surface water soakaway system to be designed by a qualified engineer (report to follow) and as indicated on the proposal drawings.

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

Head Office - Moray

69 St Brendans
South Guildry Street
Elgin
Moray
IV30 1QN

t 01343 540020
e office@cmdesign.biz
w cmdesign.biz

Highland Office

4 Bridge Street
Nairn
Highlands
IV12 4EJ

t 01667 300230

Lossiemouth Office

Ellel, James Street
Lossiemouth
Moray
IV31 6BX

t 01343 612305

Devon Office

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

t 01392 345566

Consultee Comments for Planning Application 21/01206/APP

Application Summary

Application Number: 21/01206/APP

Address: Norland Stotfield Road Lossiemouth Moray IV31 6QP

Proposal: Erection of 2no self-catering apartments (east wing) at

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

Adrian Muscutt, CLO

From: Andrew Miller
Sent: Tue, 7 Sep 2021 08:17:35 +0100
To: Planning Consultation
Subject: FW: 21/01206/APP Erection of 2no self-catering apartments (east wing) at Norland, Stotfield Road, Lossiemouth, IV31 6QP

Can this be uploaded to DMS please?

Thanks

Andrew

From: DeveloperObligations <DeveloperObligations@moray.gov.uk>
Sent: 17 August 2021 15:07
To: Andrew Miller <Andrew.Miller@moray.gov.uk>
Cc: DC-General Enquiries <development.control@moray.gov.uk>
Subject: 21/01206/APP Erection of 2no self-catering apartments (east wing) at Norland, Stotfield Road, Lossiemouth, IV31 6QP

Hi,

Developer obligations are not being sought for the above planning application as given the nature and scale of the proposed development; it will not have a detrimental impact on local infrastructure that requires mitigation through developer obligations.

Thanks
Rebecca

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

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	20th August 2021
Planning Authority Reference	21/01206/APP
Nature of Proposal (Description)	Erection of 2no self-catering apartments (east wing) at
Site	Norland Stotfield Road Lossiemouth Moray IV31 6QP
Site Postcode	N/A
Site Gazetteer UPRN	000133003606
Proposal Location Easting	323005
Proposal Location Northing	871003
Area of application site (M²)	1319
Additional Comment	RAF Lossiemouth Noise Zone 63dBA Category B
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QXAWP8BGH2300
Previous Application	20/01722/APP 19/01452/APP 13/00961/APP
Date of Consultation	6th August 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr B Harris
Applicant Organisation Name	
Applicant Address	Norland Stotfield Road Lossiemouth Moray IV31 6QP
Agent Name	C M Design
Agent Organisation Name	
Agent Address	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller

Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 21/01206/APP

Erection of 2no self-catering apartments (east wing) at Norland Stotfield Road Lossiemouth Moray for Mr B Harris

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

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

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Informative/possible condition:

This Section has reviewed the proposals and notes the development is within the 63 to 66dBA noise contours for RAF Lossiemouth. Permanent residential development would require a Noise Impact Assessment to proceed, however, on the basis of this being self-catering holiday apartments and not a permanent residence, the NIA requirement is not sought. This Section has no objection if the planning officer requires a suitably wording to cover these comments or is instead content that within the definition of the proposal that a full time residential development is not occurring and can be covered by other conditions within any possible consent.

Further information required to consider the application

Contact: James Harris
email address:
Consultee:

Date...20/8/21.....
Phone No

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

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

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management

Planning Application Ref. No: 21/01206/APP

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

Please

x

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

Contact:	Leigh Moreton	Date	17/08/2021
email address:	leigh.moreton@moray.gov.uk	Phone No	07815 647384

Consultee: The Moray Council, Flood Risk Management

Monday, 09 August 2021



Local Planner
Development Services
Moray Council
Elgin
IV30 1BX

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

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



Dear Customer,

Norland, Stotfield Road, Lossiemouth, IV31 6QP
Planning Ref: 21/01206/APP
Our Ref: DSCAS-0046060-ZQR
Proposal: Erection of 2no self-catering apartments (east wing) at

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

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

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

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the MORAY WEST PFI Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

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

Asset Impact Assessment

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

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Surface Water

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

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

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

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.

- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
 - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

▶ Non Domestic/Commercial Property:

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

▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email

TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

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

Yours sincerely,

Pamela Strachan

Development Operations Analyst

Tel: 0800 389 0379

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

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

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	20th August 2021
Planning Authority Reference	21/01206/APP
Nature of Proposal (Description)	Erection of 2no self-catering apartments (east wing) at
Site	Norland Stotfield Road Lossiemouth Moray IV31 6QP
Site Postcode	N/A
Site Gazetteer UPRN	000133003606
Proposal Location Easting	323005
Proposal Location Northing	871003
Area of application site (M²)	1319
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QXAWP8BGH2300
Previous Application	20/01722/APP 19/01452/APP 13/00961/APP
Date of Consultation	6th August 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr B Harris
Applicant Organisation Name	
Applicant Address	Norland Stotfield Road Lossiemouth Moray IV31 6QP
Agent Name	C M Design
Agent Organisation Name	
Agent Address	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274

Case Officer email address	andrew.miller@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 21/01206/APP

Erection of 2no self-catering apartments (east wing) at Norland Stotfield Road Lossiemouth Moray for Mr B Harris

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

Please

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

This proposal is for the erection of 2no two bed self-catering holiday apartments, and includes the formation of a new access onto the Public Road. The new access is located within an area subject to a high volume of vehicular and pedestrian activity and is also located in close proximity to an existing bus stop. The following conditions would apply:

1. No works shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include as a minimum the following information:
 - duration of works;
 - construction programme;
 - parking provision, loading and unloading areas for construction traffic;
 - full details of temporary arrangements to safeguard pedestrian movements during the construction period;
 - details of any pedestrian route closures or diversions;
 - measures to be put in place to prevent material being deposited on the public road;
 - traffic management measures to be put in place during works including any specific instructions to drivers.

Thereafter, the development works shall proceed in accordance with the approved details, unless otherwise approved in writing by the Planning Authority in consultation with the Roads Authority.

Reason: To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.

2. No development shall commence on the construction of the apartments until a pedestrian visibility splay 2.4m x 5.0m has been provided in both directions at the new access onto the B9040 Stotfield Road (taken from the back of the footway); and thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.9m above the level of the carriageway, in accordance with submitted drawing 180048.HARRIS.015PP. This will require the lowering a short section of boundary wall either side of the new access.

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

3. Notwithstanding the submitted details no development shall commence on the construction of the apartments until the new access has been provided. The width of the new vehicular access shall be 6.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. Drop kerbs shall be provided across the access to the Moray Council specification including provision of backing kerbs installed along the rear of the existing footway (across the full width of the new access to delineate and protect the edge of the footway following the removal of the existing boundary wall). A road opening permit must be obtained from the Roads Authority before carrying out this work.

Reason: To ensure acceptable infrastructure at the development access

4. Notwithstanding the submitted details 13no car parking spaces shall be provided within the (overall) site prior to the first occupation of the first self-catering apartment. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority

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

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

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

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

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

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.

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

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

A street lighting column is located in close proximity to a proposed new access, and may require to be relocated. The developer should contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin – Tel (01343) 557300, Ext 7327 to discuss the proposals. If required, the street lighting column shall be repositioned at the expense of the developer.

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

The developer should note that Beechbrae Lane to the rear is a private road, which is not adopted by the Roads Authority.

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

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

Date: 19 August 2021

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.



Ministry of Defence

Mr Andrew Miller
The Moray Council
Planning Department
Council Offices
High Street
Moray
IV30 1BX

Defence Infrastructure Organisation

Jill Roberts

Ministry of Defence
Safeguarding Department
St George's House
DIO Headquarters
DMS Whittington
Lichfield
Staffordshire
WS14 9PY

Tel: 0792905 6607

E-mail: Jillian.roberts156@mod.gov.uk

25 August 2021

Your reference: 21/01206/APP

Our reference: DIO10046859

Dear Andrew

MOD Safeguarding

Proposal: Erection of 2no self-catering apartment development. Bed & Breakfast facility. Height of highest point 9.4 metres

Location: Norland, Stotfield Road, Lossiemouth, Moray

Grid Ref: 323005,871003

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on 6 August 2021. I can confirm the MOD has no safeguarding objections to this proposal.

I trust this is clear however should you have any questions please do not hesitate to contact me.

Yours sincerely



Jill Roberts
DIO safeguarding

Comments for Planning Application 21/01206/APP

Application Summary

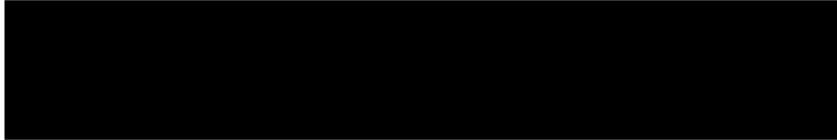
Application Number: 21/01206/APP

Address: Norland Stotfield Road Lossiemouth Moray IV31 6QP

Proposal: Erection of 2no self-catering apartments (east wing) at

Case Officer: Andrew Miller

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Activity at unsociable hours/behaviour
- Contrary to Local Plan
- Height of proposed development
- Noise
- Over-development of site
- Parking
- Poor design
- Road access
- Traffic

Comment: This development is too big. There are already issues associated with the B&B as it stands. They always park on the bus stop, no one ever drives in a forward gear onto the road, they always reverse out which has on several occasions almost caused an accident and it's a hazard to people walking. I don't see how providing 13 spaces to park is actually correct. Where are these spaces? It's always congested on Stotfield road so allowing this development will cause more issues.

Why is this planning application not saying that this extension will be in keeping with the existing dwelling. Allowing an all glass construction will not look right.

This is total over development and will cause untold issues with more cars reversing onto Stotfield road. How do they get away with parking on the bus stop on a daily basis? If I did that for 5 mins I would get a ticket no doubt!

Comments for Planning Application 21/01206/APP

Application Summary

Application Number: 21/01206/APP

Address: Norland Stotfield Road Lossiemouth Moray IV31 6QP

Proposal: Erection of 2no self-catering apartments (east wing) at

Case Officer: Andrew Miller

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Road safety

Comment: Dear sir,

The reason for my objection is that the lane which serves the proposed new properties is far too narrow to take anymore traffic. Access to the lane is already on a dangerous corner. There are many tourists and walkers that regularly use the lane. There is barely enough room for a car to pass walkers, children and dogs who have to back themselves against the wall in order for any car to get past. This lane is getting busier and busier with walkers and to add extra cars not to mention extra family and friends who will visit the proposed new properties will make this whole area very dangerous.

I would like to add that I have no problem with the properties being built. My only objection is that this lane will not be able to cope with all the extra traffic. Could access be taken off Stotfield Road?

Comments for Planning Application 21/01206/APP

Application Summary

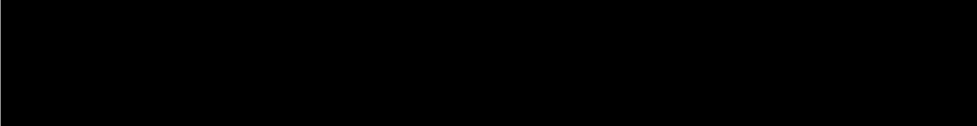
Application Number: 21/01206/APP

Address: Norland Stotfield Road Lossiemouth Moray IV31 6QP

Proposal: Erection of 2no self-catering apartments (east wing) at

Case Officer: Andrew Miller

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Over-development of site
- Parking
- Road access
- Road safety
- Traffic

Comment: This is my third comment on this proposed development, and my objections remain the same:

Access to the site is via the private lane which is used by many people...of all ages ...walking with dogs, children, older relatives in wheelchairs, cyclists, as they take a recreational route to or from the beach, play area or their home.

The lane is also used by traffic to the properties whose only access is via the lane, and by delivery vans and trucks serving the properties.

It is impossible for a car and person/people to safely pass each other without the car waiting for the pedestrian/s or cyclist to stop, literally stand against the wall or fence to let the other progress.

It is unsafe even now; it would be a nightmare accident zone were there any additional traffic.

It is unthinkable and extremely worrying to think of construction traffic using the lane to access the proposed site..in addition to the extra resident parking once completed.

The addition of four flats (and further proposed flats within the main house) is blatant overdevelopment of a residential site.

These major traffic safety issues must be taken seriously otherwise it will be a true danger area affecting the community.

Comments for Planning Application 21/01206/APP

Application Summary

Application Number: 21/01206/APP

Address: Norland Stotfield Road Lossiemouth Moray IV31 6QP

Proposal: Erection of 2no self-catering apartments (east wing) at

Case Officer: Andrew Miller

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Loss of privacy (being overlooked)
- Over-development of site
- Parking
- Road access
- Road safety
- Traffic

Comment: This is an extensive over development of this site to the East and West of the original dwelling that, if approved, will cause major loss of privacy to the homes on Beach Brae with 4 balconies overlooking their privacy.

Parking, road access and safety are also issues that could cause danger and concern to pedestrians and drivers on Stotfield Road and Beach Brae.

Beach Brae is mainly used by families accessing the beach and the application shows a new vehicle access on to Stotfield Road for 8 vehicles, immediately adjacent to a bus stop on a very busy thoroughfare, contrary to Road Traffic regulations.

I have no objection to the proposed building of the East Wing apartments at Norland. However, I strongly object to the access to this building being through the recent opening at the rear.

The lane, known as Beach Brae, and is in daily use as part of the Moray Coastal pathway. Many walkers and cyclists follow it daily. Some will not be aware of the unforeseen dangers of potential excess traffic.

It is also a private road, upkeep of which is at the expense of all home owners in Beach Brae.

The lane is single track, with no passing places existing at the point of entry of to the propose extension.

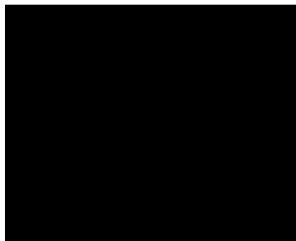
The road leading to Beach Brae is the entrance to the West Beach car park, and at the point of entry to the lane, there is a blind spot for any vehicle in both directions, due to the sharp turn of the road into the car park and into the lane.

Said car park is used constantly by both holidaymakers and golfers, so is very busy. Anyone new to the area will not know to slow virtually to a stop before turning into the lane.

We have already had severe damage to our boundary fence, caused by someone ignorant of this problem, skidding into it-taking the corner too fast or not taking into consideration the conditions and difficulty of the turning.

The road to the car park also has to be constantly repaired because of the said traffic, causing pot holes to appear regularly.

Yours,



Comments for Planning Application 21/01206/APP

Application Summary

Application Number: 21/01206/APP

Address: Norland Stotfield Road Lossiemouth Moray IV31 6QP

Proposal: Erection of 2no self-catering apartments (east wing) at

Case Officer: Andrew Miller

Customer Details

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Inadequate plans
- Over-development of site
- Parking

Comment: Planning application - Erection of 2no. self catering apartments (east wing) at Norland, Stotfield Road Lossiemouth ref 21/01206/APP

Representation on behalf of

It is wished to object to the above application on the following grounds:

1. Building use

The drwg no.180048.HARRIS.015PP refers within the parking schedule and plan to 'existing house'. The existing property has 4 bedrooms advertised for bnb, suggesting that the application should be considered under Class 7, with 'Class 9 - Houses' only allowing use as a house within that Class as a bnb or guesthouse with a maximum of 2 bedrooms.

2. Accuracy of information

There is a discrepancy between drwg no.180048.HARRIS.015PP and drwg no.09PP D affecting space available for parking and turning to exit in a forward gear. The single storey part of the proposed East Wing (to the south), has been omitted from drwg no.015PP.

There is also no scale bar shown to allow sizes to be reviewed.

It is therefore very difficult to assess the proposals. As such it is suggested that this needs to be referred to the applicant and proposals re-notified to allow accurate assessment.

It is noted in the consultation comments from Transportation that the parking and manoeuvring requires entry and exit in a forward gear and that drwg no 015PP is the plan provided to verify this requirement. It is assumed that Transportation will be re-notified.

3. Parking.

It is understood that 13 parking places as required as a condition for East Wing to be approved. Should this also have minimum disabled parking added if Class 7?

The manoeuvring of the parking space to the south west corner seems particularly tight for exiting in a forward gear.

Should there not also be disabled parking provision to the south of the guesthouse where there is level access to the ground floor of the original dwelling and the proposed east wing.

4. Scale of development

The West Wing as approved is already a significant extension, though has been designed to be relatively sympathetic to the existing scale, detailing and appearance of the original dwelling. That cannot be said of the East Wing however where the design is contemporary with large glazed areas which are a dominant feature and out of character.

If the East wing is approved and built along with the West Wing, the two extensions will be of a combined scale which will have an overpowering impact and not be subservient to the original dwelling.

This is seen as over development of the site, taken together with the extent of parking required, three vehicular accesses and lack of distancing between extended Norland and neighbouring properties.

The north elevation is also in a prominent location viewed from the ENV6 designation to the foreshore.

It is requested that these concerns are taken into account when determining.

Comments for Planning Application 21/01206/APP

Application Summary

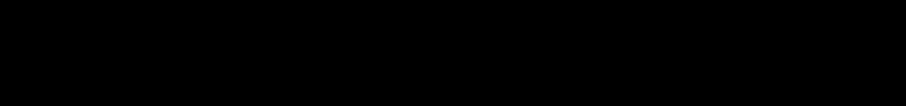
Application Number: 21/01206/APP

Address: Norland Stotfield Road Lossiemouth Moray IV31 6QP

Proposal: Erection of 2no self-catering apartments (east wing) at

Case Officer: Andrew Miller

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inadequate plans
- Loss of privacy (being overlooked)
- Over-development of site
- Parking
- Reduction of natural light
- Road access

Comment: Objections to the planning department for the proposed (further) development of Norland B&B.

1. Parking and Access: Attention is drawn to paragraph 1 ACCESS in Supporting Statement - 1318026 regarding the previous application on lowering the shared wall to achieve the required visibility - a condition for the previous planning application to be accepted. The agreement between neighbours was explicitly understood by both parties that this was on condition that there would be no further development of the site. Given that this application for further development arrived within weeks of the work on lowering the wall being completed, and no work has been carried out on the site with respect to the previous application, it is felt that this agreement has not been honoured.

2. Over-development of the Site. Currently there is planning permission to build on the West Side of the B&B. The building work has failed to be started in the years since the initial planning application was submitted. To now apply for a development on the East Side would make the property not so much a B&B but clearly closer to a Hotel development and will bring with it an increase in traffic and people with all the issues associated with a hotel style establishment. There are many hotels in the area already, none of which are at capacity, so the need for yet more

holiday accommodation is questioned.

3. Inadequate Plans - the plans submitted on this application do not give any distance measurement between the boundaries of the proposed development and the residential property Culane on the East side. It cannot be accurately judged how close to Culane's boundary the proposed development will be.

4. Loss of Privacy / Loss of light. The proposed development towers over the kitchen and outside patio area of the residential property 'Culane' to the east. There would be loss of natural light in the afternoon and evening making this area practically unusable. Given that the plans submitted do not give an accurate scale we can only assume that this would be the case.

MANAGER

DEVELOPMENT MANAGEMENT
BUILDING STANDARDS

20 AUG 2021

22/08/2021

Dw Radley & Gribble

PLANNING APPLIC-

ATIONS 21/01191/2021 + 21/01192

APP + 21/01187/21/01190/2021

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THAT ALL WINDMILLS FROM A
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Comments for Planning Application 21/01206/APP

Application Summary

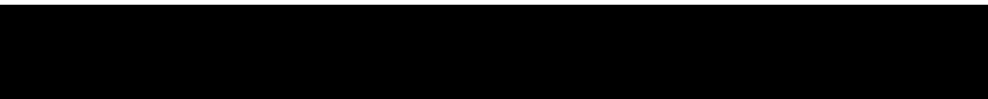
Application Number: 21/01206/APP

Address: Norland Stotfield Road Lossiemouth Moray IV31 6QP

Proposal: Erection of 2no self-catering apartments (east wing) at

Case Officer: Andrew Miller

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Inadequate plans
- Road safety
- Traffic
- View affected

Comment: The proposed extension to Norland is excessive and not keeping with the local area. Modern and oversized.

This will increase traffic and an unsafe entrance / exit next to a bus stop readily used by families.

REPORT OF HANDLING

Ref No:	21/01206/APP	Officer:	Andrew Miller
Proposal Description/ Address	Erection of 2no self-catering apartments (east wing) at Norland Stotfield Road Lossiemouth Moray		
Date:	29.09.2021	Typist Initials:	LMC

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		
Consultee	Date Returned	Summary of Response
Environmental Health Manager	20/08/21	Note that site falls within noise contours from RAF Lossiemouth, but as proposal is for holiday accommodation, no NIA is required. Request condition is placed to ensure premises do not become a place of permanent residence.
Contaminated Land	12/08/21	No objections.
Planning And Development Obligations	17/08/21	No obligations sought.
Transportation Manager	19/08/21	No objections subject to conditions requiring: <ul style="list-style-type: none"> • Construction Traffic Management Plan • Provision of visibility splay onto B9040 Stotfield Road • Upgraded vehicular access. • Provision and retention of 13 parking spaces. Informative notes also provided.
Moray Flood Risk Management	17/08/21	No objections.
Scottish Water	09/08/21	No objections – sufficient capacity at Badentinan Water Treatment Works and Moray West Waste Water Treatment Works.

MOD Safeguarding - Statutory	25/08/21	Note that site falls within noise contours from RAF Lossiemouth, but as proposal is for holiday accommodation, no NIA is required. Request condition is placed to ensure premises do not become a place of permanent residence.
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DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	
DP8 Tourism Facilities and Accommodation	Y	
EP3 Special Landscape Areas	Y	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	
EP15 MOD Safeguarding	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: NINE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
Issue: Impact of proposal on flora and fauna.		
Comments (PO): The proposed development is not considered to result in a significant adverse impact on flora and fauna that would require further investigation or warrant refusal of the application.		
Issue: The submitted plans refer to existing building as house, but property is advertised as having 4 rooms to let. This means it should be considered under class 9 houses.		
Comments (PO): The application has been evaluated based on the proposed use, and on the basis Norland is in use as a B&B.		
Issue: Discrepancies in plan omitting southern wing of proposed extension in drawing showing visibility splay.		
Comments (PO): This discrepancy is noted, though it is not considered that there has been any detriment to the notification process. The Transportation Manager notes there is an additional space over and above the parking standards in place, therefore the proposed layout offers sufficient space for the 13 parking spaces required.		
Issue: No scale bar therefore unable to give full and accurate evaluation. Re-notification required.		

<p>Comments (PO): A scale bar is not required, as there are marked measurements and a scale on the plans submitted, this is sufficient to enable measurement and interpretation of the plans.</p>
<p>Issue: No disabled parking shown on plans.</p> <p>Comments (PO): A disabled parking space is shown on the site plan in the northern area of parking (accessed from Beach Brae Lane). The Transportation Manager has raised no objections to the application.</p>
<p>Issue: Overdevelopment of site - west wing (approved) is significant but designed to be sympathetic to existing building. If this proposal is approved, development of both wings will have a significant scale and overpowering impact on the original building. Alongside the parking and access requirements, this results in overdevelopment of the site.</p> <p>Comments (PO): These points are noted, see observations below in relation to overdevelopment.</p>
<p>Issue: Loss of privacy of houses on Beach Brae from proposed balconies.</p> <p>Comments (PO): There is sufficient separation between the proposal and the houses to the north and therefore no significant loss of privacy/increase in overlooking that would warrant refusal of the application on this basis.</p>
<p>Issue: Adverse impact on road safety due to number of pedestrians and cyclists using Stotfield Road and Beach Brae, as well as impact on bus stop and public transport users. Beach Brae Lane is single track with no passing places, poor visibility and unsuitable for additional traffic. Current B&B operation causes illegal parking in bus stop and dangerous reversing manoeuvres on to Stotfield Road.</p> <p>Comments (PO): The proposed upgrades to the access arrangements along with parking provision is considered to be suitable to serve the proposed development, with the Transportation Manager raising objections to the application.</p>
<p>Issue: Beach Brae Lane is a private un-adopted road.</p> <p>Comments (PO): This is not a material consideration to this application.</p>
<p>Issue: Lowering of shared wall for previous application for west wing was on the basis there would be no further development on the site (between neighbours). This application arrived within weeks of the wall being lowered.</p> <p>Comments (PO): This is a private matter between the respective parties and not a material issue to be considered as part of this application.</p>
<p>Issue: Inadequate plans do not show any measurements/distance between the proposed development and the boundary of the residential property to the east - how can it be accurately judged how close to the boundary the proposal is?</p> <p>Comments (PO): The plans provided show measurements between the boundary wall and the proposed extension.</p>
<p>Issue: Loss of privacy and loss of light of house to east, in particular patio and kitchen. Unable to tell from plans but it is assumed there will be an impact.</p> <p>Comments (PO): It is not considered there will be an adverse impact on privacy, particularly as the terrace and balcony will look onto the neighbouring driveway, however the impact of the proposal in</p>

terms of sunlight is an issue and considered under observations below.

Issue: Need for additional holiday accommodation in area questionable given hotels are not at capacity.

Comments (PO): This not material to the determination of this application.

Issue: Comments in respect of wind turbines not related to this application.

Comments (PO): This is not material to the determination of this 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

A 3 storey detached stone and slate house in use as a bed and breakfast. Access is taken from Stotfield Road to the south, though work has commenced on an opening to the north to form an access from Beach Brae Lane (as consented under application 19/01542/APP). Planning permission is in place under application 19/01542/APP for the erection of a two storey extension on the western side of the building to form two self-catering apartments.

Proposal

Planning permission is sought for the erection of a two storey extension on the eastern side of the building to form 2 self-catering apartments. The extension would sit back from the northern elevation and have a gabled roof arrangement, with gables facing north and south. The northern gable would have glazing on both levels, offering openings to a terrace at ground floor and balcony at first floor. It would be finished in sandstone and slate to match the existing building. A new access would be formed from Stotfield Road. Surface water would drain to the parking area to the north (as consented under 19/01542/APP), whilst foul water would discharge to the public sewer.

Tourism Development (DP8)

Policy DP8 is supportive of tourism development in principle, supporting proposals that contribute to Moray's tourism industry. This is in recognition that tourism plays an important part in the Moray economy and is identified as a target sector in the Moray Economic Strategy. However proposals for tourism development must demonstrate a locational need for a specific site, whilst also ensuring compliance with all relevant policies of the MLDP.

The Supporting Statement provided with the application identifies that the proposal represents a cohesive approach to further the established business at Norland, meeting a need for further tourism accommodation and recognising the role tourism plays in the local economy. This is considered suitable locational justification in respect of the requirement of policy DP8. However, the following evaluation with regard to other policy requirements of the MLDP must be considered in relation to policy DP8.

Siting and Design (DP1, DP8)

The proposal sees gable ends of the proposed extension occupying the prominent northern elevation as well as the southern elevation, with a smaller single storey wing to the south fronting to Stotfield Road. There would also be an increase in footprint, with the extension occupying what is currently garden ground and driveway. The consented (and yet to be constructed) extension to the western side of the house also must be considered.

The existing building and consented extension represent a suitable form of development that can be accommodated without detriment to the character of the existing house, nor that of the surrounding area. With this in mind, the proposed extension in addition to that already consented results in a significant increase in built form on the site, and the original building would become overwhelmed by new development. The resultant footprint of the potential building, coupled with servicing requirements (parking/access) would result in overdevelopment of the site, with a small area of garden ground remaining. This is out of keeping with the character of the surrounding area, whereby the large traditional houses along the northern side of Stotfield Road are set in generous garden grounds. It is acknowledged the neighbouring house to the east has been formed by a curtilage split, however the parent property (Firthside) retains a suitable area of garden ground for its relatively large scale.

The consented extension under 19/01542/APP continues the design arrangement of the existing building, however the extension proposed here is much different. The existing building has a symmetry which the consented extension respects and continues to follow the pattern of pitched gable half dormer windows (i.e. built through the wall head). The proposed extension makes no reference to this character. Whilst different design is not necessarily unsuitable and can complement an existing building, the use of the gable arrangement on the north elevation would look at odds with the existing building. This gives the appearance of the proposed extension being a separate building being squeezed in between the existing building and the neighbouring house to the east (Culane).

Material finishes would match the existing house which is suitable, however this does not overcome the design issues outlined above.

Amenity must also be considered, with policy DP1 presuming against development that adversely impacts on privacy and daylight, or has an overbearing presence. In respect of privacy, the proposal is orientated as such that it avoids any direct overlooking of the house to the east, and whilst there will be some overlooking of the houses to the north (on Beach Brae Lane), this overlooking is not considered to be significant due to suitable separation, along with the long established properties on Stotfield Road inevitably having some degree of overlooking due to their elevated position.

With regard to daylight, the impact of the extension on the neighbouring dwelling (Culane) to the east must be considered. This house has a small raised terrace area adjacent to the mutual boundary with the application site. The position of the extension south west of the terrace area gives rise to it having an adverse impact in terms of overshadowing. In assessing this, the BRE Information Paper on 'Site Layout Planning for Daylight' contains criteria which can be applied. As the extension sits south west of the affected terrace, a height of 2 metres is taken on the mutual boundary, after which a 45 degree line towards the development is applied. Any part of the development that breaches this line is likely to have create a shadow. Although there is limited information with the application and the method has to be applied sensibly with due regard for context, it is likely there will be overshadowing of the neighbouring terrace that will be detrimental to the amenity of the neighbouring house. The general presence of the extension will also have an unacceptable overbearing impact on the terrace area.

Taking account of the above considerations, the proposal is considered to adversely impact on the character and amenity of the surrounding area, failing to comply with policy DP1 as well as policy DP8.

Special Landscape Area

The site is located in the Burghead to Lossiemouth Coast Special Landscape Area as zoned in the MLDP. Within settlements, associated policy EP3 requires compliance with policies PP3 and DP1. With regard to the foregoing evaluation under Siting and Design, the proposal fails to comply with policy DP1 and subsequently policy EP3.

Parking and Access

Policy PP3 requires all new development to be served by infrastructure and services as detailed in the policy. With respect to the transport network, proposals must mitigate/modify their impact on the existing transport network, whilst also ensuring suitable provision for parking and access. In this case the Transportation Manager has not objected to the application, but this is on the basis the suitable access and parking provision is provided in accordance with the submitted plans as well as EV charging and the provision of a Construction Traffic Management Plan. Subject to these conditions the proposal complies with policy PP3.

Drainage

Policy EP12 requires all new development to be served by suitable surface water drainage, designed in accordance with the Supplementary Guidance on Flood Risk and Drainage Impact Assessment in New Developments. A Drainage Statement provided with the application demonstrates that the surface water soakaway arrangement is suitable for the proposal and ground conditions on site, with Moray Flood Risk Management raising no objections to the proposal. Accordingly there is no conflict with policy EP12.

Policy EP13 requires all new development within settlements with a population of 2000 or more to connect to the public sewers for discharge of foul drainage. In this case the proposal would connect to the public sewers and Scottish Water have not objected. The proposal therefore complies with policy EP13.

Noise

Noise from aircraft operating at nearby RAF Lossiemouth requires new residential developments to implement measures to ensure occupants are protected from adverse noise levels. On the basis the proposal is for tourist accommodation, Environmental Health have not required a Noise Impact Assessment to be undertaken. However they have requested that any approval be conditioned to ensure the apartments do not become places of permanent residence.

Ministry of Defence

The site falls in an area of safeguarding requiring consultation with the MoD to ensure any development or change of use does not adversely impact on operation of aircraft at RAF Lossiemouth. Policy EP15 states that development must not adversely impact upon MoD operations. The MoD have raised no safeguarding objection to this application, and on this basis the proposal complies with policy EP15.

Developer Obligations

Developer obligations are not sought for this application, but any approval must be conditioned to ensure either unit does not become a place of permanent residence. Removal of this condition to allow use of one or both units to be used as a place of permanent residence would require a further grant of planning consent, at which point developer obligations can be reassessed.

Conclusion and Recommendation

The design and siting of the proposal is considered to represent overdevelopment, whilst also having an adverse impact on the character and amenity of the surrounding area. On this basis, the proposal fails to comply with policies DP1, DP8 and EP3 and refusal is therefore recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY				
Reference No.	Description			
20/01722/APP	Erection of 2no self catering apartments (east wing) at Norland Stotfield Road Lossiemouth Moray IV31 6QP			
	Decision	Withdrawn	Date Of Decision	01/06/21
19/01452/APP	Erection of 2no self catering apartments at Norland Stotfield Road Lossiemouth Moray IV31 6QP			
	Decision	Permitted	Date Of Decision	20/12/19
13/00961/APP	Extension to form 2 self catering flats for use in guest house additional parking and erection of garage at Norland Stotfield Road Lossiemouth Moray IV31 6QP			
	Decision	Permitted	Date Of Decision	28/10/13

ADVERT			
Advert Fee paid?	No		
Local Newspaper	Reason for Advert	Date of expiry	
PINS	No Premises	02/09/21	
Northern Scot	No Premises	02/09/21	

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:	Supporting Statement	
Main Issues:	Detail on background, design, access and economic/tourism benefit of proposal.	

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

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

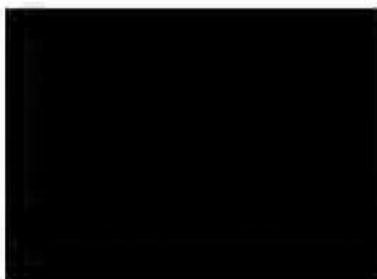


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

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

TO



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

**Erection of 2no self-catering apartments (east wing) at Norland Stotfield Road
Lossiemouth Moray**

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

Date of Notice: **29 September 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 design and siting of the proposal is considered to represent overdevelopment, whilst also having an adverse impact on the character and amenity of the surrounding area which is designated as a Special Landscape Area in the Moray Local Development Plan 2020 (MLDP). On this basis, the proposal fails to comply with MLDP policies DP1 - Development Principles, DP8 - Tourism Facilities and Accommodation and EP3 - Special Landscape Areas and Landscape Character.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
180048.HARRIS.09PP	D	Elevations floor plan site and location plan
180048.HARRIS.01SP		Visibility splay

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100509900-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

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

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Norland"/>
First Name: *	<input type="text" value="B"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Harris"/>	Address 1 (Street): * <input type="text" value="Stotfield Road"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Lossiemouth"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value=""/>	Postcode: * <input type="text" value="IV31 6QP"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value=""/>	

Site Address Details

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

Please identify/describe the location of the site or sites

Northing	<input type="text" value="871003"/>	Easting	<input type="text" value="323005"/>
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Description of Proposal

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

Erection of 2no Self-Catering Apartments (East Wing)

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to appeal documents attached.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

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

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

Statement of Case. 180048.HARRIS.09PP D. 180048.HARRIS.15PP. Handling Report. Notice of Refusal.

Application Details

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

21/01206/APP

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

03/08/2021

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

29/09/2021

Review Procedure

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

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

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Craig Mackay

Declaration Date: 01/12/2021

STATEMENT OF APPEAL

Erection of 2no Self Catering Apartments (East Wing) at Norland,
Stotfield Road, Lossiemouth



Nov 2021

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South Guildry Street
Elgin
Moray
IV30 1QN
t. 01343 540020
w. cmdesign.biz

4 Bridge Street
Nairn
Highland
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IV30 1QN

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

Our Reference:	180048.HARRIS
Local Authority:	Moray Council
Planning Application Ref:	21/01206/APP
Application Proposal:	Erection of 2no Self Catering Apartments (East Wing)
Site Address:	Norland, Stotfield Road, Lossiemouth
Appellants:	Mr B Harris
Date Application Validated:	4 th August 2021
Council Decision Notice Date:	29 th September 2021
Reason for Refusal:1	<i>“The siting and design of the proposal is considered to represent overdevelopment, whilst also having an adverse impact on the character and amenity of the surrounding area which is designated as a Special Landscape Area in the Moray Local Development Plan 2020 (MLDP). On this basis, the proposal fails to comply with the MLDP policies DP1 – Development Principle, DP8 – Tourism Facilities and Accommodation and EP3 – Special Landscape Areas and Landscape Character.”</i>
Application Drawings & Supporting Documents:	DOC001 - CMD Drawing – 180048.HARRIS.09PP (D) DOC002 - CMD Drawing – 180048.HARRIS.15PP DOC003 – Handling Report DOC004 – Decision Notice
Contents:	1. Introduction – Page 2 2. Background – Page 5 3. Statement of Case – Page 6 4. Reasons for Refusal – Page 7 5. Conclusion – Page 9

Introduction

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

Developing an existing seaside Guest House to provide additional self-catering apartments

- 1.2. This proposal seeks to compliment a **recently approved WEST WING** development of 2no self-catering apartments with a similar **EAST WING** development which provides balance to the host building and “rounds off” the development potential of a key tourist property in the town.
- 1.3. Several **material considerations exist** in this case that provide justification for positive consideration, under Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997
- 1.4. This application represents a long journey of design revisions, since an initial application and design was submitted in 2020 (Ref no 20/01722/APP). That application sought to simply mirror the approved West Wing application but in doing so, was deemed to interfere with neighbouring sea views.



Figure 2 - INITIAL APPLICATION



Figure 1 - REVISED APPLICATION

- 1.5. This revised application continues to offer a further 2no self-catering apartments but with a significantly revised form to the approved West Wing design which sought to respond to the concerns of the Planning Case Officer and allowing the neighbouring property to the East to continue to enjoy an existing measure of see view.
- 1.6. The appellant contends that this revised design now represents **no impact upon neighbours** and serves to “round off” a cohesive development of Norland as a significant provider of self-catering accommodation in the town.
- 1.7. The appellant’s family have operated a successful and highly rated guest house at the application site for decades and have already secured Planning Approval for a West Wing extension in 2019 for 2 self-catering apartments
- 1.8. The nature of tourism and the preferences of those coming to Moray have increasingly favoured private self-catering accommodation and custom of this kind has been increasingly lost to rural providers elsewhere and often provided by low cost “pod” developments that now pepper the countryside
- 1.9. The appellant seeks to provide additional **high-quality** seaside accommodation which reflects the existing high standard of executive tourism providers on Stotfield Road such as
 - Stotfield Hotel
 - Halliman House
 - The Golf View Hotel
 - The Golf View Apartments
 - Poseidon’s Inn Apartments
 - Tighnabruach Annexe
 - Links Lodge B&B
 - Links Lodge Apartments
- 1.10. The existing property at Norland is significant in proportion and occupies a site which might only be considered suitable for commercial use.



- 1.11. The need to develop the house and site as a cohesive and efficient holiday destination is critical to the long-term upkeep of the building and its contribution to the local tourism economy.
- 1.12. It should be noted that no objections remain from Statutory Consultees or the Transportation Department who are satisfied with parking, access and egress arrangements for the entire development including the proposals.

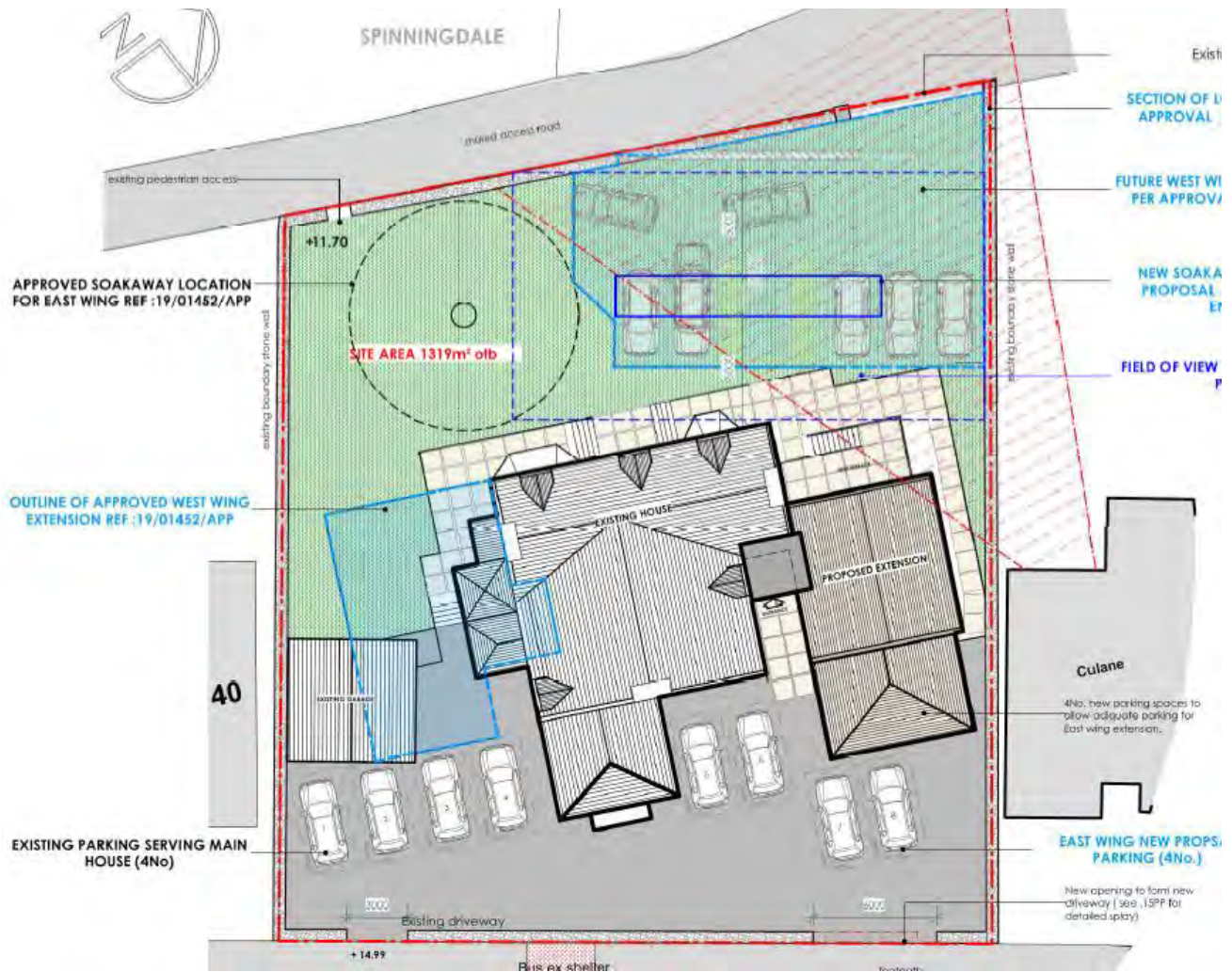


Figure 3 - REVISED SITE PLAN SHOWING NEIGHBOURS VISIBILITY PROTECTED



2. Background

- 2.1. Norland is an existing Guest House with an outstanding location overlooking the Moray Firth.
- 2.2. The appellant lives on the premises and offers 3 guest bedrooms (6 beds) for short term holiday and tourist use.
- 2.3. The business is successful, highly rated by clients and deserving of further development to capture the increasing demand for self-catering facilities to complement its Bed & Breakfast provision.
- 2.4. The grounds of Norland extend to 1342m² and the existing building extends to circa 205m². This equates to 15% of the site
- 2.5. The **previously approved West Wing** enjoys a moderate footprint of 100m² and the proposed east wing seeks to take up a further 100m² of currently un-used garden ground which is generally in shade all year round.
- 2.6. The hopes for this final East Wing development would leave 70% of the original site undeveloped and this would be considered to be more than acceptable for this location and leaving more amenity ground than many of the other sizeable houses enjoy along Stotfield Road.
- 2.7. The need for additional self-catering apartments of this nature is a response to the increasing demand for serviced accommodation and an opportunity to present an element of symmetry to the seaward elevation.
- 2.8. The existing Bed & Breakfast business at Norland continues to be successful but needs to respond to the continual loss of self-catering custom to more rural locations around Moray.



3. Statement of Case

- 3.1. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires applications to be determined in accordance with the Development Plan unless **material considerations** indicate otherwise.
- 3.2. As stated earlier in this Statement there are significant **material considerations** to be aware of in this case and are repeated here for the sake of clarity.
 - There is an economic need for more self-catering accommodation in the town and especially where existing guest house business exist.
 - The development of the East Wing would balance and “round off” the current approval for a substantial West Wing.
 - The South elevation (from the roadside) is very utilitarian in form and offers very little in terms of amenity or aesthetic worth.
 - There is no impact on the streetscape or neighbouring properties.
- 3.3. Large traditional Scottish homes such as Norland require great care and continual investment from owners. Our Scottish Heritage is maintained at great expense to owners who often look to commercial use to ensure that the financial implications of upkeep can be met.
- 3.4. Norland is a north facing, traditional and substantial guest house which takes a battering from the Moray Firth and has been painstakingly maintained by the appellant for decades.
- 3.5. It is a very attractive building from the North (seaward) and perhaps more utilitarian to the south (from Stotfield Road)
- 3.6. The approval of a previous consent for a west wing extension demonstrates how acceptable the building is in terms of further development and it was a surprise that various forms of balancing development to the East Wing were not found to be acceptable.
- 3.7. It is understood that the boundary geometry on the east flank is not so forgiving as the offered on the west side but it is clear that there is more than enough land to accommodate an extension on this wing.
- 3.8. Early concerns from the Planning Case Officer with regard to scale and loss of view to a neighbour to the east were addressed by a wholesale design review that brought the proposed extension further southward to avoid the sight lines of the neighbouring property.
- 3.9. The south elevation will be served well by these proposals in balancing and reflecting the nature of the approved West Wing and bringing interest and symmetry to the building from both sides.
- 3.10. Lastly the proposals are essential in arresting the loss of revenue brought about by the increased demand for self-catering accommodation and loss of this nature of business to the town.

4. Reasons for Refusal – Policy Compliance

4.1. It should be continually noted that a similar extension was approved on the West Wing in ***

4.2. The detail of the reason for refusal are examined as follows.

*“The siting and design of the proposal is considered to represent overdevelopment, whilst also having an adverse impact on the character and amenity of the surrounding area which is designated as a Special Landscape Area in the Moray Local Development Plan 2020 (MLDP). On this basis, the proposal fails to comply with the MLDP policies **DP1** – Development Principle, **DP8** – Tourism Facilities and Accommodation and **EP3** – Special Landscape Areas and Landscape Character.”*

4.3. **Policy DP1 DEVELOPMENT1** - “impact on the character and amenity of the surrounding area which is designated as a Special Landscape Area ”

4.3.1. Notwithstanding the principle of an extension of this scale and nature being approved previously for the West Wing, the appellant would contend that the proposals would present elements of additional architectural interest to both elevations and framing the original building well – especially to the north (seaward) elevation.

4.3.2. It would be considered a “stretch” to suggest that these proposals would in any way impact upon the “Character and Amenity” of this particular location. The Character of the area does comprise of a range of traditional houses or businesses that have been extended or adapted over the years.

4.3.3. The new East wing will provide balance and symmetry to the existing approved west wing and will serve to enhance the nature and prominence of the existing host building at its centre.

4.3.4. In terms of the **wider area**, there are a mixture of styles of extension to traditional properties and in some cases, unsightly replacements of existing buildings peppering the streetscape on Stotfield Road.



Figure 4 - EXAMPLES OF OTHER SELF-CATERING ACCOMMODATION ON STOTFIELD ROAD



Figure 5 - MORE EXAMPLES OF SELF-CATERING ACCOMMODATION ON STOTFIELD ROAD

- 4.3.5. In terms of “Amenity” – there is no loss in any way. Sea views for the immediately adjacent neighbour have been protected and finishes chosen to present interest to the streetscape rather than detract from it. Sub-paragraph 9e) of this Policy calls for care in terms of impact upon neighbouring properties and the history of this application demonstrates a willingness to respond to and address concerns in this regard.
- 4.3.6. The House is currently accessed from the south elevation on Stotfield Road. This elevation presents a completely contrasting and very utilitarian view. This elevation hosts what would have been the staff quarters, kitchens, coach house in years gone by and offers no form of symmetry or cohesive appeal.

4.4. **Policy DP8 - TOURISM FACILITIES & ACCOMMODATION**

- 4.4.1. As declared in the Justification notes of this particular policy – “*Tourism is declared as most important target sector of the Moray Economy Strategy, providing jobs*”. This proposal does indeed serve to guarantee continued service to the tourism economy, continued employment and continued revenue for a key tourist town.
- 4.4.2. This policy also requires proposals to demonstrate a **locational need**. Stotfield Road is already a popular stretch of road for guest houses, recreational business and serviced accommodation
- 4.4.3. The appellant “needs” in this location, to develop the existing business and to ensure the longevity of the business in the face of changing markets

Policy EP3 – SPECIAL LANDSCAPE AREAS AND LANDSCAPE CHARACTER

- 4.4.4. This policy suggest that “development will only be permitted where they do not prejudice the special qualities of the designated area”
- 4.4.5. In terms of urban development within a settlement boundary, the policy encourages and allows development where compliance can be proven against previous policies such as DP1 and DP3
- 4.4.6. Whilst the north flank of this property enjoys a protected and attractive shoreline it is argued that this development will not impact the character of the area and will present an interesting and cohesive development to those enjoying the wide-open spaces around the site.

5. Conclusion

5.1. This Statement of case has established the following:

- That material considerations exist that can assist in a positive consideration of this case.
- That neighbour's seaward views have been protected.
- That the proposals can be considered to comply with the terms of Policies DP1, DP3 and EP8 in terms of impact, character and scale – especially given the nature of other properties nearby and the character of the existing building.
- That there is an economic and locational need for this development, to ensure the longevity of the existing guest house business and its contribution to the wider tourism economy.
- That the development “rounds off” the approved west wing development in a sensitive and acceptable manner and in a way that celebrates and enhances the presence and scale of the host building.

5.2. The appellant has demonstrated a willingness to adapt the design of the east wing to address concerns expressed in a previous application.

5.3. This extension could be accommodated into the streetscape and landscape without loss of amenity or character and, in fact, introduce a measure of architectural interest.

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



PROPOSED APARTMENT 3 & 4

EXISTING BUILDING

APPROVED EXTENSION REF. 19/01452/APP

Ridge Level +8.550

Eaved Level +8.250

First Floor Level +3.240

Ground Floor Level +0.150

EXISTING APPROVED APARTMENTS

APPROVED EXTENSION REF: 19/01452/APP

EXISTING HOUSE

PROPOSED APARTMENT 3 & 4

Slate roof to match existing

Red brick to match existing

Juliet Balcony to client choice

Natural sandstone to match existing

White uPVC windows and doors to match existing

FIRST FLOOR PLAN 1:100
EXTERNAL FLOOR AREA - 43m²

The plan shows a house with a main living area on the right and a bedroom wing on the left. The main living area includes a Kitchen/Joine (10'0" x 11'0"), a Sitting Room (11'0" x 11'0"), and a new terrace. The bedroom wing includes four bedrooms (Bedroom 1: 10'0" x 11'0", Bedroom 2: 10'0" x 11'0", Bedroom 3: 10'0" x 11'0", Bedroom 4: 10'0" x 11'0"), a bathroom, and a landing. A dashed red line indicates the boundary line, and a dashed blue line indicates the outline of an approved west wing extension. The plan is titled 'FIRST FLOOR PLAN 1:100' and 'EXTERNAL FLOOR AREA - 43m²'.

GROUND FLOOR PLAN 1:100

EXTERNAL FLOOR AREA - 91m²

BOUNDARY LINE

BOUNDARY LINE

OUTLINE OF APPROVED WEST WING EXTENSION REF: 17/01452/APP

1180

1330

TARMAC

NEW TERRACE

LOUNGE

KITCHEN/DINING

EN SUITE

BED ROOM 2

STO

W

ENTRY

LOBBY

LANDING

NEW STORE

EN SUITE

BED ROOM 1

SITTING ROOM

LOWER HALLWAY

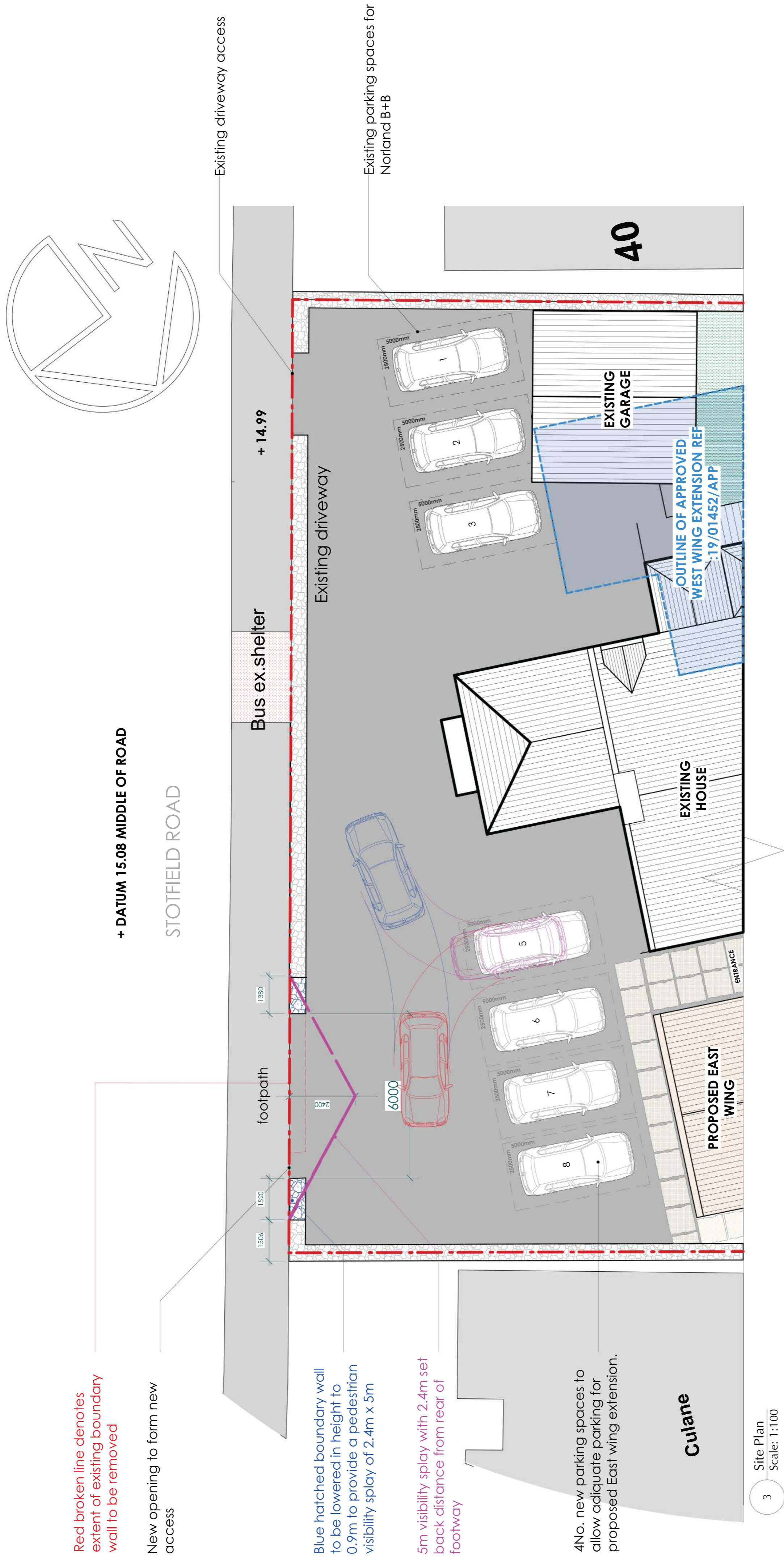
KITCHEN/DINING

BOILER ROOM

PLANT/STORE

LAUNDRY ROOM

[illegible][illegible]

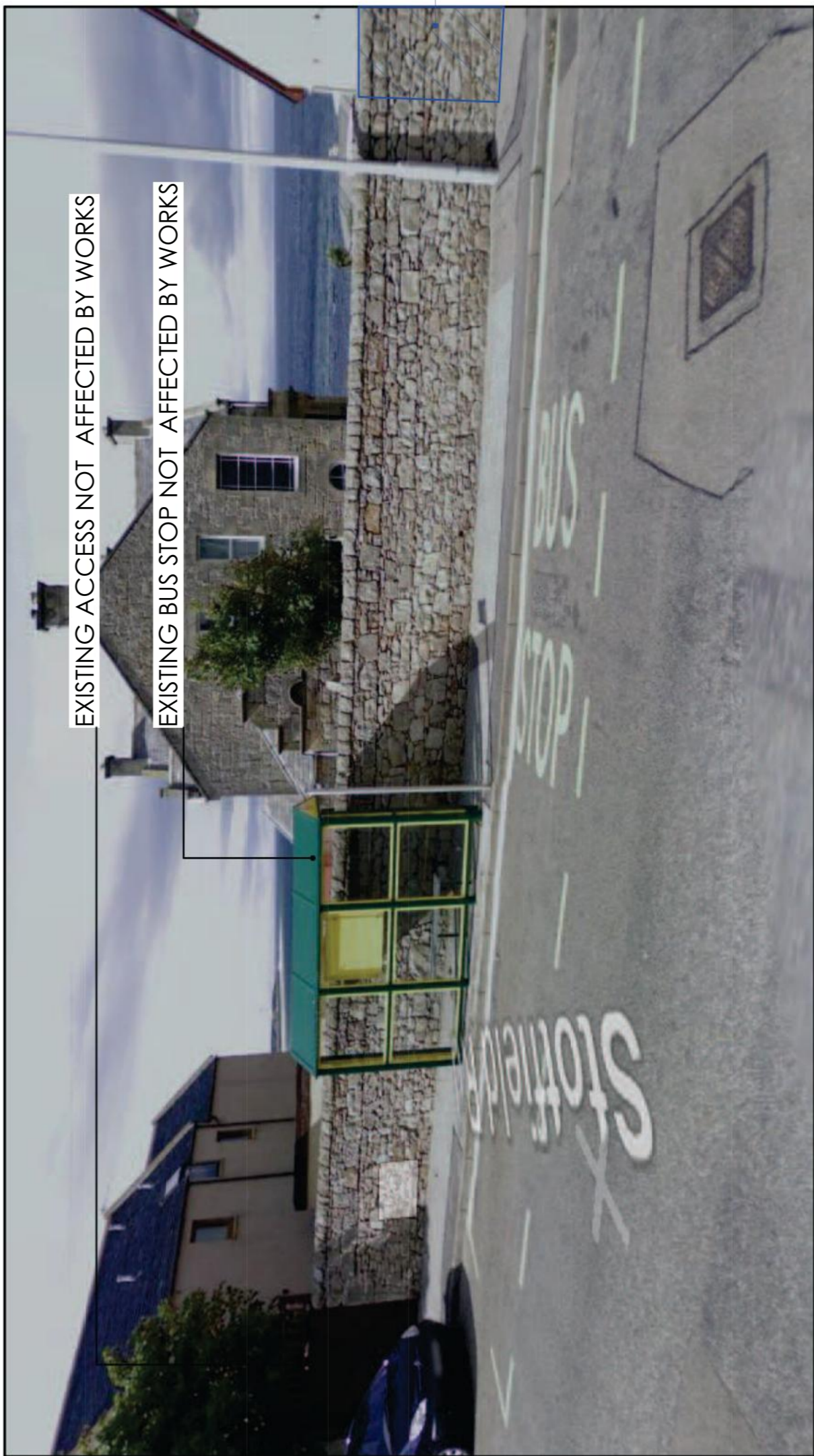


PARKING SCHEDULE

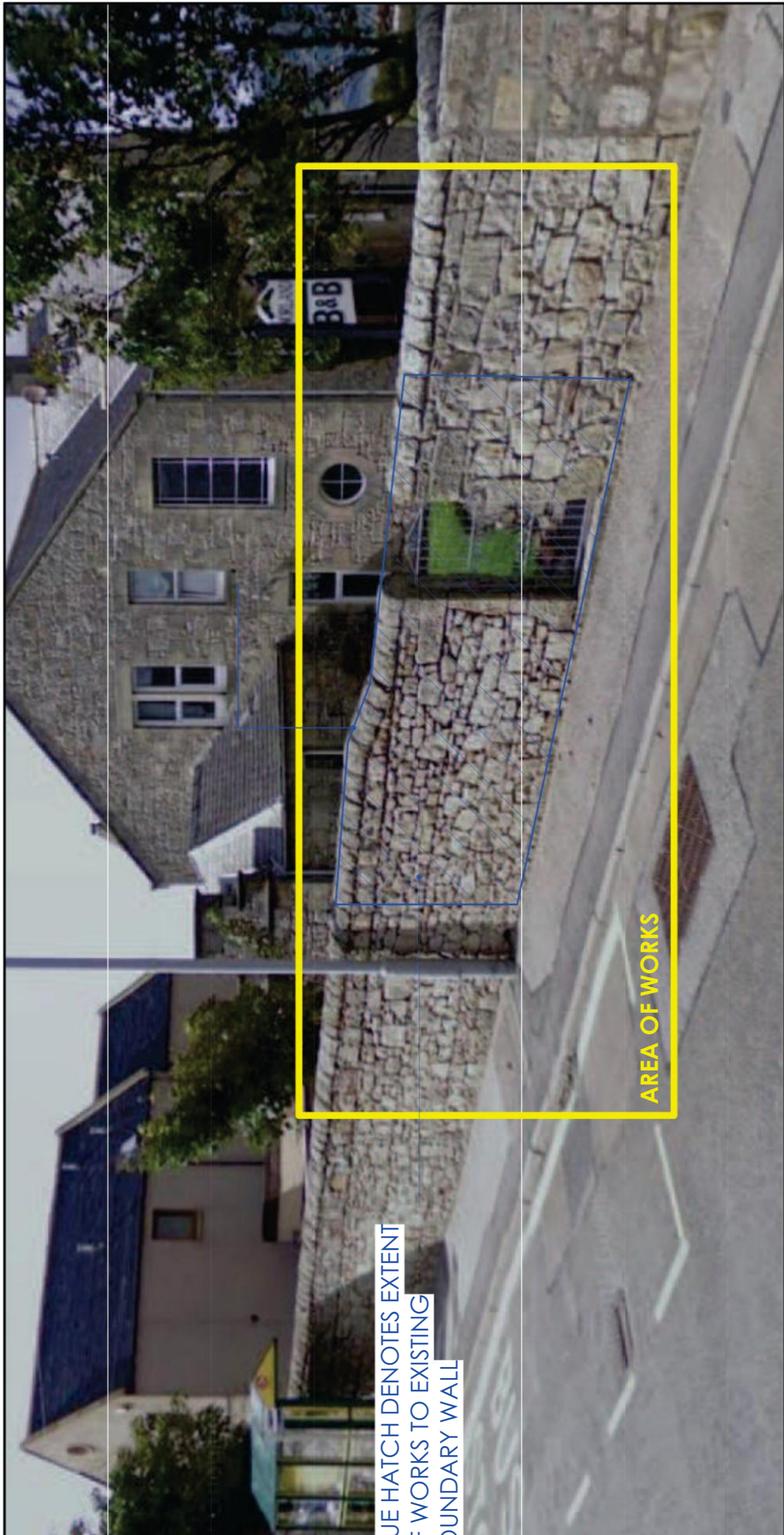
Existing house :
3 spaces as existing

Proposed West wing - 19/01452/APP
6 spaces shown on N

Proposed East Wing :
4 spaces shown on s



PICTURES ON SITE



BLUE HATCH DENOTES EXTENT OF WORKS TO EXISTING BOUNDARY WALL

AREA OF WORKS

[illegible]

REPORT OF HANDLING

Ref No:	21/01206/APP	Officer:	Andrew Miller
Proposal Description/ Address	Erection of 2no self-catering apartments (east wing) at Norland Stotfield Road Lossiemouth Moray		
Date:	29.09.2021	Typist Initials:	LMC

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		
Consultee	Date Returned	Summary of Response
Environmental Health Manager	20/08/21	Note that site falls within noise contours from RAF Lossiemouth, but as proposal is for holiday accommodation, no NIA is required. Request condition is placed to ensure premises do not become a place of permanent residence.
Contaminated Land	12/08/21	No objections.
Planning And Development Obligations	17/08/21	No obligations sought.
Transportation Manager	19/08/21	No objections subject to conditions requiring: <ul style="list-style-type: none"> • Construction Traffic Management Plan • Provision of visibility splay onto B9040 Stotfield Road • Upgraded vehicular access. • Provision and retention of 13 parking spaces. Informative notes also provided.
Moray Flood Risk Management	17/08/21	No objections.
Scottish Water	09/08/21	No objections – sufficient capacity at Badentinan Water Treatment Works and Moray West Waste Water Treatment Works.

MOD Safeguarding - Statutory	25/08/21	Note that site falls within noise contours from RAF Lossiemouth, but as proposal is for holiday accommodation, no NIA is required. Request condition is placed to ensure premises do not become a place of permanent residence.
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DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	
DP8 Tourism Facilities and Accommodation	Y	
EP3 Special Landscape Areas	Y	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	
EP15 MOD Safeguarding	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: NINE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
Issue: Impact of proposal on flora and fauna.		
Comments (PO): The proposed development is not considered to result in a significant adverse impact on flora and fauna that would require further investigation or warrant refusal of the application.		
Issue: The submitted plans refer to existing building as house, but property is advertised as having 4 rooms to let. This means it should be considered under class 9 houses.		
Comments (PO): The application has been evaluated based on the proposed use, and on the basis Norland is in use as a B&B.		
Issue: Discrepancies in plan omitting southern wing of proposed extension in drawing showing visibility splay.		
Comments (PO): This discrepancy is noted, though it is not considered that there has been any detriment to the notification process. The Transportation Manager notes there is an additional space over and above the parking standards in place, therefore the proposed layout offers sufficient space for the 13 parking spaces required.		
Issue: No scale bar therefore unable to give full and accurate evaluation. Re-notification required.		

<p>Comments (PO): A scale bar is not required, as there are marked measurements and a scale on the plans submitted, this is sufficient to enable measurement and interpretation of the plans.</p>
<p>Issue: No disabled parking shown on plans.</p> <p>Comments (PO): A disabled parking space is shown on the site plan in the northern area of parking (accessed from Beach Brae Lane). The Transportation Manager has raised no objections to the application.</p>
<p>Issue: Overdevelopment of site - west wing (approved) is significant but designed to be sympathetic to existing building. If this proposal is approved, development of both wings will have a significant scale and overpowering impact on the original building. Alongside the parking and access requirements, this results in overdevelopment of the site.</p> <p>Comments (PO): These points are noted, see observations below in relation to overdevelopment.</p>
<p>Issue: Loss of privacy of houses on Beach Brae from proposed balconies.</p> <p>Comments (PO): There is sufficient separation between the proposal and the houses to the north and therefore no significant loss of privacy/increase in overlooking that would warrant refusal of the application on this basis.</p>
<p>Issue: Adverse impact on road safety due to number of pedestrians and cyclists using Stotfield Road and Beach Brae, as well as impact on bus stop and public transport users. Beach Brae Lane is single track with no passing places, poor visibility and unsuitable for additional traffic. Current B&B operation causes illegal parking in bus stop and dangerous reversing manoeuvres on to Stotfield Road.</p> <p>Comments (PO): The proposed upgrades to the access arrangements along with parking provision is considered to be suitable to serve the proposed development, with the Transportation Manager raising objections to the application.</p>
<p>Issue: Beach Brae Lane is a private un-adopted road.</p> <p>Comments (PO): This is not a material consideration to this application.</p>
<p>Issue: Lowering of shared wall for previous application for west wing was on the basis there would be no further development on the site (between neighbours). This application arrived within weeks of the wall being lowered.</p> <p>Comments (PO): This is a private matter between the respective parties and not a material issue to be considered as part of this application.</p>
<p>Issue: Inadequate plans do not show any measurements/distance between the proposed development and the boundary of the residential property to the east - how can it be accurately judged how close to the boundary the proposal is?</p> <p>Comments (PO): The plans provided show measurements between the boundary wall and the proposed extension.</p>
<p>Issue: Loss of privacy and loss of light of house to east, in particular patio and kitchen. Unable to tell from plans but it is assumed there will be an impact.</p> <p>Comments (PO): It is not considered there will be an adverse impact on privacy, particularly as the terrace and balcony will look onto the neighbouring driveway, however the impact of the proposal in</p>

terms of sunlight is an issue and considered under observations below.

Issue: Need for additional holiday accommodation in area questionable given hotels are not at capacity.

Comments (PO): This not material to the determination of this application.

Issue: Comments in respect of wind turbines not related to this application.

Comments (PO): This is not material to the determination of this 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

A 3 storey detached stone and slate house in use as a bed and breakfast. Access is taken from Stotfield Road to the south, though work has commenced on an opening to the north to form an access from Beach Brae Lane (as consented under application 19/01542/APP). Planning permission is in place under application 19/01542/APP for the erection of a two storey extension on the western side of the building to form two self-catering apartments.

Proposal

Planning permission is sought for the erection of a two storey extension on the eastern side of the building to form 2 self-catering apartments. The extension would sit back from the northern elevation and have a gabled roof arrangement, with gables facing north and south. The northern gable would have glazing on both levels, offering openings to a terrace at ground floor and balcony at first floor. It would be finished in sandstone and slate to match the existing building. A new access would be formed from Stotfield Road. Surface water would drain to the parking area to the north (as consented under 19/01542/APP), whilst foul water would discharge to the public sewer.

Tourism Development (DP8)

Policy DP8 is supportive of tourism development in principle, supporting proposals that contribute to Moray's tourism industry. This is in recognition that tourism plays an important part in the Moray economy and is identified as a target sector in the Moray Economic Strategy. However proposals for tourism development must demonstrate a locational need for a specific site, whilst also ensuring compliance with all relevant policies of the MLDP.

The Supporting Statement provided with the application identifies that the proposal represents a cohesive approach to further the established business at Norland, meeting a need for further tourism accommodation and recognising the role tourism plays in the local economy. This is considered suitable locational justification in respect of the requirement of policy DP8. However, the following evaluation with regard to other policy requirements of the MLDP must be considered in relation to policy DP8.

Siting and Design (DP1, DP8)

The proposal sees gable ends of the proposed extension occupying the prominent northern elevation as well as the southern elevation, with a smaller single storey wing to the south fronting to Stotfield Road. There would also be an increase in footprint, with the extension occupying what is currently garden ground and driveway. The consented (and yet to be constructed) extension to the western side of the house also must be considered.

The existing building and consented extension represent a suitable form of development that can be accommodated without detriment to the character of the existing house, nor that of the surrounding area. With this in mind, the proposed extension in addition to that already consented results in a significant increase in built form on the site, and the original building would become overwhelmed by new development. The resultant footprint of the potential building, coupled with servicing requirements (parking/access) would result in overdevelopment of the site, with a small area of garden ground remaining. This is out of keeping with the character of the surrounding area, whereby the large traditional houses along the northern side of Stotfield Road are set in generous garden grounds. It is acknowledged the neighbouring house to the east has been formed by a curtilage split, however the parent property (Firthside) retains a suitable area of garden ground for its relatively large scale.

The consented extension under 19/01542/APP continues the design arrangement of the existing building, however the extension proposed here is much different. The existing building has a symmetry which the consented extension respects and continues to follow the pattern of pitched gable half dormer windows (i.e. built through the wall head). The proposed extension makes no reference to this character. Whilst different design is not necessarily unsuitable and can complement an existing building, the use of the gable arrangement on the north elevation would look at odds with the existing building. This gives the appearance of the proposed extension being a separate building being squeezed in between the existing building and the neighbouring house to the east (Culane).

Material finishes would match the existing house which is suitable, however this does not overcome the design issues outlined above.

Amenity must also be considered, with policy DP1 presuming against development that adversely impacts on privacy and daylight, or has an overbearing presence. In respect of privacy, the proposal is orientated as such that it avoids any direct overlooking of the house to the east, and whilst there will be some overlooking of the houses to the north (on Beach Brae Lane), this overlooking is not considered to be significant due to suitable separation, along with the long established properties on Stotfield Road inevitably having some degree of overlooking due to their elevated position.

With regard to daylight, the impact of the extension on the neighbouring dwelling (Culane) to the east must be considered. This house has a small raised terrace area adjacent to the mutual boundary with the application site. The position of the extension south west of the terrace area gives rise to it having an adverse impact in terms of overshadowing. In assessing this, the BRE Information Paper on 'Site Layout Planning for Daylight' contains criteria which can be applied. As the extension sits south west of the affected terrace, a height of 2 metres is taken on the mutual boundary, after which a 45 degree line towards the development is applied. Any part of the development that breaches this line is likely to have create a shadow. Although there is limited information with the application and the method has to be applied sensibly with due regard for context, it is likely there will be overshadowing of the neighbouring terrace that will be detrimental to the amenity of the neighbouring house. The general presence of the extension will also have an unacceptable overbearing impact on the terrace area.

Taking account of the above considerations, the proposal is considered to adversely impact on the character and amenity of the surrounding area, failing to comply with policy DP1 as well as policy DP8.

Special Landscape Area

The site is located in the Burghead to Lossiemouth Coast Special Landscape Area as zoned in the MLDP. Within settlements, associated policy EP3 requires compliance with policies PP3 and DP1. With regard to the foregoing evaluation under Siting and Design, the proposal fails to comply with policy DP1 and subsequently policy EP3.

Parking and Access

Policy PP3 requires all new development to be served by infrastructure and services as detailed in the policy. With respect to the transport network, proposals must mitigate/modify their impact on the existing transport network, whilst also ensuring suitable provision for parking and access. In this case the Transportation Manager has not objected to the application, but this is on the basis the suitable access and parking provision is provided in accordance with the submitted plans as well as EV charging and the provision of a Construction Traffic Management Plan. Subject to these conditions the proposal complies with policy PP3.

Drainage

Policy EP12 requires all new development to be served by suitable surface water drainage, designed in accordance with the Supplementary Guidance on Flood Risk and Drainage Impact Assessment in New Developments. A Drainage Statement provided with the application demonstrates that the surface water soakaway arrangement is suitable for the proposal and ground conditions on site, with Moray Flood Risk Management raising no objections to the proposal. Accordingly there is no conflict with policy EP12.

Policy EP13 requires all new development within settlements with a population of 2000 or more to connect to the public sewers for discharge of foul drainage. In this case the proposal would connect to the public sewers and Scottish Water have not objected. The proposal therefore complies with policy EP13.

Noise

Noise from aircraft operating at nearby RAF Lossiemouth requires new residential developments to implement measures to ensure occupants are protected from adverse noise levels. On the basis the proposal is for tourist accommodation, Environmental Health have not required a Noise Impact Assessment to be undertaken. However they have requested that any approval be conditioned to ensure the apartments do not become places of permanent residence.

Ministry of Defence

The site falls in an area of safeguarding requiring consultation with the MoD to ensure any development or change of use does not adversely impact on operation of aircraft at RAF Lossiemouth. Policy EP15 states that development must not adversely impact upon MoD operations. The MoD have raised no safeguarding objection to this application, and on this basis the proposal complies with policy EP15.

Developer Obligations

Developer obligations are not sought for this application, but any approval must be conditioned to ensure either unit does not become a place of permanent residence. Removal of this condition to allow use of one or both units to be used as a place of permanent residence would require a further grant of planning consent, at which point developer obligations can be reassessed.

Conclusion and Recommendation

The design and siting of the proposal is considered to represent overdevelopment, whilst also having an adverse impact on the character and amenity of the surrounding area. On this basis, the proposal fails to comply with policies DP1, DP8 and EP3 and refusal is therefore recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY				
Reference No.	Description			
20/01722/APP	Erection of 2no self catering apartments (east wing) at Norland Stotfield Road Lossiemouth Moray IV31 6QP			
	Decision	Withdrawn	Date Of Decision	01/06/21
19/01452/APP	Erection of 2no self catering apartments at Norland Stotfield Road Lossiemouth Moray IV31 6QP			
	Decision	Permitted	Date Of Decision	20/12/19
13/00961/APP	Extension to form 2 self catering flats for use in guest house additional parking and erection of garage at Norland Stotfield Road Lossiemouth Moray IV31 6QP			
	Decision	Permitted	Date Of Decision	28/10/13

ADVERT			
Advert Fee paid?	No		
Local Newspaper	Reason for Advert	Date of expiry	
PINS	No Premises	02/09/21	
Northern Scot	No Premises	02/09/21	

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:	Supporting Statement	
Main Issues:	Detail on background, design, access and economic/tourism benefit of proposal.	

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

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



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

REFUSAL OF PLANNING PERMISSION

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

TO



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

**Erection of 2no self-catering apartments (east wing) at Norland Stotfield Road
Lossiemouth Moray**

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

Date of Notice: **29 September 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 design and siting of the proposal is considered to represent overdevelopment, whilst also having an adverse impact on the character and amenity of the surrounding area which is designated as a Special Landscape Area in the Moray Local Development Plan 2020 (MLDP). On this basis, the proposal fails to comply with MLDP policies DP1 - Development Principles, DP8 - Tourism Facilities and Accommodation and EP3 - Special Landscape Areas and Landscape Character.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
180048.HARRIS.09PP	D	Elevations floor plan site and location plan
180048.HARRIS.01SP		Visibility splay

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

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

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



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

Lissa Rowan

From: [REDACTED]
Sent: 27 January 2022 10:41
To: Lissa Rowan; [REDACTED]
Subject: RE: Notice of Review: Planning Application 21/01206/APP

Warning. This email contains web links and originates from outside of the Moray Council network.

You should only click on these links if you are certain that the email is genuine and the content is safe.

Dear Mrs Rowan,

Please find my concerns regarding the Norland proposals:-

27th January 2022

I now feel that the whole project both west and east proposals would be an over development of the existing property site and would impact on the ambiance of the area.

The aesthetics of the existing building would be severely compromised with the proposed add on's and would degrade the property from its original architectural perspective and characteristics.

There are numerous hotel and holiday let properties both large and small serving the west side of town adequately (which is the less commercialised side of the Lossiemouth).

The extra traffic generated by these proposals could cause severe safety issues and possibly blind spots especially with a bus stop being in the middle of two proposed access/departure points. That said I do not believe that Beach Brae lane should be used to access the property as this could cause safety issues for pedestrians - cyclist and pram pushers alike as it is only a narrow lane without pavements, suitable only for existing households and the traffic they generate.

[REDACTED]

Sent from my Galaxy

----- Original message -----

From: Lissa Rowan <Lissa.Rowan@moray.gov.uk>
Date: 13/01/2022 17:05 (GMT+01:00)
To:
Subject: Notice of Review: Planning Application 21/01206/APP

Good afternoon

Please find attached correspondence in relation to the above Notice of Review.

Kind regards

Lissa

Lissa Rowan | Committee Services Officer | Governance, Strategy and Performance Services

lissa.rowan@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [news](#)
01343 563015 | 07765 741754



Objection to Planning Appeal – Erection of 2no. self catering apartments (east wing) at Norland, Stotfield Road, Lossiemouth ref 21/01206/APP.

Representation on behalf of [REDACTED]

A letter of objection to application 21/01206/APP was previously submitted on behalf of [REDACTED]. The grounds within that objection remain unaltered. That letter is provided as an addendum to this objection.

See below our comments relating to the statement of appeal.

1 Introduction

- 1.2 The east wing (extension), is not thought to provide balance or rounding off of the development, but rather an over-powering of the original dwelling, with the resulting development being of a scale, density and character inappropriate to the surrounding area (DPI).
- 1.2 In relation to being a key tourist property in the town, it would be only one of over 100 self-catering properties in Lossiemouth.
- 1.4 The revised design has not prevented loss of views from all neighbours, and is of similar massing to the initial application. It is understood that the change had more to do with lack of daylighting.
- 1.6 [REDACTED] strongly object to the suggestion that there is no impact upon neighbours. The neighbours Culane immediately to the east of the proposed development would be most affected.
- 1.8 This is neither accurate nor relevant.
- 1.9 This is comparing with larger properties. The basis of building use is questioned in our previous letter of objection.
- 1.10 This cannot be accepted. The original property was a dwelling. It does not need to be converted as proposed due to its location.
- 1.12 The provisional letter of objection highlights issues in relation to Accuracy of Information and Parking. It is not known if these matters have been reviewed further by Transportation.

2. Background

- 2.6 The area to the south left for car parking is very tight and there would appear to be inadequate space for vehicle manoeuvring. Figure 3 plan does not accord with drawing no. 015PP, also submitted with the original application. This may have misled Transportation.
- 2.7 The additional extension would not improve the massing. The combined impact would be unsympathetic to the original dwelling.
- 2.8 As 1.8.

3. Statement of Case

- 3.2 (a) Economic need would not justify development which would damage the assets of the area by inappropriate or unsympathetic development (DP8 and EP3).
- (b) The additional extension would be over development (DD1).
- (c) A change to the south elevation does not justify the scale density and character being inappropriate for the area (DP1).
- (d) There is significant impact both from Stotfield Road, (south elevation), and particularly when viewed from the shore (north elevation) affecting the Special Landscape Area (EP3). The building has a prominent location when viewed from the shore.
- 3.5 It is an attractive building currently from the north but the scale and character would be completely changed by the proposed extensions.
- 3.7 As 2.6.
- 3.8 This is contradicted by dwg no 015PP.
- 3.9 The combined extensions would overpower the existing dwelling.
- 3.10 As 1.2

4. Reasons for refusal – Policy Compliance

- 4.1 Over development could be caused by the additional extension.
- 4.3.1 As 4.1.
- 4.3.2 The character of the area, particularly to the east of the Moray Clubhouse is of private dwellings not businesses.
- 4.3.3 As 4.1.
- 4.3.4 The example is new built, not an existing traditional dwelling.
- 4.3.5 Amenity would be affected by a business of this scale with traffic movement, increased commercial use and outlook onto neighbouring properties.
- 4.4.1-3 The Special Landscape Area would be damaged by the inappropriate and unsympathetic development.
- 4.4.5 Policy EP3 is not compliant as DP1 is also non-compliant. The proposed development has a prominent setting from the north which would be damaged.

In summary, there is clear non-compliance with policies DP1, DP8 and EP3. These departures are not outweighed by any material considerations.

It is therefore requested that the appeal should not be upheld.

Addendum:

Planning application – Erection of 2no. self catering apartments (east wing) at Norland, Stotfield Road
Lossiemouth ref 21/01206/APP

Representation on behalf of [REDACTED]

It is wished to object to the above application on the following grounds:

1. Building use

The drwg no.180048.HARRIS.015PP refers within the parking schedule and plan to 'existing house'. The existing property has 4 bedrooms advertised for bnb, suggesting that the application should be **considered under Class 7, with 'Class 9 – Houses' only allowing use as a house within that Class as a bnb or guesthouse with a maximum of 2 bedrooms.**

2. Accuracy of information

There is a discrepancy between drwg no.180048.HARRIS.015PP and drwg no.09PP D affecting space available for parking and turning to exit in a forward gear. The single storey part of the proposed East Wing (to the south), has been omitted from drwg no.015PP.

There is also no scale bar shown to allow sizes to be reviewed.

It is therefore very difficult to assess the proposals, and as such it is suggested that this needs to be referred to the applicant and proposals re-notified to allow accurate assessment.

It is noted in the consultation comments from Transportation that the parking and manoeuvring requires entry and exit in a forward gear and that drwg no 015PP is the plan provided to verify this requirement. This needs review.

3. Parking.

It is understood that 13 parking places as required as a condition for East Wing to be approved. Should this also have minimum disabled parking added if Class 7?

The manoeuvring of the parking space to the south west corner seems particularly tight for exiting in a forward gear.

4. Scale of development

The West Wing as approved is already a significant extension, though has been designed to be relatively sympathetic to the existing scale, detailing and appearance of the original dwelling. That cannot be said of the East Wing however where the design is contemporary with large glazed areas which are a dominant feature and out of character.

If the East wing is approved and built along with the West Wing, the two extensions will be of a combined scale which will have an overpowering impact and not be subservient to the original dwelling.

This is seen as over development of the site, taken together with the extent of parking required, three vehicular accesses and lack of distancing between extended Norland and neighbouring properties.

The north elevation is also in a prominent location viewed from the ENV6 designation to the foreshore.
It is requested that these concerns are taken into account when determining.



MORAY LOCAL REVIEW BODY

24 FEBRUARY 2022

SUMMARY OF INFORMATION FOR CASE No LR268

Planning Application 21/01153/APP – Carport with Balcony at 20 Elmfield Road, Elgin, IV30 6HQ

Ward 7 – Elgin City South

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 1 October 2021 on the grounds that:

The proposed carport and balcony are contrary to Moray Local Development Plan 2020 policy DP1 for the following reasons:-

1. The balcony would give rise to any unacceptable loss of privacy and overlooking to the neighbouring property to the south-west of the site.
2. The balcony would be out of keeping with the scale and character of the existing dwellinghouse and surrounding area.

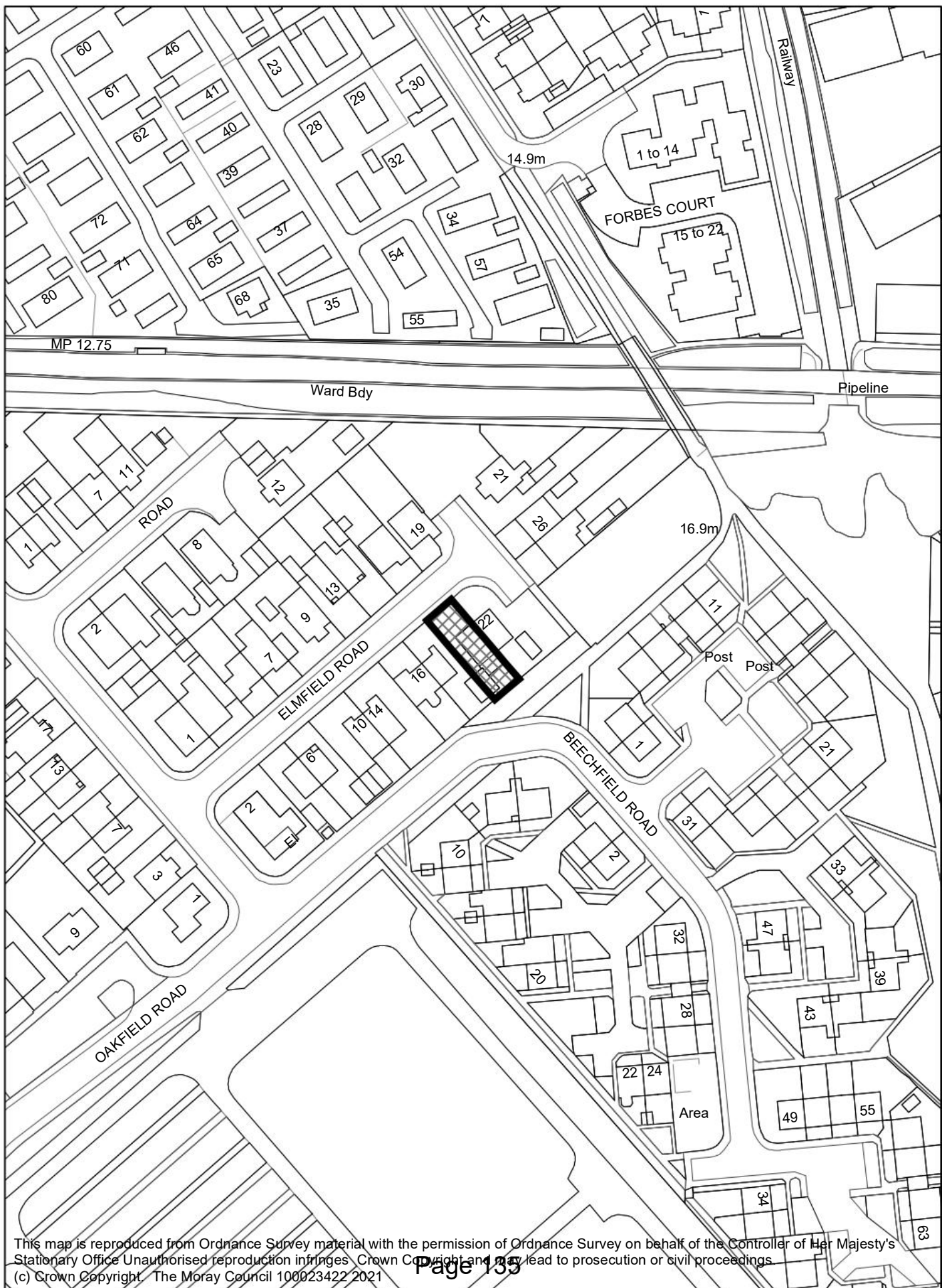
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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 :
21/01153/APP**





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100447687-001

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 carport in driveway and balcony area above.

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

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

18/05/2021

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

I was not aware planning permission would be required for this works.

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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Donnie"/>	Building Number: <input type="text" value="20"/>
Last Name: *	<input type="text" value="McLennan"/>	Address 1 (Street): * <input type="text" value="ELMFIELD ROAD"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: * <input type="text" value="ELGIN"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="SCOTLAND"/>
Mobile Number:	<input type="text" value=""/>	Postcode: * <input type="text" value="IV30 6HQ"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value=""/>	

Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="20 ELMFIELD ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ELGIN"/>
Post Code:	<input type="text" value="IV30 6HQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="862100"/>	Easting	<input type="text" value="322782"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☒ Telephone ☒ Letter ☐ Email

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

Craig Wilson, Planning Officer visited the site and advised that the development is unauthorised and requires planning consent. I have discussed this over the telephone with Mr Wilson and have advised that we are happy to go ahead and seek planning permission.

Title:

Mr

Other title:

First Name:

Craig

Last Name:

Wilson

Correspondence Reference Number:

21/00209/ENF

Date (dd/mm/yyyy):

19/07/2021

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

Site Area

Please state the site area:

15.00

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)

Driveway

Access and Parking

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;">2</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; width: 100px; height: 20px; margin: 0 auto;">2</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).	

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * ≤ Yes **T** No

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

≤ Yes

≤ No, using a private water supply

T 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 **T** 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 **T** No ≤ Don't Know

Trees

Are there any trees on or adjacent to the application site? * ≤ Yes **T** 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 **T** No

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

There is a dedicated area for refuse/recycling on the property.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * ≤ Yes **T** No

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: Mr Donnie McLennan

On behalf of:

Date: 23/07/2021

☒ 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 ☐ T 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 ☐ T 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 ☐ T 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 ☐ T 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 ☐ T 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 ☐ T Not applicable to this application

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

☐ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	≤	Yes	T	N/A
A Design Statement or Design and Access Statement. *	≤	Yes	T	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	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 Donnie McLennan

Declaration Date: 23/07/2021

Payment Details

Online payment: 023607

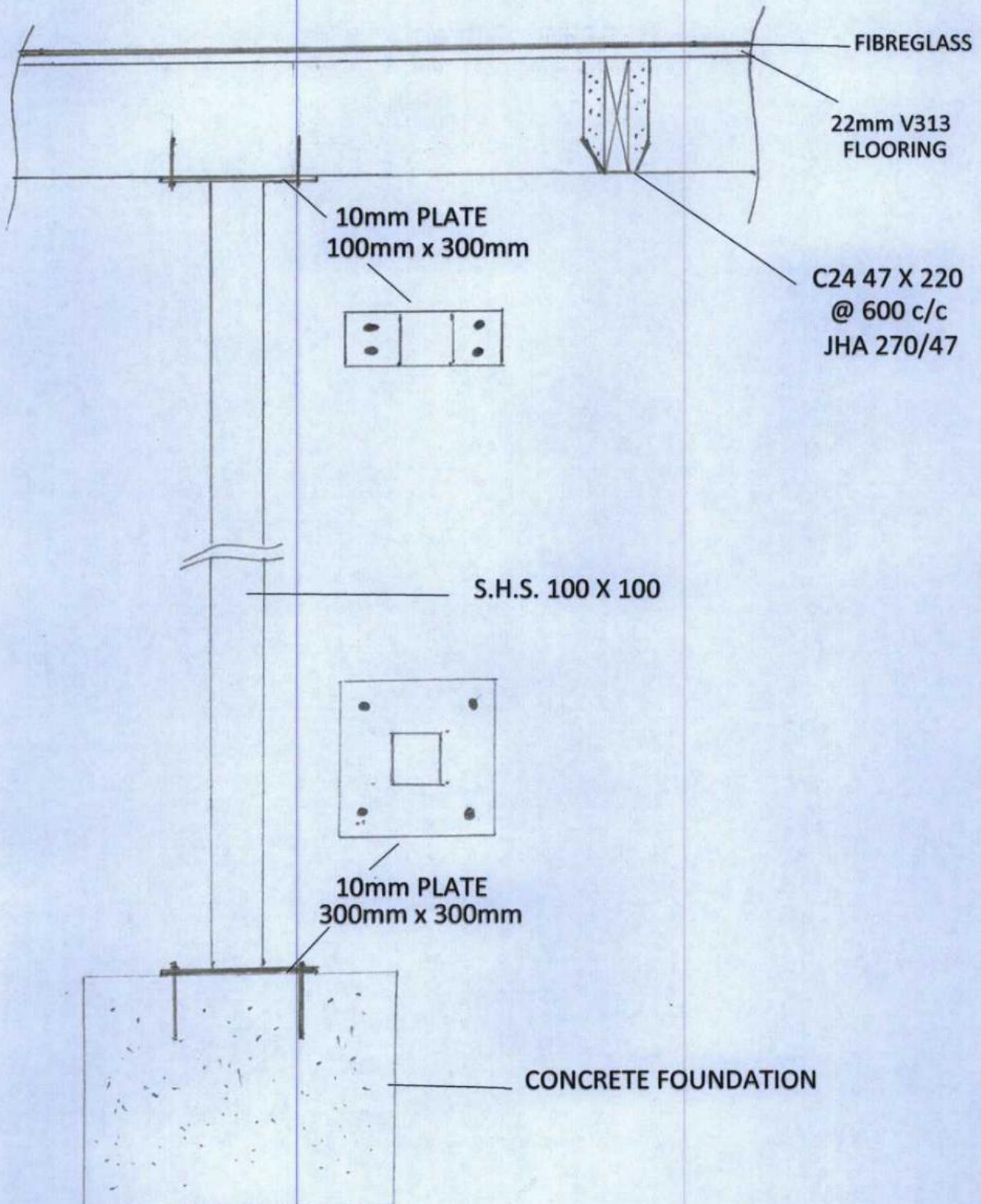
Payment date: 23/07/2021 15:15:57

Created: 23/07/2021 15:16



BLOCK PLAN
(SCALE 1:500)

PROPOSED CARPORT BALCONY
@ 20 ELMFIELD ROAD,
ELGIN, IV30 6HQ.
21 / 01153 / APP



(Scale 1:100)

Do not scale drawings

PROPOSED CARPORT BALCONY

@ 20 ELMFIELD ROAD

ELGIN, IV30 6HQ

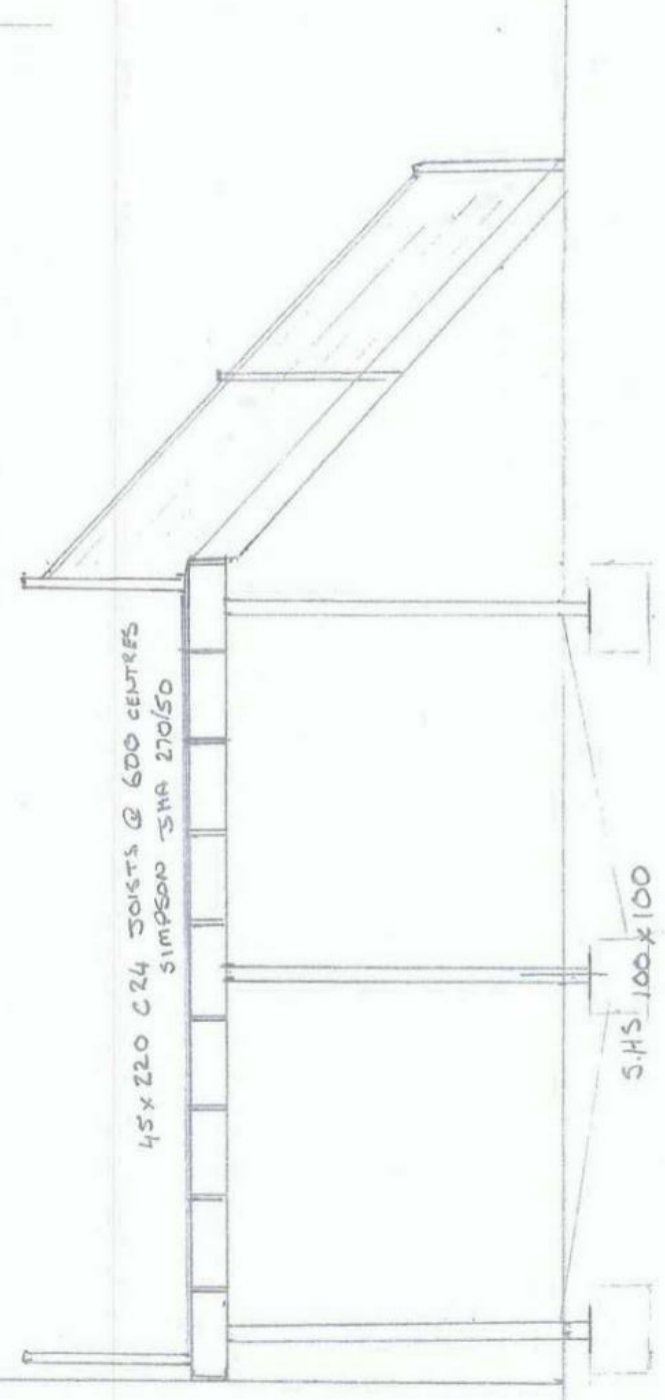
21/01153/APP

45x220mm
C24 Full
HEIGHT
DRAWINGS

45x220 C24 Bolts to wall

2N° 45x220 C24

FLOOR PLAN
(Scale 1:50)



45x220 C24 JOISTS @ 600 CENTRES
SIMPSON STR 270/50

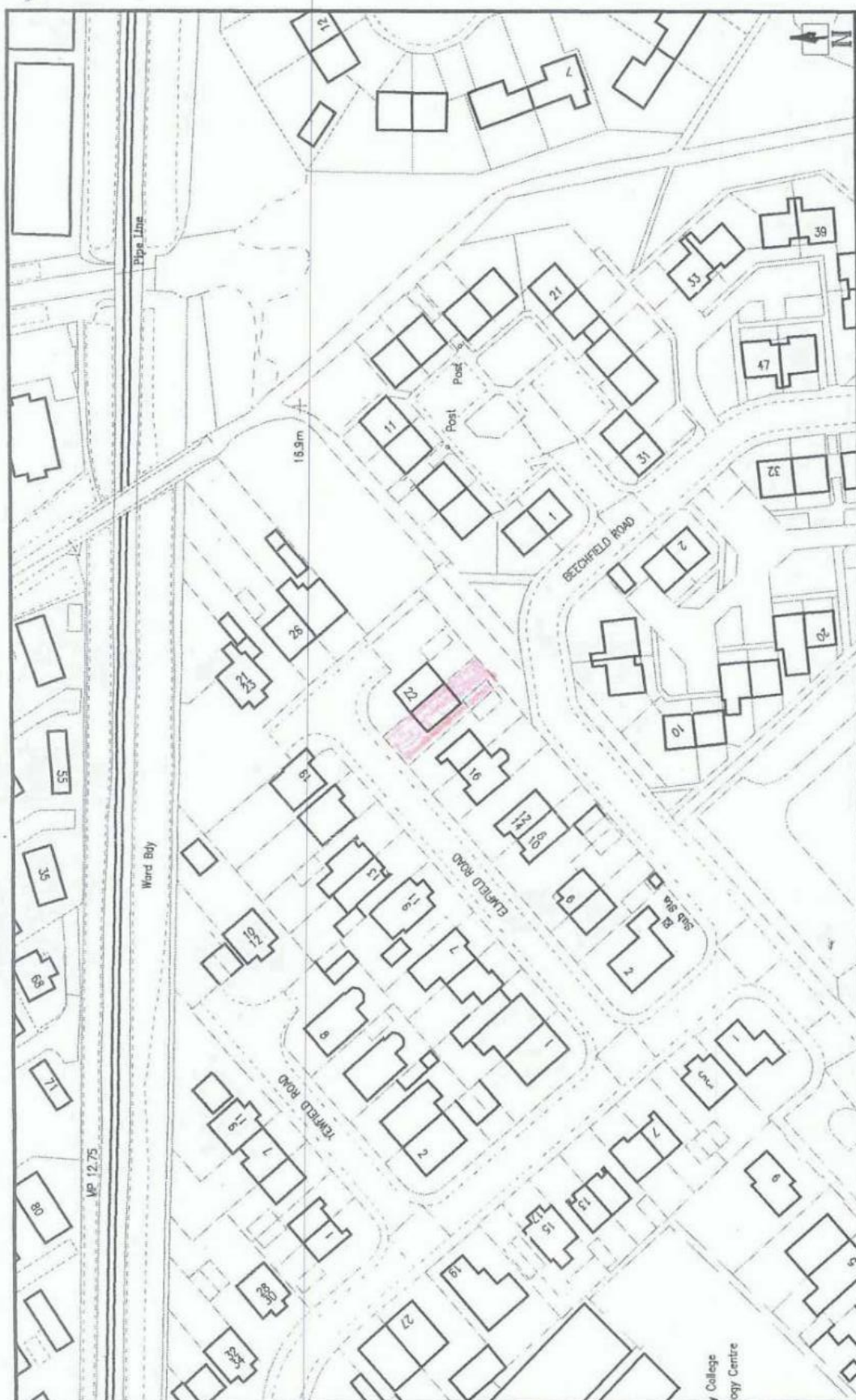
5.15 100x100

SECTION THROUGH A-A
(Scale 1:50)

PROPOSED CARPORT BALCONY
@ 20 ELMFIELD ROAD,
ELGIN, IV30 6HQ

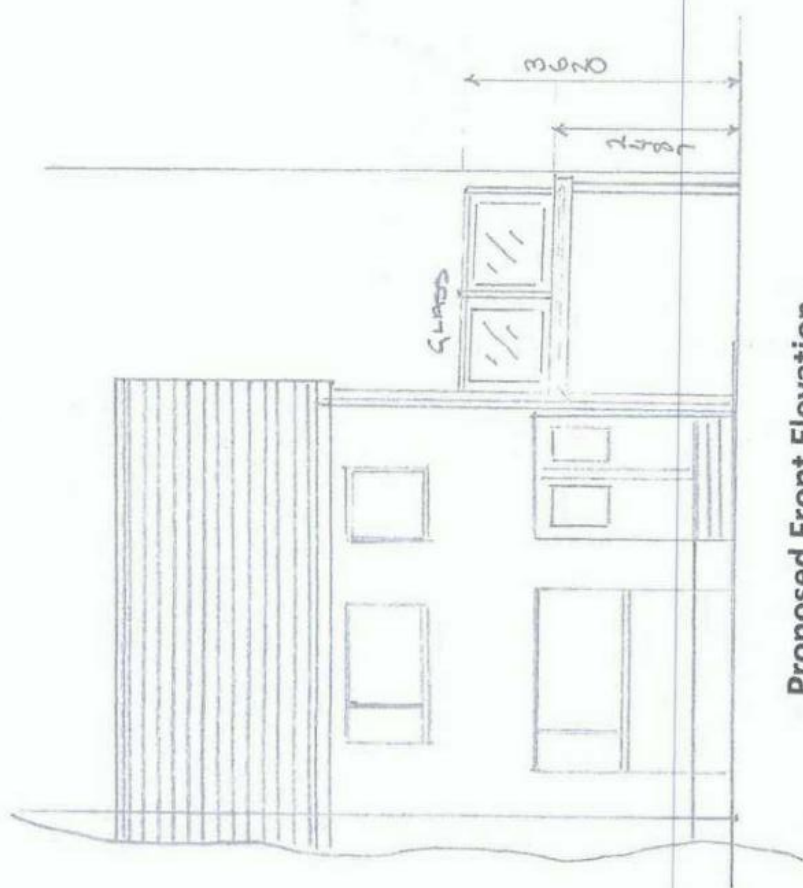
21/01153/APP

8 8 AUG 2021



LOCATION PLAN
(SCALE 1:1250)

PROPOSED CARPORT BALCONY
@ 20 ELMFIELD ROAD,
ELGIN, IV30 6HQ.
21/01153/APP 06 AUG 2021



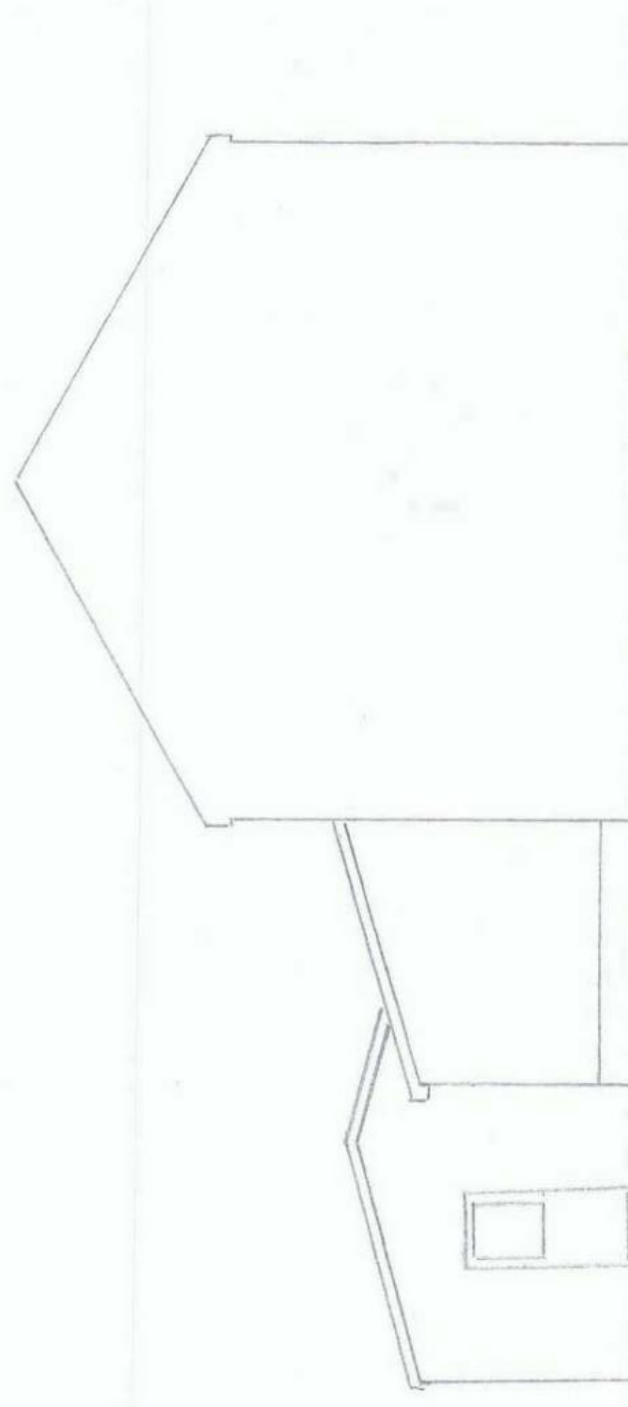
Proposed Front Elevation
(Scale 1:100)



Proposed Rear Elevation
(Scale 1:100)



Proposed Side Elevation
(Scale 1:100)

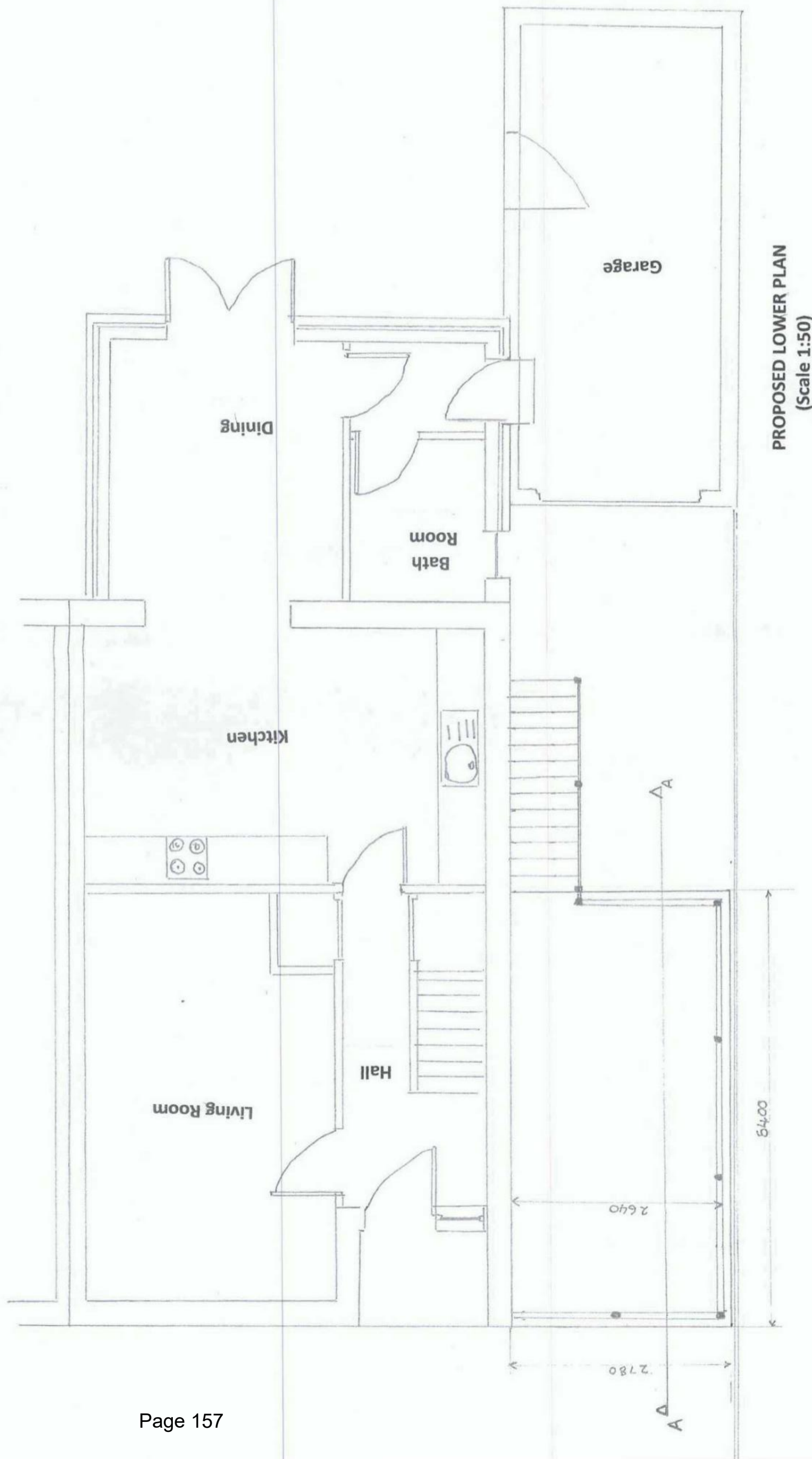


Proposed Side Elevation
(NO CHANGE)
(Scale 1:100)

PROPOSED CARPORT BALCONY
@ 20 ELMFIELD ROAD,
ELGIN, IV30 6HQ.

21/01153/APP

6 AUG 2021



PROPOSED LOWER PLAN
(Scale 1:50)

PROPOSED CARPORT BALCONY
@ 20 ELMFIELD ROAD,
ELGIN, IV30 6HQ
21/01153 / APP 06 AUG 2021

GENERAL SPECIFICATION

FOUNDATIONS (MINIMUM CONCRETE STRENGTH 20N/mm² 1:2:4)

600 x 600mm CONCRETE PAD FOUNDATIONS

FOUNDATIONS B.S. 8004:1986

STEEL POSTS

3 No 100mm x 100mm WITH 10mm TOP PLATE (100mm x 300mm) AND BOTTOM PLATE (300mm x 300mm)

BOTH PLATES TO HAVE 4 No 14mm HOLES FOR FIXING TO FOUNDATIONS AND TIMBER ROOF JOISTS.

ROOF

FIBREGLASS WITH SLATE CHIPPINGS.

V313 22mm CHIPBOARD FLOORING, SCREWED AND GLUED.

C24 47mm x 220mm TIMBER JOISTS WITH 1 ROW OF MID FULL HIGH DWANGS AND SUPPORTED AT BOTH ENDS WITH JHA 270/47 JOIST HANGERS.

2 No C24 47mm x 220mm OVER STEEL POSTS.

1 No C24 47mm x 220mm BOLTED TO EXSISTING HOUSE EVERY 600mm.

P.V.C. FACIA TO MATCH EXSISITING HOUSE.

STAIR

TIMBER TREADS AND STRINGERS WITH BANISTER

GOING 220mm

RISE 196mm

PROPOSED CARPORT BALCONY

@20 ELMFIELD ROAD

ELGIN, IV30 6HQ

21/01153/APP

BALCONY

FRONT ELEVATION BANISTER 42mm STAINLESS STEEL TUBING (EXTERNAL GRADE) WITH 10mm TOUGHENED GLASS AT A MINIMUM HEIGHT OF 1100mm B.S 6399 & B.S. 6180.

SIDE AND BACK ELEVATION TIMBER PANELS WITH HANDRAIL AT A MINIMUM HEIGHT OF 1100mm B.S 6399 & B.S. 6180.

RAINWATER

UPVC 110mm x 75mm GUTTER CONNECTED TO EXSISITING DOWNPIPE ON FRONT ELEVATION.

DO NOT SCALE FROM DRAWINGS; ALL SIZES TO BE CHECKED ON SITE.

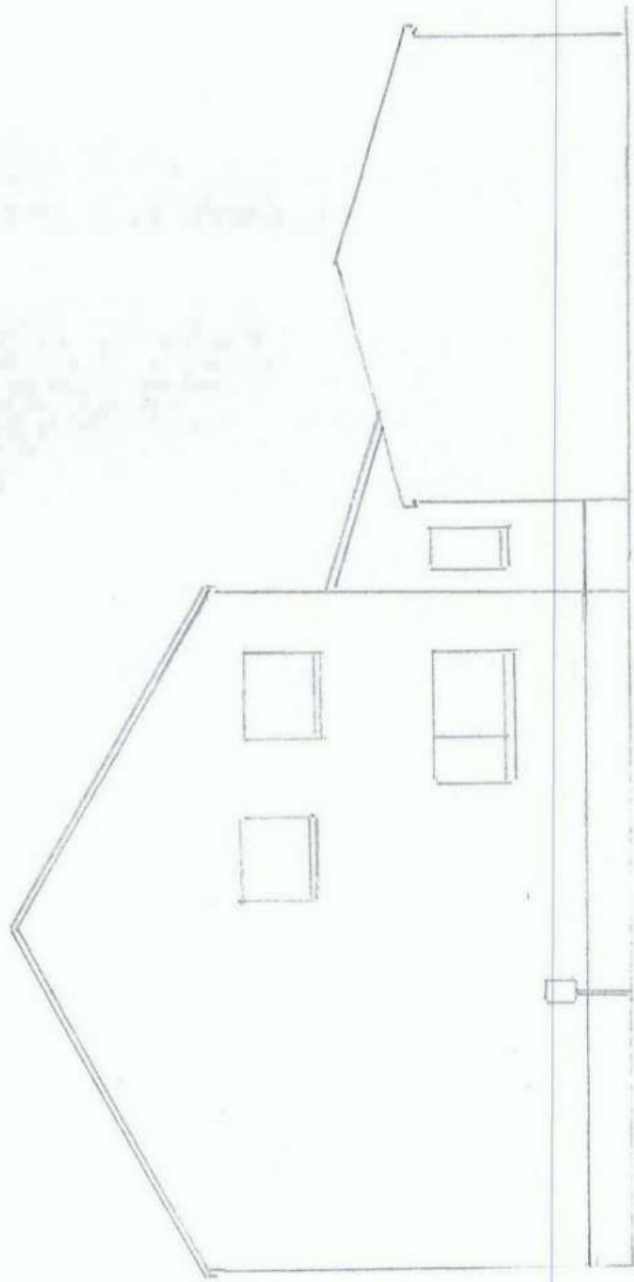
PROPOSED CARPORT BALCONY

@20 ELMFIELD ROAD

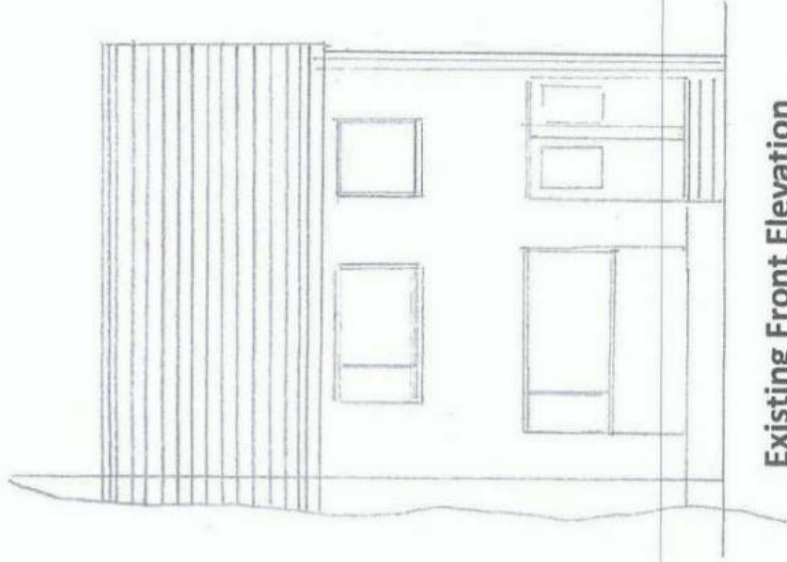
ELGIN, IV30 6HQ

21/01153/APP

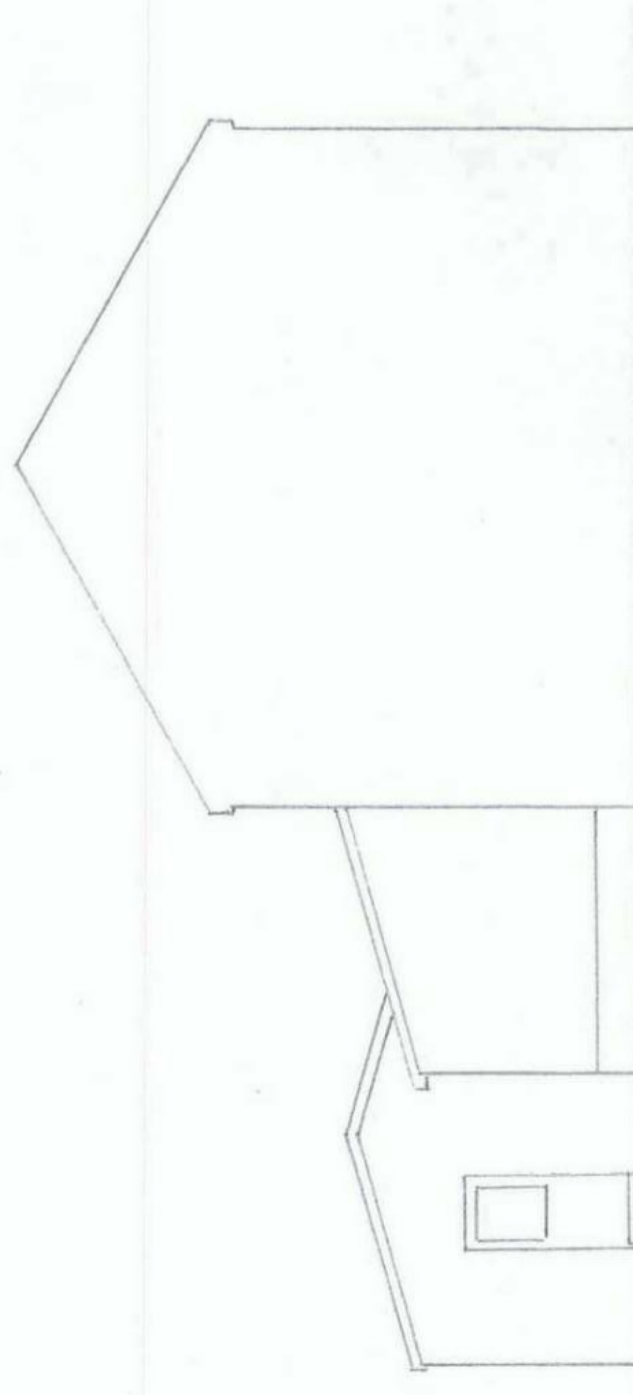
06 AUG 2021



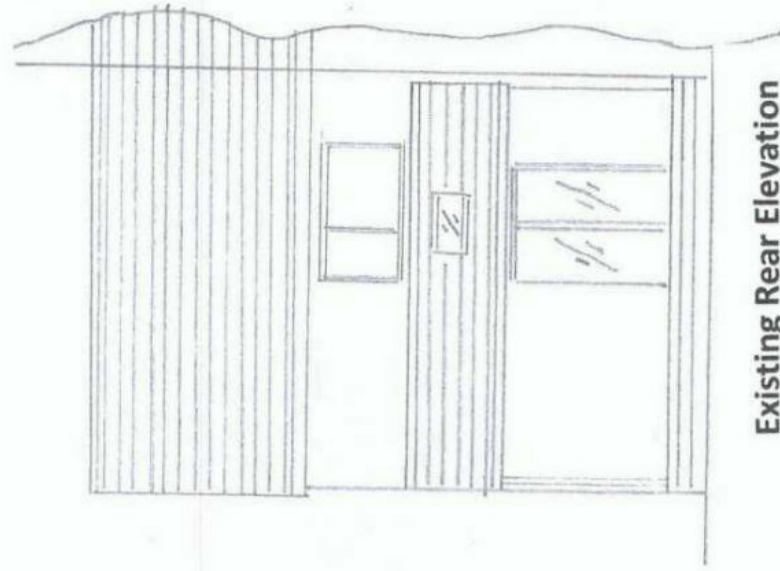
Existing Side Elevation
(Scale 1:100)



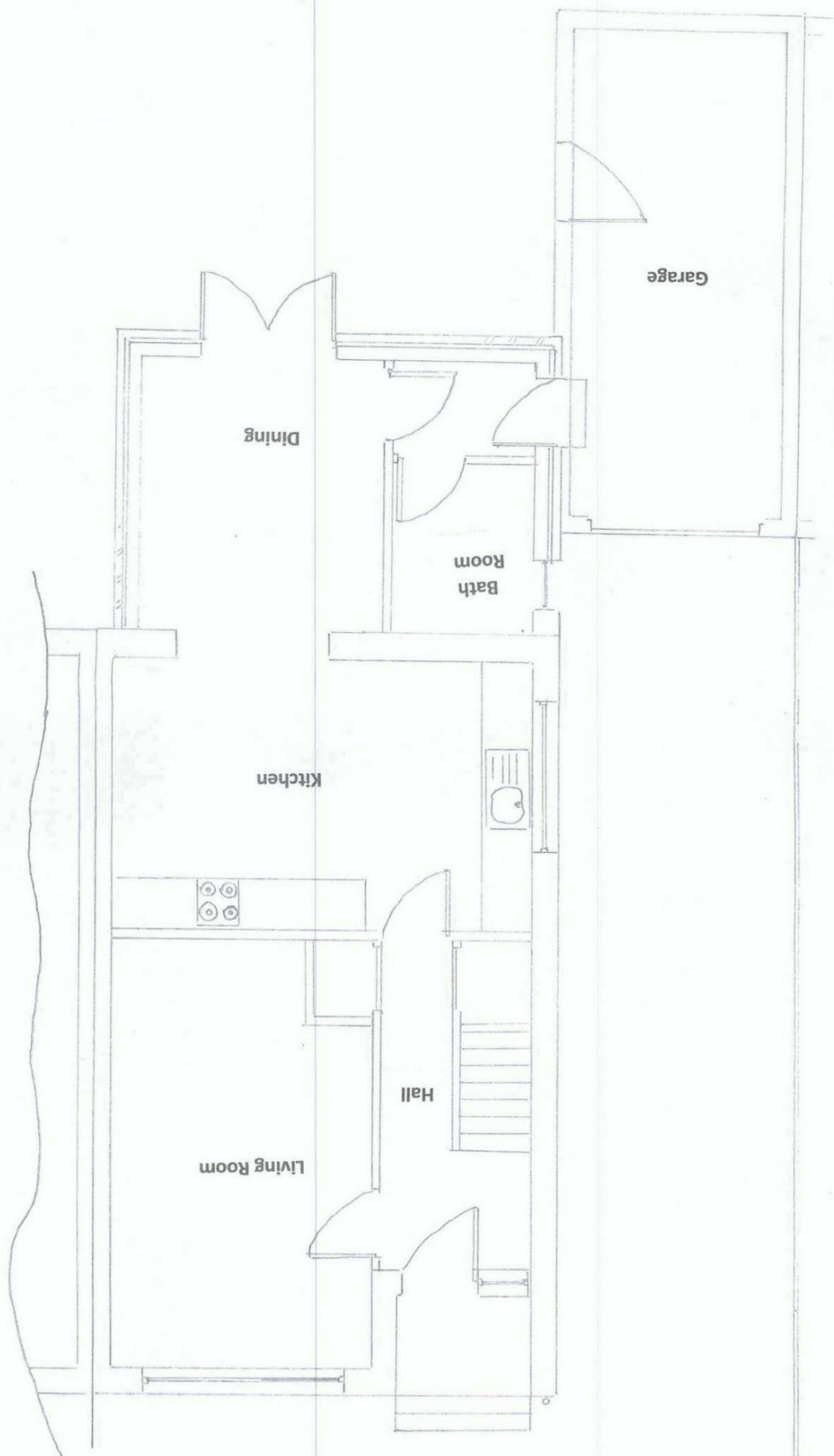
Existing Front Elevation
(Scale 1:100)



Existing Side Elevation
(Scale 1:100)



Existing Rear Elevation
(Scale 1:100)



EXISTING LOWER PLAN
(Scale 1:50)

PROPOSED CARPORT BALCONY
@ 20 ELMFIELD ROAD,
ELGIN, IV30 6HQ.
21/01153 / APP

06 AUG 2021

Consultee Comments for Planning Application 21/01153/APP

Application Summary

Application Number: 21/01153/APP

Address: 20 Elmfield Road Elgin Moray IV30 6HQ

Proposal: Retrospective consent to erect carport with balcony area above at

Case Officer: Fiona Olsen

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

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Flood Risk Management

Planning Application Ref. No: 21/01153/APP

**Retrospective consent to erect carport with balcony area above at 20 Elmfield Road Elgin
Moray IV30 6HQ for Mr Donnie McLennan**

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

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

Contact:	Javier Cruz	Date..... 12/08/2021
email address:	Javier.cruz@moray.gov.uk	Phone No
Consultee:	The Moray Council, Flood Risk Management	

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	25th August 2021
Planning Authority Reference	21/01153/APP
Nature of Proposal (Description)	Retrospective consent to erect carport with balcony area above at
Site	20 Elmfield Road Elgin Moray IV30 6HQ
Site Postcode	N/A
Site Gazetteer UPRN	000133027638
Proposal Location Easting	322782
Proposal Location Northing	862100
Area of application site (M²)	15
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QWU8QBBGGTN00
Previous Application	18/00107/ID
Date of Consultation	11th August 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Donnie McLennan
Applicant Organisation Name	
Applicant Address	20 Elmfield Road Elgin Moray IV30 6HQ
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen
Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 21/01153/APP

**Retrospective consent to erect carport with balcony area above at 20 Elmfield Road Elgin
Moray IV30 6HQ for Mr Donnie McLennan**

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 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"/> |

Transportation has no objections to the proposed (retrospective) carport with balcony above.

Contact: AG

email address: transport.develop@moray.gov.uk

Consultee: TRANSPORTATION

Date 13 August 2021

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.

From: Teresa Ruggeri
Sent: Fri, 27 Aug 2021 15:35:29 +0100
To: Planning-Objections
Subject: FW: Application Number 21/01153/APP

[REDACTED]
Sent: 27 August 2021 13:19

To: Teresa Ruggeri

Subject: Application Number 21/01153/APP

To whom it may concern

I have no objection to the planning application for a car port to the side of my side house at 18 Elmfield Road, Elgin.

We discussed the car port before any works started and Donnie has kept me informed throughout the process.

Once again, I do not object to this planning application

best regards
[REDACTED]

Hi

I am today in receipt of the Neighbour Notification re retrospective consent to erect car port with balcony above at 20 Elmfield Road IV30 6HQ. Ref 21/01153/APP.

Please note that my only objection to this build is if the front glass panels on the upper balcony are going to be clear glass.

I am concerned that my house will be overlooked and my privacy compromised.

All of my front windows look onto this both lower and upper floor and it is in clear view from internally from my living room, bedrooms, bathroom and landing.

I would not object if the glass was to be fully obscured.

Regards



REPORT OF HANDLING

Ref No:	21/01153/APP	Officer:	Fiona Olsen
Proposal Description/ Address	Retrospective consent to erect carport with balcony area above at 20 Elmfield Road Elgin Moray IV30 6HQ		
Date:	01.10.2021	Typist Initials:	LMC

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

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Moray Flood Risk Management	12/08/21	No Objections
Contaminated Land	13/08/21	No Objections
Transportation Manager	13/08/21	No Objections

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
DP1 Development Principles	Y	
EP12 Management and Enhancement Water	N	Complies
EP14 Pollution Contamination Hazards	N	Complies

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: TWO		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
Issue: Concern regarding overlooking and loss of privacy and request that balustrade be fitted with obscure glass.		
Comments (PO): The proposed balcony above the carport is deemed to give rise to an unacceptable loss of privacy and overlooking to the neighbouring property to the south-west and for		

this reason will be refused. The applicant has indicated that if permission is granted, obscure glazing will be fitted to the front.

Issue: Comments received in support of the application

Comments (PO): These are noted.

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:

Proposal

The application seeks retrospective planning permission to erect a car port with a balcony area above to the side of an existing dwellinghouse.

The car port measures approx. 2.8m wide x 5.4m long and measures approx. 2.5m from ground level and is supported by steel posts.

A timber staircase to the rear provides access to the balcony area above the car port which is currently enclosed by a timber balustrade on three sides however is proposed to be fitted with a glass panel on the front elevation.

Site

The existing property is a two storey semi-detached dwellinghouse located at 20 Elmfield Road.

There are existing neighbouring properties to the north-east (attached) and south-west. The site is bound by the public road to the north-west and by a public footpath to the south-east.

Policy Assessment

Siting and Design (MLDP 2020 Policy DP1)

Policy DP1 requires that the scale, density and character of all development be appropriate to the surrounding area, be integrated into the surrounding landscape and not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

Whilst the carport alone is acceptable and does not give rise to any loss of amenity, the proposed balcony would give rise to an unacceptable loss of privacy and overlooking to the neighbouring property to the south-west of the site.

There are existing openings on the side elevation (within both ground and first floors) of the main (parent) property. The existing ground floor openings on this elevation serve a bathroom and a kitchen only and face onto the applicant's existing driveway and the neighbouring property driveway to the south-west. The first floor openings again face onto the applicant's existing driveway and beyond the neighbouring property to the south-west (which also contains ground and upper floor windows facing onto the application site). Therefore although there is a degree of mutual overlooking with regard to existing gable openings within the two properties, the installation of a balcony, above the carport would introduce a level of activity which is not currently present as it allows 'sitting out' and provides a direct view into the rear garden of the neighbouring property which is currently largely private and prior to the installation and use of the balcony, not overlooked. This is considered unacceptable. The balcony also brings this new level of activity right up the mutual boundary with the neighbouring property to the south-west. The proposed balcony would therefore give rise to unacceptable loss of amenity to the neighbouring property to the south-west and is unacceptable in

terms of policy DP1.

A timber balustrade has been installed on all three sides of the balcony which is approx. 1.5m high. This is proposed to be fitted with a glass panel on the front elevation but at present this covered by boarding which the applicant advises is temporary. Although a 1.5m screen would help to screen any view into the neighbouring property garden does not fully mitigate any potential loss of privacy or overlooking particularly when in a standing position in the balcony. The applicant has requested that the application be determined as it currently stands and therefore although there may be scope for the balcony to be fitted with higher, fully opaque screening, that is not part of the current application.

The balcony above the carport would also be out of keeping with the scale and character of the existing modest semi-detached dwellinghouse and surrounding streetscape. It is visible from street level and would dominate the side elevation of the existing property in a manner which is overbearing on both the existing main parent property and the character of the surrounding area. It is an unusual feature for this built-up residential area and although there are number of flat roof structures nearby which would allow the carport to integrate easily, the addition of the balcony and balustrade above the carport alters the character of the site and creates a development not typically found in this setting. For these reasons the development would be unacceptable in terms of policy DP1.

Overall therefore, whilst the proposed carport is acceptable, the proposed balcony above would be unacceptable as it would give rise to an unacceptable loss of amenity to neighbours in terms of loss of privacy and overlooking. It would also be out of character with the existing site and surrounding area and for these reasons the proposal is contrary to the requirements of policy DP1 and will be refused.

The carport and balcony have been finished in painted timber, with a 1.5m high timber balustrade on all three sides and a 1.5m glass panel is proposed to be installed on the front elevation. While, there may be scope to install a higher balustrade or opaque screening in order to mitigate any potential overlooking or loss of privacy to neighbours, the installation of a higher panel would likely be visually unacceptable and would likely not integrate with the character and scale of the site and surrounding area. Therefore, although the material finishes of the carport and balcony are acceptable and would accord with the main property and surrounding area, these would not outweigh the aforementioned objections and the application will be refused.

Drainage (DP1, EP12)

The site is not located within any area identified to be at risk of flooding. As the development is under 25sqm there is no requirement for a formal drainage statement to be submitted. The applicant has confirmed that any additional surface water will be directed to the existing Scottish Water network. The proposal would therefore comply with the drainage requirements of policies DP1 and EP12.

Building Standards

An informal consultation with Building Standards has confirmed that a Building Warrant would be required for the development and that it is likely that significant changes would be required to achieve a building warrant. Fire protection to the structure would be required and the materials forming the floor would need to be changed to those with a non-combustible classification. Some of the materials used for the screening are also likely to have to be changed to non-combustible material as they are within 1m of the boundary.

The Principal Building Standards Surveyor has also advised the applicant that the balcony should not be used in the meantime.

The applicant is aware of the advice from Building Standards but has asked that the planning application be determined as it stands.

Recommendation

Whilst the proposed carport is acceptable, the proposed balcony above would be unacceptable as it would give rise to an unacceptable loss of amenity to neighbours in terms of loss of privacy and overlooking. It would also be out of character with the existing site and surrounding area and for these reasons the proposal is contrary to the requirements of policy DP1 and the application will be refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description		
N/A			
	Decision		Date Of Decision

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development plan	09/09/21	
PINS	Departure from development plan	09/09/21	

DEVELOPER CONTRIBUTIONS (PGU)

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

S.75 AGREEMENT

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

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



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

REFUSAL OF PLANNING PERMISSION

**[Elgin City South]
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:-

Retrospective consent to erect carport with balcony area above at 20 Elmfield Road Elgin Moray IV30 6HQ

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

Date of Notice: **1 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 carport and balcony are contrary to Moray Local Development Plan 2020 policy DP1 for the following reasons:-

1. The balcony would give rise to any unacceptable loss of privacy and overlooking to the neighbouring property to the south-west of the site.
2. The balcony would be out of keeping with the scale and character of the existing dwellinghouse and surrounding area.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Block plan
		Balcony details
		Floor plan and Section AA
		Location plan
		Proposed elevations
		Proposed lower plan
		Specification

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

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

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably

beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100512445-001

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

Applicant or Agent Details

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

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Donnie"/>	Building Number:	<input type="text" value="20"/>
Last Name: *	<input type="text" value="McLennan"/>	Address 1 (Street): *	<input type="text" value="ELMFIELD ROAD"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="ELGIN"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="SCOTLAND"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV30 6HQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

20 ELMFIELD ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ELGIN

Post Code:

IV30 6HQ

Please identify/describe the location of the site or sites

Northing

862100

Easting

322782

Description of Proposal

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

CARPORT WITH BALCONY AT 20 ELMFIELD ROAD, IV306HQ

Type of Application

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



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



Application for planning permission in principle.



Further application.



Application for approval of matters specified in conditions.

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see Supporting Document

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

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

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

Letter of appeal

Application Details

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

21/01153/APP

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

26/07/2021

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

01/10/2021

Review Procedure

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

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

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☐ Yes ☐ No ☒ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Donnie McLennan

Declaration Date: 14/12/2021

My application has been refused for the following reasons:

- 1. The balcony would give rise to any unacceptable loss of privacy and overlooking to the neighbouring property to the south-west of the site.**
- 2. The balcony would be out of keeping with the scale and character of the existing dwellinghouse and surrounding area.**

I would like you to reconsider my application for the following reasons which have previously been raised with the Planning Officers.

Point 1:

With regards to privacy, the neighbouring properties will not lose any privacy when the balcony is in use. It has been positioned to the front of my property away from the neighbours kitchen and landing (gable end) windows and at a height which is neither at ground or first floor level. All neighbouring windows/door areas and gardens are visible from my house/garden and drive at the moment; therefore I gain no vantage by being on the balcony. The balcony panels act as a privacy screen for both parties.

Can I draw your attention to the property at 53 Ashfield Drive which has recently been granted permission to turn a bungalow into a 2 storey dwelling complete with carport. This property now has 2 dormer windows overlooking the neighbouring property. I see from the public consultation that despite an objection regarding this matter, full planning permission was granted.

Point 2:

I will again draw your attention to 53 Ashfield Drive where this property now completely overbears the site and is not in keeping with the rest of the street, which are all bungalows.

19 Ashfield Drive, a Moray Council gap site, which was formally a childrens playground, has also recently been granted permission for a modern dwellinghouse which is in no way in keeping with the surrounding area.

On my street, numerous properties have been granted permission to erect 2 storey gable end extensions which have filled their sites therefore could be deemed overbearing. All upper floor windows face into neighbouring properties.

During a site visit, the Planning Officer informed me that permission for the balcony would unlikely be granted as it is not in keeping with the local area, but was surprised to learn that a balcony has been erected on a property nearby which overlooks neighbouring properties and the Cemetery.

She also informed me that the carport is permissible, therefore I struggle to understand why when I add the balcony it is deemed as overbearing considering up until a few years ago there was around a dozen 20ft Leylandii separating the properties.

The balcony area is only for occasional use in the summer months and is completely removeable for the winter.



MORAY LOCAL REVIEW BODY

24 FEBRUARY 2022

SUMMARY OF INFORMATION FOR CASE No LR269

Planning Application 21/01146/APP – Erection of hot sandwich shop including drive through at 4 Riverside Road, Elgin, IV30 6LS

Ward 6 – Elgin City North

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 1 October 2021 on the grounds that:

The proposed change of use is contrary to Moray Local Development Plan Policies 2020 DP5 and Elgin I6 as the proposal use does not comply with the range of acceptable uses identified in policies DP5 and Elgin I6 would result in a loss of employment land in Elgin.

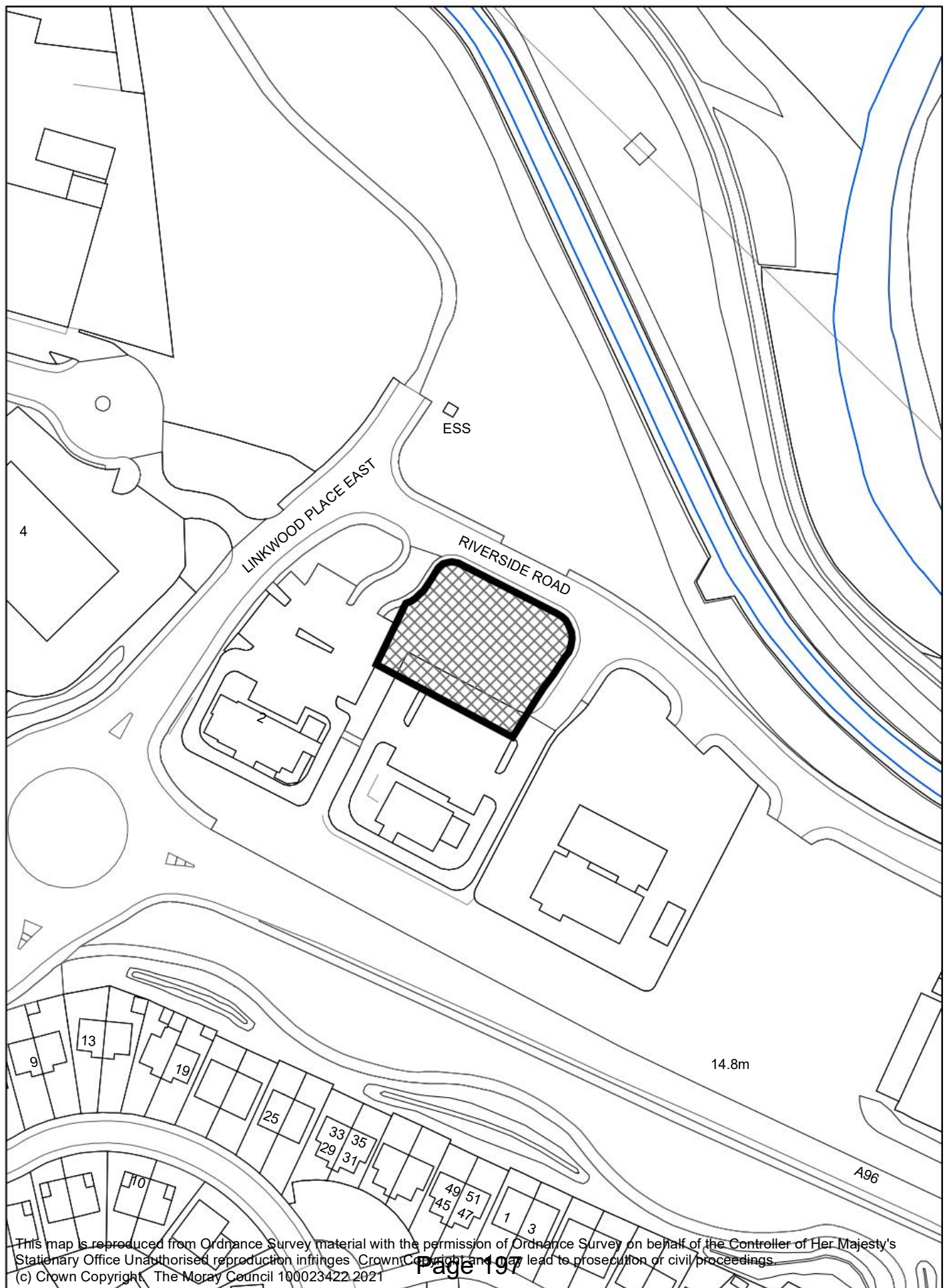
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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 :
21/01146/APP**





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100430952-001

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)

Erection of Subway sandwich shop, including drive thru

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:	CFM Consultants Ltd		
Ref. Number:	1780	You must enter a Building Name or Number, or both: *	
First Name: *	Sam	Building Name:	New Media House
Last Name: *	Cheshire	Building Number:	
Telephone Number: *	01253 884 063	Address 1 (Street): *	8 Hardhorn Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Poulton-le-Fylde
Fax Number:		Country: *	United Kingdom
		Postcode: *	FY6 7SR
Email Address: *	sam@cfmconsultants.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	40
Last Name: *		Address 1 (Street): *	Redwood Avenue
Company/Organisation	SLD Group Property Ltd	Address 2:	
Telephone Number: *		Town/City: *	Inverness
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV2 6HA
Fax Number:			
Email Address: *	sam@cfmconsultants.co.uk		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

4 RIVERSIDE ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ELGIN

Post Code:

IV30 6LS

Please identify/describe the location of the site or sites

Northing

862483

Easting

323694

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

920.00

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;">11</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 checked="" type="checkbox"/> Yes – connecting to public drainage network <input type="checkbox"/> No – proposing to make private drainage arrangements <input type="checkbox"/> Not Applicable – only arrangements for water supply required	
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 checked="" type="checkbox"/> Yes <input 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).	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> 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? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know	
<h2 style="margin: 0;">Trees</h2>	
Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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.	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

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

Bin store area provided on plans

Residential Units Including Conversion

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

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☒ Yes ☐ No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 3 Restaurant/cafe

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

140

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

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

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

☒ Yes ☐ No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

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

Name:

Mr Jack T C Brown

Address:

Northern Property Suite 8/1, 175, Finnieston Street, Glasgow, G3 8HD

Date of Service of Notice: *

22/07/2021

Name:

Address:

Costa Limited Costa House Houghton Hall Business Park, Porz Avenue, Houghton Regis, Dunstable, LU5 5YG

Date of Service of Notice: *

22/07/2021

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed: Sam Cheshire

On behalf of: SLD Group Property Ltd

Date: 22/07/2021

☒ 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)

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 Sam Cheshire

Declaration Date: 22/07/2021

Payment Details

Online payment: 005664

Payment date: 22/07/2021 13:58:35


Created: 22/07/2021 13:58





NOTES:-


1. Drainage to be constructed, installed & tested in accordance with the recommendations in BS EN 752, 2007.
2. Minimum of 1510, CR1A C7/33, SEPA GRB10 & Sewers for Scotland - 4th Edition.
3. A minimum of 600mm cover to be provided to all pipework within landscaped areas, a minimum of 900mm below any parking area and a minimum of 1200mm below any road.
4. The ground level to be provided where minimum cover is required to be achieved.
5. Refer to the Architect's drawings for the position of the roof water downpipes and internal foul drainage outlets.
6. Connections into public sewers shown are subject to approval from Scottish Water.
7. Position of any existing services must be accurately located on site prior to construction work commencing.

LEGEND:

MH 

MH 

R.E. 




P.E. 

New 160mm Ø pPVC foul sewer and 1.2m Ø manhole (arrowhead denotes direction of flow)

New 120mm Ø pPVC surface water sewer and 1.2m Ø manhole (arrowhead denotes direction of flow)

New rodding point terminal

I.C. ●	New 450mm Ø uPVC inspection chamber (maximum depth 1.2m)
I.C. ●	
D.M. ●	New 450mm Ø uPVC disconnecting manhole (maximum depth 1.2m)
D.M. ●	
S.T. ●	New 500mm Ø polypropylene silt trap manhole with 450mm sump (by Weavin or equal & approved)

	distribution tank wrapped with geotextile membrane for disposal of roof water into paving sub-base
	Denotes area of asphalt road construction
	Denotes area of asphalt footway/hardstanding construction

Denotes landscaped area

Denotes areas of permeable concrete block paving (infiltration system)

Indicates approximate position of trial infiltration test (carried out 02/07/2021 by others)

TP1

B	11/10/21	Amendment to size of attenuation tank following comments received from Moray Council.	KGT	GCM
A	4/10/21	Surface water design revised following comments received from Moray Council. Connection to	KGT	GCM

Site Layout:

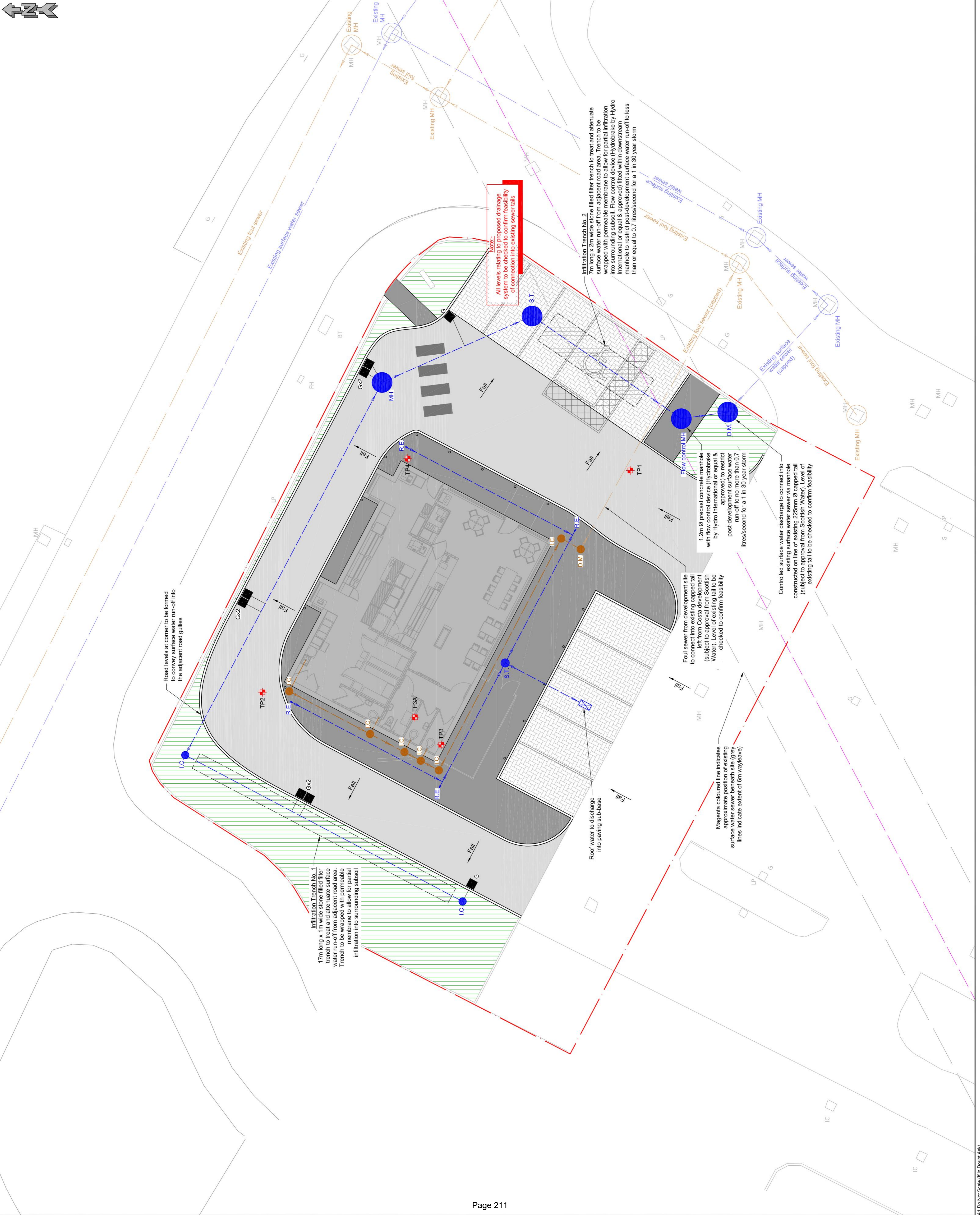
New Subway Drive-thru at Riverside Place, Elgin

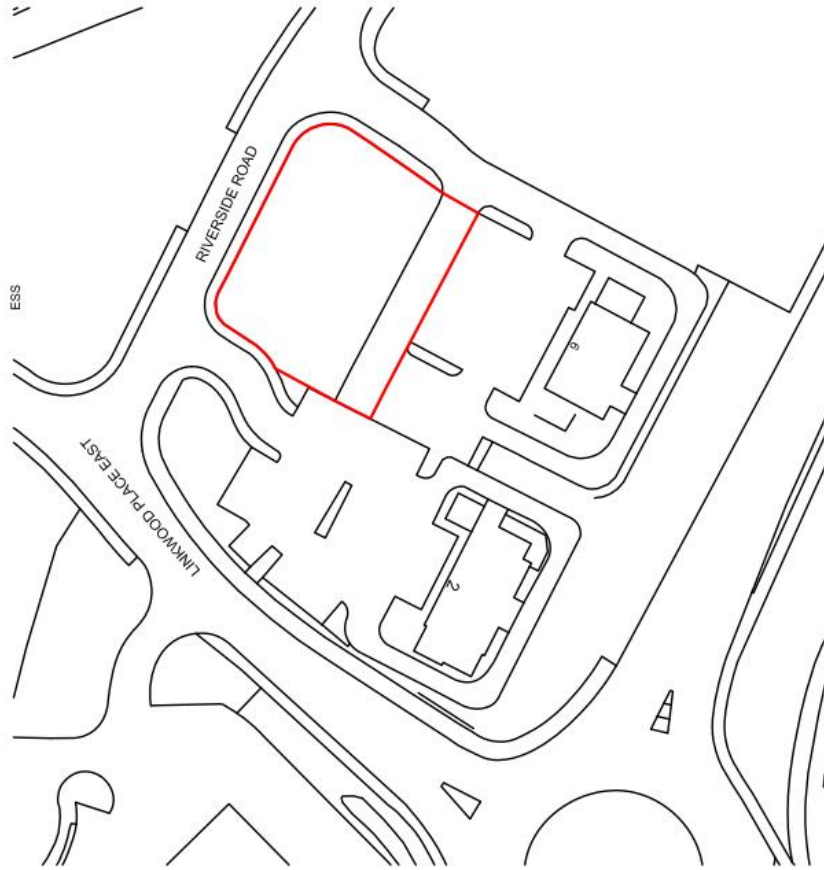
Drainage Layout Plan



Subway North Ltd.

Drawn By:	Checked By:	Surveyed By:	Surveyed Date:
KG T	GC N	N/A	N/A
Drawing Status:			
<input checked="" type="checkbox"/> PLANNING	Drawing Date: 02/08/2021		
<input type="checkbox"/> FOR APPROVAL	Drawing Scale: 1:100 @ A1		
<input type="checkbox"/> WARRANT	Drawing No:		
<input type="checkbox"/> CONSTRUCTION	CTCHJ-J4092-001		



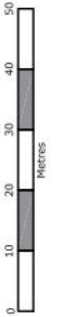


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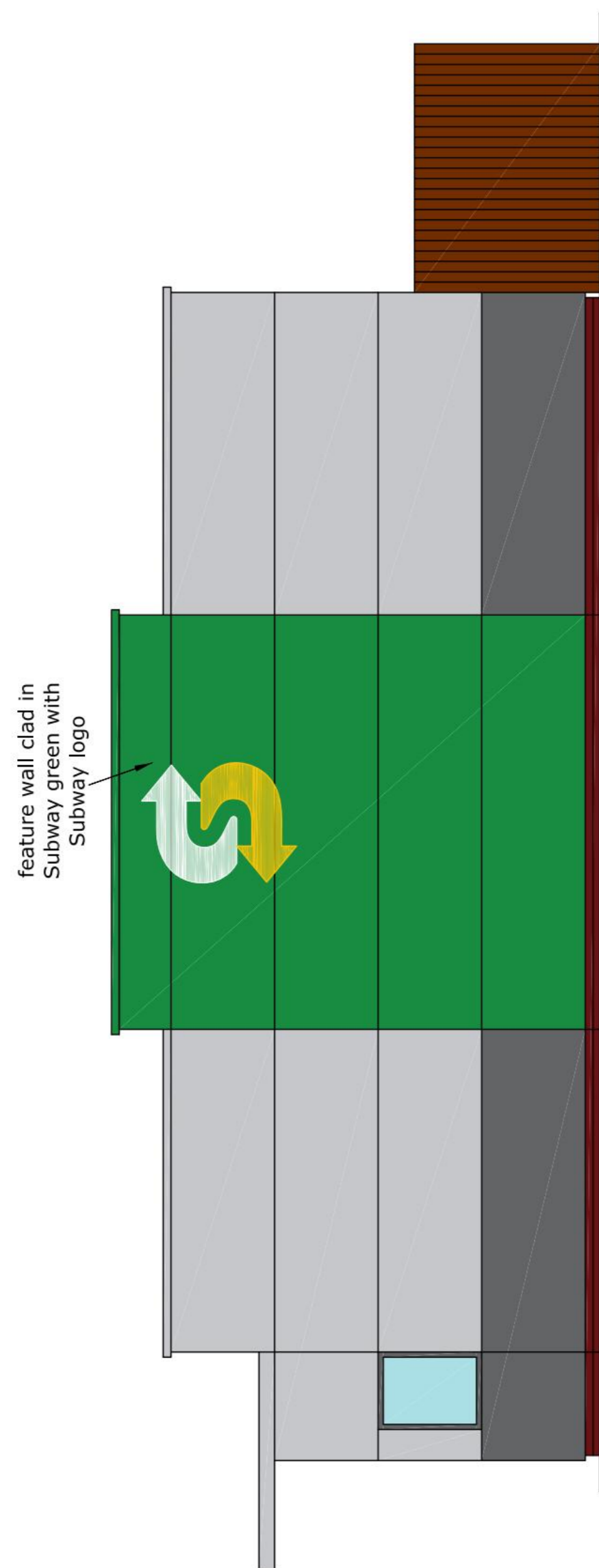


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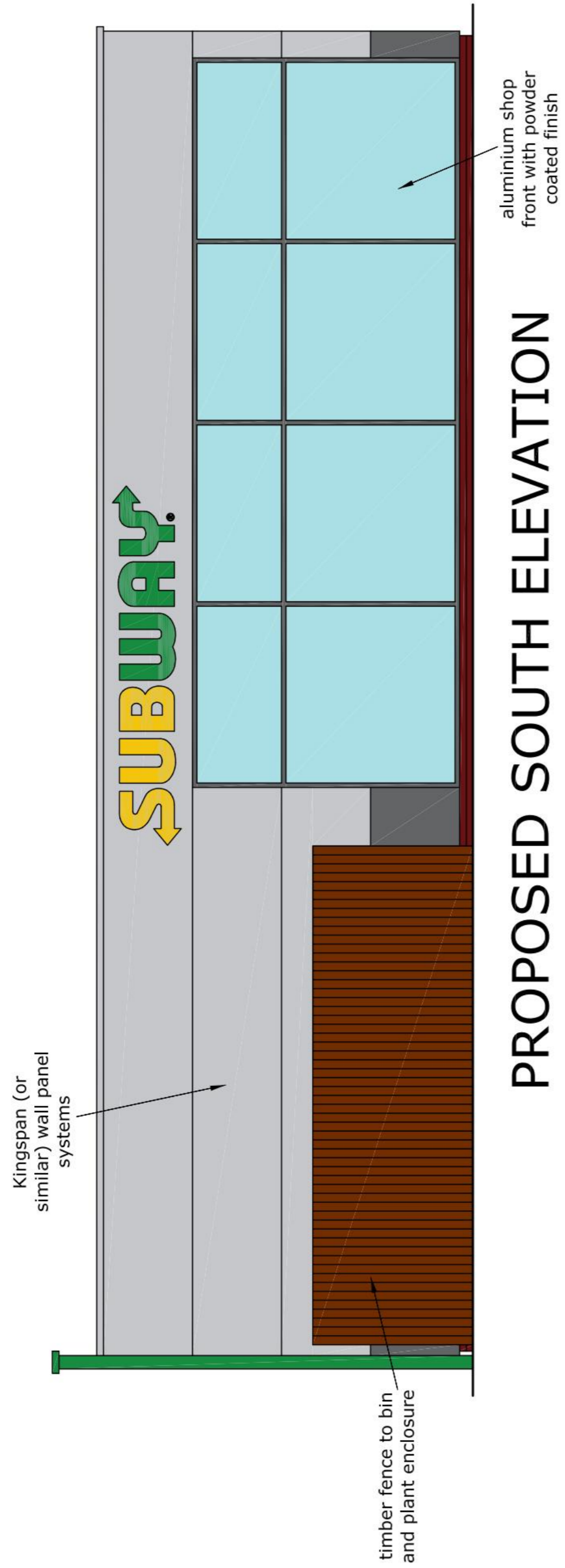
 <p>Tel: 01253 884893 Email: sales@cfmconsultants.co.uk From: 100022432, 100022432, 100022432, 100022432</p>	<p>4 Riverside Road, Riverside IV30 6LS</p>
<p>Drawing : Location Plan</p>	<p>Scale : 1:1250 @ A4</p>
<p>Drawing No. : SW/01780/001A</p>	<p>Date : 11/06/21</p>
<p><small>CFM CONSULTANTS is not responsible for any errors or omissions in this drawing. Any reproduction of this drawing without the prior written permission of CFM CONSULTANTS is prohibited. Any reproduction of this drawing without the prior written permission of CFM CONSULTANTS is prohibited. Any reproduction of this drawing without the prior written permission of CFM CONSULTANTS is prohibited.</small></p>	



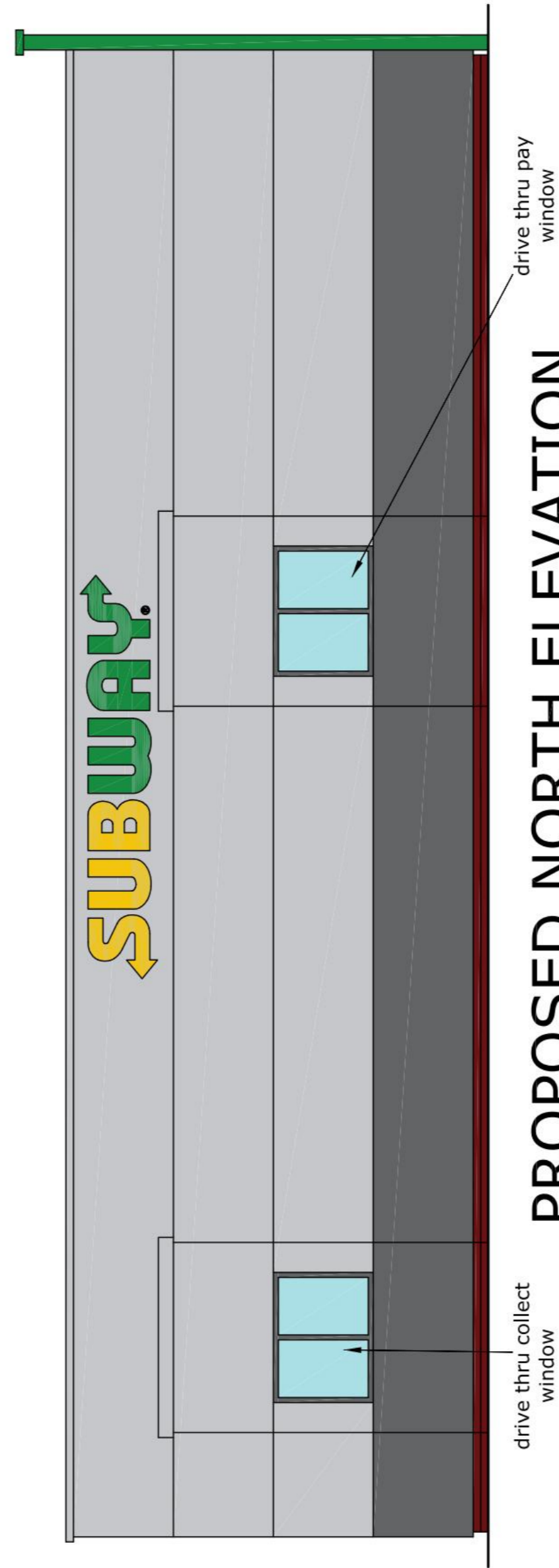
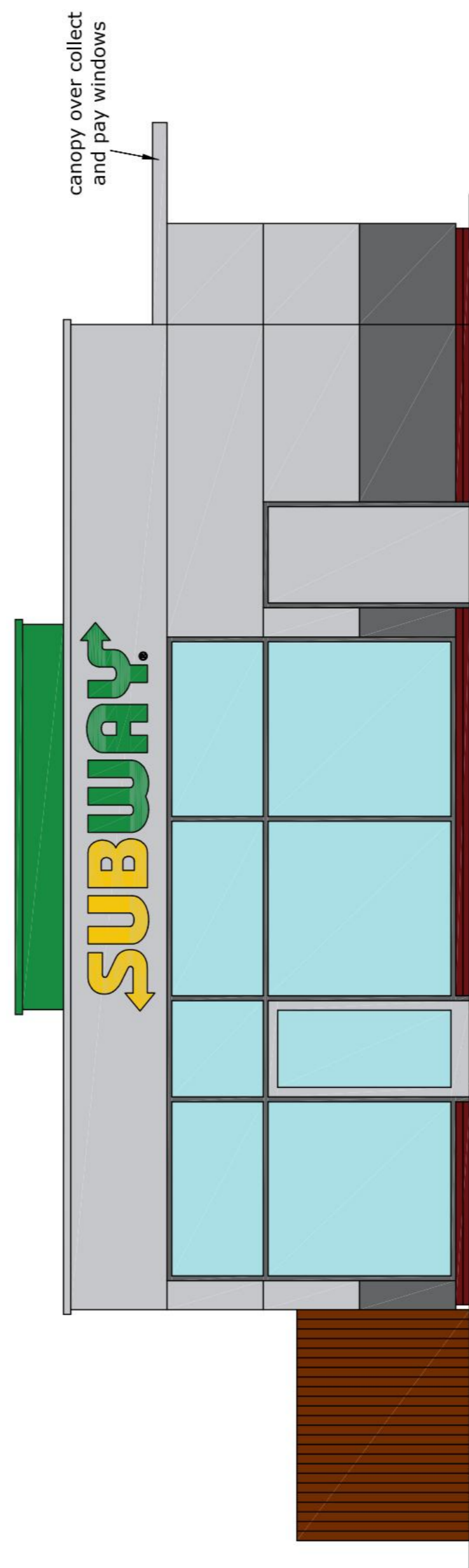
LOCATION PLAN



PROPOSED WEST ELEVATION

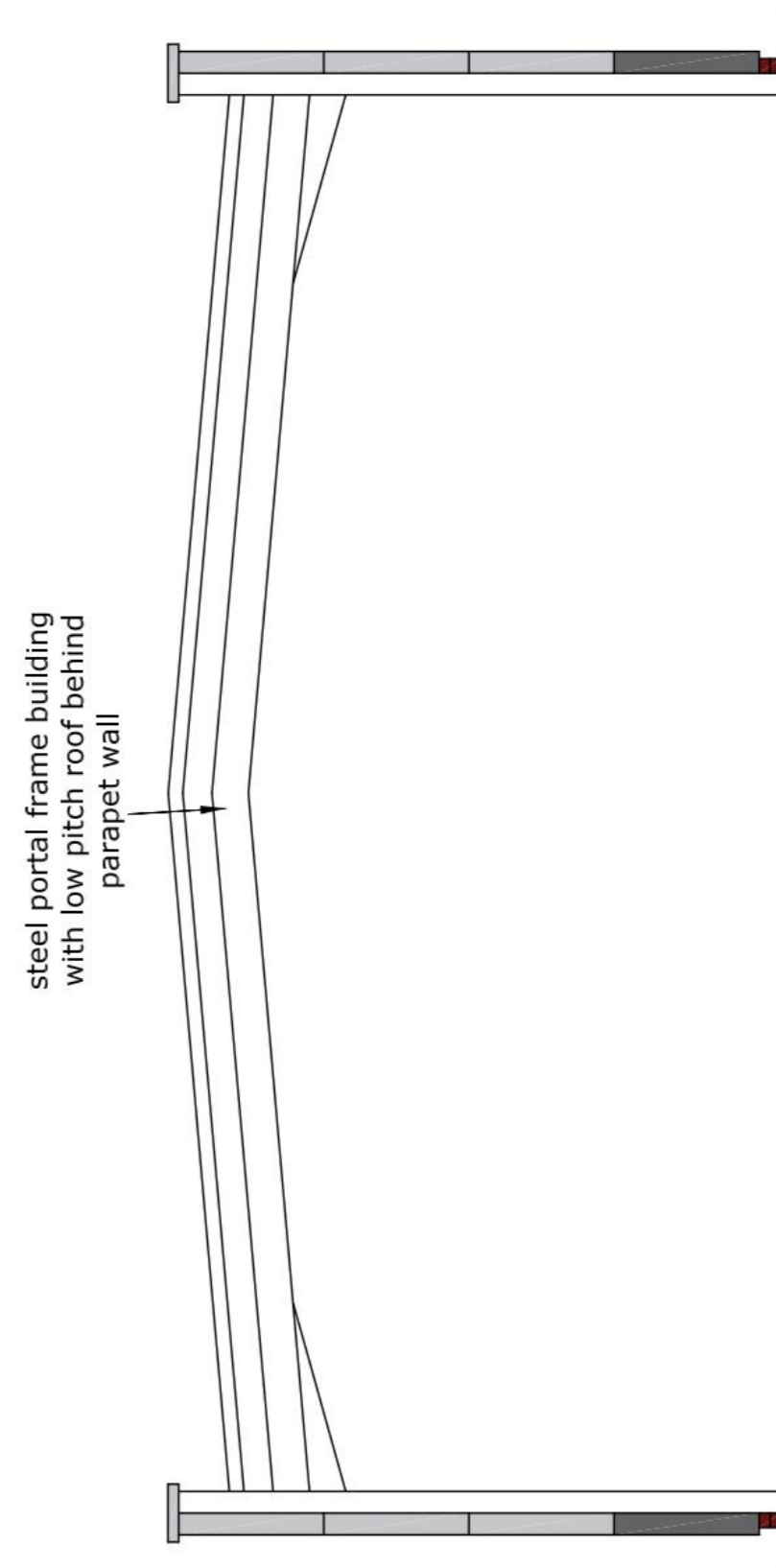


PROPOSED SOUTH ELEVATION



PROPOSED EAST ELEVATION

PROPOSED NORTH ELEVATION



TYPICAL SECTION



Rev.		description

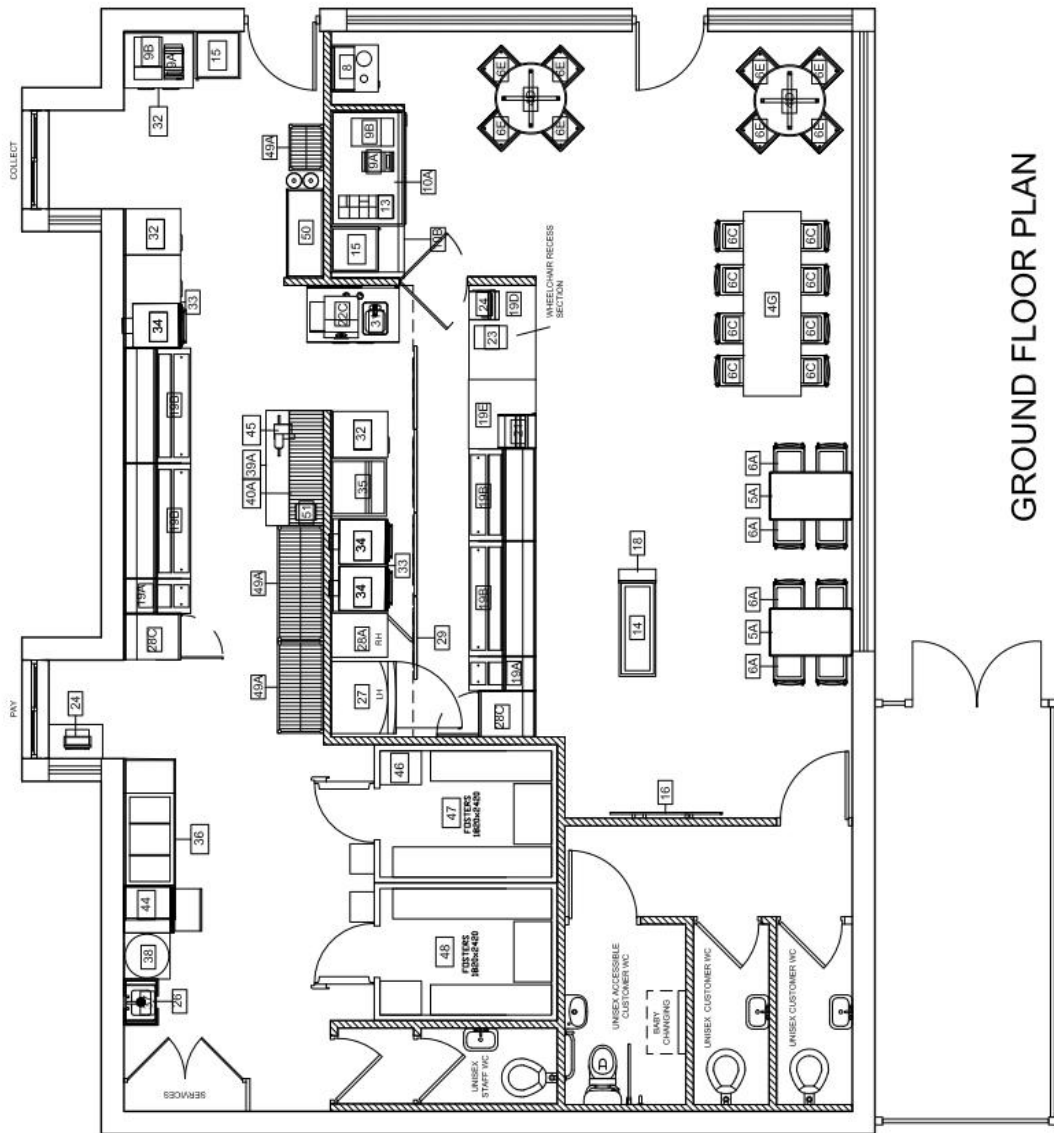
**Proposed Subway Drive Thru
Riverside Place
Elgin**

drawing	Proposed Elevations and Section		
job no.	1780	drawn.	SC
scale	1:50	checked.	SC
date	09/06/2021	issue	Planning
Drawing No	A1	Drawing No	SW/01.780/008
		Rev	-

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33	REFRIGERATED BACK COUNTER
34	RAPID COOK OVEN
35	FRESH DISPLAY
36	3 COMP SINK
37	MOP SINK
38	HOT WATER TANK
39A	WORKTABLE 48"
40A	WALL SHELF
40B	SMART WALL SYSTEM
43	CLEANING PRODUCT RACK
44	DISHWASHER
45	VEGETABLE SLICER
47	FRIDGE
48	FREEZER
49A	STORAGE UNITS
50	SODA STORAGE
52	MICROWAVE



GROUND FLOOR PLAN



#	Item
1	WOOD PLANK FOCAL WALL
2	WALL BENCH
3	WALL ART
4B	30" X 42" X 30" TABLE
4D	36" ROUND TABLE
5A	24" X 20" X 30" TABLE
5D	KIOSK COUNTER
6A	CHAIR
6B	CHAIR
6E	UPHOLSTERED OTTOMAN
7	KIOSK TERMINAL
8	TRASH/RECYCLE RECEPTACLE
9A	SODA FOUNTAIN
9B	ICE MACHINE
10A	BEVERAGE DESTINATION CENTER
10B	BEVERAGE SHROUD
13	BEVERAGE CADDY
14	CHIP DISPLAY
15	DISPLAY REFRIGERATOR
16	ILLUMINATED CHOICE MARK SIGN
18	TOY DISPLAY
19A	16" HOT FOOD SECTION
19B	GOLD PAN
19D	CASH SECTION
20A	PICK-UP SHELF
20B	COFFEE MACHINE
21	COOKIE DISPLAY CASE
22	OVEN CART
22C	COFFEE MACHINE
23	SAFE
24	P.O.S.
24A	P.O.S. SHROUD
26	HAND SINK
27	BREAD OVEN
28A	COMBINATION BREAD CABINET
28C	FRONT LINE BREAD DISPLAY
29	DIGITAL MENUBOARD
31	SINK COUNTER
32	BACK COUNTER



Tel: 01253 891 488 Email: sam@cfmconsultants.co.uk
8 Harcourt Road, Poulton-le-Fylde, FY6 7SR

**Proposed Subway
Riverside Place
Elgin**

Drawing: One Page Layout

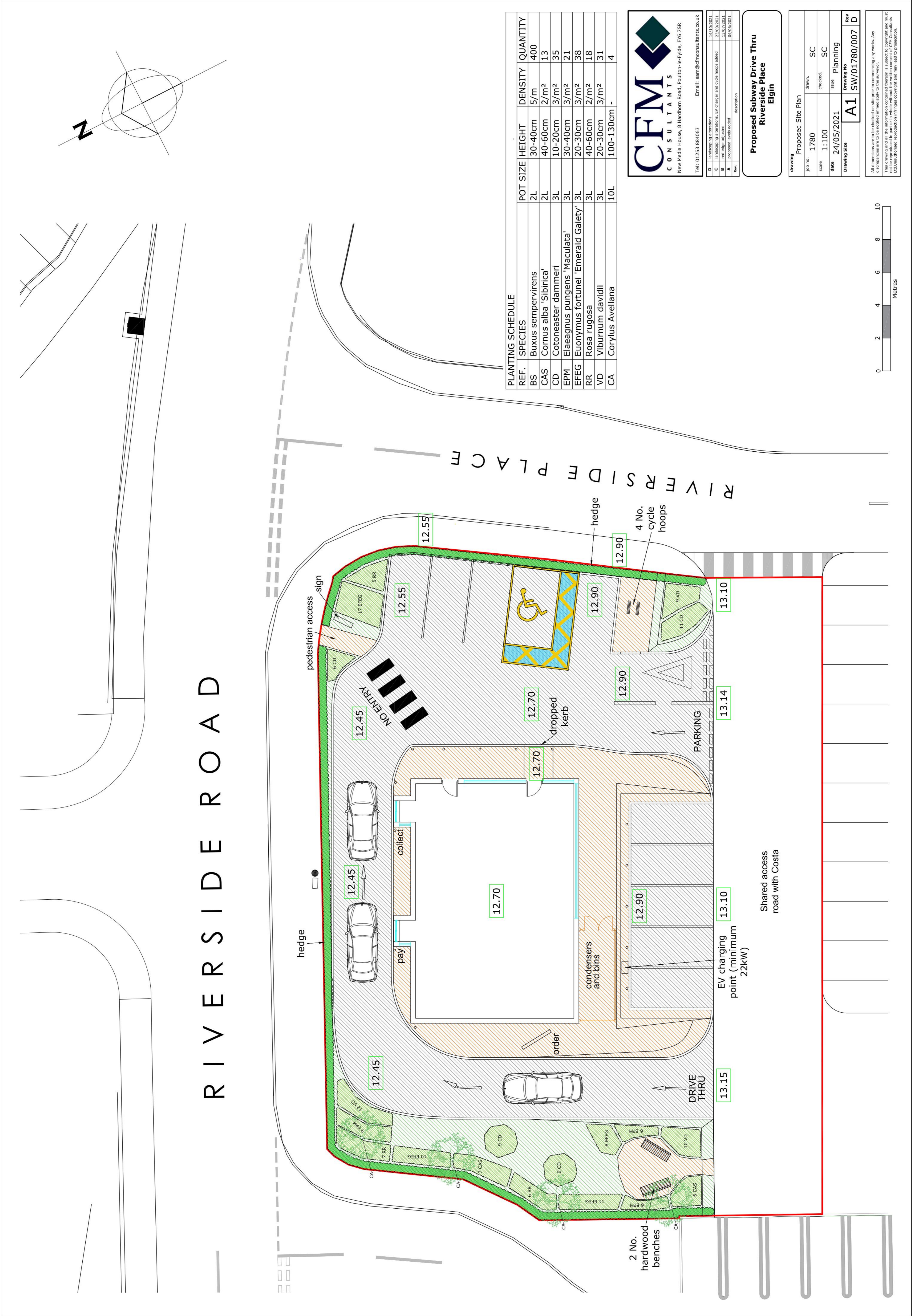
Scale: 1:100 @ A4

Drawing No.: SW/01780/002

Date: 10/06/2021

Revision: 00

PLEASE NOTE: These drawings are prepared for the purposes of landward approval and shall not be used for out/construct only and should not be continued as a comprehensive design providing full compliance with all relevant regulations and standards. All dimensions are to be checked on site prior to commencing any works. Any discrepancies are to be notified immediately to the surveyor. The drawings are subject to copyright and must not be reproduced in part or in whole without the written consent of CFM Consultants Ltd. Any unauthorised reproduction infringes copyright and may lead to prosecution.



PLANTING SCHEDULE				
REF.	SPECIES	POT SIZE	HEIGHT	DENSITY QUANTITY
BS	Buxus sempervirens	2L	30-40cm	5/m 400
CAS	Cornus alba 'Sibirica'	2L	40-60cm	2/m² 13
CD	Cotoneaster dammeri	3L	10-20cm	3/m² 35
EPM	Elaeagnus pungens 'Maculata'	3L	30-40cm	3/m² 21
EFEG	Euonymus fortunei 'Emerald Gaiety'	3L	20-30cm	3/m² 38
RR	Rosa rugosa	3L	40-60cm	2/m² 18
VD	Viburnum davidii	3L	20-30cm	3/m² 31
CA	Corylus Avellana	10L	100-130cm	- 4

CFMCONSULTANTS

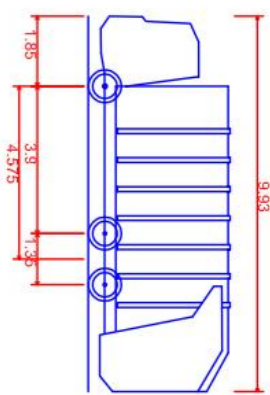
New Media House, 8 Hardthorn Road, Poulton-le-Fylde, FY6 7SR
Tel: 01253 884063 Email: sam@cfmconsultants.co.uk

D	landscaping alterations	14/10/2021
C	landscaping alterations, EV charger and cycle hoops added	23/09/2021
B	revised site plan added	13/07/2021
A	proposed levels added	04/06/2021
Rev.	description	

Proposed Subway Drive Thru
Riverside Place
Elgin

drawing		Proposed Site Plan	
job no.	1780	drawn.	SC
scale	1:100	checked.	SC
date	24/05/2021	issue	Planning
Drawing Size	A1	Drawing No	SW/01780/007
Rev	D		

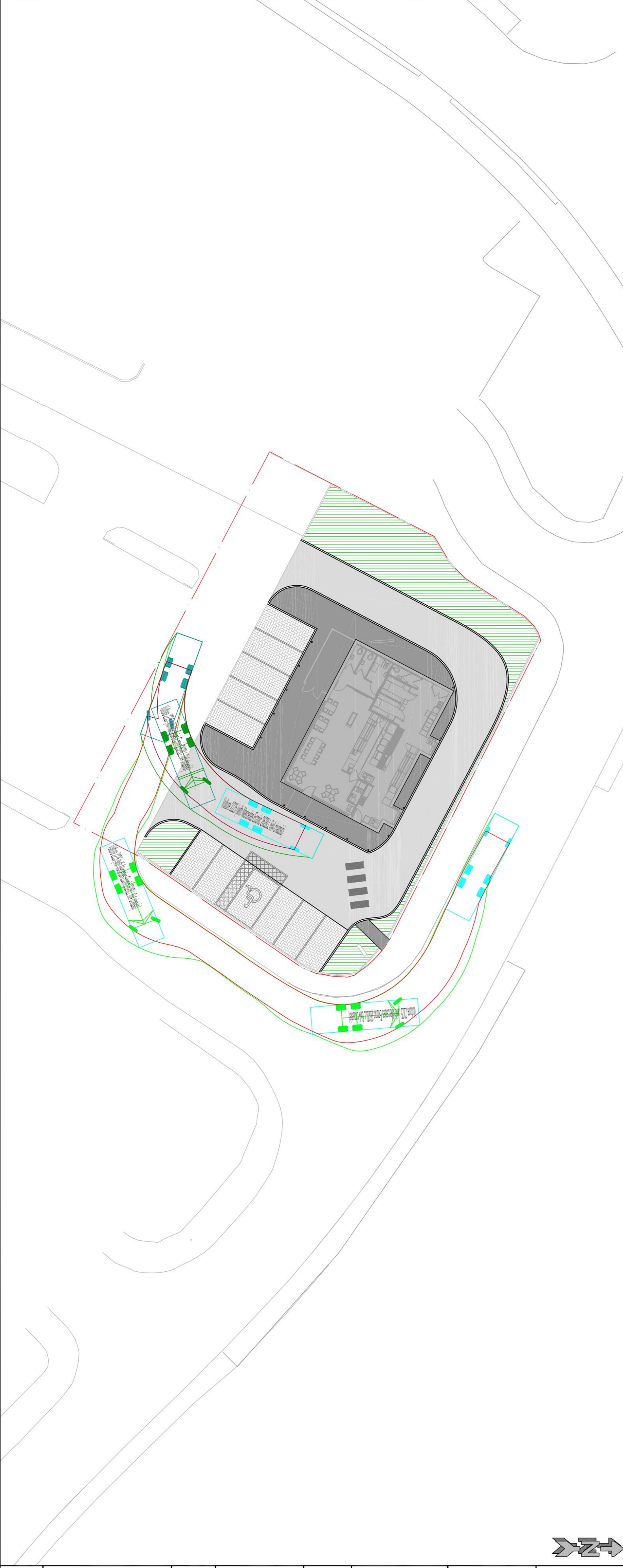
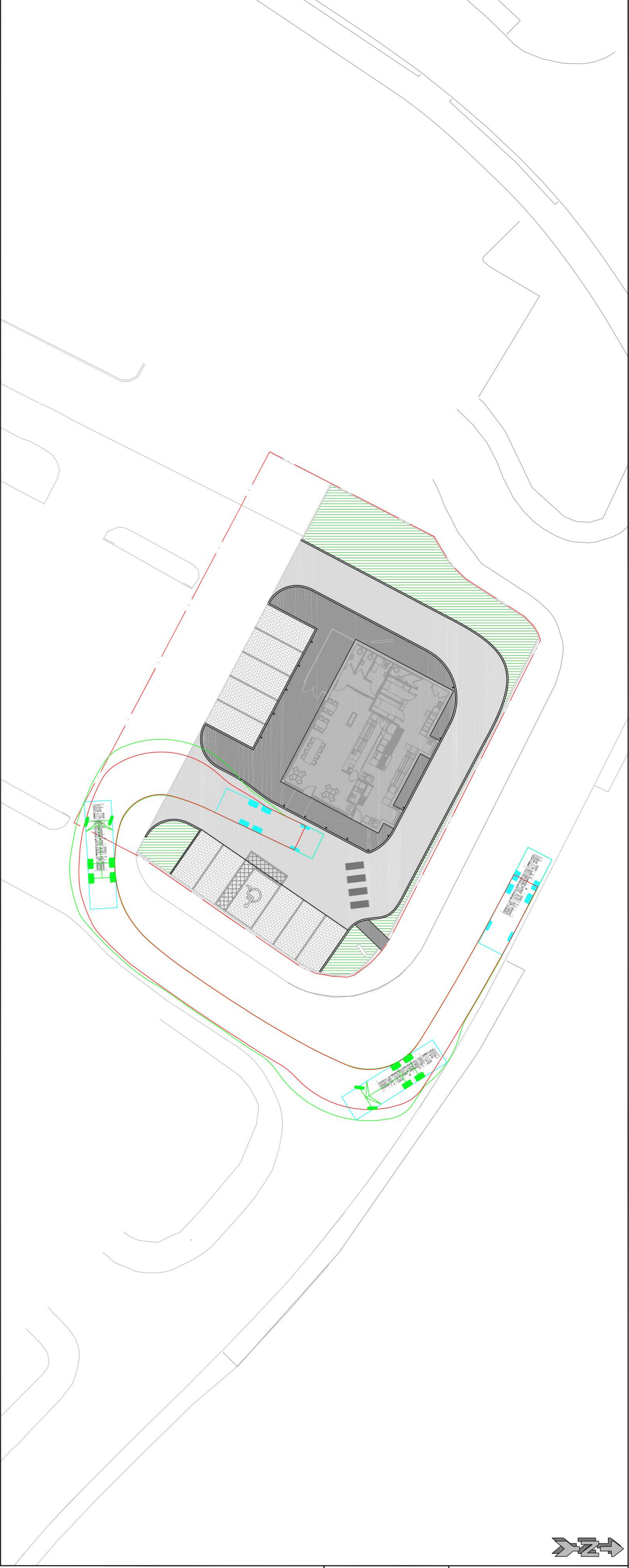
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Vauxhall 2225 (with Mercedes Ecomic 2628L 6x4 chassis)
Overall Length 9.530m
Overall Width 2.530m
Overall Body Height 3.749m
Min Body Ground Clearance 0.302m
Lock to lock time 4.00s
Wall to Wall Turning Radius 9.100m

LEGEND:-

- Denotes area of asphalt road construction
- Denotes area of asphalt footway/hardstanding construction
- Denotes landscaped area



Site Layout:

New Subway Drive-thru at
Riverside Place, Elgin
Vehicle Sweep Path Analysis



LAND & BUILDING SURVEYING
HYDROGRAPHIC SURVEYING
3D LASER SCANNING
CIVIL ENGINEERING DESIGN
LASER SCANNING SERVICES
AUTOCAD DRAUGHTING SERVICES
TOPE OFFICE
FONAVEN
ROSS SHIRE
IV1 1SU
Tel: 01463 811400 Tel: 01463 546000
INVESTMENT OFFICE
FIRST FLOOR
MILLS OF GHD
INVESTMENT
IV1 1SU
Tel: 01463 811400 Tel: 01463 546000
AGRICULTURAL CONTRACTING
E-mail: client@cairtechuk.com
Mobile: 01747 680509
Website: www.cairtechuk.com

Client: Subway North Ltd.

Drawn By:	Checked By:	Surveyed By:	Surveyed Date:
KG	GCN	N/A	N/A

Drawing Status:

☒ PLANNING

☐ FOR APPROVAL

☐ WARRANT

☐ CONSTRUCTION

Drawing Date:

02/08/2021

Drawing Scale:

1:200 @ A1

Drawing No:

CTCH-J4092-002

Our Job Ref:

J4092

Rev:

Levels are in metres and are to Ordnance Datum. Coordinates are to National Grid. (GCS Network)

Erection of Subway sandwich shop including drive thru - 4 Riverside Road, Elgin, Moray, IV30 6LS**Application Description**

The application seeks permission for the erection of a Subway sandwich shop including a drive thru element, with associated parking, landscaping and drainage.

Site

The application site lies within the eastern part of the Linkwood Industrial Estate area, designated I6 in the Moray Local Development Plan 2020. The A96 is the main access road to the industrial estate. Immediately adjacent to the site is a KFC and Costa Coffee.

Although it is acknowledged that the site is within an area designated industrial in the local plan, this particular parcel of land is unlikely to be suitable for any industrial use due to its small size and drainage constraints. The proposed use is a small scale development, primarily targeting the users of the surrounding industrial estate.

Design

The building is rectangular in shape, designed as a steel portal frame building with a low pitch roof hidden behind a parapet wall. The walls will be Kingspan wall panel systems (or similar), with a feature wall clad in Subway green to the west elevation to attract users entering the industrial estate. A full package of design drawings have been provided to accompany the application.

Access is via the existing shared access road with Costa, approved as part of application 16/01917/APP.

A Drainage Impact Assessment & SUDS Strategy, along with a Drainage Layout Plan have been provided to accompany the application.

Proposed Use

The proposed use will be as a Subway sandwich shop. It is anticipated that opening hours will be 7am – 10pm, seven days a week. It is expected that the proposal would create 8 full time jobs and 8 part times jobs. There will be no amplified music, only internal background music for customers in store. There will be some takeaway element from the store. Most customers who want to takeaway from the site are likely to use the drive thru lane.

There will be a 200mm diameter extract to the bread oven area, as typically installed at all Subway units, as well as the usual toilet extraction systems.

Supporting Planning Statement

Site: 4 Riverside Road, Elgin IV30
6LS

Proposal: Erection of sandwich shop
including drive through (Planning
Application Ref: 21/01146/APP)

Applicant: SLD Group Property
Limited

September 2021

Ryden | Planning



CONTENTS

- 01** INTRODUCTION
- 02** PLANNING POLICY CONSULTATION
- 03** APPLICANT'S RESPONSE
- 04** CONCLUSION

1 INTRODUCTION

- 1.1 CFM Consultants Limited has submitted, on behalf of SLD Group Property Limited, a planning application for the erection of a sandwich shop, including a drive through, at 4 Riverside Road, Elgin.
- 1.2 The application reference is 21/01146/APP.
- 1.3 The application was accompanied by a number of supporting documents, including a brief planning statement prepared by CFM.
- 1.4 The assessment of the application by the planning authority is well advanced and a number of consultation responses have been received. These consultation responses have raised matters relating to drainage, transport, and planning policy.
- 1.5 The matters relating to drainage and transport are largely technical. It is anticipated that these can be agreed and resolved.
- 1.6 The matters relating to planning policy relate to land-use, relationship to the town centre, and open space.
- 1.7 On land-use, the planning authority's assessment is that the recently-adopted local development plan confirmed the status of the application site as being reserved for business and industrial uses.
- 1.8 On the relationship to the town centre and open space the planning authority has requested additional information.
- 1.9 Ryden Planning has been retained to provide planning advice in relation to the policy position.
- 1.10 Following discussions between Ryden Planning and Moray Council, it has been agreed that a further supporting planning statement can be submitted for consideration. This document therefore seeks to address the issues which have been raised in relation to planning policy.

2. PLANNING POLICY: CONSULTATION

- 2.1 The consultation response from the council's development plan team recommends refusal of the application for a number of reasons. These reasons are based on what are considered to be departures from the current Moray Local Development Plan (adopted 2020). The policies referred to are:

- DP1 Development Principles;
- DP5 Business and Industry; and
- DP7 Retail/Town Centres.

POLICY DP5 (BUSINESS AND INDUSTRY) AND THE RELATED SITE ALLOCATION OF I6 (LINKWOOD EAST)

- 2.2 The consultation response notes that the recent Examination of the Proposed Local Development Plan led the Reporter to conclude that the whole of Linkwood East should continue to be allocated for business and industry and, in particular, development which falls within Classes 4, 5 and 6.
- 2.3 The Reporter had noted the activities already present on the Linkwood East site that do not fall within Class 4, 5, or 6. Nevertheless she considered that the Linkwood East site, as a whole, contributes to the effective employment land supply within Elgin and it was therefore appropriate to identify it for employment use. It is of note that the site allocation I6 covers the entire area of land at Linkwood East, including the recently developed retail store (Grampian Furnishing), two restaurant/drive-through developments (KFC and Costa), and a car sales development.
- 2.4 The consultation response notes that the proposed development **would** be compatible with the neighbouring uses, given that they are similar in character (drive-through fast-food outlets). It is also noted that the land to the east is occupied by a car sales company and beyond that is the Class 1 furniture warehouse granted planning permission a few years ago. Nevertheless, the consultation response maintains the position that the proposal is not considered suitable for the industrial estate.
- 2.5 In support of this position, the consultation response lists the supply of serviced employment land within Elgin and concludes that, in order to maintain choice, a site such as the application site should be retained as being available for Class 4, 5, or 6.

POLICY DP7 (RETAIL/TOWN CENTRES)

- 2.6 The consultation response notes that the policy requires proposals that are likely to attract significant footfall to be located within the town centre. The consultation response requests additional information in relation to footfall and the relationship between the drive-through and sit-in elements of the proposal.

POLICY DP1 (DEVELOPMENT PRINCIPLES)

- 2.7 The consultation response notes that the policies relating to the provision of open space apply to all development proposals. Proposals are required to include the provision of open space in line with the quantity and quality requirements of **Policy EP5 Open Space**. For new industrial sites, open space provision is 15% of the site. The consultation response requests additional information in relation to landscaping.
- 2.8 The consultation response also notes that the proposal requires to give further consideration to the layout of the site particularly in relation to car parking.
- 2.9 The next chapter provides the applicant's response to the matters raised by the planning authority in relation to these policies.

3. APPLICANT'S RESPONSE

A CONTEXT FOR THE RESPONSE

- 3.1 In February 2011, the Moray Council granted Planning Permission in Principle for the development of a 'commercial estate' on a site at East Road, Elgin, Moray. The reference of the planning permission was 09/01477/OUT. In general terms, the redline boundaries for the planning permission were broadly equivalent to the area of land which is now covered by Local Development Plan Allocation I6.
- 3.2 The Planning Permission in Principle permitted a range of use classes to be developed within the site. These are listed in Condition 10 of the planning permission. The permitted uses included Classes 2, 3, 4, 5, 6, 7, and 11. A limited amount of Class 1 retail use was also permitted, provided it was ancillary retailing to any industrial or commercial business provided on the site (Condition 11 of the planning permission details this).
- 3.3 The access road framework which was approved within Planning Permission in Principle was physically implemented. However, rather than being approved via an application for matters specified in condition, the then applicant sought a new detailed planning permission for the road network. In doing so, the applicant failed to realise that by using an application for detailed planning permission rather than an application for matters specified in condition, he was failing to implement 09/0477/OUT.
- 3.4 The reason that this planning history is important is that, within the last 10 years, there was existing a planning permission which could have been implemented any time up until 7 years ago. That planning permission was for a much wider range of uses than the Classes 4, 5, and 6 uses which are now contained within LDP Allocation I6. At one stage, a cinema (Class 11) was proposed for the site and this would have been consistent with the planning permission.
- 3.5 Also of material consideration is that, although the planning authority has, through the local development plan process sought to narrow the range of uses which can be implemented at the site covered by Allocation I6, it has nevertheless granted planning permission for a range of uses on the road frontage part of the site which are more consistent with the 2011 planning permission than they are with the LDP Policy position. These uses have included:
- A KFC drive-through (granted planning permission in 2011);
 - A furniture retail store (granted planning permission in 2017);
 - A Costa Coffee drive-through (granted planning permission 2017); and
 - A car sales use (granted planning permission in 2018).
- 3.6 Together, these uses now take up the entire frontage of the I6 site, as it faces the trunk road.
- 3.7 The only site remaining in this linear section of Site I6 is the application site. It is a relatively small site. The applicant always anticipated that it was likely to be occupied by a further Class 3-type use. In anticipation of that, the access roads infrastructure for the

Costa drive-through were developed in a way which would also serve the site which is the subject of the current application.

- 3.8 To illustrate all of this, the aerial photograph below illustrates all of the above planning uses. It also shows very clearly the context of the application site (identified as Plot 3B). It would not be unreasonable to describe the application site as a last-remaining, residual site within the linear stretch of Site I6 which sits between Riverside Road and the trunk road.
- 3.9 It is submitted that it is reasonable to take into account all of the above as a material consideration in the consideration of the current application.



APPLICANT'S RESPONSE IN RELATION TO SPECIFIC MATTERS RAISED

POLICY DC5 (BUSINESS AND INDUSTRY) AND THE RELATED SITE ALLOCATION OF I6 (LINKWOOD EAST)

- 3.10 The applicant accepts that the proposed development is contrary to the site-specific land-use allocation for the application site (I6 of the Local Development Plan). The applicant also accepts that Policy DP5 protects such allocations of land which is allocated for business and industry.
- 3.11 However, the applicant submits that there is a strong case to consider a range of relevant material considerations which may allow the planning authority to set a more flexible interpretation of policy in relation to this specific site. These include:
- The policy designation does not reflect what has actually been developed on the linear area of land at Linkwood East between Riverside Road and the trunk road;

- The policy designation does not reflect that these developments which have been implemented have a life-span of between 30 and 50 years (and unless these uses and buildings are subject to some major economic downturn, mean that the land in question will not be available for developments within Use Classes 4, 5, or 6 for that period of time);
- The uses which have been implemented probably have an employment density per square metre at least as good as developments in Classes 4 and 5, and probably much better than Class 6;
- The application site is one small site remaining in the linear strip of land lying between Riverside Road and the trunk road and to insist that the application site alone should be reserved for uses within Classes 4, 5, or 6, is unreasonable;
- Although it is accepted, as has been suggested by the planning authority, that the site could potentially be developed for Class 4, such development is very unlikely at this location; and
- As noted within the consultation response by the Development Plan Team, the proposed development **would** be compatible with the neighbouring uses, given that they are similar in character (drive through fast food outlets).

3.12 All of the above material considerations are specific to the application site itself. This leaves the question as to whether or not the development of the application site for the use proposed would negatively affect or undermine the supply of land within Elgin in particular, and the Moray in general, in relation to development land available for Classes 4, 5, and 6. In the submission of the applicant, the council's own industrial land supply figures demonstrate that the development of the application site would not materially affect the supply of industrial and business land within the area.

POLICY DP7 (RETAIL/TOWN CENTRES)

- 3.13 The applicant accepts that the proposed development would attract footfall at the location of Linkwood East. However, the applicant also submits that the provision of the proposed facility at this location is primarily aimed at two principal markets: (1) the surrounding employment and residential areas; and (2) the through traffic on the trunk road which would not visit Elgin town centre.
- 3.14 Also of note is that the applicant already operates a Subway unit within Elgin town centre. The applicant wishes to open a second Subway unit within Elgin to address an entirely different market. The applicant does not wish to undermine the existing Subway operation within the town centre and would not consider promoting this current development proposal if there was any risk of that. It is accepted that the planning system should, on the whole, be 'blind' to the facias which are above any particular use. However, it would be unrealistic to ignore or set aside the facts in relation to the applicant's intentions to operate two Subway units within the Elgin area, each addressing different markets.
- 3.15 The applicant has operated the existing Subway store in Elgin's town centre for over 10 years but has always aspired to add another location on the A96 trunk road. The current Subway unit provides a service to customers in the town centre who are shopping, working, and living within the area, or coming to or from the bus station.

- 3.16 The applicant is aware of the customers who live outside the centre don't want to park their car, pay for parking, go to the centre, and buy a Subway product. The applicant anticipates that these customers would be more likely to use the site which is the subject of this planning application, thereby servicing a totally different market. Although it is not possible to say precisely how the patronage of the proposed unit would settle down, the business plan for the proposed unit anticipates a breakdown as follows: 50% drive-through; 20% sit in (mainly from those travelling on the A96); 20% takeaway (local employment and residential); and 10% delivery.
- 3.17 As can be seen, the proposed facility is aimed at attracting customers who would not currently go to the town centre for this product. The 10% attributed to delivery obviously is undefined in terms of geographical catchment. It would seem reasonable that the existing facilities which may experience the effect of the new Subway would be Costa, KFC, and the nearby McDonald's, none of which is protected by planning policy.
- 3.18 For the record, the Subway unit in the St Giles Shopping Centre has had a lease in place since 2004. This lease was extended in 2019 for an additional 10 years. There is therefore a lease commitment in the town centre until 2029. The store has also recently been remodelled investing in new equipment, new décor, a full refresh of the facilities, and the installation of new digital LCD menu screens. The remodel costs were approximately [REDACTED] which demonstrates the commitment of the applicant to the town centre operation.

POLICY DP1 (DEVELOPMENT PRINCIPLES)

- 3.19 Updated and revised plans and drawings have been submitted. Setting the application site within the context of (1) the use proposed, (2) the adjacent uses, and (3) the general landscape setting of the linear area of land referred to above (including the planning authority's most recent approval of the car sales operation on the site to the east), it is considered that these revisions satisfy the provisions of Policy DP1.

4. CONCLUSIONS

- 4.1. Ten years ago, The Moray Council granted planning permission for the land at Linkwood East to be used for a range of commercial uses which could have seen the entire site developed for uses which may not have included any within Classes 4, 5, or 6.
- 4.2 During the past decade, the linear area of land between Riverside Road and the trunk road has been developed along these lines. Class 1, Class 3, and sui generis uses have been developed.
- 4.3 One, very small, site within that linear area remains – the application site.
- 4.4 There has been no interest in business or industrial uses for this site. It was the intention to develop the site in a way which completed the set of drive-through units at this location (KFC, Costa, and one other).
- 4.5 The applicant accepts that adopted planning policy now takes a different position to that which the council took when granting planning permission ten years ago for the Linkwood East site. Nevertheless, the applicant believes that, with the development of the linear area of land having taken the form that it has, the development of this last, small, remaining site within that linear area would cause no undermining of general policy, no threat to industrial land supply, but would bring forward early development of the site, completing the area, and delivering investment and jobs.
- 4.6 The applicant requests that the planning authority gives further consideration to this application on the basis of this submission and requests that the application be considered for approval.

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NEW SUBWAY DRIVE-THRU AT RIVERSIDE PLACE, ELGIN

Drainage Impact Assessment & SUDS Strategy

August 2021



First Floor, 36B Longman Drive, Inverness, IV1 1SU

REPORT CONTROL SHEET:

CLIENT: Subway North Ltd.

PROJECT TITLE: New Subway Drive-thru at Riverside Place, Elgin

REPORT TITLE: Drainage Impact Assessment & SUDS Strategy

PROJECT REFERENCE: J4092

VERSION & APPROVAL SCHEDULE:

Date	Version	Author	Approved By
04/08/2021	1	K. Tough	G. Noble
04/10/2021	2	K. Tough	G. Noble
11/10/2021	3	K. Tough	G. Noble

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- 3.0 Foul Water Disposal**
- 4.0 Surface Water Drainage/SUDS Strategy**
- 5.0 Flooding**
- 6.0 Maintenance**

APPENDICES:

- 1 – Ground Investigation Report**
- 2 – Pre-development Surface Water Run-off Calculation**
- 3 – Infiltration Trench No. 1 Calculation**
- 4 – Infiltration Trench No. 2 Calculation**

DRAWINGS:

- J4092-001 – Drainage Layout Plan**

1.0 Introduction

The development site is located on the east side of Elgin, within an area of land immediately north of a newly constructed Costa café and drive-thru building (323697E 862489N).

The proposal is to construct a new Subway restaurant and drive-thru building. A new access road and parking areas will be formed, with the access into the site being taken off the existing road currently serving the Costa café and drive-thru.

The overall site area equals approximately 0.119 hectares.

2.0 Site Investigation

A site investigation was carried out by Blake Geoservices in July 2021 to determine the suitability of the subsoil for surface water drainage disposal by infiltration. Five trial holes were excavated across the extent of the development site.

The results of this investigation revealed the ground conditions to generally be topsoil overlying medium-dense, gravelly sand. No groundwater ingress was noted within any of the trial holes.

Infiltration tests in accordance with BRE Digest 365 and percolation tests in accordance with BS 6297:2007 were attempted within a number of trial holes. Despite achieving suitable results from the tests, there is insufficient space within whole of the development site to propose below ground soakaways whilst applying the minimum offsets from buildings and/or boundaries. Therefore, infiltration systems will only be proposed in certain areas of the development site.

Refer to Appendix 1 for further information.

3.0 Foul Water Disposal

Existing Scottish Water Infrastructure

There are a number of existing public sewers (both foul and surface water sewers) located in and around the development site. An existing 150mm diameter (capped) tail has been left near the east side of the site as part of the nearby 'Costa' development.

Refer to drawing J4092-001 for the location of the existing sewers.

Proposed Foul Water Disposal

A new 160mm diameter uPVC foul sewer will be laid adjacent to the building to collect the foul water and convey it to the east of the site.

A disconnecting manhole will be constructed adjacent to the new building, on the line of the existing capped tail mentioned above, subject to approval from Scottish Water. The invert level of the existing tail should be checked to confirm the feasibility of this proposal.

Refer to drawing J4092-001 for details of this arrangement.

4.0 Surface Water Drainage/SUDS Strategy

Pre-development flows for the total proposed impermeable area (road, hardstanding & roof areas) have been calculated to be **0.7 litres/second for a 1 in 30 year storm** (refer to Appendix 2 – Pre-development surface water run-off calculation).

Access Road & Parking Bay Construction

The access road (out with any parking areas) will be formed with an asphalt construction. All surface water run-off from these areas will be collected and discharged into a stone filled treatment/attenuation tank located beneath the parking area on the east side of the site. The two parking areas proposed within the development site will be formed with a permeable concrete paving construction.

Access Road Water Run-off (From Drive-thru Entrance)

Surface water run-off from the drive-thru entrance area will be collected by traditional road gullies and conveyed into a stone filled filter trench which will be located at the rear of the edging kerb. The 17m long x 1m wide trench will be lined with a permeable membrane to allow for partial infiltration into the surrounding subsoil. A perforated uPVC pipe will also be laid within the trench to allow for an overflow into the main surface water drainage system.

The outlet from the filter trench will connect into a traditional surface water sewer which will convey surface water to the upstream end of the aforementioned treatment/attenuation tank.

Due to constraints relating to space on the north side of the site, surface water from the section of road between the building and the site boundary will be collected by traditional road gullies and discharged into the aforementioned attenuation tank directly.

Refer to Appendix 3 for the infiltration trench No. 1 calculation.

Parking Areas Surface Water Runoff Treatment & Disposal

Surface water run-off from the parking areas and the asphalt surface immediately adjacent to each row of parking bays will be collected and treated by a permeable concrete block paving system.

The parking areas on the south and east sides of the development site (10No. parking bays) will collect surface water at source and infiltrate into the paving sub-base. A free-draining sub-base (minimum 300mm deep) will be constructed beneath the paving surface and bedding to ensure that the appropriate level of treatment is provided. The paving construction will be wrapped with a permeable membrane to allow for infiltration into the surrounding subsoil. All surrounding ground and road levels will be formed to convey surface water run-off onto the permeable paving surface.

Using the 'simple index approach' as set out in the CIRIA SUDS Manual 2015, it has been determined that permeable paving will be suitable for providing sufficient treatment to meet the pollution hazard index for this part of the development (pollution hazard level = medium).

Refer to drawing J4092-001 for details of this arrangement.

Roof Water Runoff Treatment & Disposal

Roof water run-off from the building will be collected and discharged into the sub-base of the permeable paving within the parking area located on the south side of the site.

Using the 'simple index approach' as set out in the CIRIA SUDS Manual 2015, it has been determined that this arrangement will be suitable for providing sufficient treatment to meet the pollution hazard index for this part of the development (pollution hazard level = low).

Refer to drawing J4092-001 for details of this arrangement.

Surface Water Runoff Treatment & Disposal

As described above, all surface water from areas out with the parking areas on the south and east sides of the site will be discharged into a stone filled treatment/attenuation tank which will be located beneath the parking area on the east side of the site. A tank measuring 7 metres long x 2m wide x 1m deep will be required. The trench will be lined with a permeable membrane to allow for partial infiltration into the surrounding subsoil. A perforated uPVC pipe will also be laid within the trench to allow for outflow into the nearby existing surface water sewer system.

The outflow from the attenuation tank will be conveyed to a flow control manhole (Hydrobrake by Hydro International or equal and approved) which will restrict the post-development surface water flows to a maximum of **0.7 litres/second for a 1 in 30 year storm**. The outlet from the flow control manhole will connect into the existing surface water sewer tail (left from the 'Costa' development), which is located beneath the existing access road, subject to approval from Scottish Water.

Refer to drawing J4092-001 for details of this arrangement. Refer to Appendix 4 for the infiltration trench No. 2 calculation.

5.0 Flooding

Potential Sources of Flood Risk

At this location there are several potential sources of flooding that may require to be considered. These are outlined below along with a qualitative assessment of the risk they pose to the development.

- **Pluvial flooding:** The SEPA Indicative Flood Map shows the location of the site to be out with any area that is at risk from pluvial flooding.
- **River flooding:** The SEPA Indicative Flood Map shows the location of the site to be out with any area that is at risk from river flooding. The site is also out with the functional floodplain of the nearby River Lossie and Elgin Flood Alleviation Scheme.
- **Sewer flooding:** If the capacity of any sewer is exceeded in an extreme storm event or a blockage occurs, surcharging of the network can result in surface flooding. The sewer network for the development has been designed in accordance with best practice to ensure that properties are not at risk of flooding.
- **1 in 200 year overland flow:** Road levels will be formed to ensure that surface water run-off from excess storm events will be conveyed away from new & existing buildings.

Conclusions & Recommendations

As highlighted above, the site is not at risk of flooding from any source nor will the development have any impact on any neighbouring properties.

6.0 Maintenance

All components of the foul and surface water drainage systems within the development site will be privately owned and maintained.

Approval from Scottish Water will be required for the proposed connections into the existing foul & surface water sewers.

The new surface water drainage system, including the permeable paving and attenuation tank is to be privately owned and maintained. Regular maintenance of the permeable paving will be required and this will be carried out in accordance with the following schedule of works: -

Annual maintenance

- Visually inspect the paving for ponding during heavy rainfall or following heavy rainfall
- Brush/vacuum joints. Replace any lost jointing material

Occasional maintenance – as required

- Replace any damaged blocks
- Repair any rutting
- Brush blocks with soapy water
- Light pressure wash
- Treat with weedkiller
- Treat with de-icing salts

APPENDICES:

- 1 – Ground Investigation Report**
- 2 – Pre-development Surface Water Run-off Calculation**
- 3 – Infiltration Trench No. 1 Calculation**
- 4 – Infiltration Trench No. 2 Calculation**

Mr Kevin Tough
Caintech Ltd
First Floor,
36B Longman Drive,
Inverness, IV1 1SU



Monday 19th July 2021

ELECTRONIC

SITE INVESTIGATION AT RIVERSIDE ROAD, ELGIN

Dear Sirs,

COPY

Thank you for the commission of site investigation services at the above site, the information gathered is provided below.

Scope of work

Blake Geoservices Ltd (the Contractor) was appointed by Caintech (the Client) on the 2nd July 2021 to undertake intrusive site investigations at an undeveloped plot at Riverside Road, Elgin, grid reference NJ 23700 62491. The scope of work was discussed with the Client prior to mobilisation and investigation points were determined by the Contractor upon mobilising to site. The purpose of the investigation was to provide geotechnical information for the Client's consideration and further reference, comprising of machine excavated trial pits with in-situ infiltration testing. A factual report was requested with no geotechnical interpretation commissioned.

Findings of Intrusive Investigation

The intrusive investigation comprised of 5 no. machine excavated trial pits. The location of the trial pits on site were determined by the Contractor upon the works commencing. The trial pits were logged by a suitably qualified engineering geologist to the methods outlined in BS5930:2015. The logs of the trial pits are enclosed and indicate –

Topsoil to a maximum of 0.45mbgl.

No made ground, although buried macadam encountered.

Granular sub-soils predominantly gravelly SAND.

No evidence of shallow groundwater ingress.

The trial pits were terminated due to proving natural granular strata, and were continued as far as practically applicable, in the case of TP3 & TP3a upon a layer of impenetrable buried macadam. The trial pits were backfilled with compacted arisings upon completion. There was no discernible olfactory evidence of gross hydrocarbon contamination or otherwise during the exploratory works.



Infiltration Testing

In-situ testing for infiltration rate (an "f" value) to be used in surface water soakaway design was proposed and was undertaken within trial pits TP1 & TP2. The methodology for the infiltration testing was taken from but not bound to the advice in BRE Digest 365. The results of the infiltration testing are enclosed as are calculated "f" values.

Conclusions

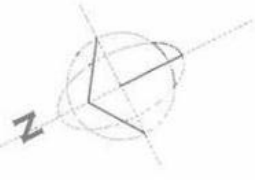
A total of 5no. machine excavated trial pits accompanied with infiltration testing were undertaken at Riverside Road, Elgin. The findings of the investigation are presented within this report and its attachments, with all strata logged to the methodology outlined in BS5930:2015. The strata encountered is generally topsoil overlying granular subsoils. No shallow groundwater ingress was noted within the trial pits. Upon completion the trial pits were backfilled and the locations left level and tidy.

I trust this is sufficient to your requirements, please do not hesitate to get in touch should you require any further information.

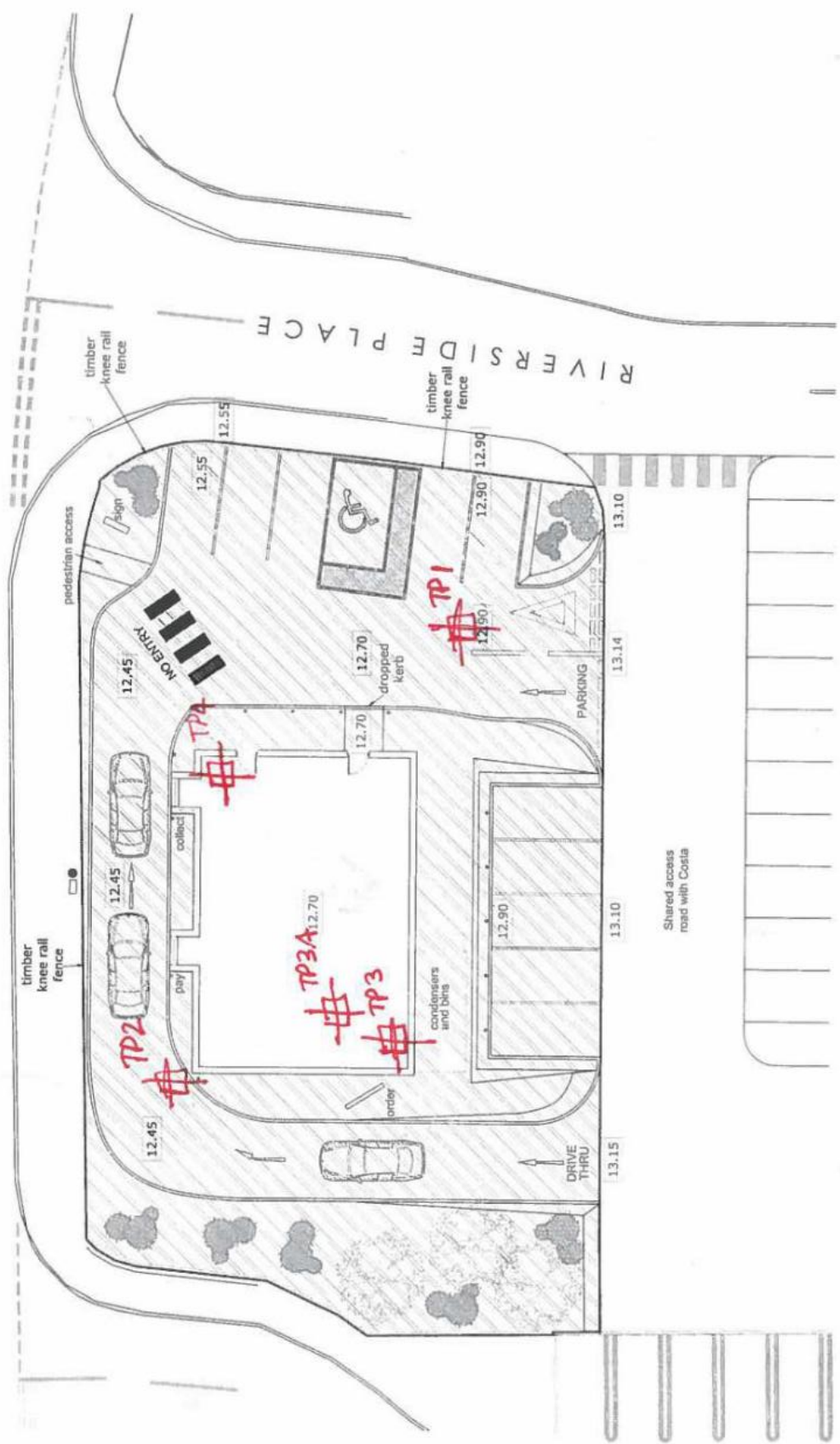
Yours sincerely,

Chris Blake BSc FGS
Director

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RIVERSIDE ROAD



Project Name	Proposed Site Plan
Scale	1:100
Date	24/05/2021
Working Title	A1 SW/01780/007

Proposed Subways Drive Thru
Riverside Place
Eglin

Sheet No.	1780	Sheet	SC
Scale	1:100	Sheet	SC
Date	24/05/2021	Sheet	Planning
Working Title	A1 SW/01780/007	Sheet	A

All dimensions are to be taken from the centre line of the road unless otherwise stated. The site plan is for information only and does not constitute a contract. The site plan is subject to the planning permission granted by the local authority. The site plan is not to be used for any other purpose without the written consent of CFM Consultants.

Geotechnical Results

Collated Infiltration Test Results to BRE 365

Site Riverside Road, Elgin
Date 15/07/2021

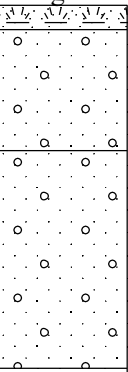
Location	Depth of pit (base in mbgl)	GW Present?	Fill 1		Fill 2		Fill 3	
			Time empty (mins)	f value (m/s)	Time empty (mins)	f value (m/s)	Time empty (mins)	f value (m/s)
TP1	1.50	N	38.00	9.40×10^{-5}	40.00	8.93×10^{-5}	40.00	8.93×10^{-5}
TP2	1.60	N	40.00	9.62×10^{-5}	42.00	9.16×10^{-5}	42.00	9.16×10^{-5}

Note:

* These tests were undertaken with guidance from BRE Digest 365 as far as practically possible to allow an indication of f values to be considered for design purposes, often site conditions or safety measures prevent the full guidance of said document to be strictly followed. No pits are left open overnight with water or otherwise. Excavation to depth often proves difficult.

TRIAL PIT LOG

Project Ruiverside Road, Elgin				TRIAL PIT No 1
Job No 21135-01	Date 15-07-21	Ground Level (m)	Co-Ordinates ()	
Contractor Blake Geoservices Ltd - www.blake-geoservices.co.uk -				Sheet 1 of 1

0	A	B	C	D	0	
1					1	Legend 
2					2	

STRATA			SAMPLES & TESTS		
Depth	No	DESCRIPTION	Depth	No	Remarks/Tests
0.00-0.10		Brown TOPSOIL			
0.10-0.60		Dark brown, very gravelly, SAND, sand is medium, gravel is coarse, angular of sandstone.			
0.60-1.50		Brown & orange, gravelly, SAND, sand is medium, gravel is coarse, rounded of mixed lithologies.			

Shoring/Support: N/A Stability: Stable to base <div style="text-align: center;">  </div>	<div style="text-align: center; font-weight: bold;">GENERAL REMARKS</div> No groundwater ingress noted. Pit used for infiltration test.
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All dimensions in metres Scale 1:31.25	Client c/o Caintech Ltd	Method/ Plant Used 2t Tracked 360	Logged By CLB
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TRIAL PIT LOG

Project Ruiverside Road, Elgin				TRIAL PIT No 2
Job No 21135-01	Date 15-07-21	Ground Level (m)	Co-Ordinates ()	
Contractor Blake Geoservices Ltd - www.blake-geoservices.co.uk -				Sheet 1 of 1

0	A	B	C	D	0	Legend
1					1	
2					2	

STRATA			SAMPLES & TESTS		
Depth	No	DESCRIPTION	Depth	No	Remarks/Tests
0.00-0.45		Brown TOPSOIL with frequent rounded cobbles.			
0.45-1.40		Dark brown, gravelly, SAND, sand is medium, gravel is coarse, rounded of mixed lithologies.			
1.40-1.60		Light brown, slightly gravelly, SAND, sand is medium, gravel is medium, rounded of mixed lithologies.			

Shoring/Support: Stability: Stable to base 	GENERAL REMARKS No groundwater ingress noted. Pit used for infiltration test.
---	---

All dimensions in metres Scale 1:31.25	Client c/o Caintech Ltd	Method/ Plant Used 2t Tracked 360	Logged By CLB
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All dimensions in metres Scale 1:31.25	Client c/o Caintech Ltd	Method/ Plant Used 2t Tracked 360	Logged By CLB
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AGS3 UK TP 21135 RIVERSIDE RD.GPJ AGS 3 1.GDT 16/7/21

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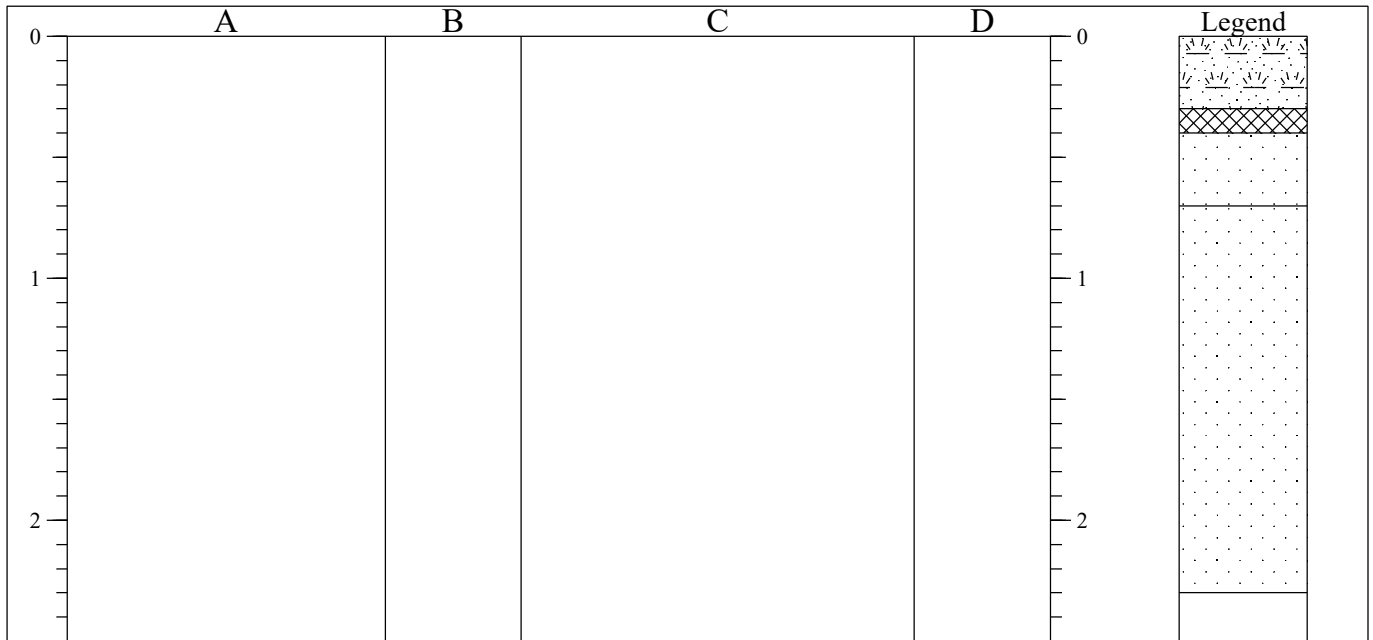
All dimensions in metres Scale 1:31.25	Client c/o Caintech Ltd	Method/ Plant Used 2t Tracked 360	Logged By CLB
---	-------------------------	--------------------------------------	------------------

Depth	No	DESCRIPTION	Depth	No	Remarks/Tests
0.00-0.25		Brown TOPSOIL with frequent rounded cobbles.			
0.25-0.30		MACADAM			

<p>Shoring/Support: Stability: Stable to base</p> 	<p>GENERAL REMARKS</p> <p>Terminated upon layer of macadam.</p>
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TRIAL PIT LOG


Project Ruiverside Road, Elgin				TRIAL PIT No <div style="font-size: 24pt; font-weight: bold;">4</div>
Job No 21135-01	Date 15-07-21	Ground Level (m)	Co-Ordinates ()	
Contractor Blake Geoservices Ltd - www.blake-geoservices.co.uk -				Sheet 1 of 1



STRATA			SAMPLES & TESTS		
Depth	No	DESCRIPTION	Depth	No	Remarks/Tests
0.00-0.30		Brown TOPSOIL with frequent rounded cobbles.			
0.30-0.40		MACADAM			
0.40-0.70		Dark brown medium SAND.			
0.70-2.30		Orange becoming light brown, slightly gravelly, SAND, sand is medium, gravel is fine, rounded of mixed lithologies.			

<p>Shoring/Support: Stability: Stable to base</p> <div style="text-align: center; margin-top: 20px;"> </div>	<div style="text-align: center; font-weight: bold;">GENERAL REMARKS</div> <p>No groundwater ingress noted.</p>
---	--

All dimensions in metres Scale 1:31.25	Client c/o Caintech Ltd	Method/ Plant Used 2t Tracked 360	Logged By CLB
---	--------------------------------	---	-------------------------

Caintech Ltd		Page 1
First Floor	J4092	
36A Longman Road	Subway Drive-thru, Elgin	
Inverness IV1 1SU	Pre-development Run-off	
Date 09/08/2021 10:13	Designed by KGT	
File	Checked by	
Causeway	Source Control 2015.1	

ICP SUDS Mean Annual Flood

Input


Return Period (years) 200 SAAR (mm) 772 Urban 0.000
Area (ha) 0.100 Soil 0.400 Region Number Region 1

Results 1/s

QBAR Rural 0.4
QBAR Urban 0.4

Q200 years 1.1

Q1 year 0.3
Q30 years 0.7
Q100 years 0.9


Caintech Ltd		Page 1
First Floor 36A Longman Road Inverness IV1 1SU	J4092 Subway Drive-thru, Elgin Infiltration Trench No. 1	
Date 11/10/2021 11:20 File J4092 - Infiltration Trench No. 1.SRCX	Designed by KGT Checked by	
Causeway	Source Control 2015.1	

Summary of Results for 30 year Return Period (+35%)

Half Drain Time : 37 minutes.

Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (l/s)	Max Control (l/s)	Max Σ Outflow (l/s)	Max Volume (m ³)	Status
15 min Summer	10.979	0.279	0.4	0.0	0.4	1.1	0 K
30 min Summer	11.054	0.354	0.5	0.0	0.5	1.5	0 K
60 min Summer	11.114	0.414	0.6	0.0	0.6	1.8	0 K
120 min Summer	11.149	0.449	0.7	0.0	0.7	2.0	0 K
180 min Summer	11.153	0.453	0.7	0.0	0.7	2.0	0 K
240 min Summer	11.145	0.445	0.7	0.0	0.7	2.0	0 K
360 min Summer	11.123	0.423	0.6	0.0	0.6	1.9	0 K
480 min Summer	11.101	0.401	0.6	0.0	0.6	1.8	0 K
600 min Summer	11.081	0.381	0.5	0.0	0.5	1.7	0 K
720 min Summer	11.063	0.363	0.5	0.0	0.5	1.6	0 K
960 min Summer	11.033	0.333	0.5	0.0	0.5	1.4	0 K
1440 min Summer	10.991	0.291	0.4	0.0	0.4	1.2	0 K
2160 min Summer	10.950	0.250	0.3	0.0	0.3	1.0	0 K
2880 min Summer	10.924	0.224	0.3	0.0	0.3	0.9	0 K
4320 min Summer	10.891	0.191	0.2	0.0	0.2	0.7	0 K
5760 min Summer	10.870	0.170	0.2	0.0	0.2	0.6	0 K
7200 min Summer	10.856	0.156	0.2	0.0	0.2	0.5	0 K
8640 min Summer	10.846	0.146	0.1	0.0	0.1	0.5	0 K
10080 min Summer	10.838	0.138	0.1	0.0	0.1	0.4	0 K
15 min Winter	11.005	0.305	0.4	0.0	0.4	1.3	0 K
30 min Winter	11.089	0.389	0.6	0.0	0.6	1.7	0 K
60 min Winter	11.151	0.451	0.7	0.0	0.7	2.0	0 K
120 min Winter	11.175	0.475	0.7	0.0	0.7	2.1	0 K


Storm Event	Rain (mm/hr)	Flooded Volume (m ³)	Discharge Volume (m ³)	Time-Peak (mins)
15 min Summer	56.724	0.0	1.4	21
30 min Summer	41.236	0.0	2.0	31
60 min Summer	28.755	0.0	2.8	48
120 min Summer	19.358	0.0	3.8	82
180 min Summer	15.245	0.0	4.5	114
240 min Summer	12.837	0.0	5.0	146
360 min Summer	10.050	0.0	5.9	210
480 min Summer	8.437	0.0	6.6	272
600 min Summer	7.363	0.0	7.2	334
720 min Summer	6.586	0.0	7.7	394
960 min Summer	5.521	0.0	8.6	516
1440 min Summer	4.306	0.0	10.1	758
2160 min Summer	3.353	0.0	11.8	1124
2880 min Summer	2.805	0.0	13.1	1476
4320 min Summer	2.179	0.0	15.3	2208
5760 min Summer	1.821	0.0	17.0	2936
7200 min Summer	1.585	0.0	18.5	3672
8640 min Summer	1.415	0.0	19.9	4408
10080 min Summer	1.286	0.0	21.1	5128
15 min Winter	56.724	0.0	1.5	22
30 min Winter	41.236	0.0	2.3	32
60 min Winter	28.755	0.0	3.1	50
120 min Winter	19.358	0.0	4.2	86

Caintech Ltd		Page 2
First Floor 36A Longman Road Inverness IV1 1SU	J4092 Subway Drive-thru, Elgin Infiltration Trench No. 1	
Date 11/10/2021 11:20 File J4092 - Infiltration Trench No. 1.SRCX	Designed by KGT Checked by	
Causeway	Source Control 2015.1	

Summary of Results for 30 year Return Period (+35%)

Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (1/s)	Max Control (1/s)	Max Σ Outflow (1/s)	Max Volume (m ³)	Status
180 min Winter	11.164	0.464	0.7	0.0	0.7	2.1	0 K
240 min Winter	11.145	0.445	0.7	0.0	0.7	2.0	0 K
360 min Winter	11.107	0.407	0.6	0.0	0.6	1.8	0 K
480 min Winter	11.074	0.374	0.5	0.0	0.5	1.6	0 K
600 min Winter	11.047	0.347	0.5	0.0	0.5	1.5	0 K
720 min Winter	11.025	0.325	0.4	0.0	0.4	1.4	0 K
960 min Winter	10.990	0.290	0.4	0.0	0.4	1.2	0 K
1440 min Winter	10.945	0.245	0.3	0.0	0.3	1.0	0 K
2160 min Winter	10.907	0.207	0.3	0.0	0.3	0.8	0 K
2880 min Winter	10.883	0.183	0.2	0.0	0.2	0.6	0 K
4320 min Winter	10.856	0.156	0.2	0.0	0.2	0.5	0 K
5760 min Winter	10.840	0.140	0.1	0.0	0.1	0.4	0 K
7200 min Winter	10.829	0.129	0.1	0.0	0.1	0.4	0 K
8640 min Winter	10.822	0.122	0.1	0.0	0.1	0.3	0 K
10080 min Winter	10.816	0.116	0.1	0.0	0.1	0.3	0 K

Storm Event	Rain (mm/hr)	Flooded Volume (m ³)	Discharge Volume (m ³)	Time-Peak (mins)
180 min Winter	15.245	0.0	5.0	120
240 min Winter	12.837	0.0	5.6	154
360 min Winter	10.050	0.0	6.6	218
480 min Winter	8.437	0.0	7.4	282
600 min Winter	7.363	0.0	8.0	344
720 min Winter	6.586	0.0	8.6	404
960 min Winter	5.521	0.0	9.6	528
1440 min Winter	4.306	0.0	11.3	768
2160 min Winter	3.353	0.0	13.2	1128
2880 min Winter	2.805	0.0	14.7	1496
4320 min Winter	2.179	0.0	17.1	2208
5760 min Winter	1.821	0.0	19.1	2944
7200 min Winter	1.585	0.0	20.8	3672
8640 min Winter	1.415	0.0	22.3	4392
10080 min Winter	1.286	0.0	23.6	5088

Caintech Ltd		Page 3
First Floor 36A Longman Road Inverness IV1 1SU	J4092 Subway Drive-thru, Elgin Infiltration Trench No. 1	
Date 11/10/2021 11:20 File J4092 - Infiltration Trench No. 1.SRCX	Designed by KGT Checked by	
Causeway	Source Control 2015.1	


Rainfall Details

Rainfall Model	FSR	Winter Storms	Yes
Return Period (years)	30	Cv (Summer)	0.750
Region	Scotland and Ireland	Cv (Winter)	0.840
M5-60 (mm)	14.000	Shortest Storm (mins)	15
Ratio R	0.200	Longest Storm (mins)	10080
Summer Storms	Yes	Climate Change %	+35

Time Area Diagram

Total Area (ha) 0.013

Time (mins) Area			Time (mins) Area			Time (mins) Area		
From:	To:	(ha)	From:	To:	(ha)	From:	To:	(ha)
0	4	0.005	4	8	0.004	8	12	0.004

Caintech Ltd		Page 4
First Floor 36A Longman Road Inverness IV1 1SU	J4092 Subway Drive-thru, Elgin Infiltration Trench No. 1	
Date 11/10/2021 11:20 File J4092 - Infiltration Trench No. 1.SRCX	Designed by KGT Checked by	
Causeway	Source Control 2015.1	

Model Details


Storage is Online Cover Level (m) 12.300

Infiltration Trench Structure

Infiltration Coefficient Base (m/hr)	0.00000	Trench Width (m)	1.0
Infiltration Coefficient Side (m/hr)	0.33500	Trench Length (m)	17.0
Safety Factor	2.0	Slope (1:X)	150.0
Porosity	0.30	Cap Volume Depth (m)	1.000
Invert Level (m)	10.700	Cap Infiltration Depth (m)	1.000

Pipe Outflow Control

Diameter (m)	0.150	Roughness k (mm)	0.600	Upstream Invert Level (m)	11.450
Slope (1:X)	100.0	Entry Loss Coefficient	0.500		
Length (m)	25.000	Coefficient of Contraction	0.600		


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Causeway	Source Control 2015.1	

Summary of Results for 30 year Return Period (+35%)

Half Drain Time : 30 minutes.

Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (l/s)	Max Control (l/s)	Max Σ Outflow (l/s)	Max Volume (m ³)	Status
15 min Summer	11.515	0.515	0.4	0.5	0.9	2.1	0 K
30 min Summer	11.682	0.682	0.5	0.6	1.1	2.8	0 K
60 min Summer	11.795	0.795	0.6	0.6	1.3	3.2	0 K
120 min Summer	11.839	0.839	0.7	0.6	1.3	3.4	0 K
180 min Summer	11.828	0.828	0.7	0.6	1.3	3.4	0 K
240 min Summer	11.803	0.803	0.6	0.6	1.3	3.3	0 K
360 min Summer	11.740	0.740	0.6	0.6	1.2	3.0	0 K
480 min Summer	11.679	0.679	0.5	0.6	1.1	2.8	0 K
600 min Summer	11.624	0.624	0.5	0.6	1.1	2.5	0 K
720 min Summer	11.575	0.575	0.5	0.5	1.0	2.3	0 K
960 min Summer	11.492	0.492	0.4	0.5	0.9	2.0	0 K
1440 min Summer	11.361	0.361	0.3	0.5	0.7	1.4	0 K
2160 min Summer	11.194	0.194	0.1	0.5	0.7	0.7	0 K
2880 min Summer	11.120	0.120	0.1	0.5	0.6	0.4	0 K
4320 min Summer	11.062	0.062	0.0	0.4	0.5	0.2	0 K
5760 min Summer	11.050	0.050	0.0	0.4	0.4	0.1	0 K
7200 min Summer	11.043	0.043	0.0	0.3	0.3	0.1	0 K
8640 min Summer	11.039	0.039	0.0	0.3	0.3	0.1	0 K
10080 min Summer	11.036	0.036	0.0	0.3	0.3	0.1	0 K
15 min Winter	11.581	0.581	0.5	0.6	1.0	2.3	0 K
30 min Winter	11.772	0.772	0.6	0.6	1.2	3.1	0 K
60 min Winter	11.894	0.894	0.7	0.7	1.4	3.7	0 K
120 min Winter	11.913	0.913	0.7	0.7	1.4	3.7	0 K


Storm Event	Rain (mm/hr)	Flooded Volume (m ³)	Discharge Volume (m ³)	Time-Peak (mins)
15 min Summer	56.724	0.0	2.9	21
30 min Summer	41.236	0.0	4.2	31
60 min Summer	28.755	0.0	5.8	48
120 min Summer	19.358	0.0	7.8	82
180 min Summer	15.245	0.0	9.3	116
240 min Summer	12.837	0.0	10.4	148
360 min Summer	10.050	0.0	12.2	212
480 min Summer	8.437	0.0	13.7	276
600 min Summer	7.363	0.0	14.9	338
720 min Summer	6.586	0.0	16.0	400
960 min Summer	5.521	0.0	17.9	524
1440 min Summer	4.306	0.0	20.9	776
2160 min Summer	3.353	0.0	24.4	1124
2880 min Summer	2.805	0.0	27.3	1476
4320 min Summer	2.179	0.0	31.8	2180
5760 min Summer	1.821	0.0	35.4	2936
7200 min Summer	1.585	0.0	38.5	3616
8640 min Summer	1.415	0.0	41.3	4328
10080 min Summer	1.286	0.0	43.8	4984
15 min Winter	56.724	0.0	3.2	21
30 min Winter	41.236	0.0	4.7	32
60 min Winter	28.755	0.0	6.5	50
120 min Winter	19.358	0.0	8.8	86

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Summary of Results for 30 year Return Period (+35%)

Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (1/s)	Max Control (1/s)	Max Σ Outflow (1/s)	Max Volume (m ³)	Status
180 min Winter	11.868	0.868	0.7	0.7	1.3	3.5	0 K
240 min Winter	11.813	0.813	0.6	0.6	1.3	3.3	0 K
360 min Winter	11.708	0.708	0.6	0.6	1.2	2.9	0 K
480 min Winter	11.619	0.619	0.5	0.6	1.1	2.5	0 K
600 min Winter	11.545	0.545	0.4	0.5	1.0	2.2	0 K
720 min Winter	11.483	0.483	0.4	0.5	0.9	1.9	0 K
960 min Winter	11.377	0.377	0.3	0.5	0.7	1.5	0 K
1440 min Winter	11.177	0.177	0.1	0.5	0.7	0.6	0 K
2160 min Winter	11.081	0.081	0.0	0.5	0.5	0.2	0 K
2880 min Winter	11.057	0.057	0.0	0.4	0.4	0.1	0 K
4320 min Winter	11.043	0.043	0.0	0.3	0.3	0.1	0 K
5760 min Winter	11.036	0.036	0.0	0.3	0.3	0.1	0 K
7200 min Winter	11.032	0.032	0.0	0.2	0.3	0.0	0 K
8640 min Winter	11.030	0.030	0.0	0.2	0.2	0.0	0 K
10080 min Winter	11.028	0.028	0.0	0.2	0.2	0.0	0 K

Storm Event	Rain (mm/hr)	Flooded Volume (m ³)	Discharge Volume (m ³)	Time-Peak (mins)
180 min Winter	15.245	0.0	10.4	122
240 min Winter	12.837	0.0	11.6	156
360 min Winter	10.050	0.0	13.7	222
480 min Winter	8.437	0.0	15.3	286
600 min Winter	7.363	0.0	16.7	350
720 min Winter	6.586	0.0	17.9	414
960 min Winter	5.521	0.0	20.0	550
1440 min Winter	4.306	0.0	23.4	772
2160 min Winter	3.353	0.0	27.4	1108
2880 min Winter	2.805	0.0	30.5	1468
4320 min Winter	2.179	0.0	35.6	2160
5760 min Winter	1.821	0.0	39.7	2920
7200 min Winter	1.585	0.0	43.1	3600
8640 min Winter	1.415	0.0	46.2	4192
10080 min Winter	1.286	0.0	49.0	5080

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Rainfall Details

Rainfall Model	FSR	Winter Storms	Yes
Return Period (years)	30	Cv (Summer)	0.750
Region	Scotland and Ireland	Cv (Winter)	0.840
M5-60 (mm)	14.000	Shortest Storm (mins)	15
Ratio R	0.200	Longest Storm (mins)	10080
Summer Storms	Yes	Climate Change %	+35

Time Area Diagram

Total Area (ha) 0.027

Time (mins)			Time (mins)			Time (mins)		
From:	To:	Area (ha)	From:	To:	Area (ha)	From:	To:	Area (ha)
0	4	0.009	4	8	0.009	8	12	0.009

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Model Details

Storage is Online Cover Level (m) 12.600

Infiltration Trench Structure

Infiltration Coefficient Base (m/hr)	0.00000	Trench Width (m)	2.0
Infiltration Coefficient Side (m/hr)	0.32700	Trench Length (m)	7.0
Safety Factor	2.0	Slope (1:X)	150.0
Porosity	0.30	Cap Volume Depth (m)	1.000
Invert Level (m)	11.000	Cap Infiltration Depth (m)	1.000

Hydro-Brake Optimum® Outflow Control

Unit Reference	MD-SHE-0039-7000-1000-7000
Design Head (m)	1.000
Design Flow (l/s)	0.7
Flush-Flo™	Calculated
Objective	Minimise upstream storage
Diameter (mm)	39
Invert Level (m)	11.000
Minimum Outlet Pipe Diameter (mm)	75
Suggested Manhole Diameter (mm)	1200

Control Points	Head (m)	Flow (l/s)	Control Points	Head (m)	Flow (l/s)
Design Point (Calculated)	1.000	0.7	Kick-Flo®	0.345	0.4
Flush-Flo™	0.172	0.5	Mean Flow over Head Range	-	0.5

The hydrological calculations have been based on the Head/Discharge relationship for the Hydro-Brake Optimum® as specified. Should another type of control device other than a Hydro-Brake Optimum® be utilised then these storage routing calculations will be invalidated

Depth (m)	Flow (l/s)	Depth (m)	Flow (l/s)	Depth (m)	Flow (l/s)	Depth (m)	Flow (l/s)	Depth (m)	Flow (l/s)
0.100	0.5	0.800	0.6	2.000	1.0	4.000	1.3	7.000	1.7
0.200	0.5	1.000	0.7	2.200	1.0	4.500	1.4	7.500	1.7
0.300	0.5	1.200	0.8	2.400	1.0	5.000	1.4	8.000	1.8
0.400	0.5	1.400	0.8	2.600	1.1	5.500	1.5	8.500	1.8
0.500	0.5	1.600	0.9	3.000	1.1	6.000	1.6	9.000	1.9
0.600	0.6	1.800	0.9	3.500	1.2	6.500	1.6	9.500	1.9

DRAWINGS:

J4092-001 – Drainage Layout Plan

Consultee Comments for Planning Application 21/01146/APP

Application Summary

Application Number: 21/01146/APP

Address: 4 Riverside Road Elgin Moray IV30 6LS

Proposal: Erect a Subway sandwich shop including drive thru at

Case Officer: Lisa Macdonald

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 – Development Plans

Planning Authority Name	Moray Council
Response Date	2nd September 2021
Planning Authority Reference	21/01146/APP
Nature of Proposal (Description)	Erect a Subway sandwich shop including drive thru at
Site	4 Riverside Road Elgin Moray IV30 6LS
Site Postcode	N/A
Site Gazetteer UPRN	000133072255
Proposal Location Easting	323694
Proposal Location Northing	862483
Area of application site (M²)	920
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QWOOP8BGGS500
Previous Application	
Date of Consultation	
Is this a re-consultation of an existing application?	No
Applicant Name	SLD Group Property Ltd
Applicant Organisation Name	
Applicant Address	40 Redwood Avenue Inverness IV2 6HA
Agent Name	CFM Consultants Ltd
Agent Organisation Name	
Agent Address	New Media House 8 Hardhorn Road Poulton-le-Fylde FY6 7SR
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Lisa Macdonald
Case Officer Phone number	01343 563479
Case Officer email address	lisa.macdonald@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

comment to make.

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

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

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

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

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

Please respond using the attached form:-

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

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Development Plans

Planning Application Ref. No: 21/01146/APP

**Erect a Subway sandwich shop including drive thru at 4 Riverside Road Elgin
Moray IV30 6LS for SLD Group Property Ltd**

Ward: 06_17 Elgin City North

DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN

(For Structure/Local Plan Comment)

		Page No	Policy No(s)	Yes	No
1	Departure from Moray Local Development Plan 2020		DP1 Development Principles		X
			DP5 Business and Industry	X	
			DP7 Retail/Town Centres		X
			EP5 Open Space		X
2	Further Discussion Required				

REASONING FOR THIS DECISION:

POLICY COMMENTS

I6 Linkwood East and DP5 Business and Industry

The additional information submitted in the Supporting Planning Statement has been reviewed. Whilst the planning history of the site is understood it is noted that the site has progressed under several Local Plan/Local Development Plans dating back to 2009/10. This proposal falls to be considered under the adopted Moray Local Development Plan 2020. The issue of widening the uses on the site with consideration of how the site has developed over time was the subject of examination during the review of the 2020 Local Development Plan. The Reporter did not add use class 3, 7 and 11 to the suitable uses for the site. The Reporter stated that while they noted the activities already present on the site the intention of this designation is primarily for employment uses. The Reporter noted that the site contributed to the effective employment land supply within Elgin and it was therefore appropriate to identify this for employment use. It is not considered that there are any new material considerations that would now justify departing from the Reporter's decision.

To date site I6 has only delivered one plot of land within classes 4, 5 and 6 which was the purpose of the I6 designation. The only other development delivered to date has been drive through units, furniture show room (with café) and a car sales showroom. The remaining land has therefore been reserved for the intended use of the site i.e. classes 4, 5, and 6. Whilst the Supporting Planning Statement submitted by the applicant describes the application site as a last-remaining, residual site within the linear stretch of I6 that sits between Riverside Road and the A96 it is noted that there remains an undeveloped site between Grampian Furnisher and the car showroom.

As previously stated the proposal is located on site I6 Linkwood East. The designation text states the site is suitable for Use class 4 Business, Use Class 5 General Industrial, and Use Class 6 Storage and Distribution. The proposal is a departure from the permitted uses.

Site I6 is identified as an industrial estate within the Local Development Plan and as stated within policy *DP5 Business and Industry* industrial estates will primarily be reserved for use defined by Classes 4, 5 and 6. Other uses are only considered in relation to their suitability to the industrial area, their compatibility with neighbouring uses and the supply of serviced employment land.

Whilst the proposal may be considered compatible with neighbouring uses given they are similar drive through fast food outlets the proposal is not considered suitable for the industrial estate for the following reasons

- The designation text clearly states the site is suitable for class 4, 5 and 6. Further development of non-conforming uses undermines the intention of the designation and is not acceptable. The extent of "other uses" already constructed means that no further development outwith classes 4, 5 and 6 are acceptable.
- The proposal does not comply with the suitable uses set out within the I6 designation and is a departure from policy DP5 as the designation would no longer be primarily for industrial uses (class 4, 5, and 6). The proposal is considered unsuitable for the industrial estate and would limit the already restricted choice of immediately available sites within Elgin.
- There is a limited supply of serviced employment land within Elgin (14.47ha) and

this is restricted to only 3 sites – I7 Barmuckity (11.8ha) I2 Chanonry (1.27ha) and this site I6 Linkwood East (1.4ha). Whilst the Employment Land Audit identifies up to 11.8ha of land at I7 Barmuckity take up has been very good and there is consent in place for a number plots. Therefore it is anticipated that the level of immediately available land will reduce significantly over the next few years. Whilst the proposed site is a relatively small it is one of only a few sites within Elgin and developing this would limit choice of industrial/business sites. The small size of the site does limit the potential uses of the site however, it would be capable of accommodating starter units, workshops or garage/repairs. It is noted that starter units currently being marketed at Elgin Business Park range in size from 98 to 147m² and a standalone unit within Chanonry Industrial Estate currently being marketed has a ground floor area of 148m² within a 0.04ha site - which is comparable to the 140m² floorspace of the proposed subway sandwich shop on the 920m² site.

The proposal does not comply with the suitable uses set out within the I6 designation and is a departure from policy DP5 as the designation would no longer be primarily for industrial uses (class4, 5, and 6). The proposal is considered unsuitable for the industrial estate and would limit the already restricted choice of immediately available sites within Elgin. The examination of the Local Development Plan did not extend the permitted uses upon the site with the Reporter stating the intention of this designation is primarily for employment uses and that the site contributed to the effective employment land supply.

DP7 Retail/Town Centres

Additional information has been provided in respect of footfall on a confidential basis. Reviewing this along with the Supporting Planning Statement it is now considered that the anticipated footfall is at a level unlikely to have significant adverse impacts on the town centre. The Planning Statement also sets out that half of the customers will be drive-through, 20% take-away (drawn from local employment and residential) and 20% sit in (mainly from those passing on A96) and 10% delivery. This further demonstrates that impacts are likely to be primarily on similar drive-through units that are not located within the town centre including the Costa, KFC, and McDonalds located close to the site. There is therefore no requirement under part b) of policy DP7 to consider sequentially preferable sites or undertake a retail impact assessment.

DP1 Development Principles

The revisions to the open space are welcomed and help to bring this in line with the requirements of DP1.

- The open space now provides a variety of shrubs, semi-mature trees, hedging and a small area for staff and customers to sit. The open space meets the quantity and quality requirements of policy DP1/EP5.
- Hedging is now proposed along the boundaries which will help to mitigate the impacts of car parking and also support biodiversity.
- Parking has been rearranged such that it now meets the policy requirement for a maximum of 50 % of the parking to the front of the building.

Conclusion

It is recommended the proposal is refused as

- It is not a suitable use for the site as set out within the I6 designation text.
- It is an unacceptable departure from DP5 as industrial estates are primarily reserved for classes 4, 5 and 6 and the extent of “other uses” already constructed means that no further development outwith classes 4, 5 and 6 are suitable. The proposal would also impact on the choice of serviced employment land within Elgin.

Contact: Rowena MacDougall

email address: Rowena.macdougall@moray.gov.uk

Date.....27/10/21.....

Phone No

Consultee: Development Plans

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

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Flood Risk Management

Planning Application Ref. No: 21/01146/APP

Erect a Subway sandwich shop including drive thru at 4 Riverside Road Elgin Moray IV30 6LS for SLD Group Property Ltd

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

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

Further comment(s) to be passed to applicant

Moray Council do not object to this application however, the applicant appears to be connecting the surface water discharge into an existing system, if this is a Scottish Water sewer approval will need to be obtained from Scottish Water.

Contact:	Javier Cruz	Date..... 11/10/2021
email address:	Javier.cruz@moray.gov.uk	Phone No
Consultee:	The Moray Council, Flood Risk Management	

Friday, 20 August 2021



Local Planner
Development Services
Moray Council
Elgin
IV30 1BX

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

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



Dear Customer,

4 Riverside Road, Elgin, IV30 6LS
Planning Ref: 21/01146/APP
Our Ref: DSCAS-0046940-PJJ
Proposal: Erect a Subway sandwich shop including drive thru

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

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

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

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the Moray West Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

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

Asset Impact Assessment

Scottish Water records appear to show a private water pipe within your site. Please note that Scottish Water records are indicative only and your attention is drawn to the disclaimer at the bottom of this letter. You should contact the owner(s) to establish their requirements for building in the vicinity of this asset.

Surface Water

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

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

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

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.

- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
 - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

▶ Non Domestic/Commercial Property:

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

▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email

TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?".

Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

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

Yours sincerely,

Angela Allison

Development Operations Analyst

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

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

Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

**The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Moray Council Elgin	Council Reference:-	21/01146/APP
	TS TRBO Reference:-	NE/114/2021

Application made by SLD Group Property Ltd per CFM Consultants Ltd, New Media House 8 Hardhorn Road Poulton-le-Fylde FY6 7SR and received by Transport Scotland on 30 August 2021 for planning permission for erect a subway sandwich shop including drive thru located at 4 Riverside Road Elgin Moray affecting the A96 Trunk Road.

Director, Roads Advice

1. The Director does not propose to advise against the granting of permission ☒
2. The Director advises that planning permission be refused (see overleaf for reasons). ☐
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons). ☐

To obtain permission to work within the trunk road boundary, contact the Area Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Area Manager (A96)
0141 272 7100
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Operating Company:-

NORTH EAST

Address:-

Bear House, Inveralmond Road, Inveralmond Industrial Estate, PERTH, PH1 3TW

Telephone Number:-

01738 448600

e-mail address:-

NEplanningapplications@bearsotland.co.uk
--

Transport Scotland Response Date:- 03-Sep-2021

Transport Scotland Contact:- Iain Clement

Transport Scotland Contact Details:-

Roads - Development Management

Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Telephone Number:

e-mail: development_management@transport.gov.scot

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland , Roads Directorate, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted .

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	2nd September 2021
Planning Authority Reference	21/01146/APP
Nature of Proposal (Description)	Erect a Subway sandwich shop including drive thru at
Site	4 Riverside Road Elgin Moray IV30 6LS
Site Postcode	N/A
Site Gazetteer UPRN	000133072255
Proposal Location Easting	323694
Proposal Location Northing	862483
Area of application site (M²)	920
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QWOOP8BGGS500
Previous Application	
Date of Consultation	19th August 2021
Is this a re-consultation of an existing application?	No
Applicant Name	SLD Group Property Ltd
Applicant Organisation Name	
Applicant Address	40 Redwood Avenue Inverness IV2 6HA
Agent Name	CFM Consultants Ltd
Agent Organisation Name	
Agent Address	New Media House 8 Hardhorn Road Poulton-le-Fylde FY6 7SR
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Lisa Macdonald
Case Officer Phone number	01343 563479
Case Officer email address	lisa.macdonald@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

comment to make.

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 21/01146/APP

Erect a Subway sandwich shop including drive thru at 4 Riverside Road Elgin Moray IV30 6LS for SLD Group Property Ltd

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

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

Preamble

The proposed development (Drawing SW/01780/007 Rev C) includes 9 standard parking spaces and 1 disabled standard space, 1 (min 22Kw) EV charger serving 2 parking spaces and 2 Sheffield stands for 4 cycles.

The parking standard (maximum) for a restaurant of the same would be 14 standard spaces.
The parking standard (maximum) for a takeaway of the same size would be 5 spaces

The site shares access from the existing car park serving the existing Costa drive through would pass between parking spaces serving both sites.

It is considered likely that the site layout could result in visitors from Costa and the proposed Subway sharing use of the combined parking unless specific measures are taken to enforce use of the associated parking.

Taking account of the above factors, the proposed development, layout and level of parking are considered acceptable.

Condition(s)

Parking shall be provided in accordance with the approved plans (Drawing SW/01780/007 Rev C) prior to the development becoming operational and shall thereafter be maintained and available for use unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

Reason: To ensure the permanent availability of the level of parking necessary in the interest of an

acceptable development and road safety.

Prior to any development becoming operational and opened to the public the EV charging shall be provided and thereafter maintained and available for use unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority

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

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 and the applicant is obliged to contact the Transportation Manager for road opening permit in accordance with the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road.

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

The applicant shall ensure that their operations do not adversely affect any Public Utilities, which should be contacted prior to commencement of operations.

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

The Transportation Manager must always be contacted before any works commence. This includes any temporary access, which should be agreed with the Roads Authority prior to work commencing on it.

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

Contact: JEK
email: transport.develop@moray.gov.uk
Consultee: Transportation

Date...28/09/21.....
Phone No

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://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

Planning Authority Name	Moray Council
Response Date	2nd September 2021
Planning Authority Reference	21/01146/APP
Nature of Proposal (Description)	Erect a Subway sandwich shop including drive thru at
Site	4 Riverside Road Elgin Moray IV30 6LS
Site Postcode	N/A
Site Gazetteer UPRN	000133072255
Proposal Location Easting	323694
Proposal Location Northing	862483
Area of application site (M²)	920
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QWOOP8BGGS500
Previous Application	
Date of Consultation	19th August 2021
Is this a re-consultation of an existing application?	No
Applicant Name	SLD Group Property Ltd
Applicant Organisation Name	
Applicant Address	40 Redwood Avenue Inverness IV2 6HA
Agent Name	CFM Consultants Ltd
Agent Organisation Name	
Agent Address	New Media House 8 Hardhorn Road Poulton-le-Fylde FY6 7SR
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Lisa Macdonald
Case Officer Phone number	01343 563479
Case Officer email address	lisa.macdonald@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

comment to make.

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 21/01146/APP

Erect a Subway sandwich shop including drive thru at 4 Riverside Road Elgin Moray IV30 6LS for SLD Group Property Ltd

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

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

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Informative notes:

- The premises will require to comply with the Food Hygiene (Scotland) Regulations 2006.
- The proprietor will require to register the premises in terms of the Food Premises (Registration) Regulations 1991.
- The premises will require to comply with The Health and Safety at Work etc. Act 1974 and associated regulations enforced by this section.

Further information required to consider the application

Contact: Tim Betts
email address:
Consultee:

Date...01.09.2021.....
Phone No

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://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.

MANAGER
DEVELOPMENT
MANAGEMENT BUILDING
STANDARDS 29/08/2021

Links

PLANNING APPLICATIONS
21/01172/APP + 21/01110/APP +
21/01146/APP + 21/01218/APP
21/01192/APP

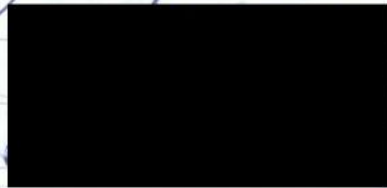
ALL POSSIBLE PROTECTION
TO ALL WILDLIFE FROM
FRONT ON EASY SITE

NATURAL SCOT PROTECTION
SPECIES KNOWN TO OCCUR
NATURALLY IN SCOTLAND
& THEIR PROTECTION A
Great Many!

COMMON PASS TO WHOM IT MAY CONCERN

GOOD PROOF BINS WILL
TO SOME EXTENT
MITIGATE THE PROBLEM
BUT ONLY TO A
CERTAIN EXTENT

Yours faithfully



REPORT OF HANDLING

Ref No:	21/01146/APP	Officer:	Lisa Macdonald
Proposal Description/ Address	Erect a hot sandwich shop including drive thru at 4 Riverside Road Elgin Moray IV30 6LS		
Date:	05.11.2021	Typist Initials:	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
Transport Scotland	03/09/21	No objection
Strategic Planning And Development	27/10/21	<p>Objection - The proposal is not a suitable use for the site as set out within the I6 designation text. It is an unacceptable departure from DP5 as industrial estates are primarily reserved for classes 4, 5 and 6 and the extent of "other uses" already constructed means that no further development outwith classes 4, 5 and 6 are suitable. The proposal would also impact on the choice of serviced employment land within Elgin. The question of extending the range of suitable uses for the site was examined as part of the enquiry into the MLDP 2020 and the reporter concluded that the designation should remain as it is at present.</p> <p>Additional information has demonstrated that the development will not have a significant adverse impact on the town centre so there is no requirement for a retail impact assessment or to consider sequentially preferable site.</p> <p>The proposal complies with DP1 and EP5 in relation to layout, parking and landscaping.</p>

Moray Flood Risk Management	11/10/21	No objection.
Contaminated Land	25/08/21	No objection.
Environmental Health Manager	02/09/21	No objections – the proposal will require to comply with Food Hygiene and Health and Safety Regulations.
Transportation Manager	28/09/21	Initial concerns regarding the absences of cycle stands and EV charging provision addressed, No objection subject to conditions to ensure that that parking and ev charging are provided as shown on the approved plans.
Scottish Water	20/08/21	No objection.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1 Placemaking	N	
PP2 Sustainable Economic Growth	N	
PP3 Infrastructure and Services	N	
DP1 Development Principles	N	
DP7 Retail/Town Centres	N	
DP5 Business and Industry	Y	See below
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	
Elgin - I6 Linkwood East	Y	See below

REPRESENTATIONS

Representations Received	YES	
Total number of representations received: One		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
Issue: General comments regarding the protection of flora and fauna.		
Comments (PO): This is a relatively small site with limited ecological value. The proposed planting will increase the biodiversity value of the site.		

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:

The Proposal

This application seeks planning permission for a hot sandwich shop and 'Drive-thru' with associated parking and drainage.

The Site

The site is a vacant plot within the Linkwood East Industrial Site and is covered by the Elgin I6 designation in the MLDP 2020. It is a flat, open site that is currently unoccupied. There is an existing access from Riverside Place which joins Riverside Road. The access is shared with Costa which is immediately to the south of the site. There is a KFC to the south west and a car show room and a furniture shop to the south east. The land to the east and that on the northern side of Riverside Road are the only other vacant plots within the I6 designation.

The Supporting Statement notes that at one time, what is now the I6 site, benefitted from planning permission in principle (09/01477/OUT) for a mixed commercial development. This would have allowed a wide range of uses falling into class 2-7 and 11 (professional services, restaurants and cafes, business, industrial, storage and distribution, hotels and professional services) with some ancillary retail but that consent lapsed in February 2014. For the avoidance of doubt hot food for takeaway is a sui generis use and would not have been accommodated under the terms of the previous permission.

Siting & Principal of Development (DP5 & Elgin I6)

The proposal is within the Elgin I6 designation and policy DP5 states that industrial sites are reserved for class 4 (business), Class 5 (industrial) and Class 6 Storage and distribution uses. The proposed use is a sui generis use that is not suitable for an industrial site. It is recognised that there are a number of non-compliant uses on the site including Costa and KFC and this proposal would sit comfortably alongside the existing uses however the site remains a key component of available employment land in Elgin. It is noted that the question of widening the range of acceptable uses for this site was the subject of examination during the review of the MLDP 2020. The Reporter acknowledged the non-compliant activities already present on the site but found that the site should remain primarily for employment uses and that it contributed to the effective employment land supply in Elgin. The I6 designation therefore remains an industrial site which should primarily be occupied by employment uses. The site contributes to the effective employment land supply in Elgin and the loss of this site would limit the already limited choice of immediately available employment sites in Elgin. There is a limited supply of serviced employment land within Elgin amounting to 14.4 ha in total across I7 Barmuckity (11.8 ha), I2 Channory (1.27) and I6 Linkwood East (1.4ha) and the loss of this site from available employment land would further erode the supply. The site is small but could accommodate a starter unit and the availability of a range of types and sizes of employment land is important to meet a range of needs.

In their supporting statement the applicant argues that the policy designation does not reflect what has been developed in the portion of the I6 site between Riverside Road and the Trunk Road and it is unreasonable to insist on reserving this plot for industrial uses. It is recognised non-compliant uses have been approved on the I6 site including a furniture shop, a car show room, a KFC and a Costa. These dominate the frontage of the site and take up most of the I6 designation to the south of Riverside Road. In addition to the application site there is one other remaining plot between the car show room and the furniture shop. The only compliant development on the I6 site is to the north of Riverside Road and another large plot also remains in that area. Nonetheless, each application must be considered on its own merits. The possibility of extending the range of suitable uses for this site has been examined by the Reporter and the decision was taken that the site should be retained

primarily for employment uses. The proposed use is not compliant with the range of uses set out in the I6 designation and is a departure from policy DP5. The site contributes to the effective employment land supply and any loss of employment land in Elgin should be resisted.

Impact on Town Centre (DP7)

Policy DP7 seeks to protect town centres by directing developments that would attract significant footfall to the town centre. Away from the town centre developments that will attract significant footfall must demonstrate that there are no suitable sequentially preferable sites and that there will be no unacceptable impact on the vitality and viability of the town centre. In this instance, additional supporting information has been provided to demonstrate that the development will not attract 'significant' footfall therefore there is no requirement for a Retail Impact Assessment or to demonstrate that there are no sequentially preferable sites available. Furthermore the supporting information highlights that 50% of customers will be 'drive 'thru' with 20% takeaway, 20% sit in and 10% delivery. The greatest impacts are therefore likely to be felt by other 'drive thru' establishments which by nature are not sited in the town centre. The application has demonstrated that there is no requirement for further assessment under policy DP7.

Design & Layout (DP1)

The proposed building is a simple and functional single storey building with a flat roof. It will be finished in grey sheeting with some green detailing to reflect the corporate style of intended occupier. The form, style and finish of the building is in keeping with that of neighbouring developments including Costa immediately to the south. It is considered to be appropriate for a building of this purpose in this setting. The design and materials comply with policy DP1 (i).

The layout is logical given the Drive-thru nature of the development. The building sits in the middle of the plot with the vehicular access around it. The layout has been altered so that no more than 50% of the parking is at the front of the building. This brings the proposal in line with policy DP1 (ii) (b). The orientation of the building matches that of other surrounding developments. The layout is appropriate to the setting and complies with policy DP1.

Landscaping and Open Space (DP1 & EP5)

The plans have been altered to show additional planting on the boundary and around the parking area in the eastern part of the site. A small outdoor seating area has also been proposed which could be used by staff or customers. The planting will help soften the impact of the development integrate it into its surroundings. The proposed landscaping and open space meet both the quality and quantity requirements set out in policy EP5 and are considered to be acceptable for a development of this size and scale. The proposal complies with policies DP1 (i) (c) and EP5.

Access and Parking (PP3 & DP1)

The site is accessed via an existing access from Riverside Place and Riverside Road which will be shared with Costa to the south.

The revised layout shows 9 standard spaces, 1 disabled parking space, 1 EV charger serving two bays and 4 bike stands. The Council's parking standards do not make specific provision for 'drive-thru' developments of this type. A conventional restaurant of the same size would require 14 spaces while a takeaway would require 5. The proposed level of parking falls between the two thresholds which is considered to be acceptable given the nature of the development proposed. Transportation have no objection subject to conditions to ensure that the parking and EV charging are timeously provided in accordance with the submitted plans.

The proposals accord with policies DP1 (ii) AND PP3 (iv).

Drainage and Water Supply (DP & EP12)

The application site has been found to be suitable for ground infiltration but there is limited space to provide soakaways. The original proposal included below ground attenuation of water which is not

supported by the Council's policy. The proposal has since been revised to show a system of infiltration trenches discharging to an existing surface water sewer. Approval from Scottish Water will be required to discharge to their sewer. Flood Risk Management confirm that the changes to the scheme are sufficient to remove their objection. The revised proposal will ensure that surface water is dealt with in an acceptable and sustainable manner in accordance with policy DP1 (iii) and EP12.

The development will be connected to the public sewer and water supply. Scottish Water has no objection.

Recommendation

The proposal is not for a use specified in the I6 designation and as such is a departure from policy DP5. The site forms part of the effective employment land supply and the proposal would result in the loss of employment land in Elgin. The proposal is contrary to policy and is therefore recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None.

HISTORY

Reference No.	Description			
	Decision		Date Of Decision	

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development plan Development specified in Schedule 3 No Premises	16/09/21	
PINS	Departure from development plan Development specified in Schedule 3 No Premises	16/09/21	

DEVELOPER CONTRIBUTIONS (PGU)

Status	
--------	--

DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Planning Statement.	
Main Issues:	Documents setting out the nature of business, potential impacts on town centre and assessment of proposal against policy.	
Document Name:	Drainage Impact Assessment.	
Main Issues:	Assessment of site and justification for drainage solution proposed.	

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

**[Elgin City North]
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 a hot sandwich shop including drive thru at 4 Riverside Road Elgin
Moray IV30 6LS**

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

Date of Notice: **11 November 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 change of use is contrary to Moray Local Development Plan Policies 2020 DP5 and Elgin I6 as the proposal use does not comply with the range of acceptable uses identified in policies DP5 and Elgin I6 would result in a loss of employment land in Elgin.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
J4092	B	Drainage layout
SW/01780/001A		Location plan
SW/01780/008		Proposed elevations and section
SW/01780/002	00	Proposed floor plan
SW/01780/007	D	Proposed site plan and levels
CTCH-J4092-002		Vehicle swept path analysis

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

- Parking layout altered & EV charging added.
- Additional landscaping and open space provided.
- Drainage proposals altered.

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100507181-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ryden LLP		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Brian	Building Name:	
Last Name: *	Muir	Building Number:	130
Telephone Number: *	0141 270 3120	Address 1 (Street): *	St Vincent Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G2 5HF
Email Address: *	brian.muir@ryden.co.uk		

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="40"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Redwood Avenue"/>
Company/Organisation	<input type="text" value="SLD Group Property Limited"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Inverness"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV2 6HA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="liam@subwaynorth.co.uk"/>		

Site Address Details

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

Please identify/describe the location of the site or sites

4 Riverside Road Elgin IV30 6LS

Northing	<input type="text"/>	Easting	<input type="text"/>
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Description of Proposal

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

Erection of hot sandwich shop including drive through

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see Paper Apart: Applicant's Statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

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

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

Please see Paper Apart: List of Documents

Application Details

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

21/01146/APP

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

22/07/2021

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

11/11/2021

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

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

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

The applicant considers that a site visit and inspections will assist the members of the local review body in their understanding of the application site and the context for the site.

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Brian Muir

Declaration Date: 25/11/2021

Notice of Review Site: 4 Riverside Road, Elgin IV30 6LS

Notice of Review Proposal: Erection of hot Sandwich Shop including Drive Through

Applicant: SLD Group Property Limited

Agent: Ryden LLP

Reference of original planning application: 21/01146/APP

Notice of Review submitted November 2021

NOTICE OF REVIEW APPLICANT'S STATEMENT (PAPER APART)

(This document extends to 6 pages)



1. Overview

- Ten years ago, The Moray Council granted planning permission for the land at Linkwood East to be used for a range of commercial uses which could have seen the entire site developed for uses which may not have included any within Classes 4, 5, or 6.
- The site which is the subject of this Notice of Review (Document APP 2) lies within the land for which the above planning permission was granted.
- During the past decade, the linear area of land between Riverside Road and the trunk road has been developed along these lines. Class 1, Class 3, and sui generis uses have been developed.
- The application site is a small site within this zone.
- There has been no interest in business or industrial uses for the application site. Because of its location, it was always the intention to develop the site in a way which completed the other two of drive-through units at this location (KFC and Costa).
- The applicant accepts that adopted planning policy now takes a different position to that which the council took when granting planning permission ten years ago for the Linkwood East site.
- Nevertheless, the applicant believes that, with the development of the linear area of land having taken the form that it has, the development of this small site within that linear area would not undermine planning policy, nor pose any threat to general industrial land supply. On the contrary, it would deliver the early development of the site, delivering investment and jobs.
- Planning officers have refused the planning application under delegated powers. The refusal is for a single reason: *The proposed change of use is contrary to Moray Local Development Plan Policies 2020 DP5 and Elgin I6 as the proposed use does not comply with the range of acceptable uses identified in Policies DP5 and Elgin I6 would result in the loss of employment land in Elgin.* (Document APP 10)
- The applicant submits that the members of the Local Review Body are entitled to strike different balance when placing weight on the objectives of local development plan policy.
- In this case, the applicant submits that members of the Local Review Body can safely reach a different decision to that taken by the planning officer when the application was determined under delegated powers.
- The remainder of this document provides more information in support of this application for a Notice of Review.

2. Supporting information

RELEVANT PLANNING HISTORY

In February 2011, the Moray Council granted Planning Permission in Principle for the development of a 'commercial estate' on a site at East Road, Elgin, Moray. The reference of the planning permission was 09/01477/OUT. In general terms, the redline boundaries for the planning permission were broadly equivalent to the area of land which is now covered by Local Development Plan Allocation I6.

The Planning Permission in Principle permitted a range of use classes to be developed within the site. These are listed in Condition 10 of the planning permission. The permitted uses included Classes 2, 3, 4, 5, 6, 7, and 11. A limited amount of Class 1 retail use was also permitted, provided it was ancillary retailing to any industrial or commercial business provided on the site (Condition 11 of the planning permission details this).

The access road framework which was approved within Planning Permission in Principle was physically implemented. However, rather than being approved via an application for matters specified in condition, the then applicant sought a new detailed planning permission for the road network. In doing so, the applicant failed to realise that by using an application for detailed planning permission rather than an application for matters specified in condition, he was failing to implement 09/0477/OUT.

The reason that this planning history is important is that, within the last 10 years, there was existing a planning permission which could have been implemented any time up until 7 years ago. That planning permission was for a much wider range of uses than the Classes 4, 5, and 6 uses which are now contained within LDP Allocation I6. At one stage, a cinema (Class 11) was proposed for the site and this would have been consistent with the planning permission.

Also of material consideration is that, although the planning authority has, through the local development plan process sought to narrow the range of uses which can be implemented at the site covered by Allocation I6, it has nevertheless granted planning permission for a range of uses on the road frontage part of the site which are more consistent with the 2011 planning permission than they are with the LDP Policy position. These uses have included:

- A KFC drive-through (granted planning permission in 2011);
- A furniture retail store (granted planning permission in 2017);
- A Costa Coffee drive-through (granted planning permission 2017); and
- A car sales use (granted planning permission in 2018).

Together, these uses now dominate frontage of the I6 site, as it faces the trunk road.

The application site lies within this linear section of Site I6. It is a relatively small site.

The applicant always anticipated that it was likely to be occupied by a further Class 3-type use. In anticipation of that, the access roads infrastructure for the Costa drive-through were developed in a way which would also serve the site which is the subject of the current application.

To illustrate all of this, the aerial photograph below illustrates all of the above planning uses. It also shows very clearly the context of the application site (identified as Plot 3B). It would not be unreasonable to describe the application site as a last-remaining, residual site within the linear stretch of Site I6 which sits between Riverside Road and the trunk road.

It is submitted that it is reasonable to take into account all of the above as a material consideration in the consideration of the current application.



RELEVANT PLANNING POLICY

POLICY DC5 (BUSINESS AND INDUSTRY) AND THE RELATED SITE ALLOCATION OF I6 (LINKWOOD EAST)

The applicant accepts that the proposed development is contrary to the site-specific land-use allocation for the application site (I6 of the Local Development Plan). The applicant also accepts that Policy DP5 protects such allocations of land which is allocated for business and industry.

However, the applicant submits that there is a strong case to consider a range of relevant material considerations which may allow the planning authority to set a more flexible interpretation of policy in relation to this specific site. These include:

- The policy designation does not reflect what has actually been developed on the linear area of land at Linkwood East between Riverside Road and the trunk road (and this includes planning decision as recently as 2018 to approve car sales);
- The policy designation does not reflect that these developments which have been implemented have a life-span of between 30 and 50 years (and unless these uses and buildings are subject to some major economic downturn, mean that the land in question will not be available for developments within Use Classes 4, 5, or 6 for that period of time);
- The uses which have been implemented probably have an employment density per square metre at least as good as developments in Classes 4 and 5, and probably much better than Class 6;
- The application site is one small site remaining in the linear strip of land lying between Riverside Road and the trunk road and to insist that the application site alone should be reserved for uses within Classes 4, 5, or 6, is unreasonable;
- Although it is accepted, as has been suggested by planning officers, that the site could potentially be developed for Class 4, such development is very unlikely at this location; and
- As noted within the consultation response by the Development Plan Team (Document APP 9, Page 3 Paragraph 1 under the sub-heading 'Siting and Principal of Development (DP5 & Elgin I6)'), the proposed development **would** be compatible with the neighbouring uses, given that they are similar in character (drive through fast food outlets).

All of the above material considerations are specific to the application site itself.

This leaves the question as to whether or not the development of the application site for the use proposed would negatively affect or undermine the supply of land within Elgin in particular, and the Moray in general, in relation to development land available for Classes 4, 5, and 6.

In the submission of the applicant, the council's own industrial land supply figures demonstrate that the development of the application site would not materially affect the supply of industrial and business land within the area.

3. Conclusion

The application site lies within a linear strip of land which has been developed during the past decade for a range of commercial uses. None of these uses fall within Classes 4, 5 or 6.

The application site lies within this linear strip. It is a small site and its development for the application proposal would be consistent with the adjacent land-uses.

The planning officers wish to defend the retention of the application site for a use which falls within Class 4, 5, or 6. Such uses could include an office pavilion, a general industrial workshop, or a storage and distribution depot. It is the submission of the applicant that the remaining, small site is not really suitable for any of these uses.

The reason for refusal in the Decision Notice seeks to protect the land for employment use. It is the applicant's submission that the uses which have been implemented within the linear strip fronting the trunk road probably have an employment density per square metre at least as good as developments in Classes 4 and 5, and probably much better than Class 6. The applicant believes that this will be the case for the proposed development which is the subject of this Notice of Review. Employment opportunity will therefore not be lost. Rather, it will be implemented soon rather than waiting many years, perhaps decades for a use compliant with Class 4, 5, or 6.

The applicant commends this Notice of Review to members and requests that the Notice of Review is allowed and planning permission granted for the proposed development.

(End of statement)

Note 1: For the avoidance of doubt, the images reproduced in this document are images which were lodged with the original planning application.

24 November 2021
Ryden | Planning SLDE0001

Notice of Review Site: 4 Riverside Road, Elgin IV30 6LS

Notice of Review Proposal: Erection of hot Sandwich Shop including Drive Through

Applicant: SLD Group Property Limited

Agent: Ryden LLP

Reference of original planning application: 21/01146/APP

Notice of Review submitted November 2021

NOTICE OF REVIEW APPLICANT'S LIST OF DOCUMENTS & EVIDENCE (PAPER APART)

Principal Documents (submitted as part of the planning application process)

APP 1	Planning Application Form and Certificates
APP 2	Location Plan
APP 3	Existing Site Plan
APP 4	Proposed Site Plan
APP 5	Proposed Floor Plan
APP 6	Proposed Elevations and Section
APP 7	Drainage Layout
APP 8	Vehicle Swept Path Analysis

Related Supporting Documents

(Planning authority decision documents)

APP 9	Report of Handling (5 November 2021)
APP 10	Decision Notice (11 November 2021)

(End of List of Documents)

24 November 2021
Ryden | Planning SLDE0001



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100430952-001

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)

Erection of Subway sandwich shop, including drive thru

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:	CFM Consultants Ltd		
Ref. Number:	1780	You must enter a Building Name or Number, or both: *	
First Name: *	Sam	Building Name:	New Media House
Last Name: *	Cheshire	Building Number:	
Telephone Number: *	01253 884 063	Address 1 (Street): *	8 Hardhorn Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Poulton-le-Fylde
Fax Number:		Country: *	United Kingdom
		Postcode: *	FY6 7SR
Email Address: *	sam@cfmconsultants.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	40
Last Name: *		Address 1 (Street): *	Redwood Avenue
Company/Organisation	SLD Group Property Ltd	Address 2:	
Telephone Number: *		Town/City: *	Inverness
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV2 6HA
Fax Number:			
Email Address: *	sam@cfmconsultants.co.uk		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

4 RIVERSIDE ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ELGIN

Post Code:

IV30 6LS

Please identify/describe the location of the site or sites

Northing

862483

Easting

323694

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

920.00

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.

<p>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</p> <p>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.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px 10px;">0</div>
<p>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)? *</p>	<div style="border: 1px solid black; padding: 2px 10px;">11</div>
<p>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).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input checked="" type="checkbox"/> Yes – connecting to public drainage network</p> <p><input type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

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

Bin store area provided on plans

Residential Units Including Conversion

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

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☒ Yes ☐ No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 3 Restaurant/cafe

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

140

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

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

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

☒ Yes ☐ No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

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

Name:

Mr Jack T C Brown

Address:

Northern Property Suite 8/1, 175, Finnieston Street, Glasgow, G3 8HD

Date of Service of Notice: *

22/07/2021

Name:

Address:

Costa Limited Costa House Houghton Hall Business Park, Porz Avenue, Houghton Regis, Dunstable, LU5 5YG

Date of Service of Notice: *

22/07/2021

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed: Sam Cheshire

On behalf of: SLD Group Property Ltd

Date: 22/07/2021

☒ 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)

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 Sam Cheshire

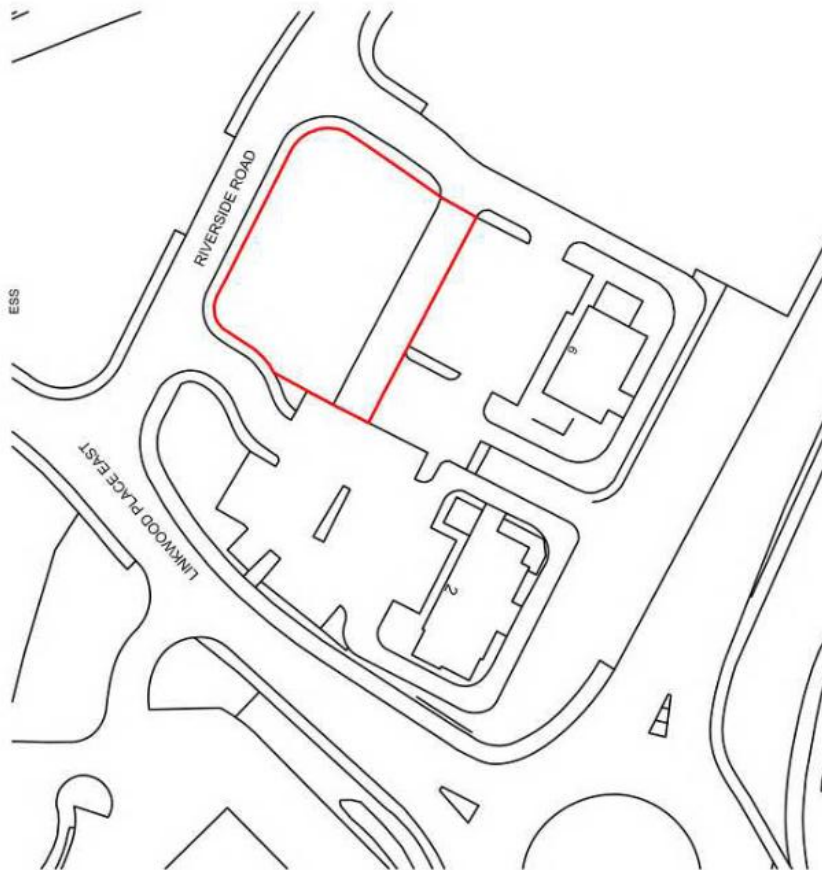
Declaration Date: 22/07/2021

Payment Details

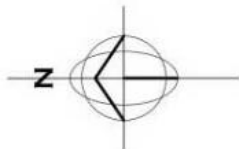
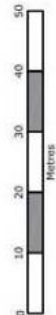
Online payment: 005664

Payment date: 22/07/2021 13:58:35

Created: 22/07/2021 13:58



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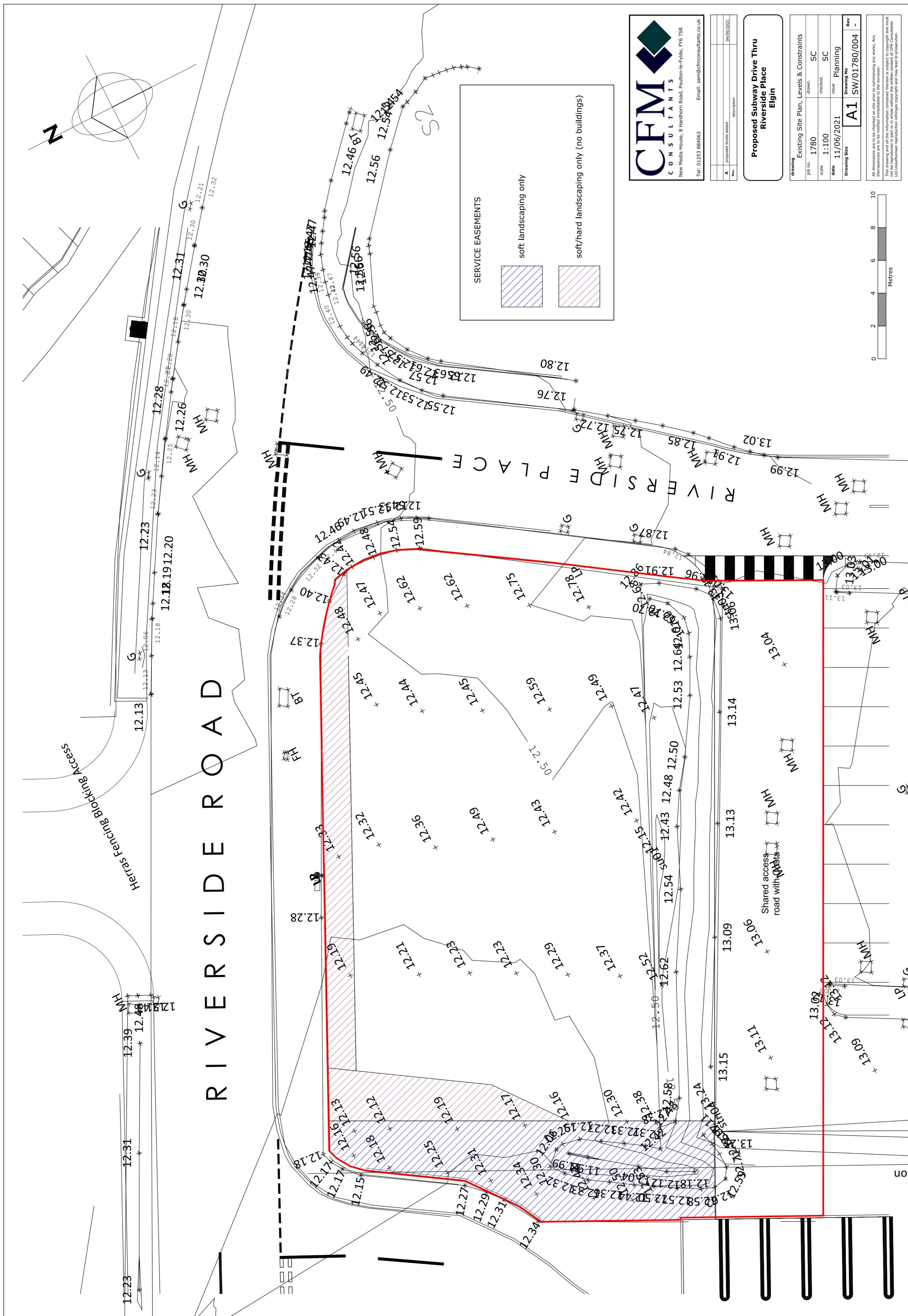
 <p>CFM CONSULTANTS</p> <p>Tel: 01253 894603 Email: sales@cfmconsultants.co.uk New Mills House, 11 Haddon Road, Poulton-le-Fylde, FY16 7SE</p>	
<p>4 Riverside Road, Linkwood, FY35 6LS</p>	
<p>Drawing : Location Plan</p>	
<p>Scale : 1:1250 @ A4</p>	
<p>Drawing No. : SW/01/780/001A</p>	
<p>Date : 11/06/21</p>	
<p><small>All information on this location plan has been derived from Ordnance Survey data. Any discrepancies are to be referred immediately to the relevant authority.</small></p>	
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Town & Country Planning
(Scotland) Act, 1987
as amended

REFUSED

11 November 2021

Development Management
Environmental Services
The Moray Council





AMENDED PLANS

PLANTING SCHEDULE				
REF.	SPECIES	POT SIZE	HEIGHT	DENSITY QUANTITY
BS	Buxus sempervirens	2L	30-40cm	5/m 400
CAS	Cornus alba 'Sibirica'	2L	40-60cm	2/m ² 13
CD	Cotoneaster dammeri	3L	10-20cm	3/m ² 35
EPM	Elaeagnus pungens 'Maculata'	3L	30-40cm	3/m ² 21
EFEG	Euonymus fortunei 'Emerald Gaiety'	3L	20-30cm	3/m ² 38
RR	Rosa rugosa	3L	40-60cm	2/m ² 18
VD	Viburnum davidii	3L	20-30cm	3/m ² 31
CA	Corylus Avellana	10L	100-130cm	- 4

CFM

CONSULTANTS

New Media House, 8 Hardthorn Road, Poulton-le-Fylde, FY6 7SR

Tel: 01253 884063

Email: sam@cfmconsultants.co.uk

D

Landscaping alterations

14/10/2021

C

Landscaping alterations, EV charger and cycle hoops added

23/09/2021

B

EV charging point added

19/07/2021

A

Proposed levels added

05/06/2021

Rev:

description

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

REFUSED

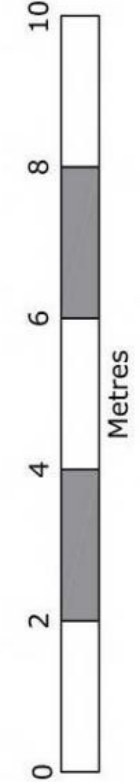
11 November 2021

Development Management
Environmental Services
The Moray Council

Proposed Subway Drive Thru
Riverside Place
Elgin

drawing		
job no.	1780	drawn: SC
scale	1:100	checked: SC
date	24/05/2021	issue: Planning
Drawing Size	A1	Drawing No SW/01780/007
Rev	D	

All dimensions are to be checked on site prior to commencing any works. Any discrepancy is to be reported to the surveyor immediately. The drawings are to be used as a guide only and are not to be reproduced in part or in whole without the written consent of CFM Consultants Ltd. Unauthorised reproduction infringes copyright and may lead to prosecution.



33	REFRIGERATED BACK COUNTER
34	RAPID COOK OVEN
35	FRESH DISPLAY
36	3 COMP SINK
37	MOP SINK
38	HOT WATER TANK
39A	WORKTABLE 48"
40A	WALL SHELF
40B	SMART WALL SYSTEM
43	CLEANING PRODUCT RACK
44	DISHWASHER
45	VEGETABLE SLICER
47	FRIDGE
48	FREEZER
49A	STORAGE UNITS
50	SODA STORAGE
52	MICROWAVE

#	Item
1	WOOD PLANK FOCAL WALL
2	WALL BENCH
3	WALL ART
4B	30" X 42" X 30" TABLE
4D	36" ROUND TABLE
5A	24" X 20" X 30" TABLE
5D	KIOSK COUNTER
6A	CHAIR
6B	CHAIR
6E	UPHOLSTERED OTTOMAN
7	KIOSK TERMINAL
8	TRASH/RECYCLE RECEPTACLE
9A	SODA FOUNTAIN
9B	ICE MACHINE
10A	BEVERAGE DESTINATION CENTER
10B	BEVERAGE SHROUD
13	BEVERAGE CADDY
14	CHIP DISPLAY
15	DISPLAY REFRIGERATOR
16	ILLUMINATED CHOICE MARK SIGN
18	TOY DISPLAY
19A	18" HOT FOOD SECTION
19B	COLD PAN
19D	CASH SECTION
20A	PICK-UP SHELF
20B	COFFEE MACHINE
21	COOKIE DISPLAY CASE
22	OVEN CART
22C	COFFEE MACHINE
23	SAFE
24	P.O.S.
24A	P.O.S. SHROUD
26	HAND SINK
27	BREAD OVEN
28A	COMBINATION BREAD CABINET
28C	FRONT LINE BREAD DISPLAY
29	DIGITAL MENUBOARD
31	SINK COUNTER
32	BACK COUNTER

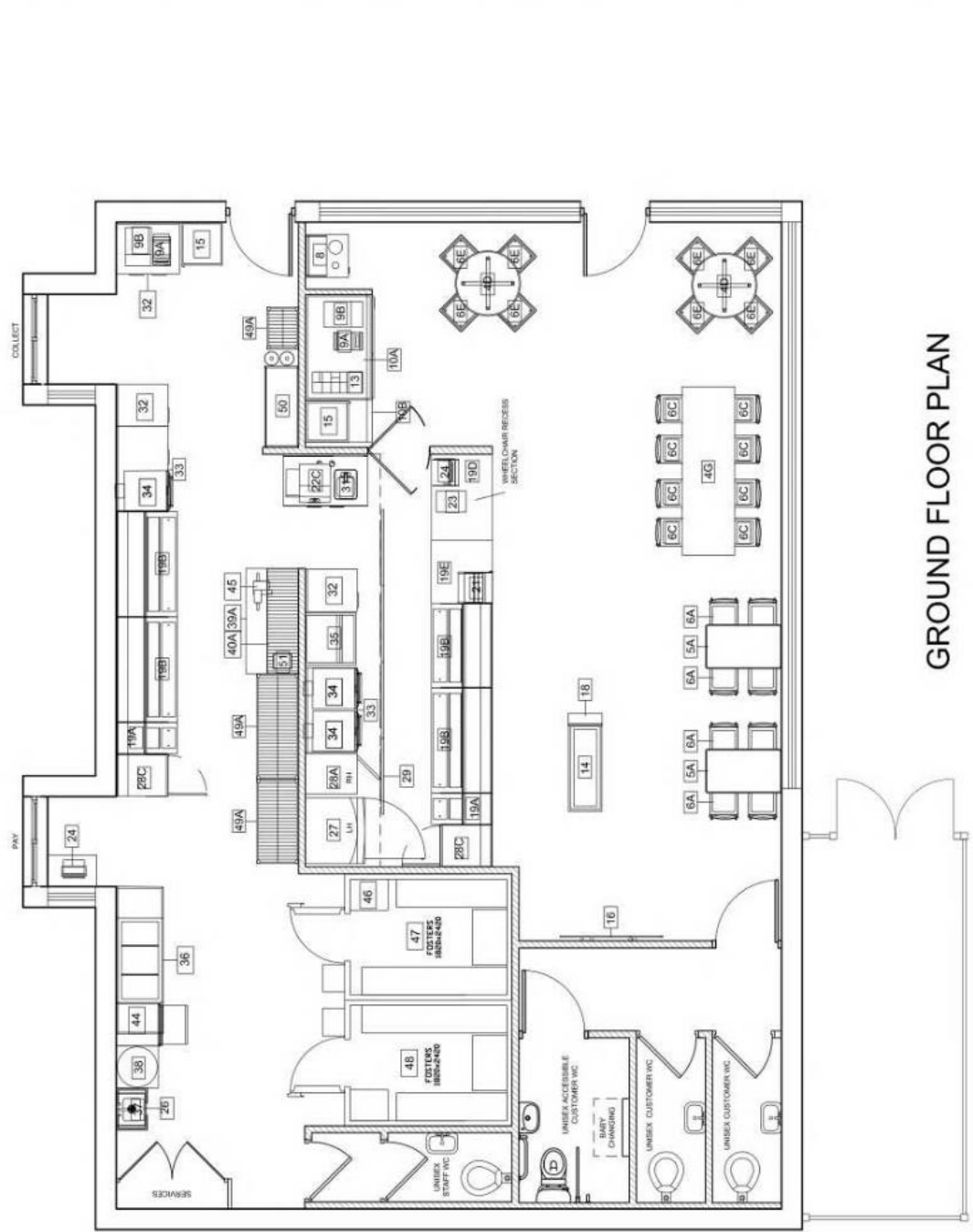


Tel: 01253 861 488 Email: sam@cfmconsultants.co.uk
8 Hardison Road, Poulton-le-Fylde, FY6 7SR

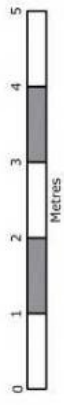
**Proposed Subway
Riverside Place
Elgin**

Drawing: One Page Layout
Scale: 1:100 @ A4
Drawing No.: SW/O1780/002
Date: 10/06/2021
Revision: 00

PLEASE NOTE: These drawings are prepared for the purposes of handoff approval and show the out/construction only and should not be construed as a comprehensive design providing full compliance with all applicable regulations and standards. All dimensions are to be checked on site prior to commencing any works. Any discrepancies are to be notified immediately to the surveyor. The drawings are the property of CFM Consultants Ltd. and are not to be reproduced in part or in whole without the written consent of CFM Consultants Ltd. Any unauthorised reproduction infringes copyright and may lead to prosecution.



GROUND FLOOR PLAN



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

Notes:

1. Drainage to be constructed, installed & tested in accordance with the recommendations in BS EN 752:2017, BS EN 1610:2015, CIRA C753, SEPA GBR10 & Sewers for Scotland - 4th Edition.

2. Minimum 100mm cover to be provided to all pipework within the ground surface. A minimum of 600mm below any parking area and a minimum of 1200mm below any road.

3. Refer to the Architect's drawings for the position of the roof water downpipes and internal foul drainage outlets.

4. Connections into public sewers shown are subject to approval from Scottish Water.

5. Position of any existing services must be accurately located on site prior to construction work commencing.

LEGEND:

MH 160mm Ø uPVC foul sewer and 1.2m Ø manhole (arrowhead denotes direction of flow)

MH 1.2m Ø manhole (arrowhead denotes direction of flow)

R.E. New rodding point terminal

I.C. New 450mm Ø uPVC inspection chamber (maximum depth 1.2m)

D.M. New 450mm Ø uPVC disconnecting manhole (maximum depth 1.2m)

S.T. New 500mm Ø polypropylene silt trap manhole with 450mm sump (by Wavin or equal & approved)

708mm x 354mm x 150mm distribution tank wrapped with geotextile for disposal of roof water into paving sub-base

Denotes area of asphalt road construction

Denotes area of asphalt footway/hardstanding construction

Denotes landscaped area

Denotes areas of permeable concrete block paving (infiltration system)

TP1 Indicates approximate position of trial pit installation (carried out 02/07/2021 by others)

Site Layout:

New Subway Drive-thru at Riverside Place, Elgin

Drainage Layout Plan

CairTech

LAND & BUILDING SURVEYING
SURVEYING
DIMENSIONAL CONTROL SURVEYING
LASER SCANNING SERVICES
AUTOCAD DRAUGHTING SERVICES

HYDROGRAPHIC SURVEYING
SURVEYING
DIMENSIONAL CONTROL SURVEYING
LASER SCANNING SERVICES
AUTOCAD DRAUGHTING SERVICES

TOPE OFFICE
FOUNAVEN
MUR OF CRD
ROSS SHIRE
IVY 15U
Tel: 01463 811400 Tel: 01463 545000

ADDITIONAL CONTACT INFO
E-mail: client@cairtech.co.uk
Tel: 07740 886569
Website: http://www.cairtech.co.uk

Client: Subway North Ltd.

Drawn By: KGT
Checked By: GCN
Surveyed By: N/A
Surveyed Date: N/A

Drawing Status:
PLANNING
FOR APPROVAL
WARRANT
CONSTRUCTION

Drawing Date: 02/08/2021
Drawing Scale: 1:100 @ A1
Drawing No: CTCH-J4092-001

Our Job Ref: J4092
Rev: B

Levels are in metres and are to Ordnance Datum.
Coordinates are to National Grid.
(GPS Network)

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

REFUSED

11 November 2021

Development Management
Environmental Services
The Moray Council

17m long x 1m wide stone filled filter trench to treat and attenuate surface water run-off from adjacent road area. Trench to be wrapped with permeable membrane to allow for partial infiltration into surrounding subsoil

Infiltration Trench No. 1

Road levels at corner to be formed to connect to existing road and run-off into the adjacent road gullies

TP2

TP3

TP3A

TP4

TP1

Flow control MH

1.2m Ø precast concrete manhole with flow control device (Hydrobrake by Hydro International or equal & approved) to restrict post-development surface water run-off to no more than 0.7 litres/second for a 1 in 30 year storm

Foul sewer from development site to connect into existing capped tail left from Costa development (subject to approval from Scottish Water). Level of existing tail to be checked to confirm feasibility

Controlled surface water discharge to connect into existing surface water sewer via manhole constructed on line of existing 225mm Ø capped tail (subject to approval from Scottish Water). Level of existing tail to be checked to confirm feasibility

Roof water to discharge into paving sub-base

Magenta coloured line indicates approximate position of existing surface water sewer beneath site (grey lines indicate extent of 6m wayleave)

Infiltration Trench No. 2

7m long x 2m wide stone filled filter trench to treat and attenuate surface water run-off from adjacent road area. Trench to be wrapped with permeable membrane to allow for partial infiltration into surrounding subsoil. Flow control device (Hydrobrake by Hydro International or equal & approved) fitted within downstream manhole to restrict post-development surface water run-off to less than or equal to 0.7 litres/second for a 1 in 30 year storm

Note:-
All levels relating to proposed drainage system to be checked to confirm feasibility of connection into existing sewer tails

REPORT OF HANDLING

Ref No:	21/01146/APP	Officer:	Lisa Macdonald
Proposal Description/ Address	Erect a hot sandwich shop including drive thru at 4 Riverside Road Elgin Moray IV30 6LS		
Date:	05.11.2021	Typist Initials:	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
Transport Scotland	03/09/21	No objection
Strategic Planning And Development	27/10/21	<p>Objection - The proposal is not a suitable use for the site as set out within the I6 designation text. It is an unacceptable departure from DP5 as industrial estates are primarily reserved for classes 4, 5 and 6 and the extent of "other uses" already constructed means that no further development outwith classes 4, 5 and 6 are suitable. The proposal would also impact on the choice of serviced employment land within Elgin. The question of extending the range of suitable uses for the site was examined as part of the enquiry into the MLDP 2020 and the reporter concluded that the designation should remain as it is at present.</p> <p>Additional information has demonstrated that the development will not have a significant adverse impact on the town centre so there is no requirement for a retail impact assessment or to consider sequentially preferable site.</p> <p>The proposal complies with DP1 and EP5 in relation to layout, parking and landscaping.</p>

Moray Flood Risk Management	11/10/21	No objection.
Contaminated Land	25/08/21	No objection.
Environmental Health Manager	02/09/21	No objections – the proposal will require to comply with Food Hygiene and Health and Safety Regulations.
Transportation Manager	28/09/21	Initial concerns regarding the absences of cycle stands and EV charging provision addressed, No objection subject to conditions to ensure that that parking and ev charging are provided as shown on the approved plans.
Scottish Water	20/08/21	No objection.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1 Placemaking	N	
PP2 Sustainable Economic Growth	N	
PP3 Infrastructure and Services	N	
DP1 Development Principles	N	
DP7 Retail/Town Centres	N	
DP5 Business and Industry	Y	See below
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	
Elgin - I6 Linkwood East	Y	See below

REPRESENTATIONS

Representations Received	YES	
Total number of representations received: One		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
Issue: General comments regarding the protection of flora and fauna.		
Comments (PO): This is a relatively small site with limited ecological value. The proposed planting will increase the biodiversity value of the site.		

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:

The Proposal

This application seeks planning permission for a hot sandwich shop and 'Drive-thru' with associated parking and drainage.

The Site

The site is a vacant plot within the Linkwood East Industrial Site and is covered by the Elgin I6 designation in the MLDP 2020. It is a flat, open site that is currently unoccupied. There is an existing access from Riverside Place which joins Riverside Road. The access is shared with Costa which is immediately to the south of the site. There is a KFC to the south west and a car show room and a furniture shop to the south east. The land to the east and that on the northern side of Riverside Road are the only other vacant plots within the I6 designation.

The Supporting Statement notes that at one time, what is now the I6 site, benefitted from planning permission in principle (09/01477/OUT) for a mixed commercial development. This would have allowed a wide range of uses falling into class 2-7 and 11 (professional services, restaurants and cafes, business, industrial, storage and distribution, hotels and professional services) with some ancillary retail but that consent lapsed in February 2014. For the avoidance of doubt hot food for takeaway is a sui generis use and would not have been accommodated under the terms of the previous permission.

Siting & Principal of Development (DP5 & Elgin I6)

The proposal is within the Elgin I6 designation and policy DP5 states that industrial sites are reserved for class 4 (business), Class 5 (industrial) and Class 6 Storage and distribution uses. The proposed use is a sui generis use that is not suitable for an industrial site. It is recognised that there are a number of non-compliant uses on the site including Costa and KFC and this proposal would sit comfortably alongside the existing uses however the site remains a key component of available employment land in Elgin. It is noted that the question of widening the range of acceptable uses for this site was the subject of examination during the review of the MLDP 2020. The Reporter acknowledged the non-compliant activities already present on the site but found that the site should remain primarily for employment uses and that it contributed to the effective employment land supply in Elgin. The I6 designation therefore remains an industrial site which should primarily be occupied by employment uses. The site contributes to the effective employment land supply in Elgin and the loss of this site would limit the already limited choice of immediately available employment sites in Elgin. There is a limited supply of serviced employment land within Elgin amounting to 14.4 ha in total across I7 Barmuckity (11.8 ha), I2 Channory (1.27) and I6 Linkwood East (1.4ha) and the loss of this site from available employment land would further erode the supply. The site is small but could accommodate a starter unit and the availability of a range of types and sizes of employment land is important to meet a range of needs.

In their supporting statement the applicant argues that the policy designation does not reflect what has been developed in the portion of the I6 site between Riverside Road and the Trunk Road and it is unreasonable to insist on reserving this plot for industrial uses. It is recognised non-compliant uses have been approved on the I6 site including a furniture shop, a car show room, a KFC and a Costa. These dominate the frontage of the site and take up most of the I6 designation to the south of Riverside Road. In addition to the application site there is one other remaining plot between the car show room and the furniture shop. The only compliant development on the I6 site is to the north of Riverside Road and another large plot also remains in that area. Nonetheless, each application must be considered on its own merits. The possibility of extending the range of suitable uses for this site has been examined by the Reporter and the decision was taken that the site should be retained

primarily for employment uses. The proposed use is not compliant with the range of uses set out in the I6 designation and is a departure from policy DP5. The site contributes to the effective employment land supply and any loss of employment land in Elgin should be resisted.

Impact on Town Centre (DP7)

Policy DP7 seeks to protect town centres by directing developments that would attract significant footfall to the town centre. Away from the town centre developments that will attract significant footfall must demonstrate that there are no suitable sequentially preferable sites and that there will be no unacceptable impact on the vitality and viability of the town centre. In this instance, additional supporting information has been provided to demonstrate that the development will not attract 'significant' footfall therefore there is no requirement for a Retail Impact Assessment or to demonstrate that there are no sequentially preferable sites available. Furthermore the supporting information highlights that 50% of customers will be 'drive 'thru' with 20% takeaway, 20% sit in and 10% delivery. The greatest impacts are therefore likely to be felt by other 'drive thru' establishments which by nature are not sited in the town centre. The application has demonstrated that there is no requirement for further assessment under policy DP7.

Design & Layout (DP1)

The proposed building is a simple and functional single storey building with a flat roof. It will be finished in grey sheeting with some green detailing to reflect the corporate style of intended occupier. The form, style and finish of the building is in keeping with that of neighbouring developments including Costa immediately to the south. It is considered to be appropriate for a building of this purpose in this setting. The design and materials comply with policy DP1 (i).

The layout is logical given the Drive-thru nature of the development. The building sits in the middle of the plot with the vehicular access around it. The layout has been altered so that no more than 50% of the parking is at the front of the building. This brings the proposal in line with policy DP1 (ii) (b). The orientation of the building matches that of other surrounding developments. The layout is appropriate to the setting and complies with policy DP1.

Landscaping and Open Space (DP1 & EP5)

The plans have been altered to show additional planting on the boundary and around the parking area in the eastern part of the site. A small outdoor seating area has also been proposed which could be used by staff or customers. The planting will help soften the impact of the development integrate it into its surroundings. The proposed landscaping and open space meet both the quality and quantity requirements set out in policy EP5 and are considered to be acceptable for a development of this size and scale. The proposal complies with policies DP1 (i) (c) and EP5.

Access and Parking (PP3 & DP1)

The site is accessed via an existing access from Riverside Place and Riverside Road which will be shared with Costa to the south.

The revised layout shows 9 standard spaces, 1 disabled parking space, 1 EV charger serving two bays and 4 bike stands. The Council's parking standards do not make specific provision for 'drive-thru' developments of this type. A conventional restaurant of the same size would require 14 spaces while a takeaway would require 5. The proposed level of parking falls between the two thresholds which is considered to be acceptable given the nature of the development proposed. Transportation have no objection subject to conditions to ensure that the parking and EV charging are timeously provided in accordance with the submitted plans.

The proposals accord with policies DP1 (ii) AND PP3 (iv).

Drainage and Water Supply (DP & EP12)

The application site has been found to be suitable for ground infiltration but there is limited space to provide soakaways. The original proposal included below ground attenuation of water which is not

supported by the Council's policy. The proposal has since been revised to show a system of infiltration trenches discharging to an existing surface water sewer. Approval from Scottish Water will be required to discharge to their sewer. Flood Risk Management confirm that the changes to the scheme are sufficient to remove their objection. The revised proposal will ensure that surface water is dealt with in an acceptable and sustainable manner in accordance with policy DP1 (iii) and EP12.

The development will be connected to the public sewer and water supply. Scottish Water has no objection.

Recommendation

The proposal is not for a use specified in the I6 designation and as such is a departure from policy DP5. The site forms part of the effective employment land supply and the proposal would result in the loss of employment land in Elgin. The proposal is contrary to policy and is therefore recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None.

HISTORY

Reference No.	Description			
	Decision		Date Of Decision	

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development plan Development specified in Schedule 3 No Premises	16/09/21	
PINS	Departure from development plan Development specified in Schedule 3 No Premises	16/09/21	

DEVELOPER CONTRIBUTIONS (PGU)

Status	
--------	--

DOCUMENTS, ASSESSMENTS etc. *

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

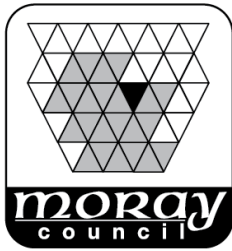
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Planning Statement.	
Main Issues:	Documents setting out the nature of business, potential impacts on town centre and assessment of proposal against policy.	
Document Name:	Drainage Impact Assessment.	
Main Issues:	Assessment of site and justification for drainage solution proposed.	

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

**[Elgin City North]
Application for Planning Permission**

TO SLD Group Property Ltd
c/o CFM Consultants Ltd
New Media House
8 Hardhorn Road
Poultou-le-Fylde
FY6 7SR

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 a hot sandwich shop including drive thru at 4 Riverside Road Elgin
Moray IV30 6LS**

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

Date of Notice: **11 November 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 change of use is contrary to Moray Local Development Plan Policies 2020 DP5 and Elgin I6 as the proposal use does not comply with the range of acceptable uses identified in policies DP5 and Elgin I6 would result in a loss of employment land in Elgin.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
J4092	B	Drainage layout
SW/01780/001A		Location plan
SW/01780/008		Proposed elevations and section
SW/01780/002	00	Proposed floor plan
SW/01780/007	D	Proposed site plan and levels
CTCH-J4092-002		Vehicle swept path analysis

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

- Parking layout altered & EV charging added.
- Additional landscaping and open space provided.
- Drainage proposals altered.

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

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

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



MORAY LOCAL REVIEW BODY

24 FEBRUARY 2022

SUMMARY OF INFORMATION FOR CASE No LR270

Planning Application 21/00168/APP – Proposed erection of dwelling-house and attached garage at Plot 3 Easter Coltfeld, Alves, Elgin

Ward 5 – Heldon and Laich

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

The proposal would be contrary to policies DP1, DP4 and EP14 of the Moray Local Development Plan 2020 for the following reasons:

1. The site lies within a Pressurised and Sensitive Area and as such policy DP4 outlines that no new housing will be permitted within these areas on the basis that further housing would exacerbate the build-up of housing which has already negatively impacted on the character of the countryside in this area.
2. The applicants have not provided a Noise Impact Assessment in support of the application and as such have failed to demonstrate that the occupants of the proposed house would not be subject to harmful noise pollution as a result of aircraft utilising RAF Kinloss.

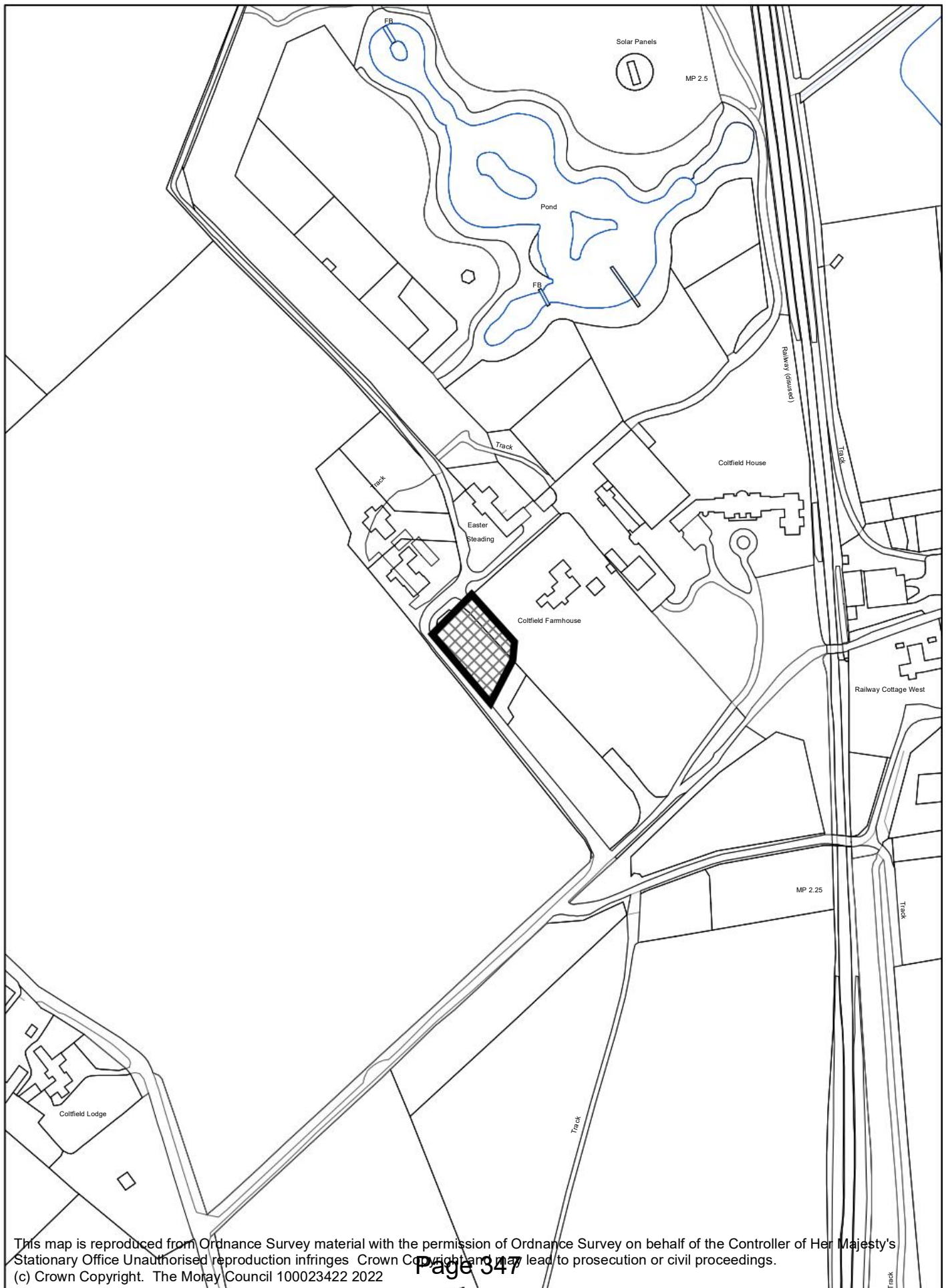
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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 : 21/00168/APP





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100359372-001

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

Type of Application

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

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

Description of Proposal

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

Proposed erection of dwelling-house with attached garage

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Tulloch House"/>
First Name: *	<input type="text" value="Blair"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Tulloch"/>	Address 1 (Street): * <input type="text" value="Tulloch House"/>
Company/Organisation	<input type="text" value="Tulloch of Cummingston Ltd"/>	Address 2: <input type="text" value="Forsyth street"/>
Telephone Number: *	<input type="text" value="01343 835600"/>	Town/City: * <input type="text" value="Elgin"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="IV30 5ST"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="blair@tullochofcummingston.co.uk"/>	

Site Address Details

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

Please identify/describe the location of the site or sites

Northing	<input type="text" value="864396"/>	Easting	<input type="text" value="312022"/>
----------	-------------------------------------	---------	-------------------------------------

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

1720.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

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

Unused 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? *

☐ Yes ☒ No

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

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

0

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

5

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

Water Supply and Drainage Arrangements

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

☒ Yes ☐ No

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

- ☐ Yes – connecting to public drainage network
☒ No – proposing to make private drainage arrangements
☐ Not Applicable – only arrangements for water supply required

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

What private arrangements are you proposing? *

- ☒ New/Altered septic tank.
☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

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

- ☒ Discharge to land via soakaway.
☐ Discharge to watercourse(s) (including partial soakaway).
☐ Discharge to coastal waters.

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

Surface water will be taken to an appropriately sized surface water soakaway. Foul water will be taken to a septic tank and then on to an appropriately sized foul water soakaway.

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

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

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

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

- ☒ Yes
☐ No, using a private water supply
☐ No connection required

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☒ Yes ☐ No

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

Waste Storage and Collection

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

☒ Yes ☐ No

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

Refuse bins and recycling bins will be taken to the end of the driveway and will be collected by the local authority collection units.

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: Mr Blair Tulloch

On behalf of:

Date: 03/02/2021

☒ 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)

Provide copies of the following documents if applicable:

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

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

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 Blair Tulloch

Declaration Date: 01/02/2021

Payment Details

Online payment: 081304

Payment date: 09/02/2021 10:56:53

Created: 09/02/2021 10:56

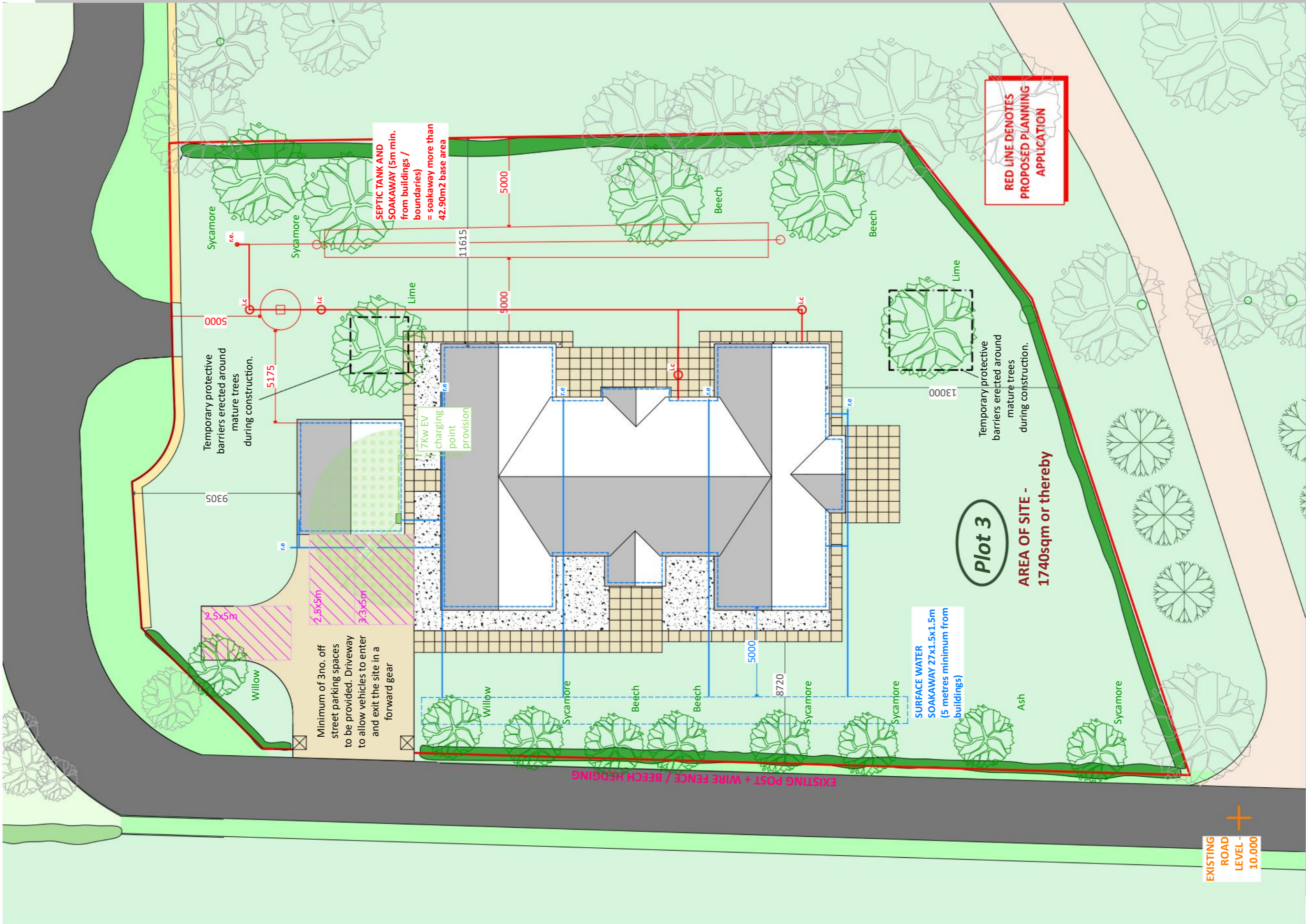
Easter Coltfield

- NEIGHBOURING PROPERTIES
- A -- Mr and Mrs Nicol, Coltfeld Farmhouse, Alves, Moray, IV30 8XA
 - B -- Tulloch of Cummingston Ltd, Tulloch House, Forsyth Street, Hogeman, Moray, IV30 5ST
 - C -- Mr H Rhind, Woodside Farm, Kinloss, Moray, IV36 3UA
 - D -- Mr and Mrs Jebb, 4 Easter Coltfeld, Alves, Moray, IV30 8XA
 - E -- Mr and Mrs Bruce, Easter Coltfeld Steading, Alves, Moray, IV30 8XA



BLOCK PLAN (SCALE 1:1250)

Proposed erection of dwelling-house with attached garage at Plot 3, Easter Coltfeld, near Alves, Moray (previous approval ref - 06 / 00619 / OUT)



t - (01343) 835600 f - (01343) 835700
e - info@tullochofcummingston.co.uk
web - www.tullochofcummingston.co.uk

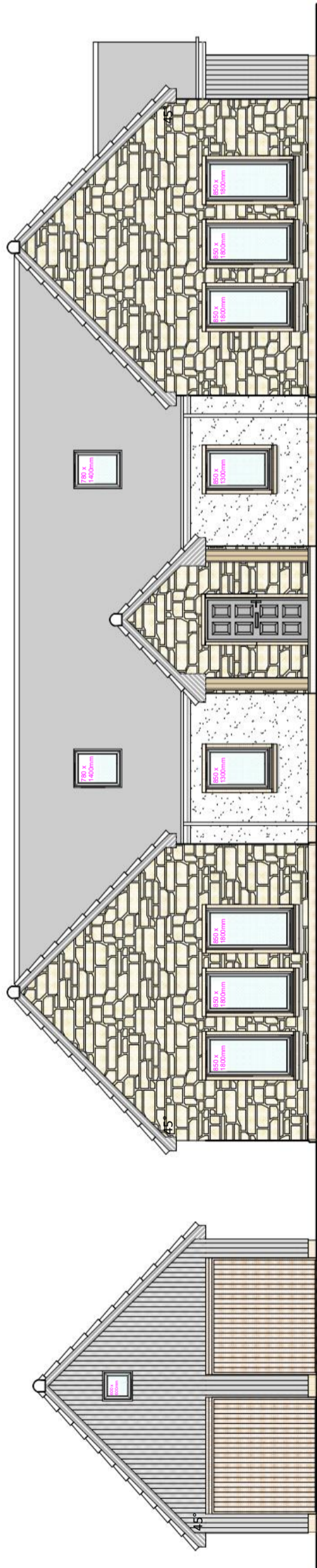


PROJECT
PROPOSED ERECTION OF DWELLING-HOUSE
WITH ATTACHED GARAGE AT PLOT 3, EASTER
COLTFELD, NEAR ALVES, MORAY (PREVIOUS
APPROVAL REF - 06 / 00619 / OUT)

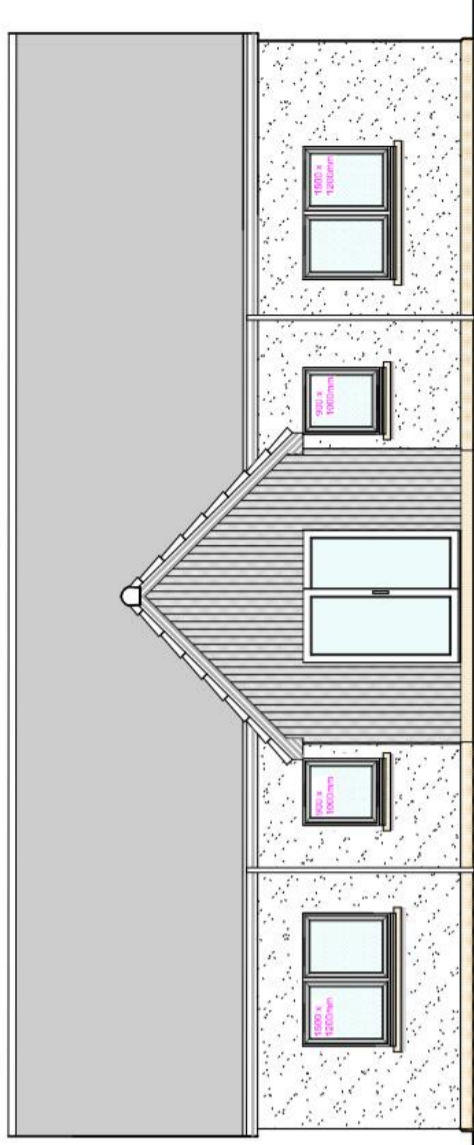
DRAWING DESCRIPTION	
PLANNING DRAWING - SITE INFORMATION	
DRAWING NO.	SCALE
3 E.COLT / P.D. / 01	AS STATED (A1)
DRAWN BY	DATE
B. Tulloch	JUNE 2021



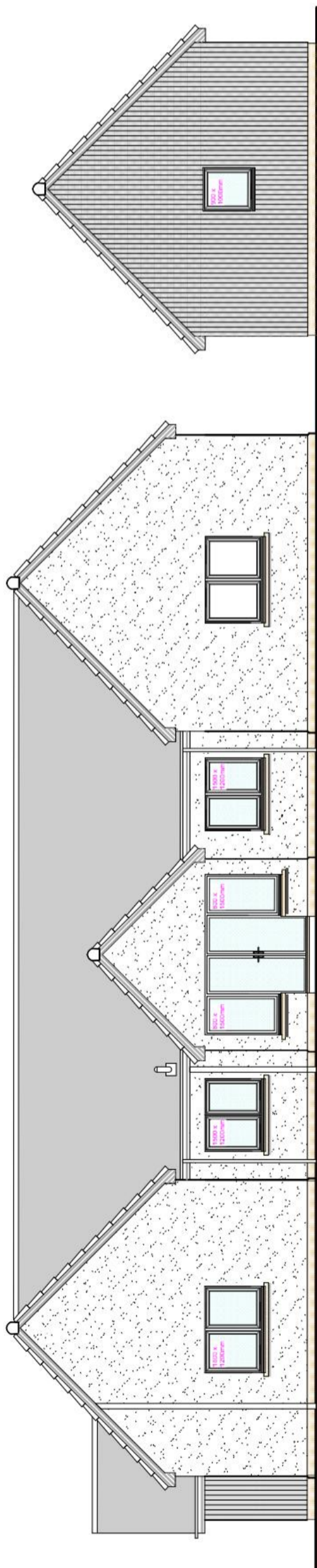
Plot 3, Easter Coltfield, Alves



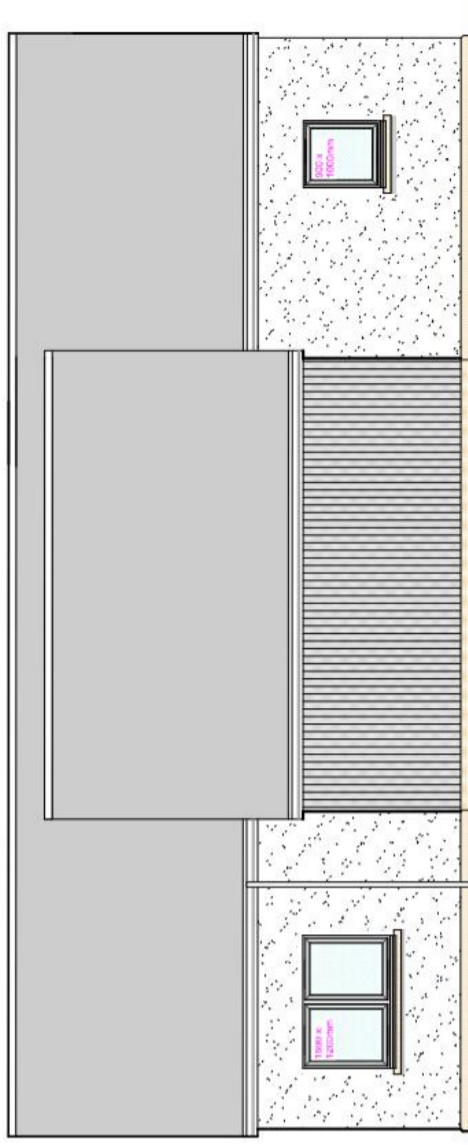
FRONT ELEVATION



SIDE ELEVATION

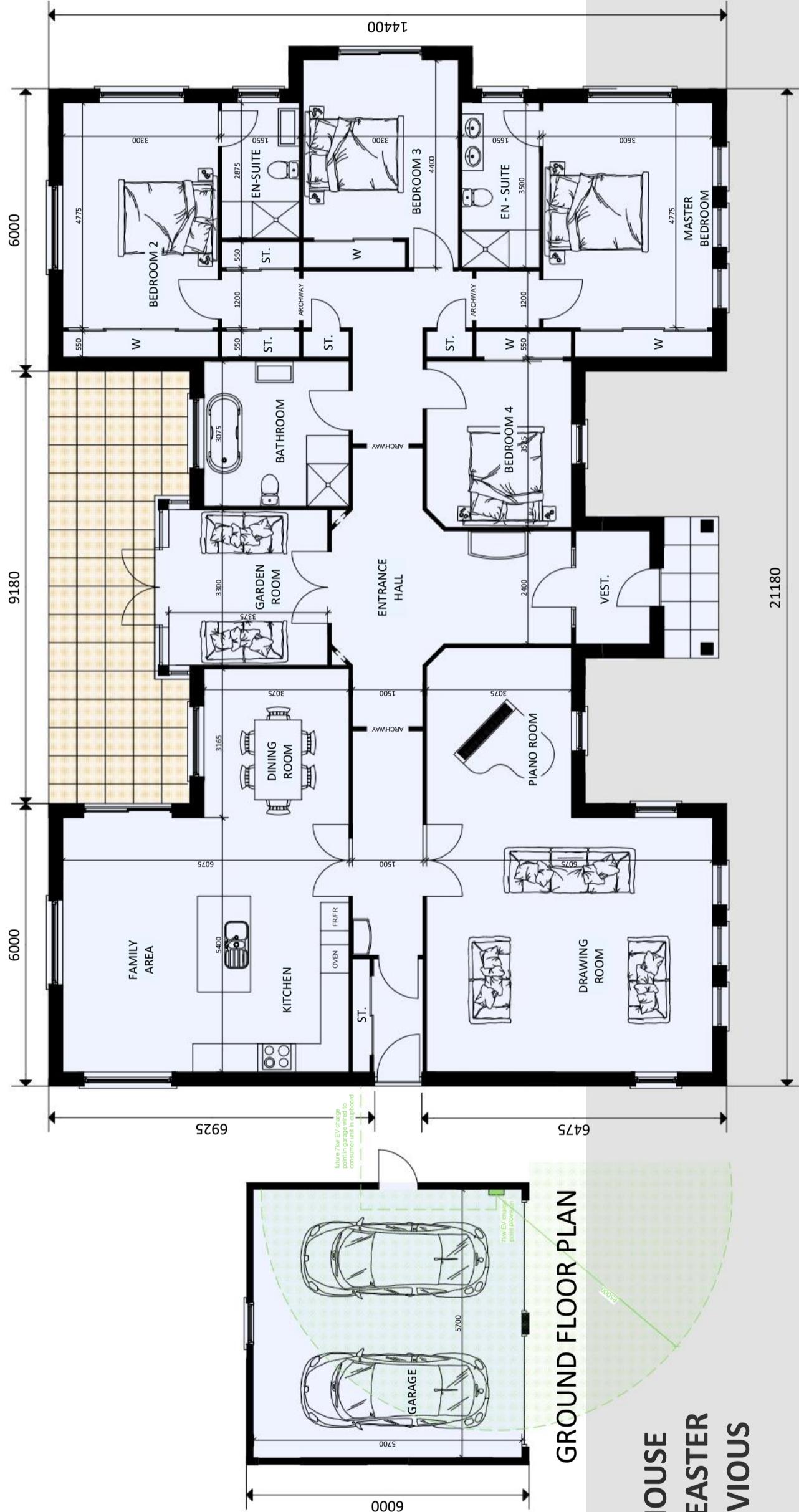


REAR ELEVATION



SIDE ELEVATION

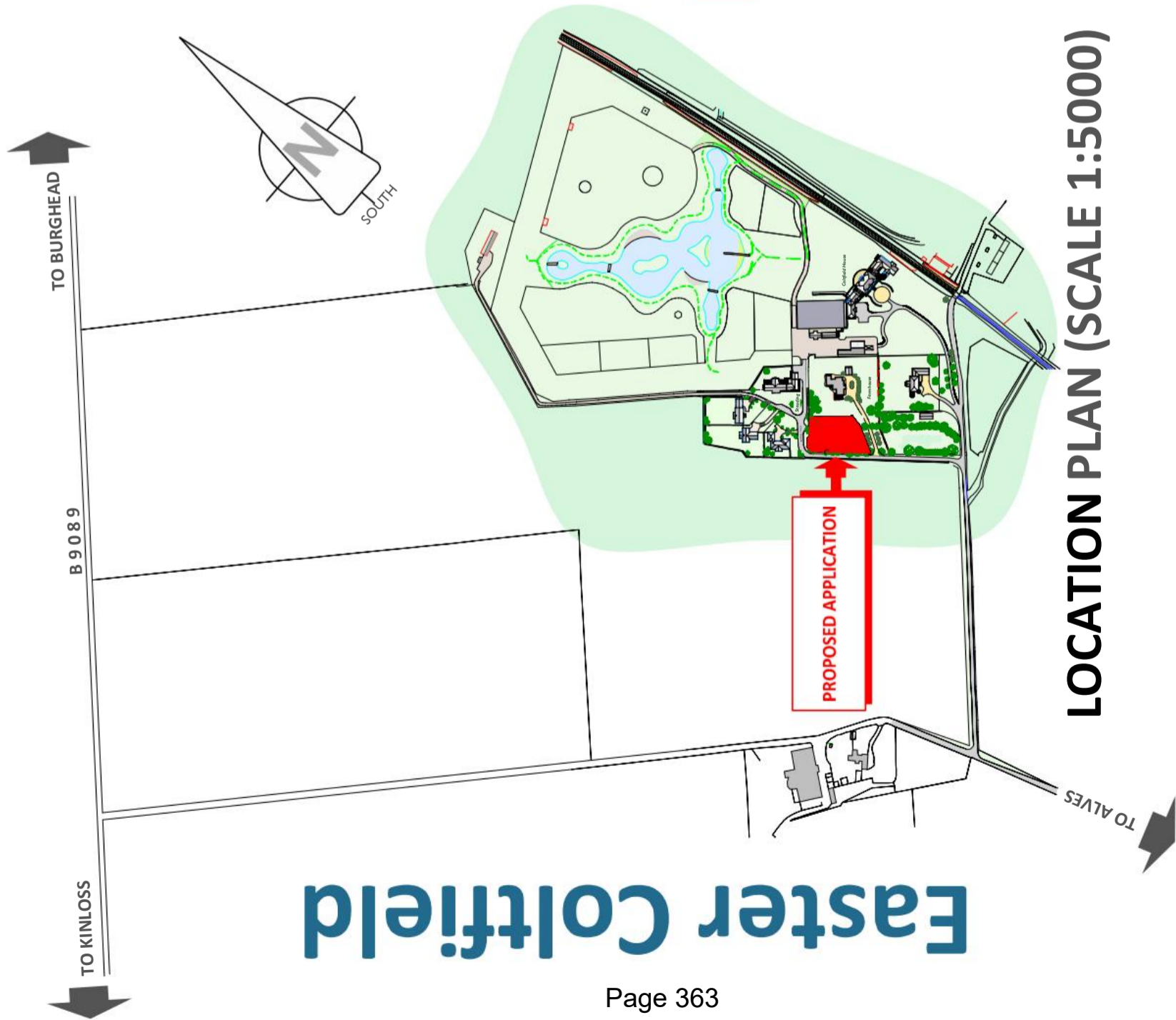
- MATERIALS (AS PER OTHER BUILDS ON THE DEVELOPMENT):
- NATURAL SLATE
 - SANDSTONE
 - BROWN/BUFF ROUGHCAST
 - VERTICAL TIMBER LININGS
 - IRISH OAK WINDOWS
 - GREY COMPOSITE DOOR
 - GREY FASCIA/SOFFITS
 - BLACK GUTTERS/DOWNPipes



PROPOSED ERECTION OF DWELLING-HOUSE
WITH ATTACHED GARAGE AT PLOT 3, EASTER
COLTFIELD, NEAR ALVES, MORAY (PREVIOUS
APPROVAL REF - 06 / 00619 / OUT)

JUNE 2021

SCALE - 1:100 (A2)

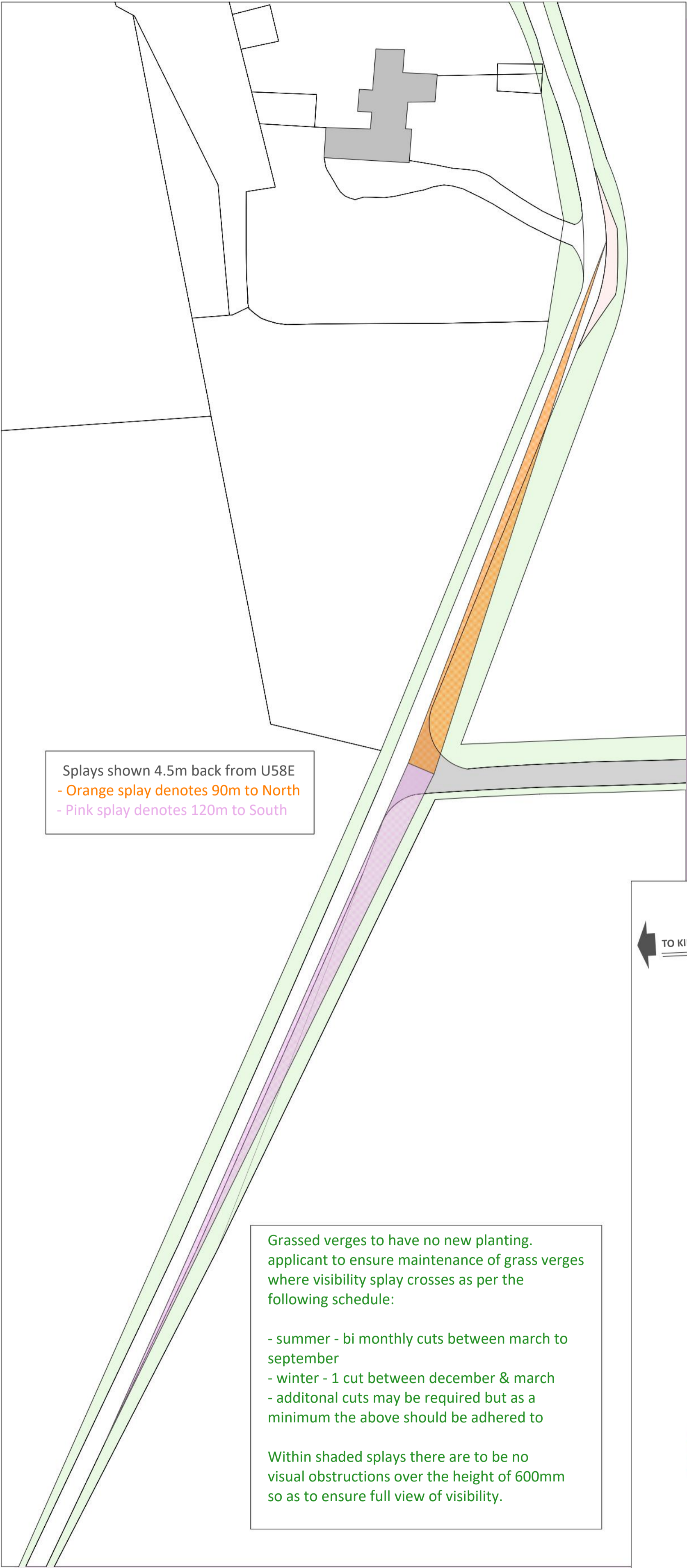


Proposed erection of dwelling-house with attached garage at Plot 3, Easter Coltfoot, near Alves, Moray (previous approval ref - 06 / 00619 / OUT)

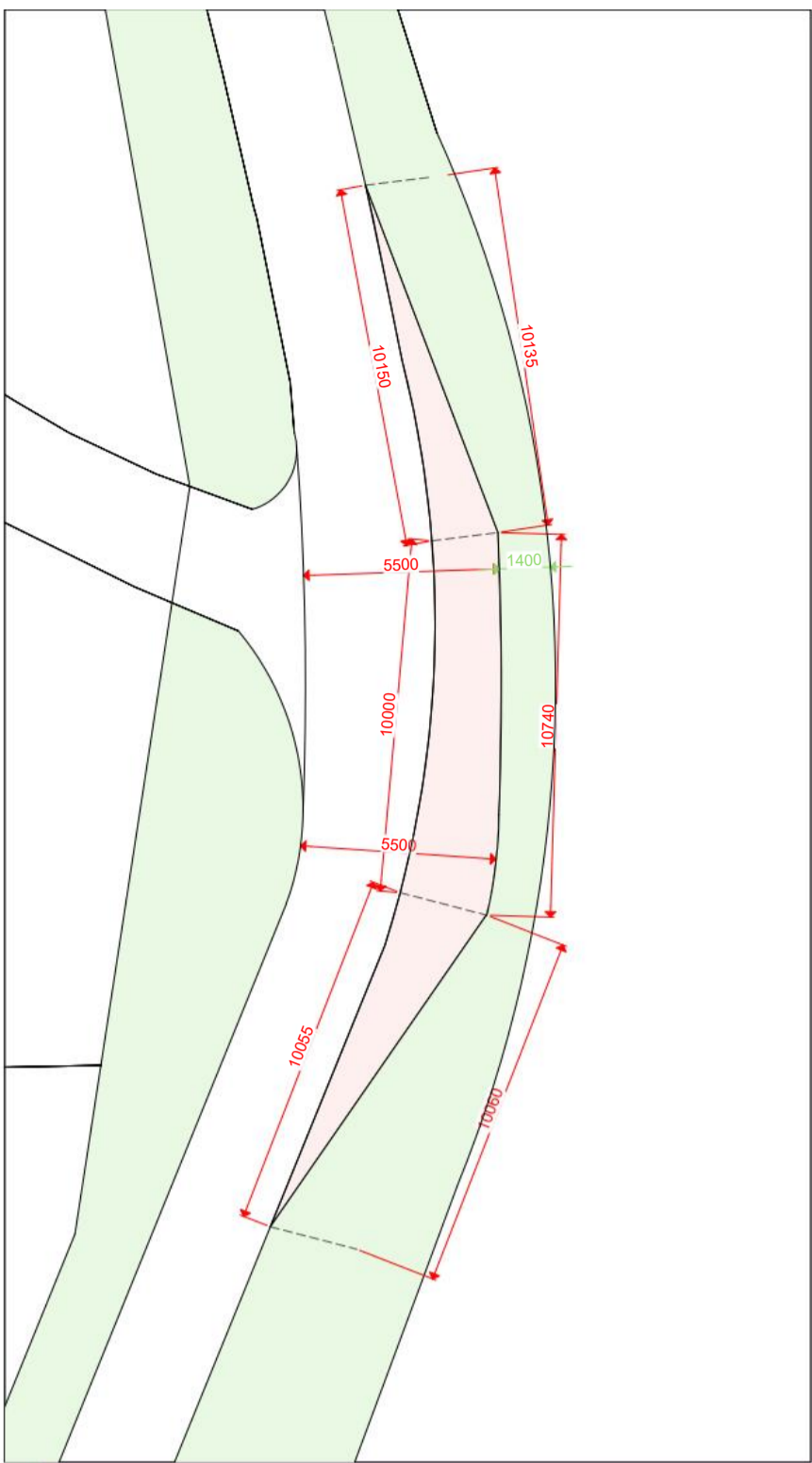
DRAWING NO.
3 E.COLT / P.D. / LP
DRAWN BY
S.Reid MCIAT
SCALE
AS STATED (A3)
DATE
FEBRUARY 2021



t - (01343) 835600 f - (01343) 835700
e - reception@tullochofcummingston.co.uk
web - www.tullochofcummingston.co.uk

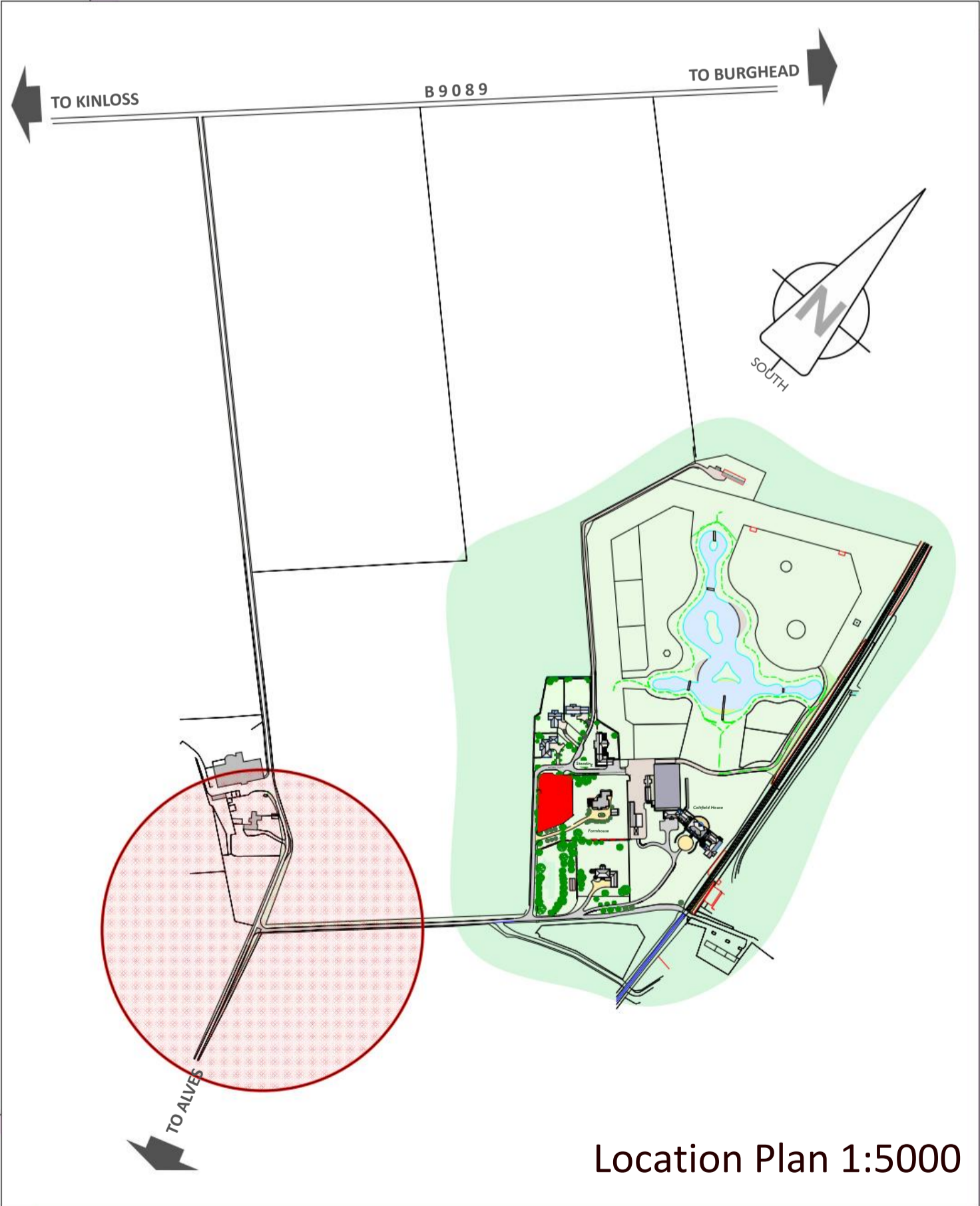


Splay Plan 1:500



Layby Design 1:200

- layby creating 5.5m wide section of road
- 2x 10m sections taper from existing road width to new layby width
- 250mm type 1 subbase, 100mm dense bituminous macadam road base dense macadam binder course dense bituminous macadam surface course



Location Plan 1:5000

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	2nd March 2021
Planning Authority Reference	21/00168/APP
Nature of Proposal (Description)	Erect dwellinghouse with attached garage on
Site	Plot 3 Easter Colfield Alves Elgin Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133055529
Proposal Location Easting	312073
Proposal Location Northing	864332
Area of application site (M²)	1720
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QOAWUBBGN0000
Previous Application	06/00619/OUT
Date of Consultation	16th February 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Tulloch Of Cummingston Ltd
Applicant Organisation Name	
Applicant Address	Tulloch House Forsyth Street Elgin Mora IV30 5ST
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Aberdeenshire Council Archaeology Service

Planning Application Ref. No: 21/00168/APP

Erect dwellinghouse with attached garage on Plot 3 Easter Coltfeld Alves Elgin Moray for Tulloch Of Cummingston Ltd

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

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

Reason(s) for objection

None

Condition(s)

None

Further comment(s) to be passed to applicant

Further information required to consider the application

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

Date...01/03/2021.....
Phone No ...01467 537717

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

Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the

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

Consultee Comments for Planning Application 21/00168/APP

Application Summary

Application Number: 21/00168/APP

Address: Plot 3 Easter Coltfeld Alves Elgin Moray

Proposal: Erect dwellinghouse with attached garage on

Case Officer: Iain T Drummond

Consultee Details

Name: Mr CL Consultations

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

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

Comments

Approved unconditionally

From:DeveloperObligations
Sent:23 Feb 2021 11:58:58
To:Iain.Drummond@moray.gov.uk,
Subject:21/00168/APP Erect dwellinghouse with attached garage on Plot 3 Easter Coltfeld, Alves, Elgin
Attachments:21-00168-APP Erect dwellinghouse with attached garage on Plot 3 Easter Coltfeld, Alves, Elgin.pdf,

Hi

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

Thanks,
Rebecca

Rebecca Morrison | Infrastructure Growth/Obligations Officer (Strategic Planning and Development) | Economic Growth and Development

Rebecca.morrison@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) | [newsdesk](#)

Developer Obligations & Affordable Housing: ASSESSMENT REPORT



moray
council

Summary of Obligations

Date: 23/02/2021

Reference: 21/00168/APP

Description: Erect dwellinghouse with attached garage on Plot 3 Easter Coltfeld, Alves, Elgin

Applicant: Tulloch Of Cummingston Ltd

This assessment has been carried out by Moray Council. For developer obligations, the assessment is carried out in relation to policy PP3 Infrastructure and Services of the adopted Moray Local Development Plan 2020 (MLDP2020) and Supplementary Guidance (SG) on Developer Obligations which was adopted on 30 September 2020. And, for affordable housing, the assessment is carried out in relation to policy DP2 Housing of the MLDP2020. Affordable housing is a policy requirement not a developer obligation however for ease of reference the Affordable Housing contribution is included within this assessment.

The MLDP2020 can be found at www.moray.gov.uk/MLDP2020 and the Developer Obligations SG can be found at <http://www.moray.gov.uk/downloads/file134184.pdf>

Primary Education	Nil
Secondary Education	Nil
Transport (<i>Contribution towards Demand Responsive Transport-dial-a-bus</i>)	
Healthcare (<i>Contribution towards extension at Moray Coast Medical Practice</i>)	
Sports and Recreation (<i>Contribution towards 3G pitch in Forres</i>)	
Total Developer Obligations	
Affordable Housing	
TOTAL	

Breakdown of Calculation

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

4 bed = 1.2 SRUE

This assessment is therefore based on 1.2 SRUE.



Moray Council DEVELOPER OBLIGATIONS

INFRASTRUCTURE

Education

Primary Education

The pupils generated by this development are zoned to Alves Primary School. The school is currently operating at 66% physical capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

Contribution towards Primary Education = Nil

Secondary Education

The pupils generated by this development are zoned to Forres Academy. The school is currently operating at 77% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

Contribution towards Secondary Education = Nil

Transport

The Moray Council Transportation Services has confirmed that a contribution towards the Council's demand responsive transport service is required to mitigate the impact, in terms of increased usage, on this service given the proposed development is located within a rural area with no access to bus services. In accord with the Moray Council's Supplementary Guidance on Developer Obligations, a contribution of [REDACTED] per SRUE is sought. Therefore:

[REDACTED]

Contributions towards Transport = [REDACTED]

Healthcare

Healthcare Facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities. The recommended number of patients is 1500 per General Practitioner (GP) and floorspace requirement per GP is 271m².

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

Moray Coast Medical Practice is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Moray Coast Medical Practice is currently working beyond design capacity and existing space will be required to be extended.

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

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

The nearest sports and recreational facilities that serve this development are located in Forres. The Moray Local Development Plan 2020 identifies a requirement for new development to contribute towards additional capacity of sports and



recreational facilities. As set out in the Review of Sport, Leisure and Recreational Provision in Moray (April 2014), current pitch provision in Forres falls below national standards in terms of both quantity and quality. The Review set out the preference is to provide synthetic grass pitches given the ever improving developments of synthetic turf technology, flexibility offered by the surface in terms of game size and capacity for repeated play without detrimental effect.

The Planning Facilities Model 2018 sets out that Moray currently meets 0.5 pitches per 10,000 population, which is significantly lower than the national average of 0.9 pitches per 10,000 population. Moray Council has agreed that the Council aim is to provide every secondary school with convenient/adjacent access to a 3G pitch given that sportscotland stipulates that pitches should be adjacent to schools. Therefore, contributions will be sought towards a 3G pitch in Forres on the following basis:

[REDACTED]

Contribution for Sports and Recreation Facilities = [REDACTED]

AFFORDABLE HOUSING

The average market value of a serviced plot for 1 Affordable Unit is [REDACTED] Contributions are based on 25% of the total number of units proposed in the application:

[REDACTED]

Therefore, the total contribution towards affordable housing is:

1 proposed unit = £ [REDACTED]

Affordable housing is a policy requirement not a developer obligation and will not be subject to negotiation.



TERMS OF ASSESSMENT

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

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

PAYMENT OF CONTRIBUTIONS

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

INDEXATION

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

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



From: Douglas Caldwell
Sent: Tue, 21 Sep 2021 09:39:10 +0100
To: Planning Consultation
Cc: Iain Drummond
Subject: 21/00168/APP Plot 3 Easter Coltfeld

This Section recommends refusal on the above application for the following reasons-

The current site is within the 66 to 72 dBA noise contour of the MOD's former RAF Kinloss and a Noise Impact Assessment was requested by this Section. The letter from this Section also made it apparent that should an assessment not be provided the application may be recommended for refusal. The timescale to submit such an assessment has now lapsed by a considerable margin. On this basis there is insufficient information to determine the application and this Section recommends refusal of the application.



REHIS
Chartered Environmental Health Officer
2021

Douglas A Caldwell MIOA | Environmental Health Officer | Economic Growth and Development.

Working pattern – compressed hours Monday, Tuesday, Thursday, Friday

douglas.caldwell@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [News page](#)

01343 563355 |

moray
council

Consultation Request Notification – Development Plans

Planning Authority Name	Moray Council
Response Date	6th May 2021
Planning Authority Reference	21/00168/APP
Nature of Proposal (Description)	Erect dwellinghouse with attached garage on
Site	Plot 3 Easter Colfield Alves Elgin Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133055529
Proposal Location Easting	312073
Proposal Location Northing	864332
Area of application site (M²)	1720
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QOAWUBBGN0000
Previous Application	06/00619/OUT
Date of Consultation	22nd April 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Tulloch Of Cummingston Ltd
Applicant Organisation Name	
Applicant Address	Tulloch House Forsyth Street Elgin Mora IV30 5ST
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

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

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Development Plans

Planning Application Ref. No: 21/00168/APP

**Erect dwellinghouse with attached garage on Plot 3 Easter Coltfeld Alves Elgin
Moray for Tulloch Of Cummingston Ltd**

Ward: 05_17 Heldon And Laich

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

		Page No	Policy No(s)	Yes	No
1	Departure from Moray Local Development Plan 2015		DP4 – Rural Housing DP 1 – Development Principles	X X	
2	Further Discussion Required				

REASONING FOR THIS DECISION:

POLICY COMMENTS

Introduction

The proposal is for a single storey individual house in the countryside at Easter Coltfeld.

Background

Scottish Planning Policy (SPP) states rural development proposals should promote a pattern of development that is appropriate to the character of the particular area and the challenges it faces. In Moray there are identified issues relating to the adverse landscape and visual impacts associated with the cumulative build-up of new housing in and around our main towns, particularly Elgin and Forres.

SPP also states that in pressurised areas easily accessible from Scotland's cities and towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside. On that basis areas within Moray where cumulative build up is prevalent were identified as pressurised and sensitive areas.

DP4 Rural Housing

In terms of Policy DP4 the proposal is considered under section d) New Houses in the Open Countryside and because of the sites location, subsection ii) Pressurised and Sensitive Areas.

Pressurised and Sensitive areas are identified to direct new housing to the least sensitive locations across Moray. Due predominately to the landscape and visual impacts associated with the build up of houses, no further new housing will be permitted in these areas outwith identified rural groupings. On that basis a house in this location is not supported.

Compliance with other criteria set out in DP4

No siting or design criteria are set out within Pressurised and Sensitive Areas as new housing in these locations is not supported. For the avoidance of doubt, if the proposal were to be considered setting aside the sites location within a Pressurised and Sensitive Area it would still fail to comply with the siting requirements d) iii) a) set out in DP4 as follows. Given the number of new houses surrounding the site the proposal is considered to constitute unacceptable cumulative build up. The number of new houses in this location has eroded the traditional settlement pattern. Modern housing is the predominant component of this landscape and an additional house in this location would have an adverse impact on the character and appearance of this rural area.

The previous issues raised in terms of the design of the house have been addressed and a revised design submitted that meets the design criteria set out in DP4. The bulk of the house has been reduced with the removal of the garage, the bay window features have been removed, vertical windows have being incorporated and the symmetry of the house has been balanced with a central porch feature.

DP1 Development Principles

The site lies within the MOD's noise contours. DP1 Development Principles states proposals must be supported by a Noise Impact Assessment (NIA). No NIA has been submitted and therefore insufficient information has been provided to demonstrate that adequate mitigation can be implemented to address any adverse noise impacts contrary to the requirements of DP1 Development Principles

Conclusion

The proposal should be refused as it fails to meet the requirements of DP4 and DP1. There is no policy exception to allow new housing in pressurised and sensitive areas. The introduction of a new house in this identified pressurised and sensitive location would have a detrimental landscape and visual impact as well as impacting on the character and appearance of this rural area.

Furthermore, contrary to DP1 a supporting Noise Impact Assessment has not be provided and therefore there is insufficient information to demonstrate that adequate mitigation can be implemented to address any adverse noise impacts.

Contact: Emma Gordon

email address: emma.gordon@moray.gov.uk

Consultee: Development Plans

Date: 7 June 2021.

Phone No

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

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management

Planning Application Ref. No: 21/00168/APP

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

Please

x

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

Contact:	Leigh Moreton	Date	22/06/2021
email address:	leigh.moreton@moray.gov.uk	Phone No	07815 647384

Consultee: The Moray Council, Flood Risk Management

Wednesday, 17 February 2021

Local Planner
Development Services
Moray Council
Elgin
IV30 1BX



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

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

Dear Sir/Madam

SITE: Plot 3 Easter Coltfeld, Alves, Elgin
PLANNING REF: 21/00168/APP
OUR REF: DSCAS-0032986-B6F
PROPOSAL: Erect dwellinghouse with attached garage

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

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

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

Waste Water Capacity Assessment

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



SW Public
General

To find out more about connecting your property to the water and waste water supply visit:



Please Note

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

Surface Water

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

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

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

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.



- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

▶ Non Domestic/Commercial Property:

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

▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the



development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

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

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

Yours sincerely,

Planning Application Team

Development Operations Analyst

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

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



Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	2nd March 2021
Planning Authority Reference	21/00168/APP
Nature of Proposal (Description)	Erect dwellinghouse with attached garage on
Site	Plot 3 Easter Colfield Alves Elgin Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133055529
Proposal Location Easting	312073
Proposal Location Northing	864332
Area of application site (M²)	1720
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QOAWUBBGN0000
Previous Application	06/00619/OUT
Date of Consultation	16th February 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Tulloch Of Cummingston Ltd
Applicant Organisation Name	
Applicant Address	Tulloch House Forsyth Street Elgin Mora IV30 5ST
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 21/00168/APP

Erect dwellinghouse with attached garage on Plot 3 Easter Coltfeld Alves Elgin Moray for Tulloch Of Cummingston Ltd

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

Please

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

This proposal is for the erection of a new dwelling served via an existing (surfaced) private access which already serves a number of properties, including a number of which are being built and not yet occupied. An additional passing opportunity has already been provided on the shared private access road between the site and the public road. The visibility splays have also already been provided (with boundaries set back); however the visibility splays have not been shown as part of the submitted details. This proposal is also for a new dwelling which does not appear to be subject to any extant planning permissions and on this basis the following conditions would apply:

Condition(s)

1. No development shall commence until:

- i. a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 4.5 metres by 90 metres to the North, and 4.5 Metres by 120 metres to the South, and a schedule of maintenance for the splay area has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and
- ii. thereafter the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
- iii. thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

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

2. 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.

3. No development shall commence until a detailed drawing (scale 1:500) showing the location and design of a passing place on the section of U58E Wester Alves Road located between the site and the U58E Coltfeld Road (to the Moray Council standards and specification), has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and thereafter the passing place shall be constructed in accordance with the approved drawing prior to any development works commencing (except for those works associated with the provision of the passing place).

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

4. 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 and road safety.

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.

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

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

Public utility apparatus may be affected by this proposal. Contact the appropriate utility

service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

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

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

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

Date 17 February 2021

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.moray.gov.uk/enplanning/>. (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.

54 MAR 2021

MANAGER
MANAGEMENT (DEVELOPMENT
MANAGEMENT & BUILDING

STANDARD 01/03/2021

Cher Madame de M'sieur

P/APPLICATIONS 21/00168 APP +
21/00080/AMC + 21/00179/APP + 21/
00180/APP + 21/00193/LBC + 21/00203/
LBC + 21/00181/APP

Please Mr. Certain Time
All Windows From From
ON Each Site Is Fully
Protection, Hibernation Is
Coming To An End

Among Species Mow
Hedgehog, Adonis Slow
Worms Grass Snakes Care
To Min

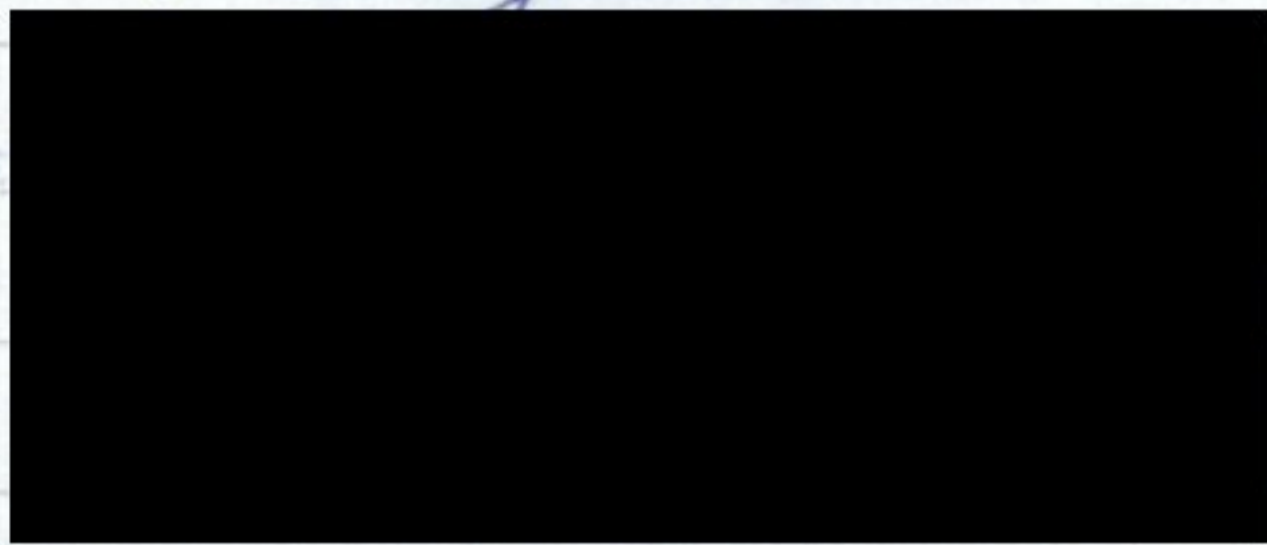
Bird Nesting All Day

II

COMMUNICATING ON COMMUNICATING

IF LANDSCAPING IS A
FEATURE OF ANY DESIGN
MIND IT SHOULD FAVOUR
BUTTERFLIES & MOTHS

Yours fraternally



REPORT OF HANDLING

Ref No:	21/00168/APP	Officer:	Iain T Drummond
Proposal Description/ Address	Erect dwellinghouse with detached garage on Plot 3 Easter Coltfeld Alves Elgin Moray		
Date:	05.10.2021	Typist Initials:	LMC

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

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Aberdeenshire Council Archaeology Service	01/03/21	No objections
Moray Flood Risk Management	22/06/21	No objections
Planning And Development Obligations	23/02/21	Contributions sought towards transport (dial-a-bus) Healthcare and sports and recreation (3g pitch in Forres)
Environmental Health Manager	21/09/21	Recommend refusal of the proposal due to lack of noise impact assessment
Contaminated Land	24/02/21	No objections
Transportation Manager	17/02/21	No objections subject to conditions and informatives
Scottish Water	17/02/21	No objections
Strategic Planning And Development	10/06/21	Recommend refusal of the application due to failure to comply with housing in the countryside policy.

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP3 Infrastructure and Services	N	
DP4 Rural Housing	Y	
EP2 Biodiversity	N	
EP7 Forestry Woodland and Trees	N	
EP8 Historic Environment	N	

DP1 Development Principles	Y	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	
EP14 Pollution Contamination Hazards	Y	

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		
<p>Issue: Concern regarding the impact of the development on flora and fauna, with specific reference to hibernating animal and nesting birds.</p> <p>Comments (PO): This application is being refused on the basis of failing to comply with policies in relation to the principle of new housing in the countryside, however, were the application being approved, the applicants have outlined that it is their intension to retain, protect and enhance the existing trees/habitat on site and allow free movement of animals such as hedgehogs. With this in mind this issue is not considered to merit the refusal of this application.</p>		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

This application seeks planning permission in for the erection of an H-shaped single storey pitch roof house and detached garage at, Plot 3, Easter Colfield, Alves, Elgin.

It is proposed that the site be served via an access from the existing track which bounds the site to the south west. The house is to be served by a septic tank and soakaway and separate soakaway for disposal of surface water.

The Site and Surroundings

The site comprises an area of rough ground described as Plot 3 by the applicants. Planning permission in principle was granted in 2006 for the erection of a house on this site, however, this consent has since expired. The site is bounded by a mixture of hedging and mature trees and forms part of a larger grouping of houses surrounding Colfield Farmhouse.

The site lies within open countryside in an area of landscape designated as a Pressurised and Sensitive Area within the Moray Local Development Plan 2020.

Appraisal

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:

Principle of development (DP1 and DP4)

Scottish Planning Policy (SPP) states rural development proposals should promote a pattern of development that is appropriate to the character of the particular area and the challenges it faces. In

Moray there are identified issues relating to the adverse landscape and visual impacts associated with the cumulative build-up of new housing in and around our main towns, particularly Elgin and Forres.

SPP also states that in pressurised areas easily accessible from Scotland's cities and towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside. On that basis areas within Moray where cumulative build up is prevalent were identified as pressurised and sensitive areas.

Policy DP4: Rural Housing of the Moray Local Development Plan (MLDP) 2020 contains the necessary criteria for assessing new rural housing in the countryside. In this case the site lies within a Pressurised and Sensitive Area and as such policy DP4 outlines that no new housing will be permitted within these areas.

The justification text within policy DP4 explains the ethos behind the designation of Pressurised and Sensitive Areas and outlines that there are locations within Moray where the cumulative build-up of houses in the countryside has negatively impacted on the landscape character of an area and as such these areas have been designated to restrict any further housing. The landscape surrounding the proposed site, leading from Kinloss golf club in the west to Hopeman in the east has experienced a significant growth in new housing in the countryside over the past 25 years and this has undoubtedly eroded the rural character of the area. The proposed new house site would add to this overall build-up of housing in the area and exacerbate the existing impact on the rural character of the surrounding landscape and as such this proposal is recommended for refusal on this basis.

The applicants have outlined that whilst the site may be within the Pressurised and Sensitive Area, the site is well enclosed and defined from the surrounding open fields and will form part of what is an existing grouping of houses and as such will integrate well into the surrounding landscape. In response, policy DP4 is clear that no new housing within Pressurised and Sensitive Areas should be permitted and as such the merits of the siting of any proposed house is not something that could overcome the fundamental issue, that the proposed site lies within the Pressurised and Sensitive Area. Whilst the proposed site does have enclosure, the house would be visible from the west and as such would contribute to the overdeveloped appearance of the area. Also whilst the site does form part of an existing grouping, this is not identified as a rural grouping within the MLDP 2020 and as such the proposal cannot be assessed under the terms of policy DP4 in relation to development within rural groupings.

Noise Pollution (DP1 and EP14)

Following consultation with Environmental Health the site has been identified as falling within the RAF Kinloss noise contour map as agreed by the Planning and Regulatory Services Committee in 22/04/14, which outlined the following position:

"Routine flying operations at Kinloss ceased on 31 July 2011. However, there remains a current Defence requirement for the airfield to act as a Relief Landing Ground (emergency only) for RAF Lossiemouth Tornado GR4 and soon Typhoon aircraft. While fast jet aircraft will not routinely use the airfield at Kinloss Barracks the airspace will continue to be used as part of a standard circuit. This involves RAF Lossiemouth fast jet aircraft flying above the unit at a height of 1000 feet. The airfield will continue to be used by the Moray Flying Club and No 663 Volunteer gliding Squadron. Although no longer an active airfield, MOD retains the right to reactive the airfield in the future. Use of the airfield for circuit work will still mean that the area will be exposed to noise which may be considered disturbing by residents. When resources allow we plan to revisit Kinloss and produce revised contours. Until then the noise contours defined in 1984 will remain extant."

The proposed site is within the 66 to 72 dBA contour and as such a Noise Impact Assessment (NIA)

was requested. By the time the applicants were asked for a NIA, they were aware that the site lay within the Pressurised and Sensitive Area and would be refused on this basis and as such did not wish to go to the expense of having a NIA carried out. Without an NIA this proposal fails to comply with policies DP1 and EP14 and has been recommended for refusal by Environmental Health. Whilst this issue could potentially be overcome by the submission of an NIA, without this information, this issue forms a further reason for refusal of this proposal.

Access/Parking (PP3 & DP1)

The Transportation service has been consulted in relation to the development has no objection to the approval of the application subject to conditions to ensure access and parking is provided to an acceptable standard. Amongst other things the conditions recommended require the provision of an EV charging point at the house and a passing place on the public road leading to the site and the applicants have confirmed they are happy to meet these requirements.

Water Supply and Drainage (PP3, EP12 & EP13)

Moray Flood Risk Management have no objection to the proposed drainage arrangements comprising foul drainage disposed of via treatment plant and soakaway and separate surface water soakaway and as such the proposals are compliant with policies PP3, EP12 and EP13.

Scottish water has no objection to the use of the proposed water supply.

Developer obligations and affordable housing (PP3 and DP2)

An assessment has been carried out and a contribution has been identified towards transport (dial-a-bus) Healthcare and sports and recreation (3g pitch in Forres), which the applicant has agreed to pay in the event of approval being given.

Recommendation

The application is to be refused on the basis that it fails to meet the requirements of DP4 and DP1, in that, there is no policy exception to allow new housing in pressurised and sensitive areas. The introduction of a new house in this identified pressurised and sensitive location would have a detrimental landscape and visual impact as well as impacting on the character and appearance of this rural area.

Furthermore, the application is contrary to policies DP1 and EP14 in that a supporting Noise Impact Assessment has not been provided and therefore there is insufficient information to demonstrate that adequate mitigation can be implemented to address any adverse noise impacts.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
06/00619/OUT	Outline to erect 1no detached dwellinghouse on Plot C Easter Coltfeld Farm Alves Moray			
	Decision	Permitted	Date Of Decision	05/12/06

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	No Premises	18/03/21
PINS	No Premises	16/02/21

DEVELOPER CONTRIBUTIONS (PGU)	
Status	Contributions 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 assessment	
Main Issues:	Outlines the drainage methodology for the site.	

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

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



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

REFUSAL OF PLANNING PERMISSION

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

TO



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

**Erect dwellinghouse with detached garage on Plot 3 Easter Coltfeld Alves
Elgin 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 proposal would be contrary to policies DP1, DP4 and EP14 of the Moray Local Development Plan 2020 for the following reasons:

1. The site lies within a Pressurised and Sensitive Area and as such policy DP4 outlines that no new housing will be permitted within these areas on the basis that further housing would exacerbate the build-up of housing which has already negatively impacted on the character of the countryside in this area.
2. The applicants have not provided a Noise Impact Assessment in support of the application and as such have failed to demonstrate that the occupants of the proposed house would not be subject to harmful noise pollution as a result of aircraft utilising RAF Kinloss.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
3 E.COLT/P.D/01		Site and location plan
		Elevations and floor plans
3 E.COLT/P.D/LP		Location plan
3 E.COLT/P.D/VS		Passing place and visibility splay

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100359372-003

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

Applicant or Agent Details

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

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Tulloch House"/>
First Name: *	<input type="text" value="Blair"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Tulloch"/>	Address 1 (Street): *	<input type="text" value="Tulloch House"/>
Company/Organisation	<input type="text" value="Tulloch of Cummingston Ltd"/>	Address 2:	<input type="text" value="Forsyth street"/>
Telephone Number: *	<input type="text" value="01343 835600"/>	Town/City: *	<input type="text" value="Elgin"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV30 5ST"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="blair@tullochofcummingston.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

Northing

864396

Easting

312022

Description of Proposal

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

Proposed erection of dwelling-house with attached garage

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see separate Statement regarding review of case

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

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

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

Plannign Statement Appendix 1 - Masterplan Appendix 2 - Planning History Appendix 3 - Submission Docs Appendix 4 - Site Investigation Appendix 5 - decision notice and report of handling Appendix 6 - Mapping Appendix 7 - NIA

Application Details

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

21/00168/APP

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

09/02/2021

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

08/10/2021

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

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

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

A site visit is essential so members can visualise and assess the existing landscape setting of which this review relates to and better understand the overall context of Easter Colfield

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☐ Yes ☐ No ☒ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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

Declare – Notice of Review

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

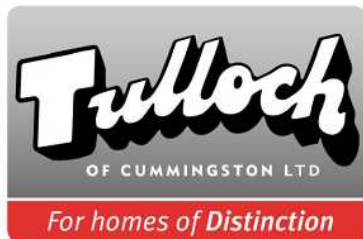
Declaration Name: Mr Blair Tulloch

Declaration Date: 07/01/2022

**ERECT DWELLINGHOUSE WITH DETACHED
GARAGE, ON PLOT 3 EASTER COLTFIELD,
ALVES, ELGIN, MORAY.**



PLANNING STATEMENT
(in support of the review of planning decision
notice 21/00168/APP)



CONTENTS

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2.0 BACKGROND & PLANNING HISTORY	Page 4
3.0 DEVELOPMENT PROPOSAL & POLICY APPRAISAL	Page 5
4.0 REFUSAL NOTICE & DISCUSSION	Pages 6-9
5.0 CONCLUSION	Page 10

Author	A.J.Sanderson	
Version	Issue 1	December 2021

Tulloch of Cummingston Ltd, Tulloch House, Forsyth Street, Hopeman, IV30 5ST
Tel: (01343) 835600 Fax: (01343) 835700 Email: office@tullochofcummingston.co.uk

1.0 INTRODUCTION

The purpose of this Planning Statement is to draw upon the details as already submitted to demonstrate that the proposed dwelling (planning application reference 20/00168/APP) should have been approved given its compliance with existing and emerging national planning policies and compliance with the principle aims set out in MLDP and associated material considerations.

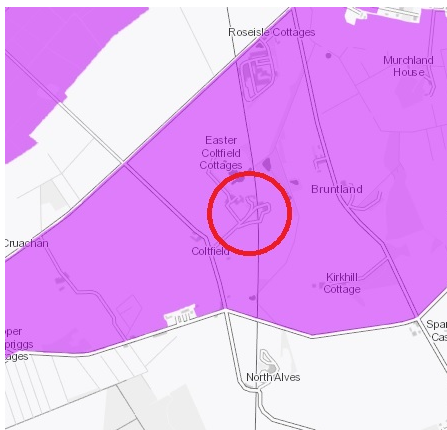
This Statement is not intended to provide new supporting information but instead to respond to the assessment made in the Officer's Handling Report and the reasons for refusal as outlined in the Decision Notice, by providing additional policy referencing and photographic evidence. These are provided to counter argue the points in the reasons for refusal and those outlined in the Officer's Handling Report. The photographic evidence is also intended to assist the Local Review Body Members given the difficulties in site visits during the ongoing COVID restrictions. Reference to policy and visual aspects during site inspections would have been available and be used by the planning officer in determining this proposal and are not therefore new material.

Given the statutory requirement that all applications should be assessed on their own individual merits against planning policy and material planning considerations, this Statement will concentrate on the consideration of whether the proposals meet the policy requirements in principle as set out in national policy and guidance, and then regarding Policy DP1 (Development Principles), DP4 (Rural Housing) and EP14 (Pollution, Contamination & Hazards), as included in the reasons for refusal. Relevant and significant material considerations are also presented throughout the Statement, that must be considered in assessing this application.

It is important and specifically requested that the Local Review Body Members read this Statement alongside **all** the previously submitted Statements and Reports to enable a comprehensive review of all the facts and merits involved in these proposals before making their decision on this case.

2.0 BACKGROUND & PLANNING HISTORY

The proposed development site is a rectangular shaped piece of rough ground located within a larger grouping of houses surrounding Coltfoot Farmhouse within the open countryside North of Alves. The plot extends to approximately 1740m² / 0.430 Acres. Access to the site is served by an existing shared private access drive which currently serves the existing 8 properties and a further 1 which is currently under construction. The site is fully enclosed with well-defined long-established boundaries consisting of beech hedging, dry stone walling and ranch style fencing. Mature trees within the application site surround the boundary providing further enclosure and screening. Access to the plot itself is existing and was previously formed shortly after approval of the sites original outline planning consent application, 06/00619/OUT.



The application plot and wider area is now located in the newly identified Pressurised and Sensitive Area within the Moray Local Development Plan 2020. This designation dictates that any new housing within areas denoted as pressurised and sensitive area would be recommended for refusal due to the determinantal effect on the landscape character of such areas identified and as such these areas have been designated to restrict any further housing.

This plot and others in the vicinity formed part of an overall Easter Coltfoot, masterplan, **Appendix 1**, prepared circa 2005-2006 by the applicant, for the erection of 7 new houses, steading conversion and refurbishment & alterations of Coltfoot House. The full extent of this proposed development was fully contained within the existing garden ground of Coltfoot Farmhouse and the adjoining farm steading area. The applicant has invested heavily in developing the overall masterplan to ensure a well-balanced development that respects the rural setting and wider landscape setting.

A mixture of outline and detailed planning applications have been submitted historically to cover all the relevant plots. This full history and extant/expired planning applications in the vicinity have been detailed within **Appendix 2**. The application site did previously have outline planning consent, (06/00619/OUT) which was approved on 5th December 2006. However, this consent has since lapsed.

3.0 DEVELOPMENT PROPOSAL & POLICY APPRAISAL

The planning application submission sought planning permission to erect a H-shaped single storey pitched roof house and detached garage on Plot 3 Easter Coltfeld and plans and drawings relating to the submission are attached as **Appendix 3**. A maximum ridge height of 6.15m is proposed and all gabled roofs are of 45° pitch. A vertical emphasis to windows has been provided and a simple pallet of external finishing material including, natural stone, timber linings and slated roofs compliment the surrounding landscape character area and would be acceptable and in accordance with the design criteria set out for Policy DP4 (*Rural Housing*).

The access into the proposed site would be served via an opening & driveway from the existing track which bounds the site to the South West. A further passing place would be provided on the section of U58E Wester Alves Road located between the site and the U58E Coltfeld Road and is detailed within **Appendix 3**. BT & Electric services are all located adjacent to the site to enable connections to be easily made and Future EV charging infrastructure has been indicated on the submission drawings and all of the above led to Transportation being satisfied that the proposals is compliant with Policies PP3 (*Infrastructure and Services*) & DP1 (*Development Principles*)

A Site Investigation and Drainage Assessment was carried out by GMC Surveys, **Appendix 4**, and a design for a private foul drainage system comprising of septic tank and soakaway along with a private separate soakaway system for disposal of surface water has been provided within the curtilage of the application boundary. A public water supply would be laid into the dwelling which Scottish Water had no objection to. All of the above would satisfy Policies PP3 (*Infrastructure & Services*), EP12 (*Management and enhancement of the Water Environment*) & EP13 (*Foul Drainage*).

Existing substantial mixed mature trees consisting of Beech, Sycamore & Willow, are contained within the curtilage of the application site and the immediate areas out with the site. This proposal would not require any tree removal and instead all existing trees would be protected fully during the construction process and thereafter maintained for their lifetime which would in turn retain the existing screening and



enhance the biodiversity provided all of which would be compliant with Environmental Policies EP2 (*Biodiversity*) and EP7 (*Forestry, Woodlands and Trees*). In addition to the retention of all existing trees the existing boundary enclosure consisting mainly of beech hedging planting through post and wire fencing provide clear, unobstructed pathways throughout the plot further enhancing the biodiversity values of the application site.

Developer Obligations (PP3 & DP2) were being sought for the development proposal and in the event of the review being approved, we can confirm that the contribution requested would be paid in full.

4.0 REFUSAL NOTICE & DISCUSSION

The planning application was determined on 8th October 2020 and was refused planning permission for the reason(s) as follows-

The proposal would be contrary to policies DP1, DP4 and EP14 of the Moray Local Development Plan 2020 for the following reasons:

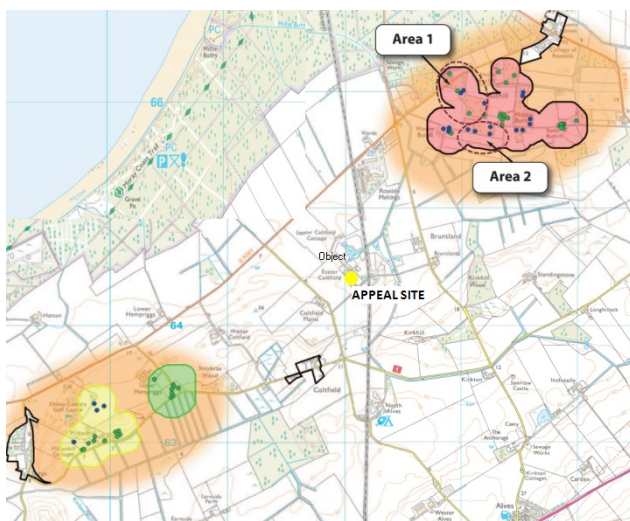
1. The site lies within a Pressurised and Sensitive Area and as such policy DP4 outlines that no new housing will be permitted within these areas on the basis that further housing would exacerbate the build-up of housing which has already negatively impacted on the character of the countryside in this area.
2. The applicants have not provided a Noise Impact Assessment in support of the application and as such have failed to demonstrate that the occupants of the proposed house would not be subject to harmful noise pollution as a result of aircraft utilising RAF Kinloss.

Appendix 5 Contains the decision notice and the planning officers handling of the application.

1 - DP1 (development principles) / DP4 (rural housing)

Policy DP4: Rural Housing of the Moray Local Development Plan (MLDP) 2020 contains the necessary criteria for assessing new rural housing in the countryside. In this case the site lies within a Pressurised and Sensitive Area and as such policy DP4 outlines that no new housing will be permitted within these areas.

The justification text within policy DP4 explains the ethos behind the designation of Pressurised and Sensitive Areas and outlines that there are locations within Moray where the cumulative build-up of houses in the countryside has negatively impacted on the landscape character of an area and as such these areas have been designated to restrict any further housing.



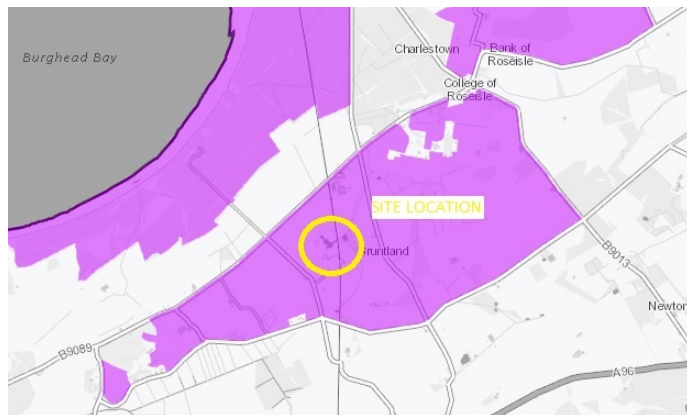
Extract prepared by the Moray Council showing specific Miltonhill & Roseisle pressurised areas (Jan 2018)

Two distinct areas, to the East (Buthill & Roseisle) and West (Miltonhill & Kinloss Country Golf Club) of the proposed site has experienced a significant growth in new housing in the countryside over the past 25 years and this has undoubtedly eroded the rural character of the area. However it is contested that this plot would not exacerbate the existing impact on the rural character of the surrounding landscape due to it integrating effectively into the existing well screened grouping and surrounding landscape area.

Moray Council prepared a Guidance Note on landscape and visual impacts of cumulative build-up of Houses in the countryside prepared in January 2018 under MLDP 2015. These plans indicated Roseisle (1km to East of Appeal Site) and Miltonhill (1.5km West of Appeal Site) as Areas where concentration of new houses constitutes unacceptable build up in the open countryside.

The Moray Local Development Plan 2020 when prepared and adopted. has introduced areas of Pressurised and Sensitive areas which now covers the 2 areas noted above, Miltonhill and Roseisle, and also all the land in between which subsequently now covers this application site. The applicant & landowner, when submitting this current planning application, was unaware that his land was now also being zoned under Pressurised and Sensitive

MLDP 2020 Pressurised and Sensitive Area mapping



Areas, which effectively means no new housing within these areas would be supported. At no point during the MLDP 2020 local plan consultation period was this proposed or noted in any of the documentation with no prior notification or consultation carried out either with the landowner/ developer of Easter Coltfield.

Discussions between Development Management and the applicant post submission took place to discuss this new pressurised designation along with other matters arising from this new designation such as why the small grouping of houses at Easter Coltfield wasn't suggested to be included/designated as a rural grouping in the Moray Local Development Plan 2020 similar to the rural groupings now identified at Roseisle & Miltonhill despite there being a clear and definitive masterplan and significant planning history for Easter Coltfield.

Appendix 6 is mapping which shows planning applications for new build housing between Miltonhill and Roseisle submitted and approved between January 2017 to January 2022. A total of 6 applications were approved for new housing within this area, of which 4 are related to the Overall Masterplan prepared for Coltfield Farm (This includes 3 houses built on the footprint area of existing steadings and one application to confirm extant planning consent status). This would suggest that the pressurized and sensitive area which now extends over Coltfield Farm is clearly excessive and unjustified and doesn't take in to account the small number of historical applications for new build housing within this now extended pressurised and sensitive area.



The planning officers report of handling suggests the introduction of a new house in this identified pressurised and sensitive location would have a detrimental landscape and visual impact as well as impacting on the character and appearance of this rural area. Due to the topography of the surrounding open landscape, the plot itself would only be fully visible from limited viewpoints. The image

shown above has been taken from an elevated position on the U58E single track Coltfield Road facing East towards Roseisle, which shows the plot location and the wider landscape setting. As can be seen from the image the plot itself has the necessary enclosure and backdrop to allow a house to be fully integrated into the local setting and could be considered to be less of a visual impact compared to the current 2No replacement new builds recently constructed (Planning App 18/01553/APP) to the left of the plot shown on the above image.



B9089 Roseisle-Kinloss Road/U58E Coltfield Road

The adjacent image is taken from a viewpoint at the junction of the B9089 Roseisle to Kinloss Road and the U58E Coltfield Road, looking south towards the plot location. From this viewpoint, the plot can be identified by the cluster of established trees on and surrounding the appeal site. It is clear from the attached image that the existing ground forms

and topography, that the dwelling would not be visible from this viewpoint or any other location along the B9089 thereby reducing any concerns that the dwelling would have a detrimental impact on the visual and landscape setting of this rural location when viewed from key viewpoints such as roads, adopted core paths and existing settlements.

Furthermore the presence of an established masterplan covering Easter Coltfield essentially means that it couldn't be considered as ribbon or sporadic development which again addresses concerns regarding the visual impact of the proposal within this location.

2 - DP1 (development principles) / EP14 (pollution contamination & hazards)



Policy EP14 aims to ensure public health and environmental quality are not compromised and looks to implement appropriate mitigation or remediation measures prior to, or as part of, the proposed development.

The proposed site is within the RAF Kinloss Noise Contour Map and specifically the 66 to 72 dBA contour and as such a Noise Impact Assessment (NIA) would be required. As noted within the planning officers report, that by the time we were requested a NIA to

cover the development proposal, we were already aware that the site lay within the Pressurised and Sensitive Area and would be refused on this basis alone and as such we did not wish to go to the initial upfront expense of having a NIA carried out.

A noise impact assessment (NIA), **Appendix 7**, was prepared and submitted as part of the planning application covering the new build Coltfeld House under planning reference 10/00435/APP due to the location of the proposed dwelling being within the 66 to 72 dBA contours. This plot is located circa 100m East of the appeal site. The NIA prepared by Charlie Fleming Associates to cover this dwelling concluded that no site-specific measures would be required to meet the exposure limits set by Moray Council.

Furthermore, when preparing the planning application submission, 18/01553/APP, for 3 replacement dwellings immediately to the north of the appeal site, and circa 150m west from the above noted Coltfeld House, we were not requested to provide a NIA to cover this application despite it being within the 66 to 72 dBA contour and being located nearer to the Kinloss Airfield and approach flight path.

Taken into account the previous history of the above noted planning applications and the conclusions gathered from the NIA prepared previously by Charlie Fleming, we were confident that this appeal plot could be assessed and provided with adequate mitigation (if required), to meet the sound limit requirements set by Moray Council and on this basis it was suggested that the requirement for submission of a NIA could be conditioned to be provided prior to any development works commencing. However, this was not accepted by Environmental Health.

To confirm, we would be willing to provide the NIA, Should the appeal be successful, and the above item being conditioned.

5.0 CONCLUSION

For the reasons given above we have been able to demonstrate that the proposed development should be considered for approval taking into account the Easter Coltfeld Masterplan, Previous Planning consent and current planning policy of which this proposal is largely compliant with.

Policy DP4 and the pressurised and sensitive designation is no doubt well-intentioned and would be appropriate to many other locations that have been subjected to uncontrolled sporadic and ribbon development within clearly open countryside, but for this plot we believe that this one aspect of the policy is not appropriate for this situation and circumstances and that it should be interpreted flexibly to allow full material consideration of all factors surrounding the application submission.

As has been demonstrated the plot is within a clear and defined master planned area with defined long-established boundaries and substantial existing screening, the proposed dwelling which is traditionally designed wouldn't be prominent or easily viewed from key viewpoints or main roads and would not be considered to impact negatively the existing rural appearance of the area and therefore should be considered favourably for approval.

END OF REPORT

A P P E N D I X O N E

M A S T E R P L A N



Easter Coltfield

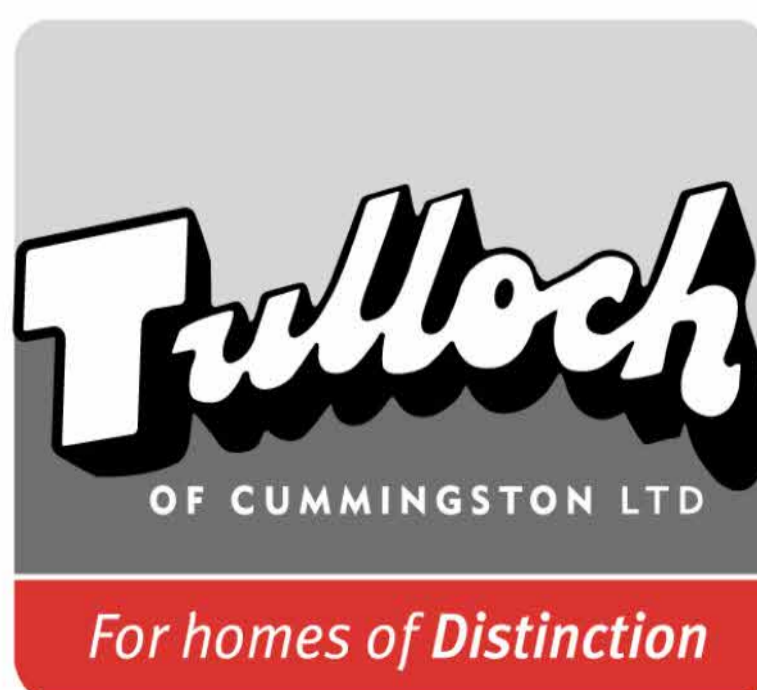


MASTERPLAN

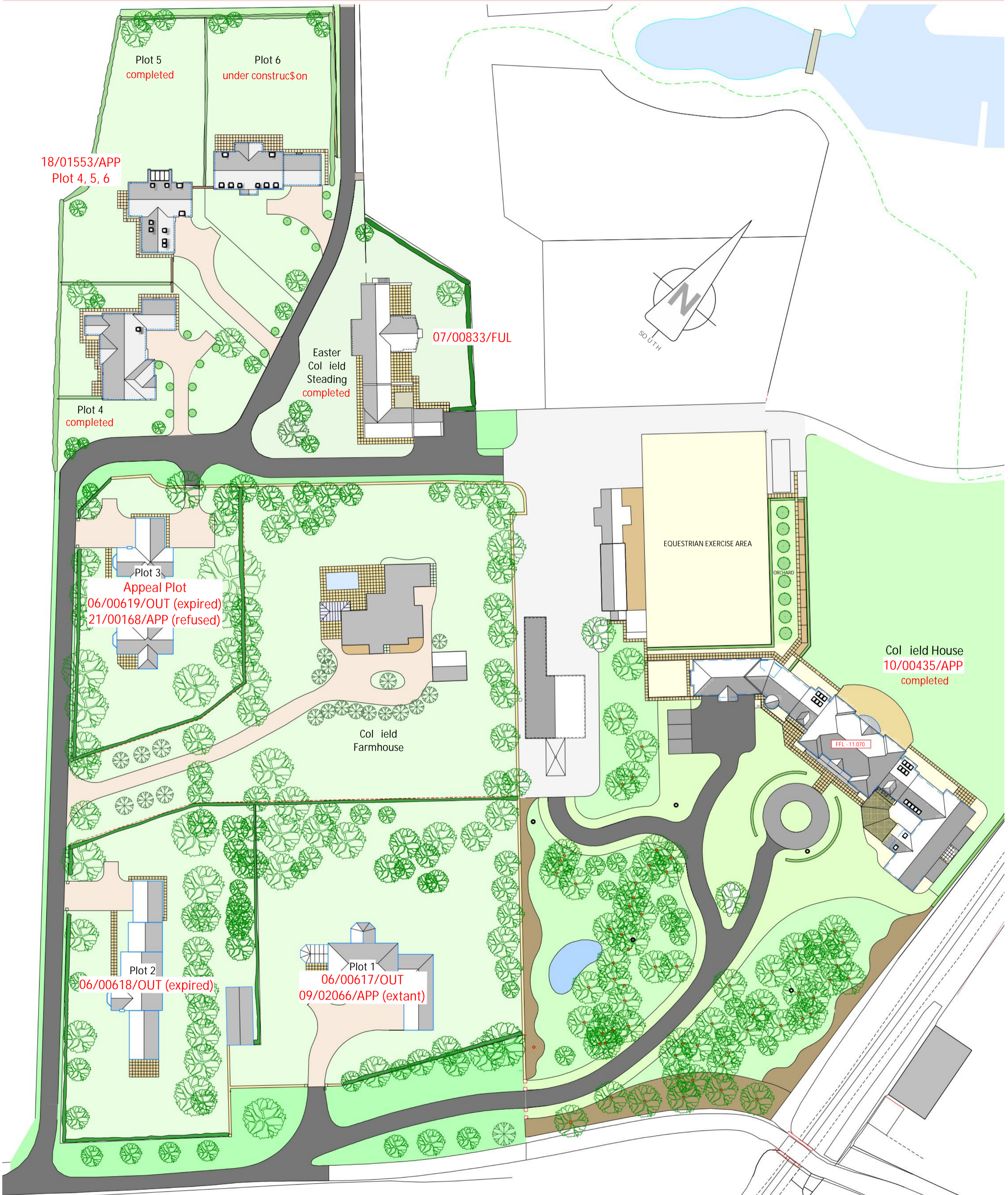
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A P P E N D I X T W O

P L A N N I N G H I S T O R Y

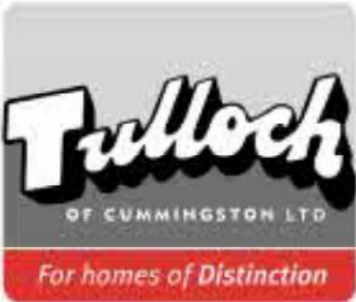


Easter Coltfield



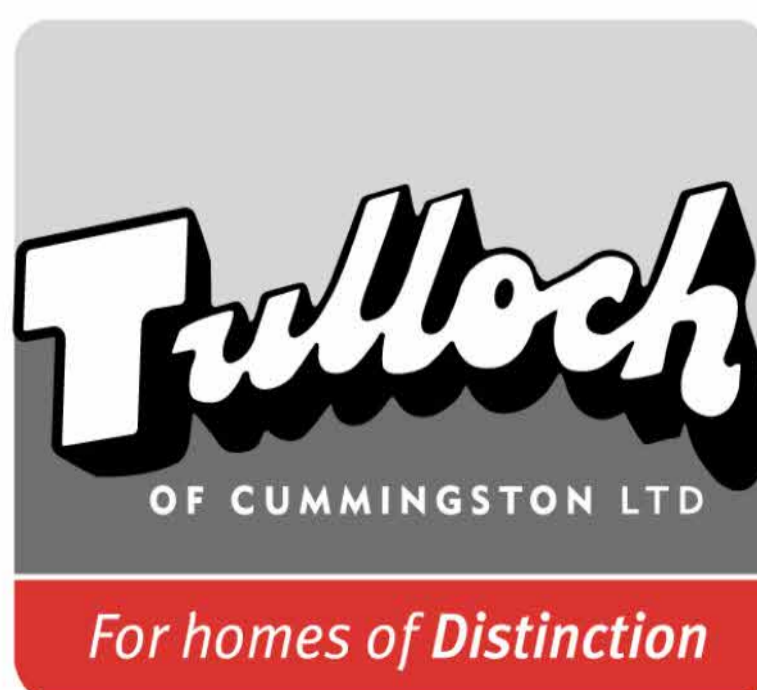
PLANNING HISTORY

SCALE - 1:500



A P P E N D I X T H R E E

P L A N N I N G S U B M I S S I O N D O C U M E N T S



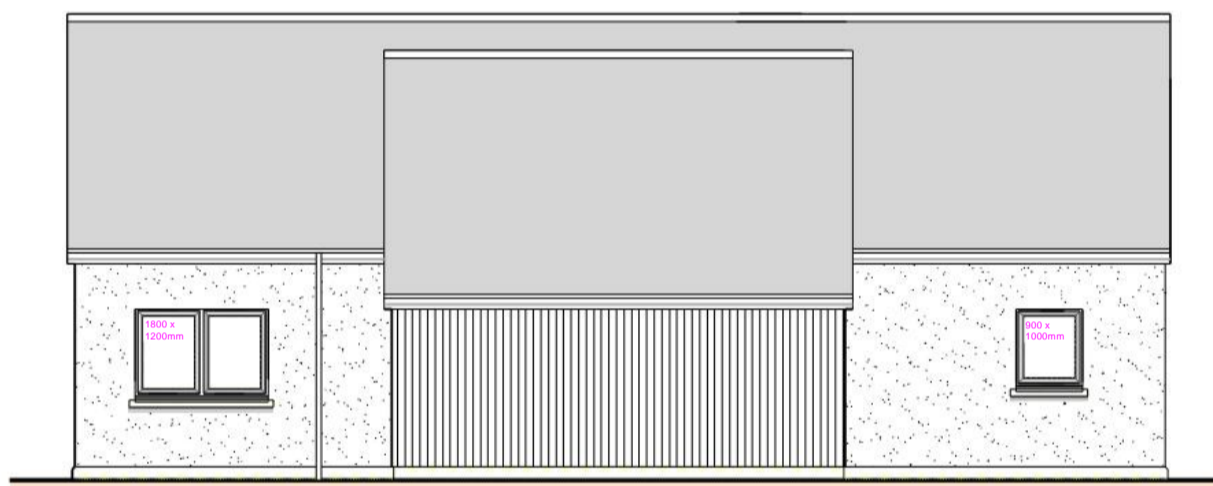
Easter Coltfield



FRONT ELEVATION



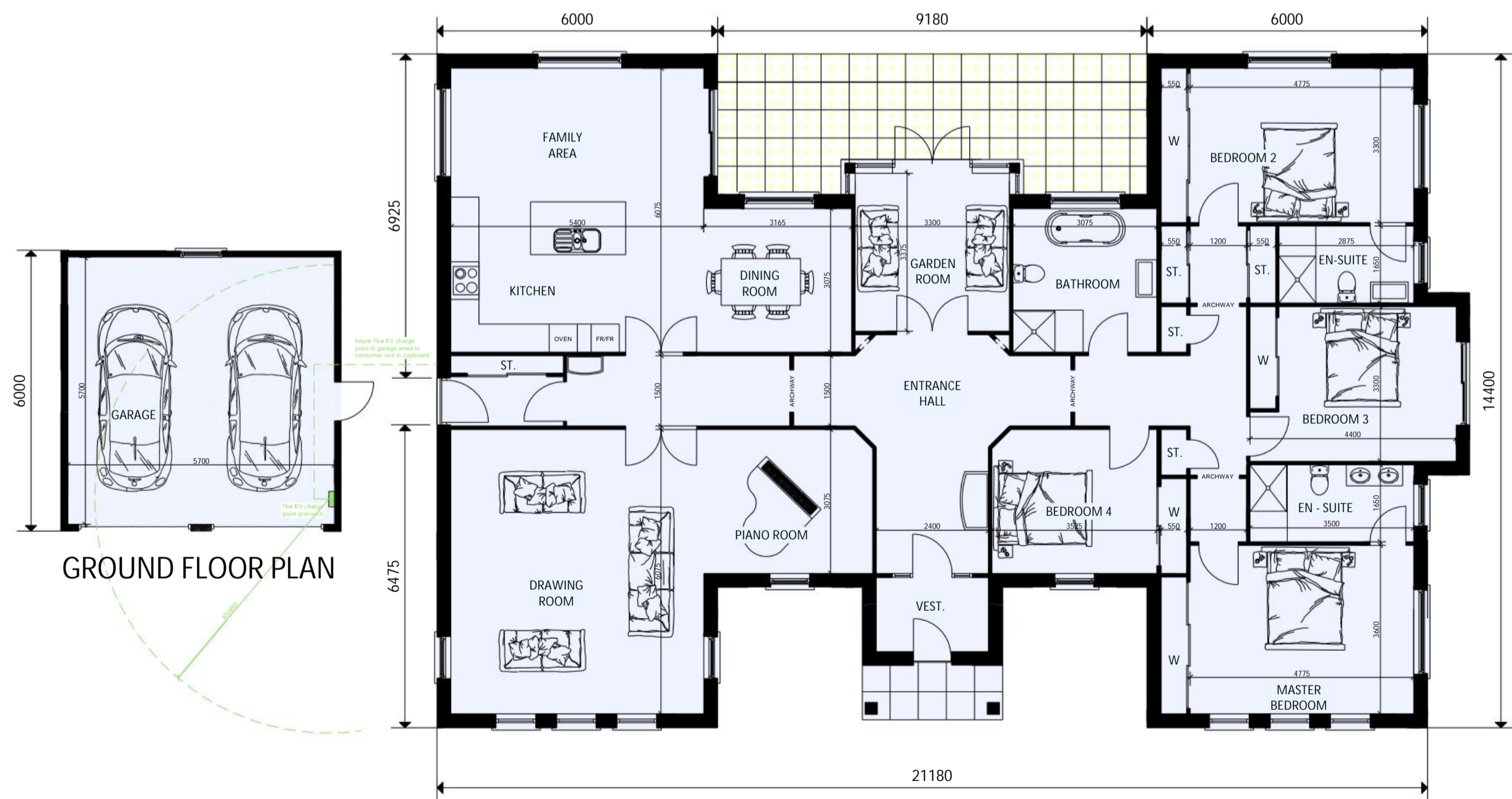
REAR ELEVATION



SIDE ELEVATION



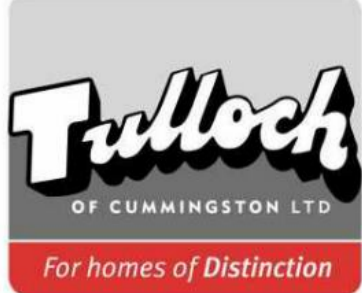
SIDE ELEVATION



PLANNING SUBMISSION DOCUMENTS FLOORPLAN & ELEVATIONS 1:100

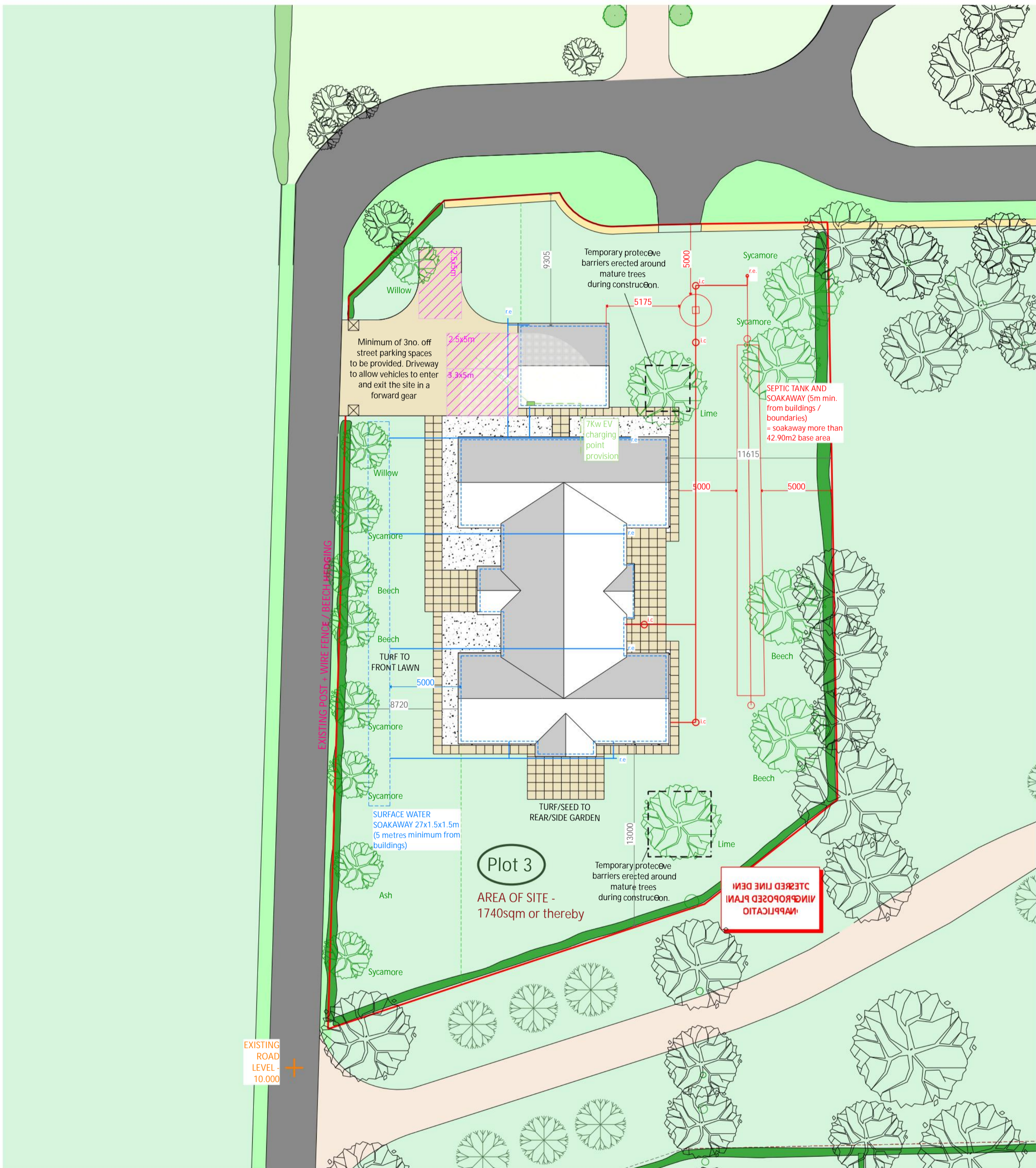
MATERIALS (AS PER OTHER
BUILDS ON THE DEVELOPMENT):

- NATURAL SLATE
- SANDSTONE
- BROWN/BUFF ROUGHCAST
- VERTICAL TIMBER LININGS
- IRISH OAK WINDOWS
- GREY COMPOSITE DOOR
- GREY FASCIA/SOFFITS
- BLACK GUTTERS/DOWNPipes



t - (01343) 835600 f - (01343) 835700
e - reception@tullochofcummingston.co.uk
web - www.tullochofcummingston.co.uk

Easter Coltfield

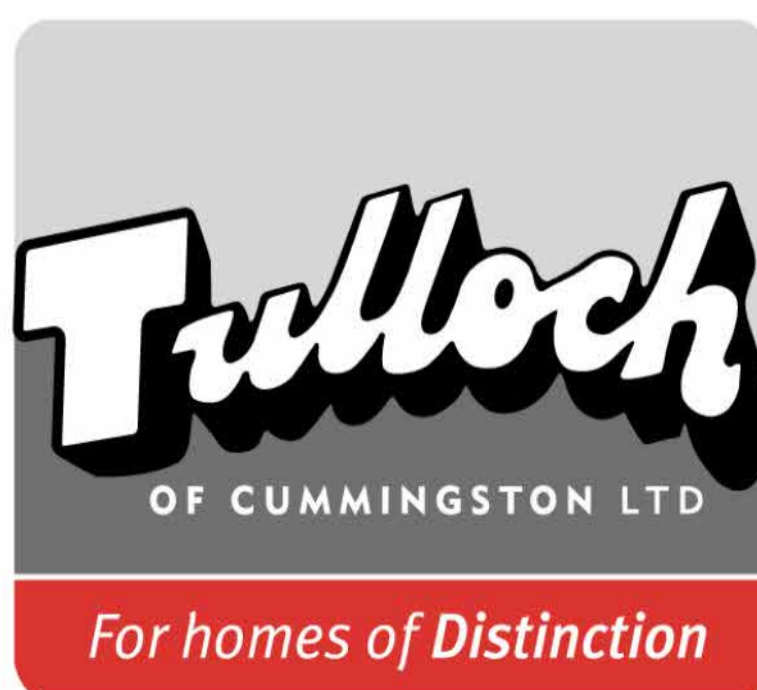


PLANNING SUBMISSION DOCUMENTS

SITE PLAN 1:200

A P P E N D I X F O U R

S I T E I N V E S T I G A T I O N



Gary Mackintosh
Email: gmcsurveys@gmail.com
Tel: 07557431702

gmcsurveys

Surveys, Setting-Out Civil Engineering Design

Site Investigation & Drainage Assessment

EASTER COLTFIELD

Gary Mackintosh Bsc
gmcsurveys@gmail.com

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Job Number:	2
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Site Description:.....	3
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Conclusion and Recommendations:	5
Foul Water Discharge via Soakaway:	5
Surface Water Dispersal via Soakaway:	5

Client:

Tulloch of Cumminston

Site Address:

Plot 3

Easter Coltfeld

Elgin

Planning Reference:

TBC

Date:

8th February 2021

Job Number:

0807

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 4bed private dwelling and associated infrastructure within Plot 3, Located at Easter Coltfild, By Elgin.

The SEPA flood maps have been consulted which indicate that the site lies within an area of pluvial flood risk during a 1:200year event. Based on the mapping flooding occurs adjacent to the existing access track to the south west of the proposed site. Based on this, it is recommended that any surface water system installed should be sized to manage flows up to and including a 1:200year event with 35%allowance for climate change to ensure that the proposals have no detrimental impact on the area.

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

Soil Conditions:

Excavations were carried out using a mechanical digger on 4th February 2021 to assess the existing ground conditions and carry out infiltration and percolation testing for the dispersal of foul and surface waters via soakaways.

The trial pits were excavated to depths of 2.0m. The pits were left open and no ground water was encountered.

The excavations provided existing ground conditions of 300 - 450mm Topsoil with many roots, dark brown and light brown intermixed fine sands with some gravels used as fill material within the site to a depth ranging from 450mm –1500mmbgl overlying light brown, medium dense, slightly silty Sands proved to the depth of the excavations.

The trial pits were left open and there was no evidence of ground water or contamination within the trial pits.

Percolation/Soakaway Testing:

Percolation testing was carried out in full accordance with BS6297: 2007 + A1: 2008 and as described in Section 3.9 of the Scottish Building Standards Technical Handbook (Domestic). The results can be found in the table below.

	1 st	2 nd	3 rd	Mean
Date of Test	04/02/21	04/02/21	04/02/21	
TP1	2400s	3720s	4380s	3500s
TP2	4320s	5340s	5580s	5080s
Average Soil Vp	28.60s/mm			

Infiltration testing:

Infiltration testing was carried out in full accordance with BRE digest 365. The results can be found in the table below.

Infiltration Test	Pit Dimensions (w/l)	Test Zone (mbgl)	Infiltration Rate (m/s)
INF01	1.0mx 1.0m	1.0 - 1.8	1.652 x 10 ⁻⁵

Conclusion and Recommendations:

Based on the onsite investigations it can be confirmed that the underlying soils are suitable for the use of standard stonefilled soakaways as a drainage solution for both foul and surface waters.

The Vp rate is above the maximum threshold of 15s/mm therefore a 'Standard Septic Tank' would be suitable, the final details of which are to be confirmed by the chosen supplier.

Foul Water Discharge via Soakaway:

The proposals are for a 4bed property therefore the foul water soakaway dimensions can be established as:

Soil Percolation Value –28.60s/mm

No of Persons (4bed) –6

Min Base Area ($A=V_p \times PE \times 0.25$) = 42.90m²

This can be provided with dimensions of 11.00m x 4.0m x 0.45m below the invert level of the pipe. The soakaway dimensions may be altered to provide a better fit within the plot ensuring that the base area of 42.90m² is maintained.

Surface Water Dispersal via Soakaway:

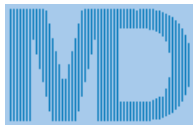
Please see attached surface water calculations detailing the requirement and suitability for soakaway dimensions of 27.0m x 1.5m at a depth of 1.5m below the invert level based on the proposed contributing area of 400m² (new roof area with extra over for hard standing) up to and including a 1:200 year event with 35% allowance for climate change.

The proposed soakaway has been designed to accommodate flows up to and including a 1:200year event with 35% allowance for climate change to ensure the surrounding flood risk areas are not impacted by the proposed development.

Soakaway Details can be found in Appendix A.

SEPA and Building Regulations require that infiltration systems (soakaways) are located at least:

- 50m from any spring, well or borehole used as drinking water supply
- 10m horizontally from any water course and any inland and coastal waters, permeable drain (including culvert), road or railway
- 5m from a building or boundary



Master Chain
2W 18.28

gmcsurveys
Surveys, Setting Out, Civil Engineering Design

211001 Villie, 81 Castle Street
T0182 148176
email: gmc@surveys@gmcii.com
Mobile: 8762748176

Lod No. 8887		
Sheet no. 1		
Date 25/10/18		
By GM	Original	Approved

Project
Plot 3 Estate Colfhill
Title
Surface Water Soakaway

Rectangular pit design data :-

Pit length = 27 m
Depth below invert = 1.5 m
Imperm. area = 400 m²
Return period = 200 yrs

Pit width = 1.5 m
Percentage voids = 30.0%
Infil. factor = 0.000017 m/s
Climate change = 35%

Calculations :-

Surface area of soakaway to 50% storage depth (not inc. base) :-

$$a_{20} = 2 \times (\text{length} + \text{width}) \times \text{depth} / 2 = 42.8 \text{ m}^2$$

Outflow factor : $O = a_{20} \times \text{Infiltration rate} = 0.0007268 \text{ m/s}$

Soakaway storage volume : $S_{\text{soak}} = \text{length} \times \text{width} \times \text{depth} \times \% \text{ voids} / 100 = 18.2 \text{ m}^3$

Duration	Rainfall mm/hr	Inflow m ³	Depth (maximum) m	Outflow m ³	Storage m ³
5 mins	134.7	4.5	0.35	0.22	4.25
10 mins	106.5	7.1	0.55	0.43	6.64
15 mins	89.8	9.0	0.69	0.65	8.33
30 mins	64.4	12.9	0.95	1.31	11.57
1 hrs	43.7	17.5	1.22	2.62	14.87
2 hrs	28.2	22.6	1.43	5.23	17.35
4 hrs	17.9	28.6	1.49	10.47	18.14
6 hrs	13.6	32.7	1.40	15.70	16.97
10 hrs	9.6	38.4	1.01	26.16	12.27
24 hrs	5.3	50.5	0.00	62.79	0.00

Actual volume $S_{\text{soak}} = 18.225 \text{ m}^3$

Required volume : $S_{\text{req}} = 18.140 \text{ m}^3$

Soakaway volume storage OK.

Minimum require a_{20} : 42.55 m²

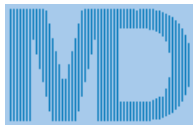
Actual a_{20} : 42.75 m²

Minimum depth required : 1.49 m

Time to maximum : 4 hrs

Emptying time to 50% volume = $t_{20} = S_{\text{req}} \times 0.5 / (a_{20} \times \text{Infiltration rate}) = 03:28 \text{ (hrs)}$

Soakaway emptying time is OK.



Ms261Chsin
2W 18.28

gmcsurveys
Surveys, Setting Out Civil Engineering Design

211001 Villie, 81 Cestie Street
7018 1831 70
email: gmc@surveys@gmcsurveys.com
Mobile: 87007 481 78

Lod No. 8887		
Sheet no. 2		
Date 25/10/18		
By GM	Original	Approval

Project
Plot 3 Estate Colthillb
Title
Surface Water Drainage

Location hydrological data (FSR):-

Location = ELG N
M 5-60 (mm) =
Soil index = 0.40
W RAP

Grid reference = NJ2162
r = 0.24
SAAR (mm/yr) = 800
Area = Scotland and N.

Soil classification for W RAP type 3

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

N.B. The rainfall rates are calculated using the location specific values above in accordance with the Wallingford procedure.

APPENDIX A

Site/Testhole Location

APPENDIX B

Soakaway Details/Certificates

Certificate For Proposed Sub – Surface Soakaways
Foul Water

Applicants Name: Tulloch of Cummingston
Address: Forsyth Street, Hopeman, Elgin IV30 5ST
Site Address: Plot 3 Easter Coltfeld, Elgin
Date of Tests: 4th February 2021
Weather Conditions: Overcast/Occasional Winter Showers

Percolation Test/Soakaway Sizing:

	1 st	2 nd	3 rd	Mean
Date of Test	04/02/21	04/02/21	04/02/21	
TP1	2400s	3720s	4380s	3500s
TP2	4320s	5340s	5580s	5080s
Average Soil Vp				28.60s/mm

Location: TP1&TP2
Average Soil Vp: 28.60s/mm
PE: 6
Base Area (min): 42.90m²

I hereby certify that I have carried out the above tests in full accordance with BS6297: 2007 + A1: 2008 and as described in Section 3.9 of the Scottish Building Standards Technical Handbook (Domestic).

Signed: G Mackintosh Gary Mackintosh BSc. Date: 8th February 2021

Company: GMC Surveys, 34 Castle Street, Forres, Morayshire. IV36 1PW

gmcsurveys
34 castle Street
Forres
Moray
IV36 1PW
T: 07557 431 702
E:gmcsurveys@gmail.com

Certificate For Proposed Sub – Surface Soakaways
Surface Water

Applicants Name: Tulloch of Cummingston
Address: Forsyth Street, Hopeman, Elgin IV30 5ST
Site Address: Plot 3 Eater Colfield, Elgin
Date of Tests: 4th February 2021
Weather Conditions: Overcast/Occasional Winter Showers

Trial Pit Test – Surface Water:

Depth of Excavation: 1.8
Water Table Present: No

Infiltration Test:

Location: INF01
Infiltration Test Zone: 1.0 – 1.8mbgl
Infiltration Rate (m/s): 1.652×10^{-5}
Contributing Area: 400m²
Soakaway Size: 27.0m x 1.5m x 1.5m below the invert of the pipe (1:200)

I hereby certify that I have carried out the above tests in accordance with the procedures specified in BRE Digest 365:1991.

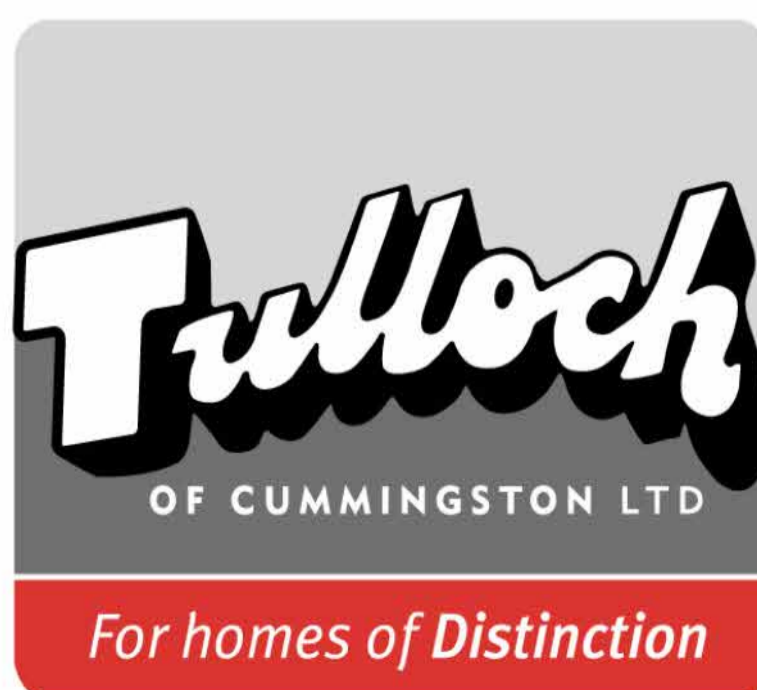
Signed: G Mackintosh Gary Mackintosh BSc. Date: 8th February 2021

Company: GMC Surveys, 34 Castle Street, Forres, Morayshire. IV36 1PW

gmcsurveys
34 castle Street
Forres
Moray
IV36 1PW
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E: gmcsurveys@gmail.com

APPENDIX FIVE

DECISION NOTICE / REPORT OF HANDLING





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

REFUSAL OF PLANNING PERMISSION

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

TO Tulloch Of Cummingston Ltd
 Tulloch House
 Forsyth Street
 Elgin
 Mora
 IV30 5ST

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 with detached garage on Plot 3 Easter Coltfeld Alves
Elgin 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 proposal would be contrary to policies DP1, DP4 and EP14 of the Moray Local Development Plan 2020 for the following reasons:

1. The site lies within a Pressurised and Sensitive Area and as such policy DP4 outlines that no new housing will be permitted within these areas on the basis that further housing would exacerbate the build-up of housing which has already negatively impacted on the character of the countryside in this area.
2. The applicants have not provided a Noise Impact Assessment in support of the application and as such have failed to demonstrate that the occupants of the proposed house would not be subject to harmful noise pollution as a result of aircraft utilising RAF Kinloss.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
3 E.COLT/P.D/01		Site and location plan
		Elevations and floor plans
3 E.COLT/P.D/LP		Location plan
3 E.COLT/P.D/VS		Passing place and visibility splay

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

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

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

REPORT OF HANDLING

Ref No:	21/00168/APP	Officer:	Iain T Drummond
Proposal Description/ Address	Erect dwellinghouse with detached garage on Plot 3 Easter Coltfield Alves Elgin Moray		
Date:	05.10.2021	Typist Initials:	LMC

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

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Aberdeenshire Council Archaeology Service	01/03/21	No objections
Moray Flood Risk Management	22/06/21	No objections
Planning And Development Obligations	23/02/21	Contributions sought towards transport (dial-a-bus) Healthcare and sports and recreation (3g pitch in Forres)
Environmental Health Manager	21/09/21	Recommend refusal of the proposal due to lack of noise impact assessment
Contaminated Land	24/02/21	No objections
Transportation Manager	17/02/21	No objections subject to conditions and informatives
Scottish Water	17/02/21	No objections
Strategic Planning And Development	10/06/21	Recommend refusal of the application due to failure to comply with housing in the countryside policy.

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP3 Infrastructure and Services	N	
DP4 Rural Housing	Y	
EP2 Biodiversity	N	
EP7 Forestry Woodland and Trees	N	
EP8 Historic Environment	N	

DP1 Development Principles	Y	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	
EP14 Pollution Contamination Hazards	Y	

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		
<p>Issue: Concern regarding the impact of the development on flora and fauna, with specific reference to hibernating animal and nesting birds.</p> <p>Comments (PO): This application is being refused on the basis of failing to comply with policies in relation to the principle of new housing in the countryside, however, were the application being approved, the applicants have outlined that it is their intension to retain, protect and enhance the existing trees/habitat on site and allow free movement of animals such as hedgehogs. With this in mind this issue is not considered to merit the refusal of this application.</p>		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

This application seeks planning permission in for the erection of an H-shaped single storey pitch roof house and detached garage at, Plot 3, Easter Coltfild, Alves, Elgin.

It is proposed that the site be served via an access from the existing track which bounds the site to the south west. The house is to be served by a septic tank and soakaway and separate soakaway for disposal of surface water.

The Site and Surroundings

The site comprises an area of rough ground described as Plot 3 by the applicants. Planning permission in principle was granted in 2006 for the erection of a house on this site, however, this consent has since expired. The site is bounded by a mixture of hedging and mature trees and forms part of a larger grouping of houses surrounding Coltfild Farmhouse.

The site lies within open countryside in an area of landscape designated as a Pressurised and Sensitive Area within the Moray Local Development Plan 2020.

Appraisal

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:

Principle of development (DP1 and DP4)

Scottish Planning Policy (SPP) states rural development proposals should promote a pattern of development that is appropriate to the character of the particular area and the challenges it faces. In

Moray there are identified issues relating to the adverse landscape and visual impacts associated with the cumulative build-up of new housing in and around our main towns, particularly Elgin and Forres.

SPP also states that in pressurised areas easily accessible from Scotland's cities and towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside. On that basis areas within Moray where cumulative build up is prevalent were identified as pressurised and sensitive areas.

Policy DP4: Rural Housing of the Moray Local Development Plan (MLDP) 2020 contains the necessary criteria for assessing new rural housing in the countryside. In this case the site lies within a Pressurised and Sensitive Area and as such policy DP4 outlines that no new housing will be permitted within these areas.

The justification text within policy DP4 explains the ethos behind the designation of Pressurised and Sensitive Areas and outlines that there are locations within Moray where the cumulative build-up of houses in the countryside has negatively impacted on the landscape character of an area and as such these areas have been designated to restrict any further housing. The landscape surrounding the proposed site, leading from Kinloss golf club in the west to Hopeman in the east has experienced a significant growth in new housing in the countryside over the past 25 years and this has undoubtedly eroded the rural character of the area. The proposed new house site would add to this overall build-up of housing in the area and exacerbate the existing impact on the rural character of the surrounding landscape and as such this proposal is recommended for refusal on this basis.

The applicants have outlined that whilst the site may be within the Pressurised and Sensitive Area, the site is well enclosed and defined from the surrounding open fields and will form part of what is an existing grouping of houses and as such will integrate well into the surrounding landscape. In response, policy DP4 is clear that no new housing within Pressurised and Sensitive Areas should be permitted and as such the merits of the siting of any proposed house is not something that could overcome the fundamental issue, that the proposed site lies within the Pressurised and Sensitive Area. Whilst the proposed site does have enclosure, the house would be visible from the west and as such would contribute to the overdeveloped appearance of the area. Also whilst the site does form part of an existing grouping, this is not identified as a rural grouping within the MLDP 2020 and as such the proposal cannot be assessed under the terms of policy DP4 in relation to development within rural groupings.

Noise Pollution (DP1 and EP14)

Following consultation with Environmental Health the site has been identified as falling within the RAF Kinloss noise contour map as agreed by the Planning and Regulatory Services Committee in 22/04/14, which outlined the following position:

"Routine flying operations at Kinloss ceased on 31 July 2011. However, there remains a current Defence requirement for the airfield to act as a Relief Landing Ground (emergency only) for RAF Lossiemouth Tornado GR4 and soon Typhoon aircraft. While fast jet aircraft will not routinely use the airfield at Kinloss Barracks the airspace will continue to be used as part of a standard circuit. This involves RAF Lossiemouth fast jet aircraft flying above the unit at a height of 1000 feet. The airfield will continue to be used by the Moray Flying Club and No 663 Volunteer gliding Squadron. Although no longer an active airfield, MOD retains the right to reactive the airfield in the future. Use of the airfield for circuit work will still mean that the area will be exposed to noise which may be considered disturbing by residents. When resources allow we plan to revisit Kinloss and produce revised contours. Until then the noise contours defined in 1984 will remain extant."

The proposed site is within the 66 to 72 dBA contour and as such a Noise Impact Assessment (NIA)

was requested. By the time the applicants were asked for a NIA, they were aware that the site lay within the Pressurised and Sensitive Area and would be refused on this basis and as such did not wish to go to the expense of having a NIA carried out. Without an NIA this proposal fails to comply with policies DP1 and EP14 and has been recommended for refusal by Environmental Health. Whilst this issue could potentially be overcome by the submission of an NIA, without this information, this issue forms a further reason for refusal of this proposal.

Access/Parking (PP3 & DP1)

The Transportation service has been consulted in relation to the development has no objection to the approval of the application subject to conditions to ensure access and parking is provided to an acceptable standard. Amongst other things the conditions recommended require the provision of an EV charging point at the house and a passing place on the public road leading to the site and the applicants have confirmed they are happy to meet these requirements.

Water Supply and Drainage (PP3, EP12 & EP13)

Moray Flood Risk Management have no objection to the proposed drainage arrangements comprising foul drainage disposed of via treatment plant and soakaway and separate surface water soakaway and as such the proposals are compliant with policies PP3, EP12 and EP13.

Scottish water has no objection to the use of the proposed water supply.

Developer obligations and affordable housing (PP3 and DP2)

An assessment has been carried out and a contribution has been identified towards transport (dial-a-bus) Healthcare and sports and recreation (3g pitch in Forres), which the applicant has agreed to pay in the event of approval being given.

Recommendation

The application is to be refused on the basis that it fails to meet the requirements of DP4 and DP1, in that, there is no policy exception to allow new housing in pressurised and sensitive areas. The introduction of a new house in this identified pressurised and sensitive location would have a detrimental landscape and visual impact as well as impacting on the character and appearance of this rural area.

Furthermore, the application is contrary to policies DP1 and EP14 in that a supporting Noise Impact Assessment has not been provided and therefore there is insufficient information to demonstrate that adequate mitigation can be implemented to address any adverse noise impacts.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
06/00619/OUT	Outline to erect 1no detached dwellinghouse on Plot C Easter Colfield Farm Alves Moray			
	Decision	Permitted	Date Of Decision	05/12/06

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	No Premises	18/03/21
PINS	No Premises	16/02/21

DEVELOPER CONTRIBUTIONS (PGU)	
Status	Contributions sought

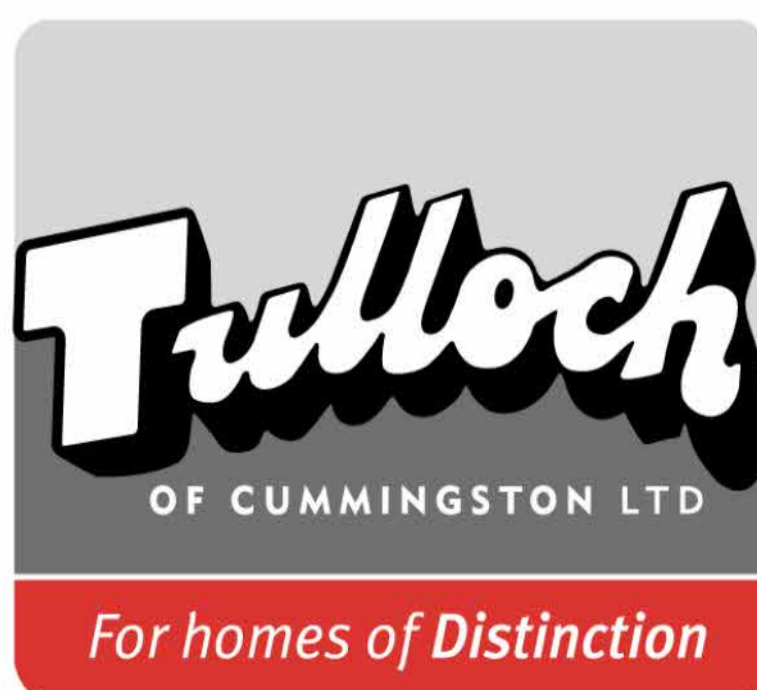
DOCUMENTS, ASSESSMENTS etc. * * Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Drainage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

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:		

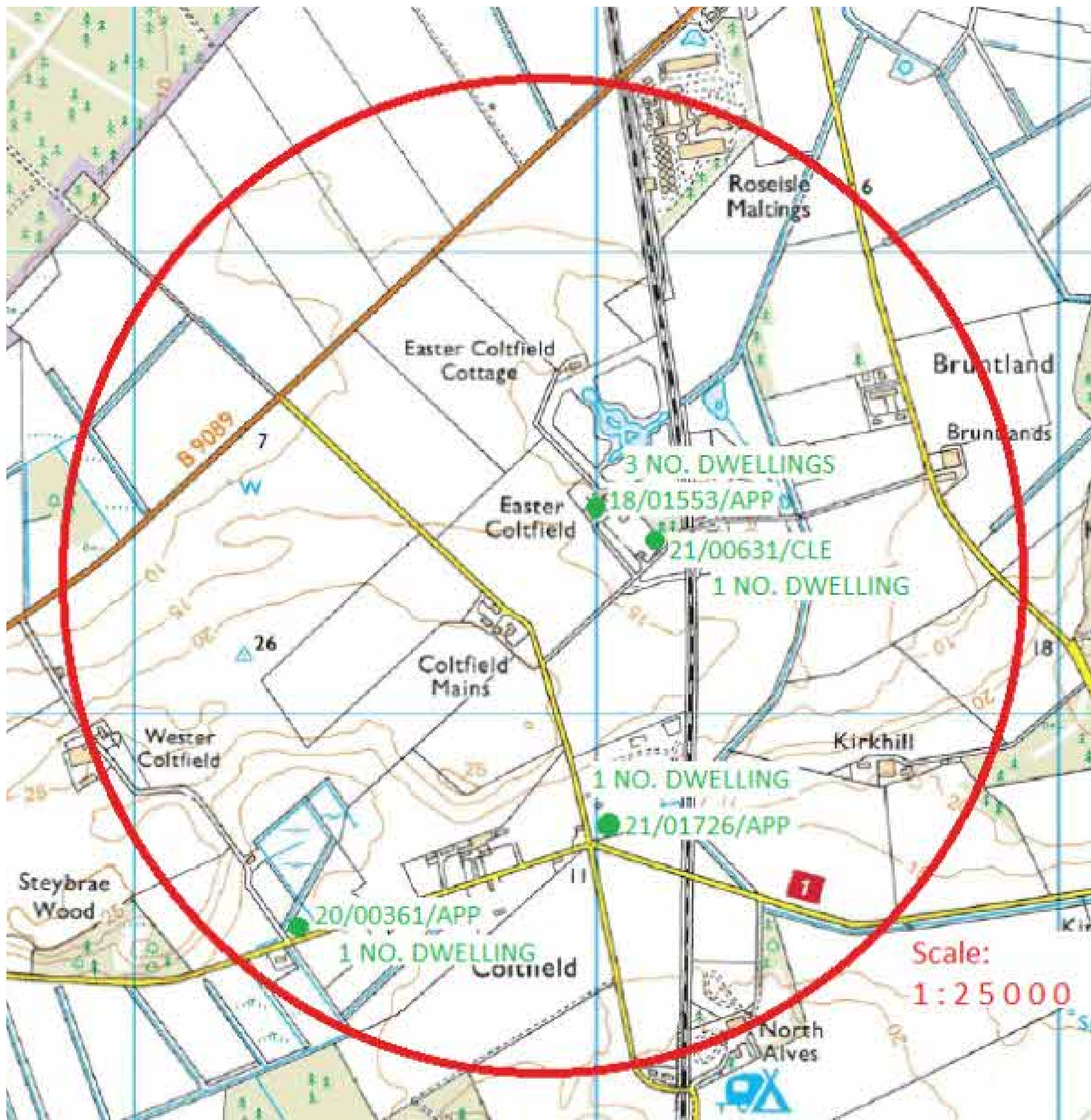
DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary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

A P P E N D I X S I X

N E W B U I L D P L A N N I N G A P P L I C A T I O N S B E T W E E N J A N U A R Y 2 0 1 8 & J A N U A R Y 2 0 2 2



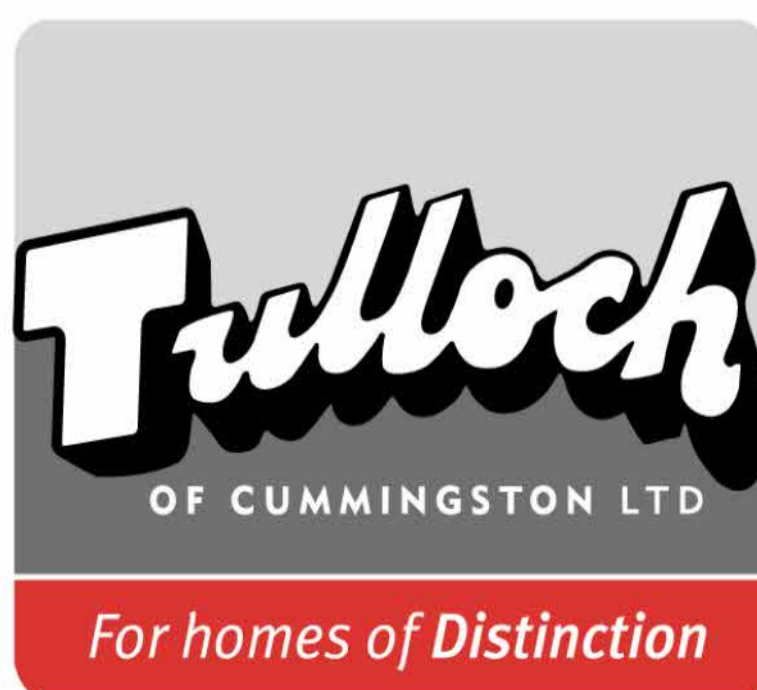
Easter Coltfield



NEW BUILD PLANNING APPLICATIONS BETWEEN JANUARY 2018 - JANUARY 2022

A P P E N D I X S E V E N

COLTFIELD HOUSE NOISE IMPACT ASSESSMENT



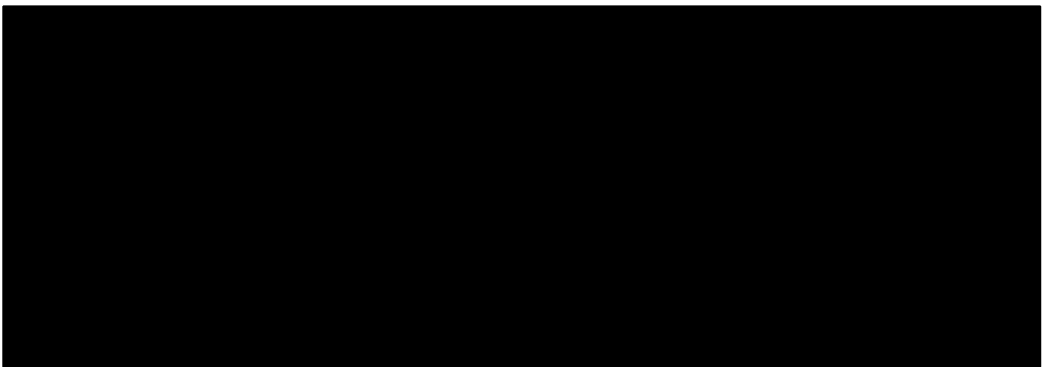


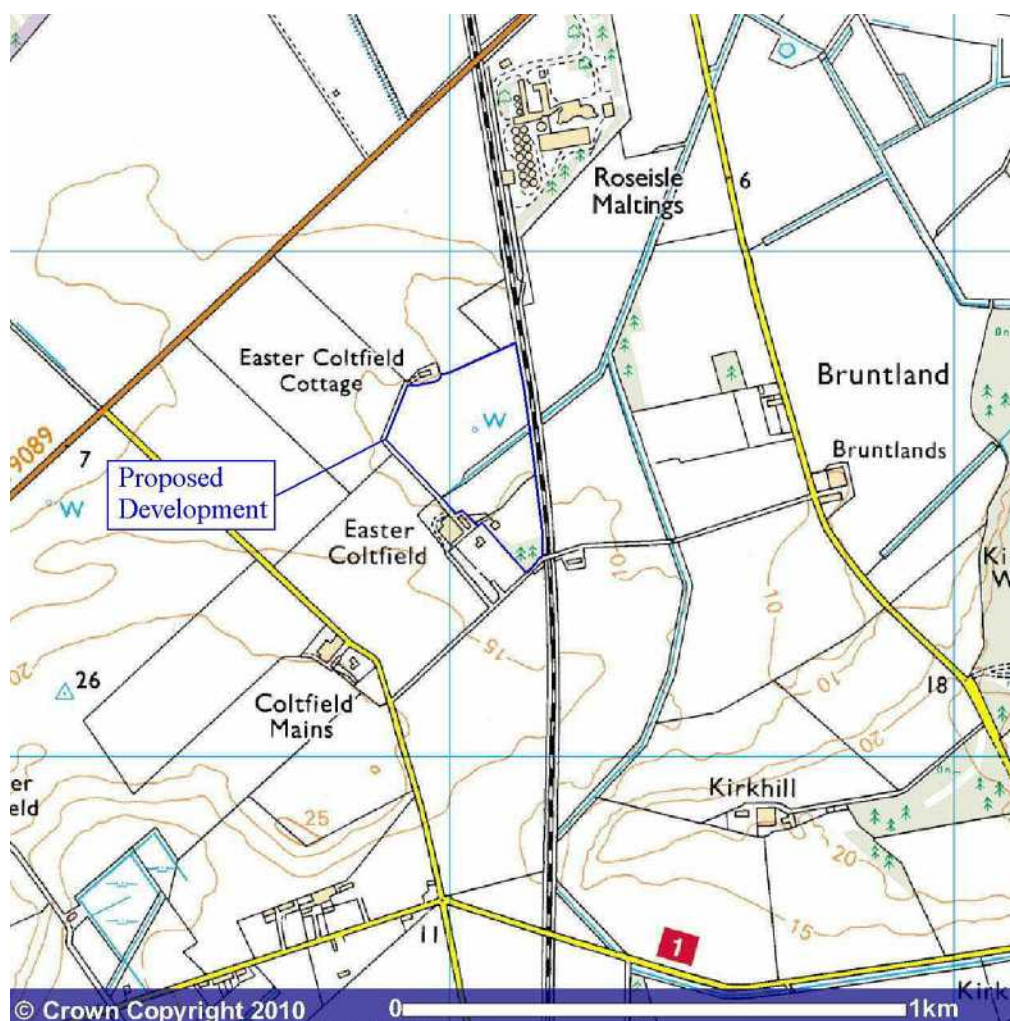
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1.0 Introduction

- 1.1 Tulloch of Cummington proposes to construct a house, stables and cattery, on a plot of land at Easter Coltfeld, near Alves, in Moray. The boundary of the land is shown outlined in blue below in Figure 1, which is reproduced with the permission of Ordnance Survey. Kinloss Royal Air Force (RAF) base lies some 5500m to the west-south-west of the land.

Figure 1

Location of Proposed Development
(Courtesy of Ordnance Survey)



- 1.2 The concern was raised at the planning stage, by officers of The Moray Council, that the noise of military aircraft might disturb the occupants of the proposed house. Charlie Fleming Associates was asked, by Mr Alex Sanderson, of Tulloch of Cummington Ltd, to assess the level of aircraft noise affecting the site and confirm whether it would be acceptable.

- 1.3** It is usual to assess air traffic noise affecting the site of proposed residential development in accordance with The Scottish Executive Development Department publication titled *Planning Advice Note 56 Planning and Noise*¹, (PAN56).
- 1.4** PAN56 stipulates that the noise be considered over two periods, daytime from 07.00hrs to 23.00hrs, and night-time from 23.00hrs to 07.00hrs. The noise level over these periods determines which of 4 Noise Exposure Categories (NEC) the site falls into. Each NEC is accompanied by a series of recommendations.
- 1.5** To establish which NEC the land on which it is proposed to construct the house falls into, the noise on the land could be measured, over the daytime and night-time periods mentioned above. The noise around military airports, however, varies considerably from day to day, week to week, and month to month. To encompass these variations, it would be necessary to measure the noise over a period of several months, which would be prohibitively expensive.
- 1.6** The noise around RAF Kinloss has been predicted by the Noise and Vibration Division, of the Occupational and Environmental Medicine Wing, of the RAF Centre of Aviation Medicine. These noise levels are calculated and plotted as contours by a computer programme. The programme contains a number of variables which have a significant bearing on the results. The values ascribed to these variables are not generally available. Charlie Fleming Associates has, however, learned how some of them were input into the computer model of noise around RAF Lossiemouth. It is assumed that similar parameters have been put into the computer model of the noise around RAF Kinloss, which leads the author to have some reservations as to the accuracy of the contours.
- 1.7** Whilst the author has reservations about the accuracy of the RAF noise contours, in the absence of being able to measure the noise over several months, these were used in determining the NEC of the land on which it is proposed to construct the house, as discussed in Section 2.0 of this report. In Section 3.0, the noise levels in the proposed house are calculated, and compared to the limit usually adopted by The Moray Council.

Section 4.0 concludes the main text of the report, and is followed by a list of the documents referred to herein. The Appendix describes basic principles of acoustics and explains the technical terms used in the report.

2.0 Royal Air Force (RAF)/The Moray Council Air Traffic Noise Level Data

- 2.1 The noise level contours produced by the RAF Centre of Aviation Medicine Noise and Vibration Division, have been issued by The Moray Council. These are shown below in Figure 2. Where it is proposed to build the house is also shown on Figure 2, on the 66dB(A) contour.

Figure 2

RAF Kinloss Aerodrome Noise Contours L_{Aeq}
(Courtesy of The Moray Council)



- 2.2 Where it is proposed to build the house is therefore in both NEC B and NEC C, of which PAN56 states;

NEC B

Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise. For proposed development subject to the high end of the category a Noise Impact Assessment will assist authorities in identifying appropriate noise mitigation measures.

NEC C

Planning permission should not normally be granted. Based upon the evidence contained within a Noise Impact Assessment, however, it may be possible to grant permission subject to measures that ensure an adequate level of protection against noise.

- 2.3** With the site of the house falling into both NEC B and NEC C, it is appropriate to calculate the noise level inside it. How this has been done is described in Section 3.0.

3.0 Calculation of Internal Levels of Air Traffic Noise

- 3.1 It is usual in an assessment of this type to calculate the noise levels inside one of the most exposed rooms, which, in this case, will be the Lounge. The principle in this is that, if the noise is acceptable in the most exposed room, it follows that it will also be acceptable in the other, less exposed ones. The noise in the room has been calculated using the following equation:

$$L_{\text{Internal}} = L_{\text{External}} - R + 10 \log S - 10 \log 0.161 V + 10 \log T$$

Where, R = sound reduction index of façade.
 S = area of façade.
 A = acoustical absorption in receiving room.
 V = volume of receiving room.
 T = reverberation time of receiving room.

- 3.2 Charlie Fleming Associates has measured the noise of military aircraft movements at a site in Wester Buthill, approximately 1.3km to the north-east of this one. The octave band noise levels, measured at that site, have been adjusted to a level of 66.0dB(A), which is that present in this case, according to the contours. (It is more accurate to calculate the internal noise using octave band levels as opposed to A-weighted ones). These are shown overleaf in Table 1 which shows the variables used in the calculations.
- 3.3 Most air traffic noise contours include a 2dB(A) addition to allow for that component of the sound which is reflected off the ground. It is not clear whether the RAF model has incorporated this, but it is assumed that it has, because the model is one developed for civilian air traffic movements. This may overestimate the noise of the military aircraft as they take-off, land and manoeuvre, because they are closer to the ground than the civilian ones, and the angle of sound propagation towards the earth not steep enough to cause the full 2dB(A) increase. Hence it would seem reasonable to reduce the noise level suggested by the contours by 1dB(A), as shown overleaf in Table 1.

When sound propagating from a source hits the side of a building, such as a house, it is reflected off it. The reflected sound wave interferes with the incident wave causing what is known as facade effect, or pressure doubling. This is similar to the ground effect described above. This is normally taken to increase the noise, at most, by 3.0dB(A), for an angle of incidence of 90 degrees. This has been added to the measured noise levels as shown overleaf in Table 1. This will over-estimate the noise slightly, by 0.7dB(A), as the angle of incidence of the sound will actually be 70 degrees.

- 3.4 At the time of writing, the glazing had not been specified. It was thus assumed to be at least the minimum standard required in the *Building Standards (Scotland) Regulations* for thermal insulation, of 2 panes of 6mm thick glass separated by a 16mm wide cavity. The sound reduction indices of this glazing have been derived from values given in the literature^{2&3}.

The noise has been calculated with the windows closed and the trickle ventilator open, as is usually required by The Moray Council. The sound reduction index of the open part of the trickle ventilator has been taken to be 0dB.

- 3.5** The dimensions of the glazing in the Lounge were scaled off the architect's drawings and found to be equivalent to 12.8m². The area of the trickle ventilators was taken to be 10,000mm².
- 3.6** The dimensions of the Lounge were read off the architect's drawings, and found to be 5.4m x 4.0m x 2.7m. The reverberation times of the room have been taken to be the same as those measured by Charlie Fleming Associates in a living room of the same size, in Nether Johnstone House, just outside Johnstone in Renfrewshire.
- 3.7** The variables discussed in Sections 3.2 to 3.6 have been put into the equation, given earlier in Section 3.1, as shown below in Table 1.

Table 1
Calculation of Internal Noise Levels, L_{eq}
(dB re 2×10^{-5} Pa)

Parameter	Octave Band Centre Frequency (Hz)								
	31.5	63	125	250	500	1000	2000	4000	8000
Level <i>External</i>	57.3	58.8	60.5	65.8	61.3	57.0	42.7	22.2	18.0
Correction to 16 hour level	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6
Correction for Ground Effect	-1.0	-1.0	-1.0	-1.0	-1.0	-1.0	-1.0	-1.0	-1.0
Correction for Facade Effect	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
R <i>Glazing</i>	24.7	24.7	21.9	20.1	29.5	37.9	35.1	39.6	39.6
10log S	11.1	11.1	11.1	11.1	11.1	11.1	11.1	11.1	11.1
10log 0.161 x V	12.7	12.7	12.7	12.7	12.7	12.7	12.7	12.7	12.7
T	0.9	0.7	0.6	0.6	0.5	0.5	0.5	0.4	0.4
10log T	-2.2	-3.0	-3.8	-3.3	-3.9	-4.4	-4.5	-5.3	-5.3
Level <i>Internal</i>	35.3	36.0	39.3	46.6	34.1	26.4	12.6	-9.7	-13.9

Figures shown in italicised print have been extrapolated.

- 3.8** The "Level *Internal*", with the trickle ventilator open, is 39dB(A), which is just within the limit of 40dB(A) which The Moray Council usually applies to this type of noise. As the noise is only just within the limit, that in various other rooms was calculated. In the Dining Room, Master Bedroom and Bedroom 5, it proved to be 40dB(A), 40dB(A) and 38dB(A) respectively. On the southern elevation of the house, in the Study and Sun Lounge, it proved to be 31dB(A) and 34dB(A).

4.0 Conclusions

- 4.1** Tulloch of Cummingston proposes to construct a house on a plot of land at Easter Coltfeld, near Alves, in Moray. Kinloss Royal Air Force (RAF) base lies some 5500m to the west-south-west of the land. The concern was raised at the planning stage, by officers of The Moray Council, that the noise of military aircraft might disturb the occupants of the proposed house. Charlie Fleming Associates was asked to assess the level of aircraft noise affecting the land, and confirm whether it would be acceptable.
- 4.2** The assessment of the noise has been performed as suggested in The Scottish Executive Development Department document titled *Planning Advice Note 56 Planning and Noise*, (PAN56). The air traffic noise was quantified using equivalent continuous noise level, L_{Aeq} , contours provided by The Moray Council. According to these, the site is exposed to 66.0dB(A), which places it in both Noise Exposure Category (NEC) B and C, of which PAN56 states;

NEC B

Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise. For proposed development subject to the high end of the category a Noise Impact Assessment will assist authorities in identifying appropriate noise mitigation measures.

NEC C

Planning permission should not normally be granted. Based upon the evidence contained within a Noise Impact Assessment, however, it may be possible to grant permission subject to measures that ensure an adequate level of protection against noise.

- 4.3** With the development site falling into both NEC B and C, it is appropriate to calculate the noise level in the proposed house. This was done as described in Section 3.0.
- 4.4** In the Lounge, which will be one of the most exposed rooms of the house, the noise level will be around 39dB(A), with the trickle ventilator open. This is just within the 40dB(A) limit which The Moray Council usually applies to this type of noise.

As the noise is only just within the limit, that in various other rooms was calculated. In the Dining Room, Master Bedroom and Bedroom 5, it proved to be 40dB(A), 40dB(A) and 38dB(A) respectively. On the southern elevation of the house, in the Study and Sun Lounge, it proved to be 31dB(A) and 34dB(A).

Eur Ing Charlie Fleming BSc MSc CEng MCIBSE FIOA MIET

5.0 References

- 1) The Scottish Executive Development Department, *Planning Advice Note PAN56 Planning and Noise*, Crown Copyright April 1999, ISBN 0 7480 8157 7.

In such cases, internal noise levels within individual living apartments should be less than 45dB(A) during the day and 35dB(A) during the night. Levels should be predicted using appropriate time periods and the L_{Aeq} parameter.

- 2) Inman C., *A Practical Guide to the Selection of Glazing for Acoustic Performance in Buildings*, *Acoustics Bulletin*, **19**, (5), September/October 1994, pp19-24.
- 3) Saint Gobain, *Acoustic Performance of Glazing*.

Appendix

A1.0 Basic Principles of Acoustics

A1.1 Sound Pressure

The sound we hear is due to tiny changes in pressure in the air, caused by something disturbing the air, such as a loudspeaker cone moving back and forward, the blades of a fan heater going round, the moving parts of a car engine, and so on. From the initial point of the disturbance the sound travels to the receiver in the form of a wave. It is not like a wave in water, rather like one that would travel along a stretched spring, such as a child's *Slinky* toy laid flat on the ground and “pinged” at one end. Whether the human ear can hear the sound wave as it travels through the air, however, depends on the size of the disturbance and the frequency of it. That is, if the loudspeaker moves very slightly we may not be able to hear the changes in air pressure that it causes because they are too small for the ear to detect. The magnitude of sound pressures that the human ear can detect ranges from about 0.00002Pascals (Pa) to 200Pa. This enormous range presents difficulties in calculation and so, for arithmetic convenience, the sound pressure is expressed in decibels, dB. Decibels are a logarithmic ratio as shown below:

$$\text{Sound Pressure Level } L \text{ (dB)} = 20\text{Log}_{10}\{p/P\}$$

Where p = the sound pressure to be expressed in dB

and P = reference sound pressure 0.00002Pa

Hence, if we substitute 0.00002Pa, the smallest sound the ear can hear, for p , the result is 0dB. Conversely, if we substitute 200Pa, the loudest sound the ear can hear, for p , the result is 140dB. Hence, sound is measured in terms of sound pressure level in dB relative to 0.00002Pa.

A1.2 Range of Audible Sound Pressure Levels

An approximate guide to the range of audible pressures is presented overleaf in Table A1. The sound pressure levels noted are typical of the source given and should not be considered to be precise. The notes in the "Threshold" column of the Table are for general guidance, the sound pressure levels of those thresholds varying between individuals.

Table A1**Range of Audible Sound Pressure Levels and Sound Pressures**

Sound Pressure Level (dB re 2×10^{-5} Pa)	Sound Pressure (Pa)	Source	Threshold of:
160	2000	Rifle at ear	Damage
140	200	Jet aircraft take off @ 25m	Pain
120	20	Boiler riveting shop	Feeling
100	2	Disco, noisy factory	
80	0.2	Busy street	
60	0.02	Conversation @ 2m	
40	0.002	Quiet office or living room	
20	0.0002	Quiet, still night in country	
0	0.00002	Acoustic test laboratory	Hearing

A1.3 Frequency and Audible Sound

Returning to the example of the loudspeaker cone, if it moves back and forward very slowly, for example once or twice a second, then we will not be able to hear the sound because the ear cannot physically respond to such a low frequency sound. Human ears are sensitive to sound pressure waves with frequencies between about 30Hertz (Hz) and 16,000Hz, where Hz is the unit of frequency and is also known as the number of cycles per second. That is, the number of times each second that the loudspeaker cone moves in and out, the fan blade goes round, etc. At the other end of the frequency spectrum, a sound with a frequency of 30,000Hz will also be inaudible, again because the ear cannot physically respond to sound pressure waves having such a high frequency.

Across the audible frequency range, the response of the ear varies. For example, a sound having a frequency of 63Hz will not be perceived as being as loud as a sound of exactly the same sound pressure level, having a frequency of 250Hz. A sound having a frequency of 500Hz will not be perceived as being as loud as a sound of the same sound pressure level with a frequency of 1,000Hz. Indeed, for a given sound pressure level, the hearing becomes progressively more sensitive as the frequency increases up to around 2,500Hz. Thereafter, from 2,500Hz upwards to about 16,000Hz, the sensitivity decreases, with sounds having frequencies above 16,000Hz being inaudible to most adults.

Virtually all sounds are made up of a great many component sound waves of different sound pressure levels and frequencies combined together. To measure the sound pressure level contributed at each of the frequencies between 30Hz and 16,000Hz, that is, 15,970 individual frequencies, would require 15,970 individual measurements. This would yield a massive, unwieldy amount of data.

A1.4 Octave Bands of Frequency

As a compromise, the sound pressure level in particular ranges, or "bands", of frequencies can be measured. One of the commonest ranges of frequency is the octave band. An octave band of frequencies is defined as a range of frequencies with an upper limit twice the frequency of the lower limit, eg 500Hz to 1,000Hz. This octave is exactly the same as a musical octave, on the piano, violin, etc, or *doh* to high *doh* on the singing scale. Octave bands are defined in international standards

and are identified by their centre frequency. Sound measurements are generally made in the eight octave bands between 63Hz and 8,000Hz. This is because human hearing is at its most sensitive, in terms of its frequency response, over this range of frequencies. Furthermore, speech is made up of sound waves having frequencies in this range.

A1.5 "A-Weighting" and dB(A)

Whilst an octave band analysis gives quite detailed information as to the frequency content of the sound, it is rather clumsy in terms of presenting results of measurements, that is, having to note sound pressure levels measured at eight separate octave bands. Furthermore, the ear hears all these separate frequency components as a whole and thus it would seem sensible to measure sound in that way.

When sound pressure level is measured with a sound level meter, the instrument can analyse the sound in terms of its octave band content as described above in section A1.4, or measure all the frequencies at once. Bearing in mind that the response of the ear varies with frequency, the sound level meter can apply a correction to the sound it is measuring to simulate the frequency response of the ear. This correction is known as "A-weighting" and sound pressure levels measured with this applied are described as having been measured in dB(A).

A1.6 Variation of Sound Level With Time

Most sounds, for example, speech, music, a person hammering, road traffic, an aircraft flying overhead, vary with respect to time. Various terms can be applied to describe the temporal nature of a sound as shown in Table A2.

Table A2

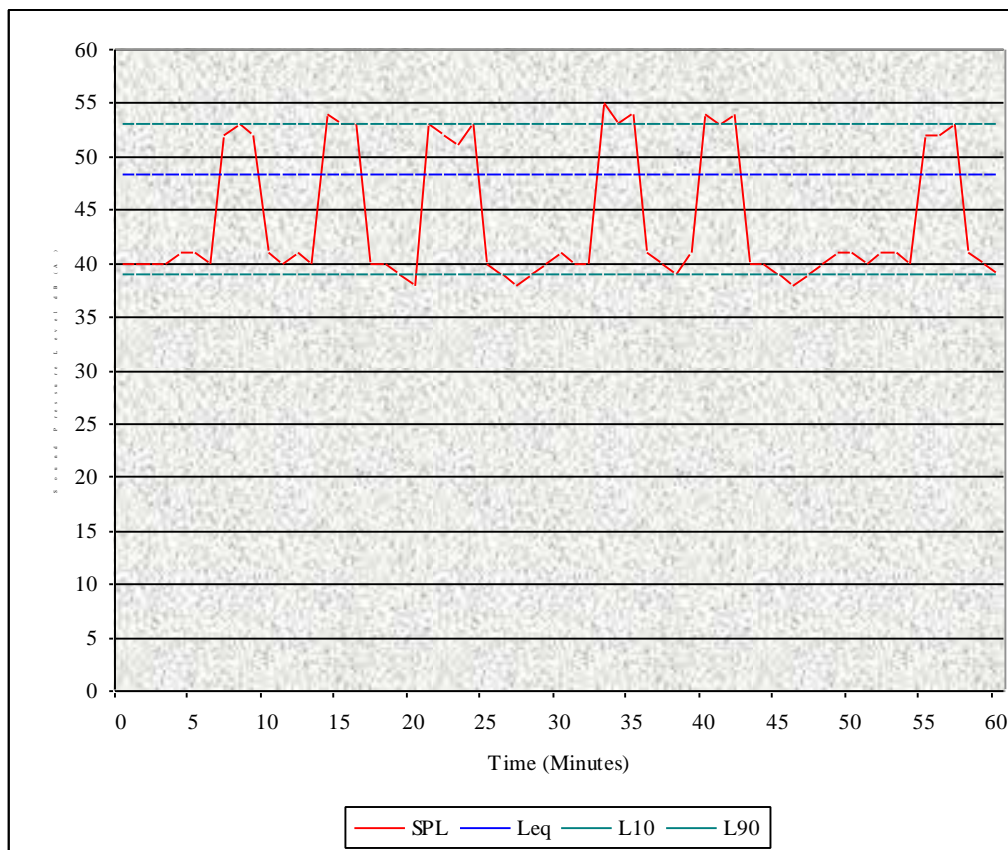
Examples of the Temporal Nature of Sound

Description	Example of Noise Source
Constant or steady state	Fan heater, waterfall
Impulsive	Gun shot, hammer blow, quarry blast
Irregular or fluctuating	Road traffic, speech, music
Cyclical	Washing machine, grass mowing
Irregular impulsive	Clay pigeon shooting
Regular impulsive	Regular hammering, tap dripping, pile driving

In practice, combinations of virtually any of the above can exist. In measuring noise it is necessary to deal with the level as it varies with respect to time.

A1.7 Time History

Consider the time history, as it is known, shown overleaf in Figure A1. Note that it is not an actual time history, rather an approximate representation of that which a person might experience some 100m away from a building site on which a man is operating a pneumatic drill.

Figure A1**Example of Time History of Construction Site Noise**

The noise of the compressor and other activity on the site is reasonably constant with time, having a level of between 38dB(A) and 41dB(A). When the drill operates the noise level rises to between around 51dB(A) and 55dB(A).

A measurement of the noise between the 25th minute and the 32nd minute, when the noise is that of the compressor, would result in a level of about 40dB(A). This is very different from the result of a measurement made between the 33rd minute and the 35th minute, when the drill is operating, which would give a noise level of about 54dB(A). In the past acousticians therefore had to develop some way of measuring the noise which gives us information as to its variation in time. The easiest parameters to understand are the maximum and minimum levels, in this case 55dB(A) and 38dB(A) respectively. These do not tell us much about the noise other than the range of levels involved. The most widely used parameter is the equivalent continuous sound level, L_{eq} , which is explained in Section A1.8.

A1.8 Equivalent Continuous Sound Level, L_{eq}

A representative measurement of the noise to which the person in the example is exposed must deal with these changes in level. This can be done by measuring what is known as the equivalent continuous sound level, denoted as L_{eq} . If the measurement has been made in dB(A) it can be denoted as L_{Aeq} and expressed in dB. This is the sound level which, if maintained continuously over a given period, would

have the same sound energy as the actual sound (which varied with time) had. In the example the L_{eq} is 48.4dB(A) and it is shown on Figure A1 as a blue line. In layman's terms it may be considered to be the average of the sound over a period of time.

A1.9 Sound Exposure Level, L_{AE}

This is the sound level which if maintained constant for a period of one second would have the same sound energy as the time varying sound had. It may be considered to be a L_{eq} normalised to one second. It is very useful for measuring the noise of discrete events such as train pass-bys, aircraft flyovers, explosions and gunfire. A series of L_{AE} 's can be added together relatively easily and an L_{eq} calculated for a long period of time such as a whole day or night.

A1.10 Percentiles, L_x

Another parameter often used in describing noise is the percentile. This is a statistical parameter and with respect to noise is that level exceeded for x% of the measurement period. Hence the L_{10} is that level which was exceeded for 10% of the measurement period. In the example this is 53dB(A) and it is shown in green on Figure A1. It can be seen to be a reasonable representation of the typical value of the peaks in the time history. The L_{10} is often used to describe road traffic noise, such as in the *Calculation of Road Traffic Noise* by the Department of Transport and in the *Noise Insulation Regulations 1975/1988*.

Conversely, the L_{90} is that level exceeded for 90% of the time. In the example it is 39dB(A) and is also shown in green. It is a good descriptor of the troughs in the time history. Another way of thinking of the L_{90} is that it describes the background noise, during lulls in the more obvious noise, in this case the drill. The L_{90} is used in *British Standard BS 4142:1997 Method for Rating industrial noise affecting mixed residential and industrial areas*, as the descriptor of the background noise.

Any percentile can be specified such as L_{21} , L_{65} , L_8 , L_{87} and so on. In practice however the only other percentiles used are the L_1 , which is very similar to the maximum level that occurred during the measurement period and the L_{99} , which is similar to the minimum level that occurred. Very occasionally the L_5 and L_{95} might be specified in a measurement procedure.

A1.11 Maximum and Minimum, L_{Amax} and L_{Amin}

These are the maximum and minimum noise levels which occurred during a given measurement. On Figure A1, they are 55dB(A) and 38dB(A) respectively. They are easy to understand, but do not tell us much about the noise other than the range of levels involved. The maximum level is, however, sometimes important, as it correlates well with sleep disturbance due to isolated noise events.

A1.12 Time Weighting, Fast, L_F , or Slow, L_S

Time weighting refers to the speed at which the sound level meter follows variations in the time history. The "fast" weighting of 125 milli-seconds corresponds to the way in which the human ear follows sound. The "slow" weighting effectively introduces more averaging of the noise. Note that the L_{eq} is independent of the time weighting, which only applies in the measurement of maxima, minima and percentiles.

A1.13 Free-field

As sound propagates from the source it may do so freely, or it may be obstructed in some way by a wall, fence, building, earth bund, etc. The former is known as free-field propagation. The noise exposure categories prescribed in PAN56 are based on free-field noise levels.

A1.14 Hemi-spherical

Most noise sources, being on the ground, radiate sound into a half, or hemi-sphere. Exceptions to this are road traffic noise and railway noise which is considered to radiate into a hemi-cylinder, and flying aircraft noise which radiates into a sphere.

A1.15 Level Difference, D

This is the most basic of sound transmission measurements. It is the difference in sound pressure level due to a building element, that is, a floor or wall. It is determined by placing a sound source in one room, measuring the sound pressure level in that room, which is then known as L_1 (source). Whilst the sound source is still radiating, the sound pressure level is measured in the room upstairs in the flat below, for a floor test, or next door through the separating wall, for a wall test. This is known as L_2 (received). The level difference D is then simply:

$$\text{Level Difference } D = L_1 \text{ (source)} - L_2 \text{ (received)}$$

Hence the parameter D represents the reduction in sound pressure level that occurs as the sound passes from one room to another through the floor or wall. This applies equally to the noise of televisions, hi-fi systems, speech and so on, as it does to the noise used in conducting the test. The greater the value of D the better the “sound insulation”. This can be seen if we re-arrange the above equation and work out the received level as:

$$L_2 \text{ (received)} = L_1 \text{ (source)} - \text{Level Difference } D$$

That is, for a given source of noise such as a television, the bigger the level difference D , the less L_2 (received) will be.

A1.16 Sound Reduction Index, R

The level difference described above is a function of the wall in terms of how much sound is transmitted through that element. It is, however, also a function of the acoustical absorption in the receiving room, and the area of the wall radiating the sound.

Considering the acoustical absorption first, for example, the same sound energy will be transmitted through a wall depending on the construction of that element. If the receiving room is full of furniture, curtains and carpeting, the measured sound pressure level L_2 (received) will be less than if all the furnishings were removed. Thus, with the furnishings present, D , equal to L_1 (source) - L_2 (received) will be greater, (because L_2 (received) will be less). If the furnishings are removed, L_2 (received) will increase as there is no longer anything to absorb the sound, and hence D will decrease.

The level difference D is also a function of the area of the partition radiating the sound from one room to the other. The bigger the area, the more sound will be transmitted, the received level will increase, and the difference D will decrease.

To determine the sound transmission performance of the wall itself, regardless of the effect of the acoustical absorption in the receiving room, and the area of the partition, the sound reduction index R is defined as:

$$R = D + 10 \log S - 10 \log A$$

Where S = area of wall radiating sound into receiving room.

A = the acoustical absorption in the receiving room.

A1.17 Reverberation Time, T

The acoustical absorption of a room can be quantified by measuring what is called the reverberation time, in seconds, of the room.

$$A = 0.161 V / T$$

where V = volume of the room.

In turn, the reverberation time is defined as the time taken for the sound pressure level in a room to decay to -60dB relative to its original value from the time the sound source is switched off. It may be subjectively described as a measure of the amount of echo in a room, which is dependent on the room's volume, internal surface area and acoustical absorption.

