



MORAY LOCAL REVIEW BODY

30 AUGUST 2018

SUMMARY OF INFORMATION FOR CASE No LR209

Planning Application 18/00383/APP – Erect dwellinghouse on site in garden ground of Ingleside, St Aethans Road, Burghead, Moray

Ward 5: Heldon and Laich

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 25 May 2018 on the grounds that:

The proposal is contrary to the Moray Local Development Plan policies H1 (a), H3 and IMP1 for the following reasons:

- (i) 'tandem' backland development. There is a specific presumption against such development under policy H3. At 230 sq m (excluding the access) the site is also significantly below the minimum 400 sq m required for subdivision. The proposals represent over-intensive, cramped development that would result in a loss of residential amenity to the neighbouring properties due to the relationship of a separate new residential building to the private rear areas of neighbouring houses. There would also be a detrimental impact on the character of the area from introducing a new house into a secluded private rear garden area.

The proposal would also introduce vehicular and other activity into what is currently a private rear garden area, to the further detriment of neighbouring residential amenity.

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

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

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

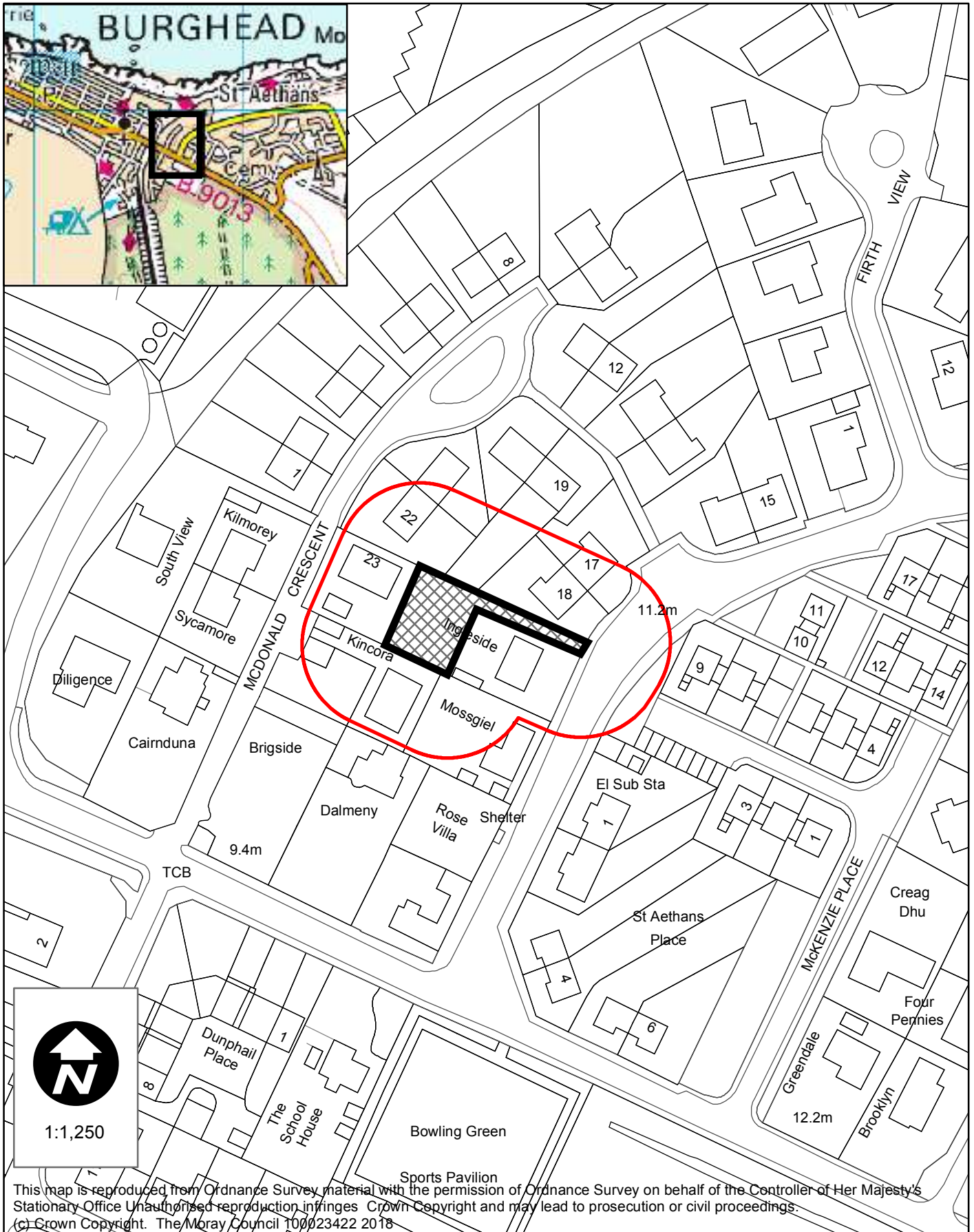
Site Plan for Neighbour Notification purposes only

Town and Country Planning

(Development Management Procedure)(Scotland) Regulations 2008

Planning Application Reference Number:

18/00383/APP





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 01343 563 501 Fax: 01343 563 263 Email: development.control@moray.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100075501-002

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

Type of Application

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

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

Description of Proposal

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

Erect new house in garden ground

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☐ Yes ☒ No

(Answer 'No' if there is no change of use.) *

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:	Madders Design Services		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Richard	Building Name:	
Last Name: *	Madders	Building Number:	110
Telephone Number: *	07739011141	Address 1 (Street): *	Gaitside Drive
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	UK
		Postcode: *	AB10 7BE
Email Address: *	richard@maddersdesign.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	2
First Name: *	John	Building Number:	
Last Name: *	Kelbie	Address 1 (Street): *	McDonald Crescent
Company/Organisation		Address 2:	Burghead
Telephone Number: *		Town/City: *	Elgin
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	IV30 5UX
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

INGLESIDE

Address 2:

ST AETHANS PLACE

Address 3:

ST AETHANS ROAD

Address 4:

Address 5:

Town/City/Settlement:

BURGHEAD

Post Code:

ELGIN

Please identify/describe the location of the site or sites

Northing

868826

Easting

311693

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)

Planning permission refused

Title:

Mr

Other title:

First Name:

Maurice

Last Name:

Booth

Correspondence Reference
Number:

17/01764/app

Date (dd/mm/yyyy):

12/01/2018

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:

457.00

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)

Garden ground

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?

2

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)? *

2

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)

Concrete slab bin storage and collection areas shown

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: Richard Madders

On behalf of: Mr & Mrs John Kelbie

Date: 16/03/2018

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in 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)

Letter of support from neighbours and confirmation of the long standing presence of the driveway.

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.

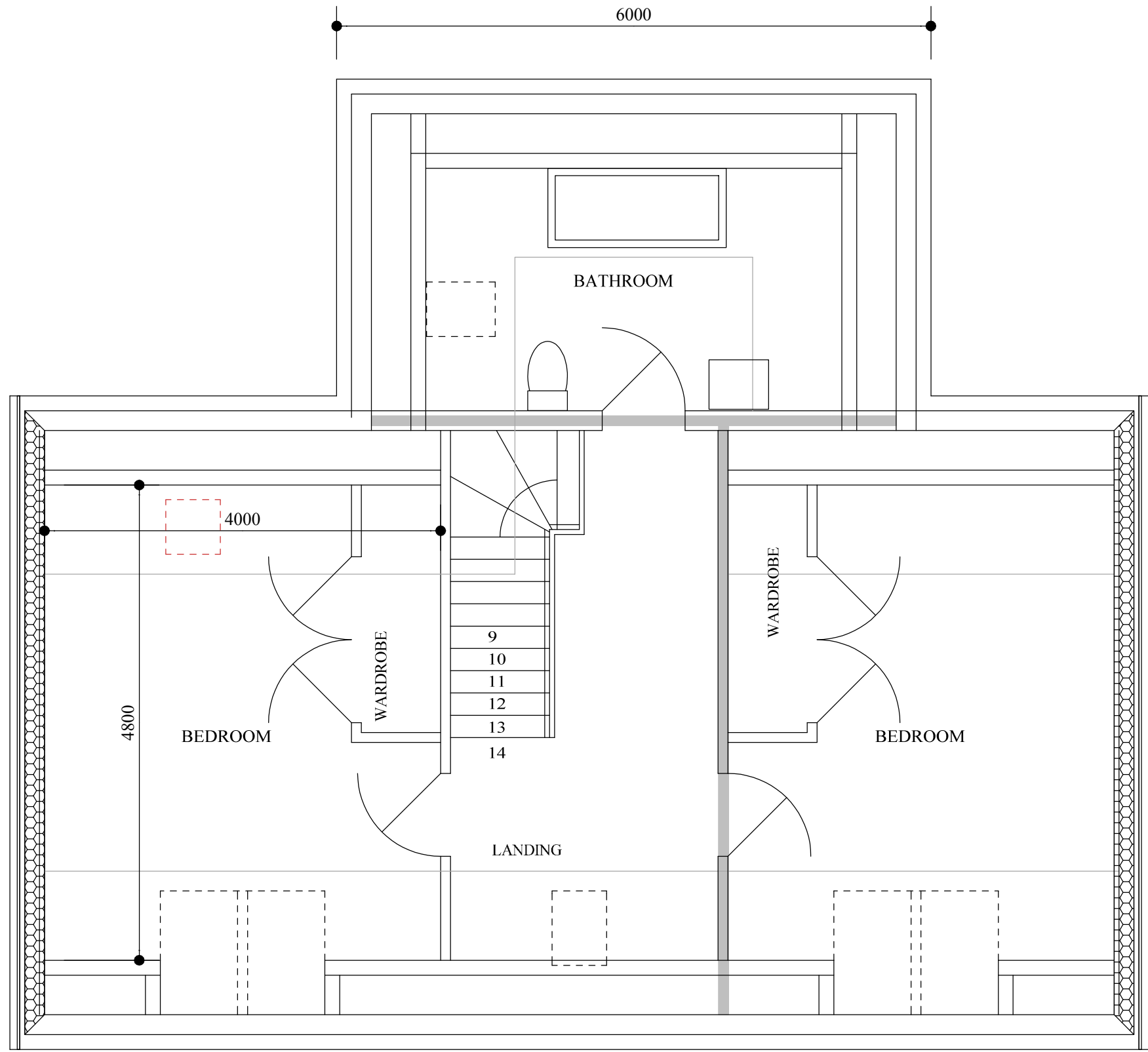
Declaration Name: Mr Richard Madders

Declaration Date: 14/11/2017

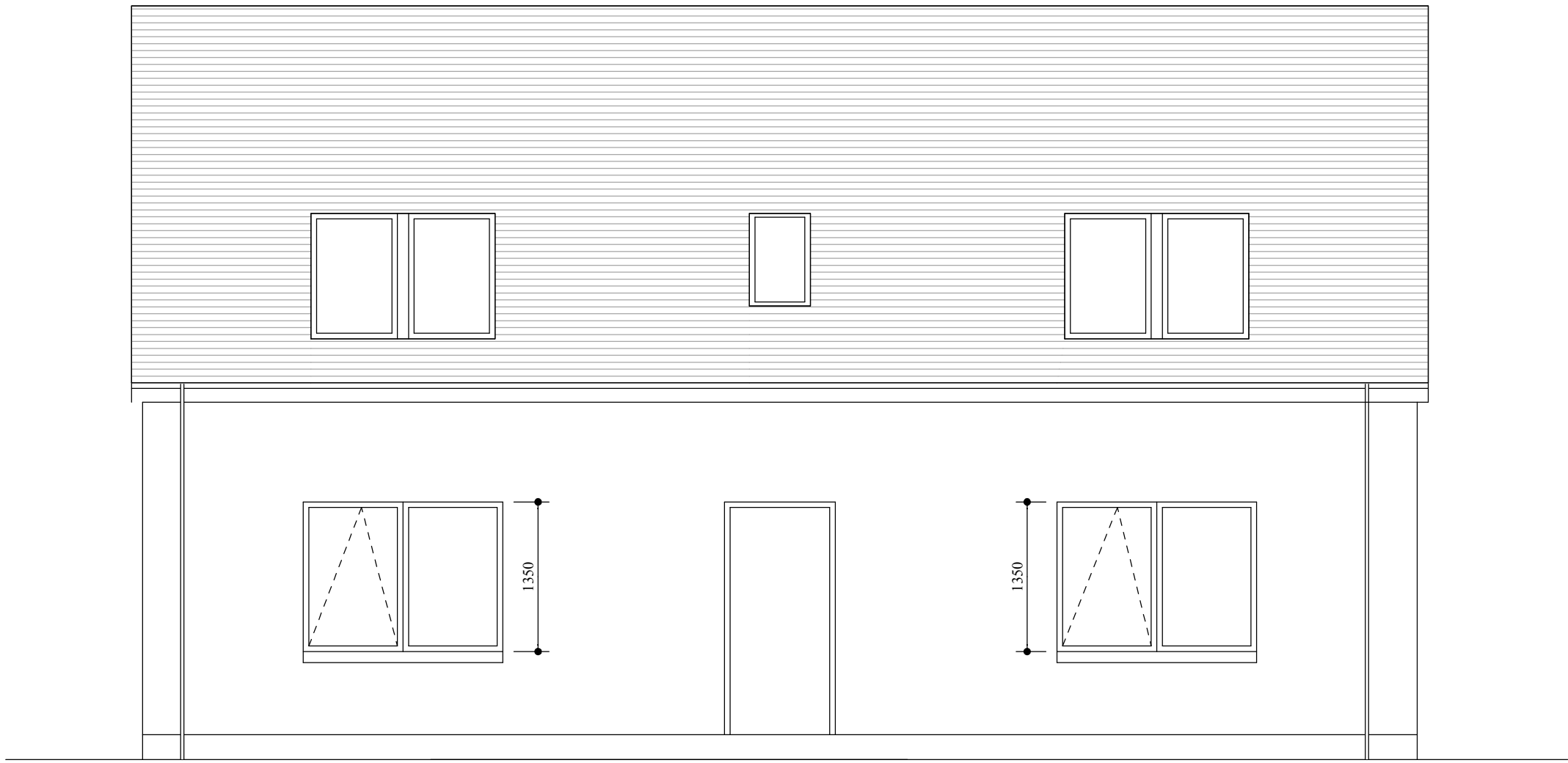
Payment Details

Telephone Payment Reference:

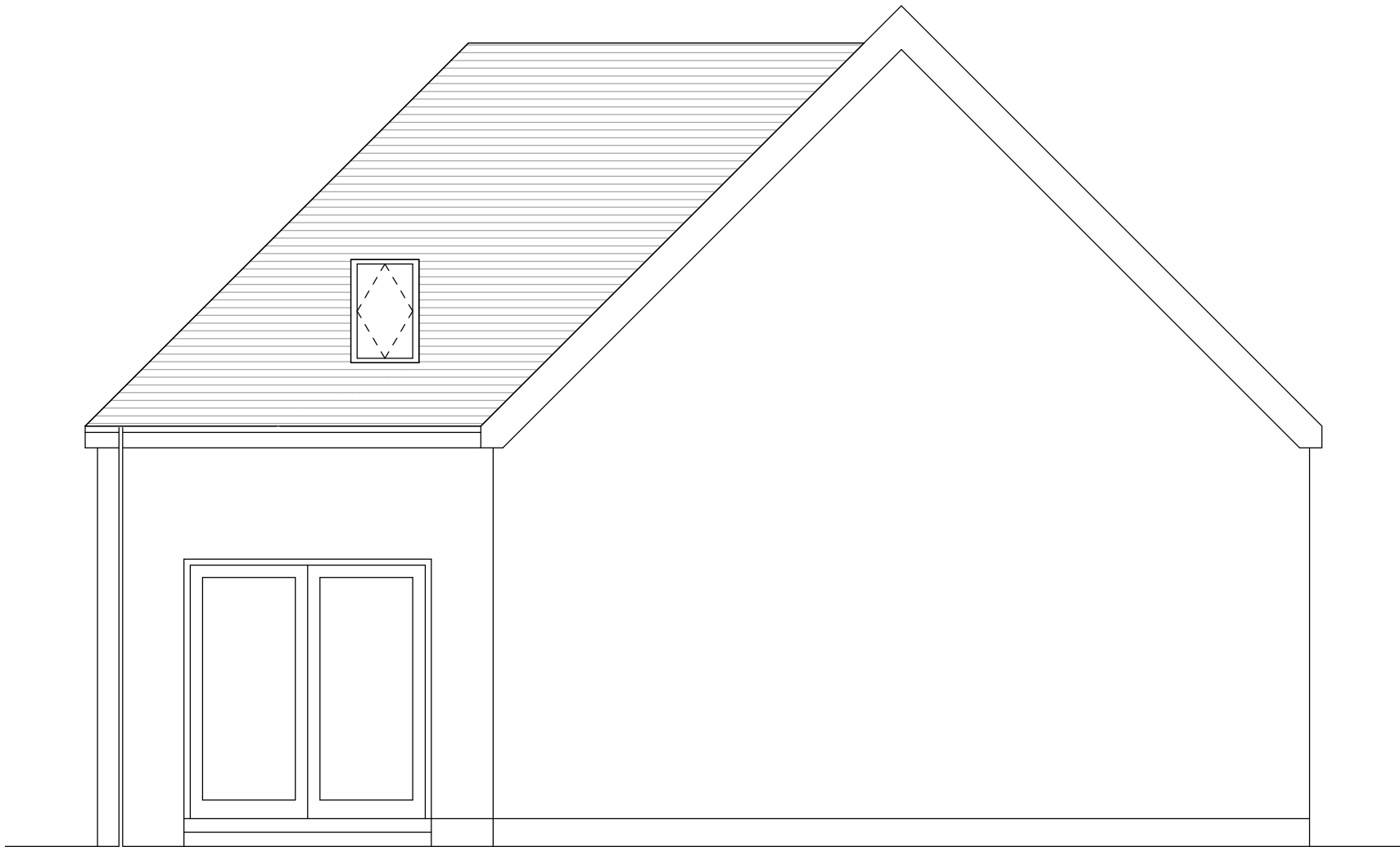
Created: 16/03/2018 15:56



FIRST FLOOR PLAN



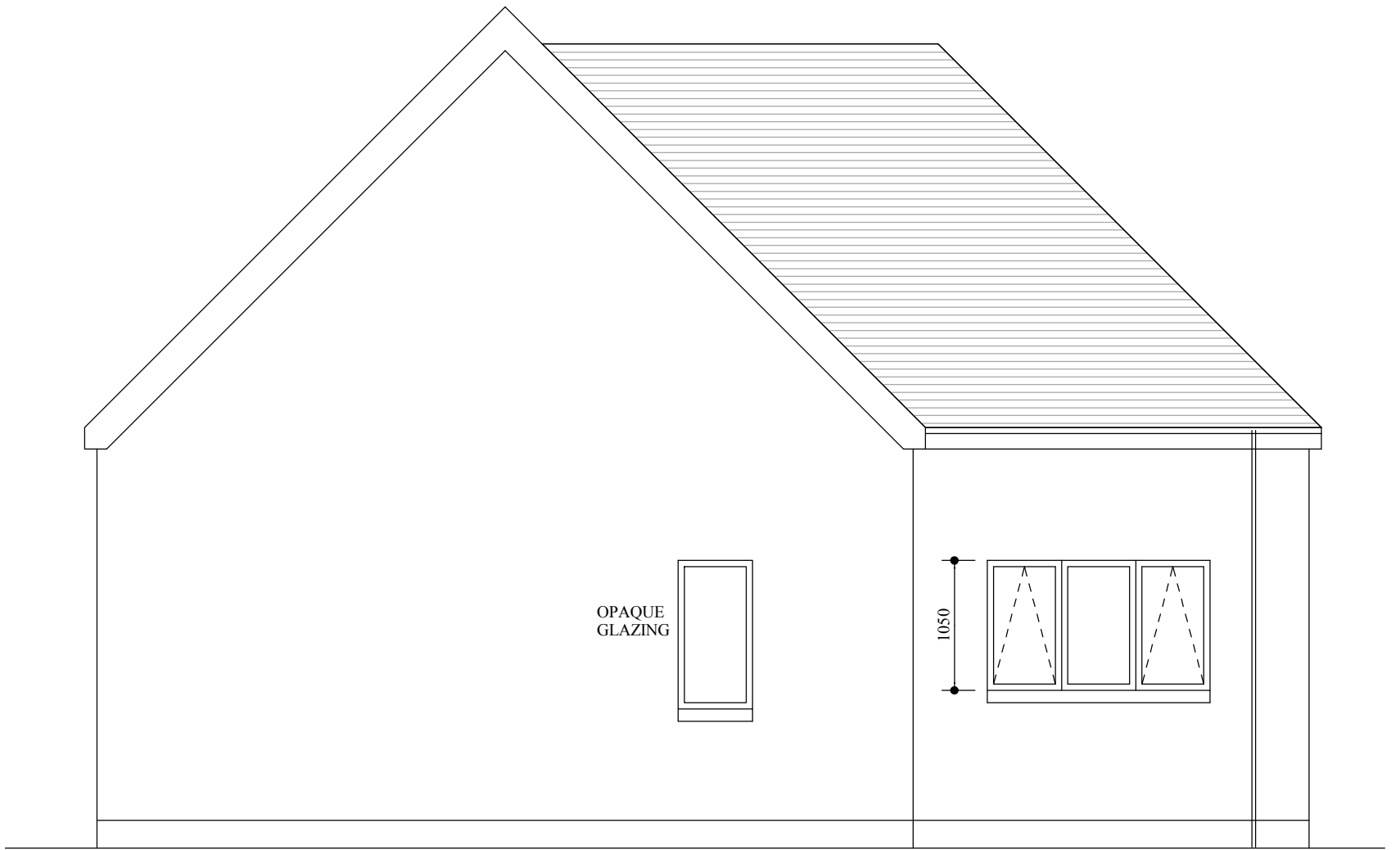
FRONT ELEVATION



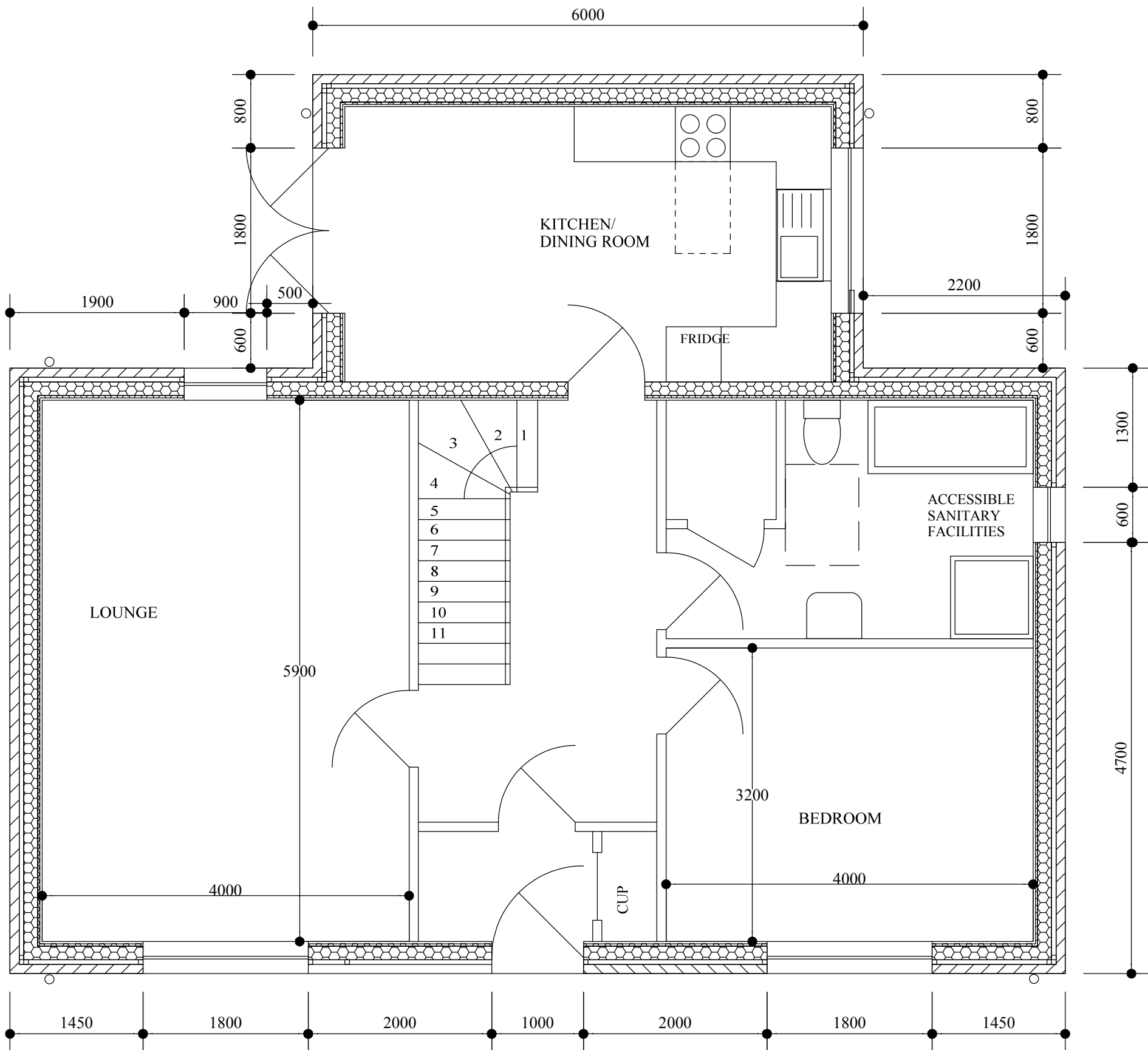
SIDE ELEVATION



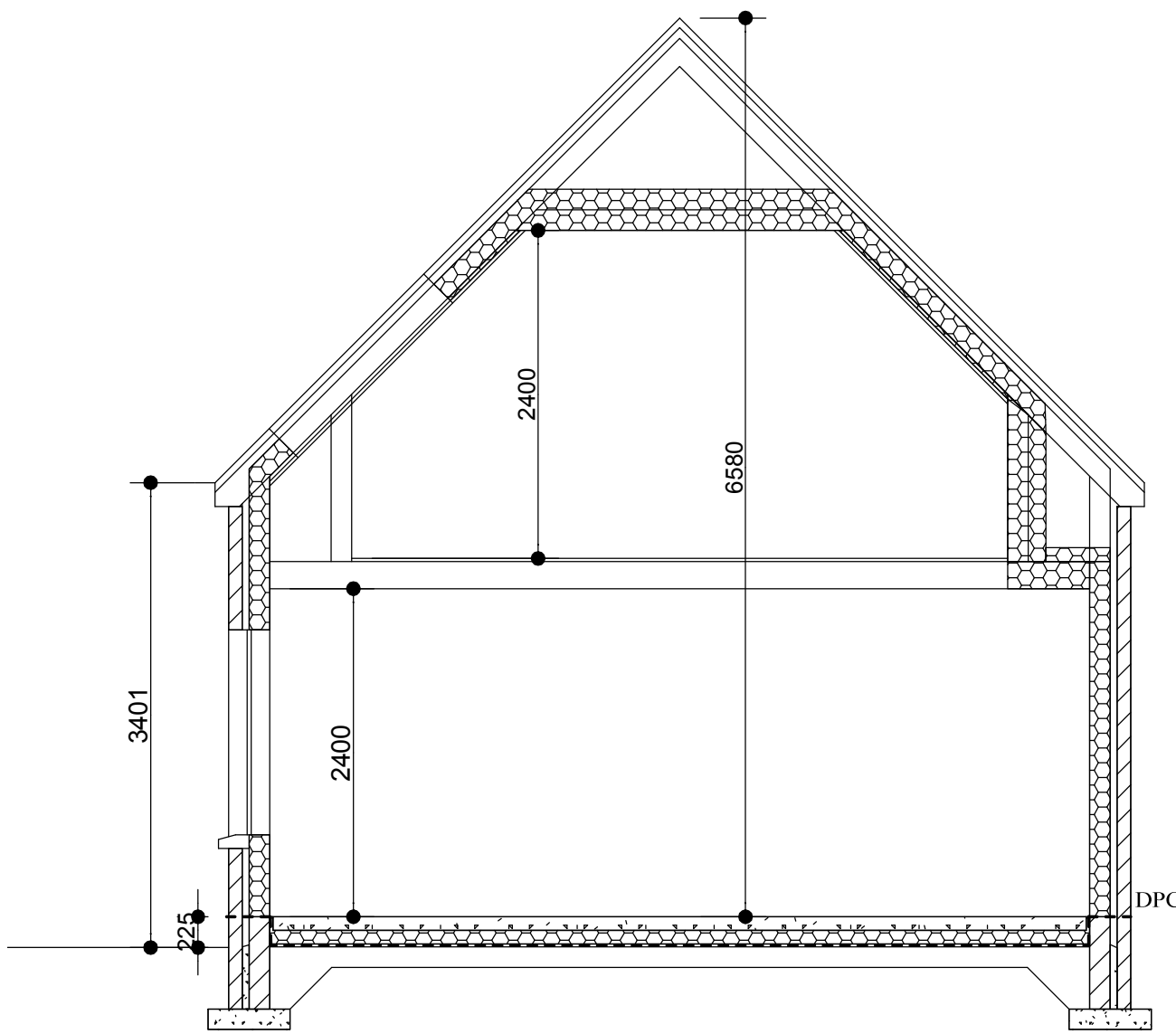
REAR ELEVATION



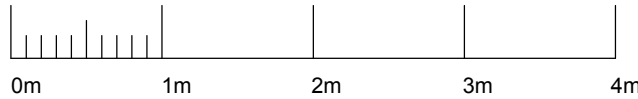
SIDE ELEVATION



GROUND FLOOR PLAN



SECTION



SPECIFICATION
FLOOR - Insulated concrete slab
WALLS - Timber frame with beige rendered blockwork
ROOF - Finished with Grey concrete tiles
WINDOWS AND DOORS - White uPVC

16/3/18	Rear gable changed to hip roof	A
DATE	DESCRIPTION	REV
PROPOSED NEW HOUSE ON SITE AT INGLESIDE, ST AETHANS PLACE, BURGHEAD FOR MR & MRS J KELBIE		
PROPOSED HOUSE PLAN		
REF. NO: MDS 0084-02	DATE: 16/3/18	SCALE: 1:50

madders

DESIGN SERVICES

Contact: Richard Madders

Tel: 07739011141

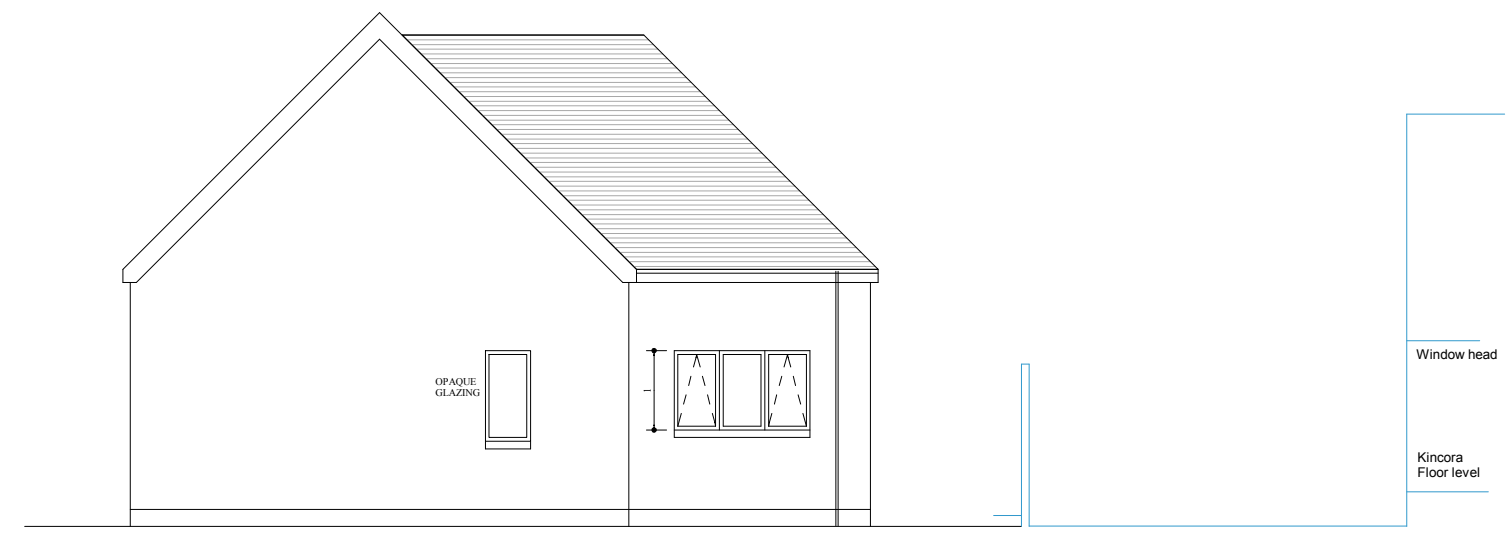
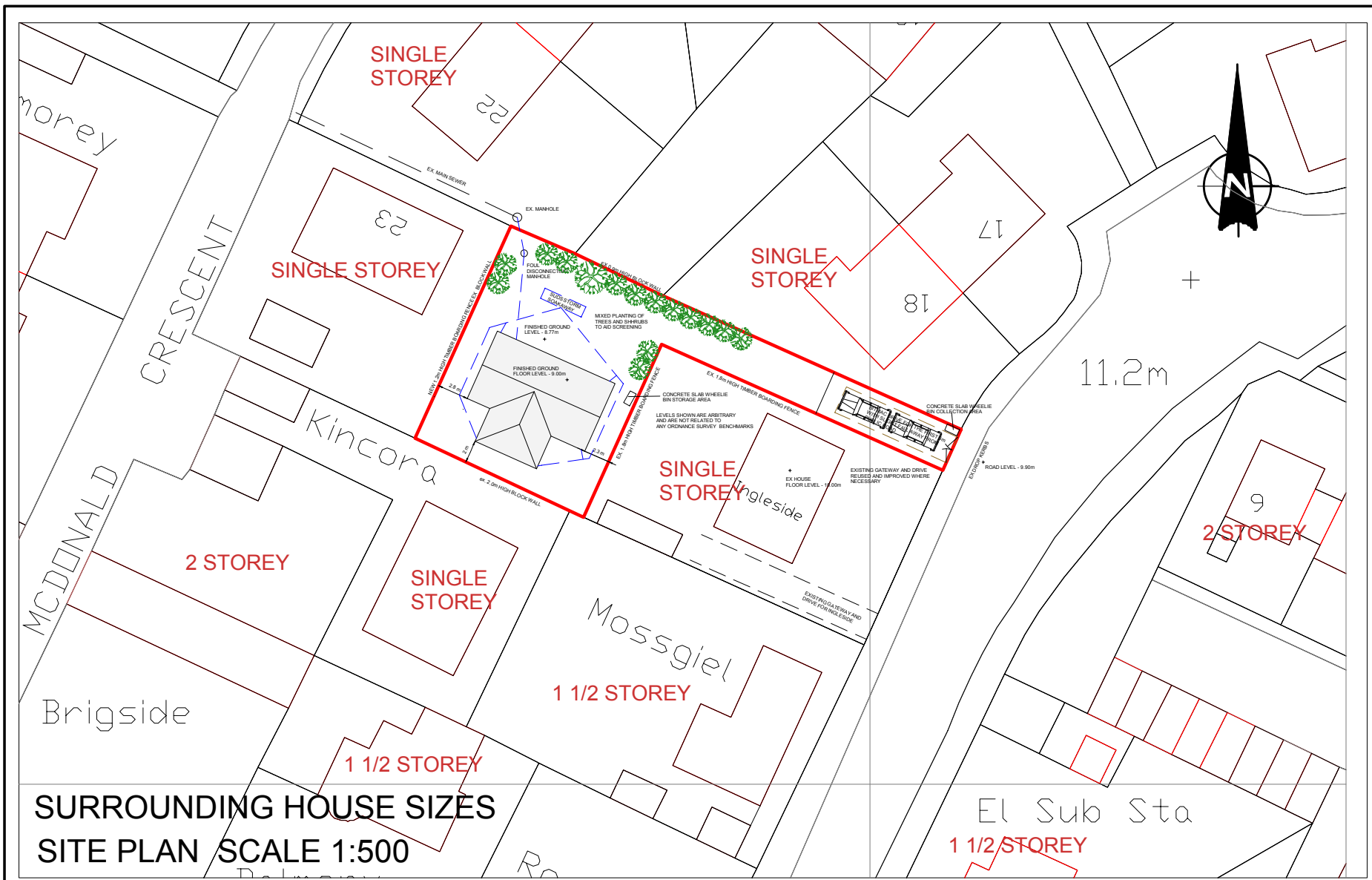
richard@maddersdesign.co.uk

www.maddersdesign.co.uk

110 Gaitside Drive

Aberdeen

AB10 7BE



KINCORA DETAILS SCALE 1:100

CLARIFICATION ON POINTS RAISED:

a) - The development should not be catagorised as tandem backland development as is mentioned in the refusal as the site has it's own access separate from the parent property and is not located immediately behind the parent property but over 13m away.

b) - The driveway layout has been amended to remove vehicle access from next to the dwelling and provide over 400m2 site area excluding the drive.

c) - The footprint, heigh and overall accommodation provision are in keeping with those immediately surrounding which range from 1 to 2 storey in height and having 3 bedrooms. The scale and character of the site are similar to surrounding properties.

d) - Currently many of the surrounding rear gardens are not secluded. We propose to plant trees and shrubs along the northern boundary to provide site privacy but also to provide the surrounding neighbours with their own privacy from existing neighbours which is at the moment non existent. We have provided a hipped roof over the rear kitchen area and removed the kitchen window facing Kincora to reduce the impact the roof may have and remove any loss of privacy not retained by the 2.1m high garden wall.

Almost all of the surrounding neighbours with gardens adjoining the site are in full support of the application and expressed disappointment at the refusal to build.

CROSS SECTION AND NOTES

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	4th May 2018
Planning Authority Reference	18/00383/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site In Garden Ground Of Ingleside St Aethans Road Burghead Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133071202
Proposal Location Easting	311674
Proposal Location Northing	868835
Area of application site (Ha)	457 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=P5TSTUBGKXB00
Previous Application	17/01764/APP
Date of Consultation	20th April 2018
Is this a re-consultation of an existing application?	No
Applicant Name	Mr & Mrs John Kelbie
Applicant Organisation Name	
Applicant Address	2 McDonald Crescent Burghead Elgin UK IV30 5UX
Agent Name	Madders Design Services
Agent Organisation Name	
Agent Address	110 Gaitside Drive Aberdeen UK AB10 7BE
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Maurice Booth
Case Officer Phone number	01343 563274
Case Officer email address	maurice.booth@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Contaminated Land

Planning Application Ref. No: 18/00383/APP

**Erect dwellinghouse on Site In Garden Ground Of Ingleside St Aethans Road Burghead
Moray for Mr & Mrs John Kelbie**

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"/> |

Contact: Adrian Muscutt
email address:
Consultee:

Date... 24/4/2018.....
Phone No 3496

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

From: DeveloperObligations
Sent: 23 Apr 2018 11:27:08 +0100
To: Maurice Booth
Cc: DC-General Enquiries
Subject: 18/00383/APP Erect dwellinghouse on Site in Garden Ground of Ingleside, St Aethans Road, Burghead
Attachments: 18-00383-APP Erect dwellinghouse on Site in Garden Ground of Ingleside, St Aethans Road, Burghead.pdf

Hi

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

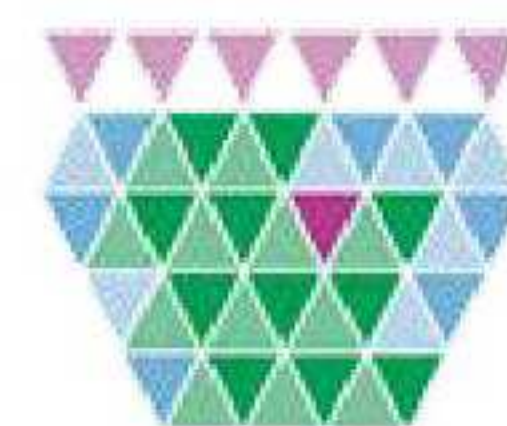
Regards
Hilda

Find us on 
[Moray Council Planning](#)

Hilda Puskas
Developer Obligations Officer
Development Plans
hilda.puskas@moray.gov.uk
01343 563265


The logo for Moray Council, featuring the word 'moray' in a stylized, lowercase, serif font with a pinkish-red color, and the word 'council' in a smaller, lowercase, sans-serif font below it.

Developer Obligations: ASSESSMENT REPORT



MORAY
council

Date: 23/04/2018

Reference: 18/00383/APP

Description: Erect dwellinghouse on Site in Garden Ground of Ingleside, St Aethans Road, Burghead

Applicant: Mr & Mrs John Kelbie

Agent: Madders Design Services

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

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

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare (<i>Contribution towards extension at Moray Coast Medical Practice</i>)	
Sports and Recreation	Nil
Total Developer Obligations	

Breakdown of Calculation

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

3 bed = 1 SRUE

This assessment is therefore based on 1 SRUE.

Developer Obligations Discount for Small Scale Development

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



Moray Council **DEVELOPER OBLIGATIONS**

INFRASTRUCTURE

Education

Primary Education

Pupils generated by the proposed development are zoned to Burghead Primary School. The school is currently operating at 83% functional capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Primary Education = Nil

Secondary Education

Pupils resident in Burghead are zoned to Lossiemouth High School. The school is currently operating at 73% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Secondary Education = Nil

Transport

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

Contributions towards Transport = Nil

Healthcare

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

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

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

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 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]

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

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

Contribution for Sports and Recreation Facilities = Nil



TERMS OF ASSESSMENT

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

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

PAYMENT OF CONTRIBUTIONS

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

INDEXATION

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

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



Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	4th May 2018
Planning Authority Reference	18/00383/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site In Garden Ground Of Ingleside St Aethans Road Burghead Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133071202
Proposal Location Easting	311674
Proposal Location Northing	868835
Area of application site (Ha)	457 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=P5TSTUBGKXB00
Previous Application	17/01764/APP
Date of Consultation	20th April 2018
Is this a re-consultation of an existing application?	No
Applicant Name	Mr & Mrs John Kelbie
Applicant Organisation Name	
Applicant Address	2 McDonald Crescent Burghead Elgin UK IV30 5UX
Agent Name	Madders Design Services
Agent Organisation Name	
Agent Address	110 Gaitside Drive Aberdeen UK AB10 7BE
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Maurice Booth
Case Officer Phone number	01343 563274
Case Officer email address	maurice.booth@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 18/00383/APP

**Erect dwellinghouse on Site In Garden Ground Of Ingleside St Aethans Road Burghead
Moray for Mr & Mrs John Kelbie**

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

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Kevin Boyle
email address:
Consultee:

Date: 26 April 2018
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://public.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

23/04/2018

Moray Council
Council Office High Street
Elgin
IV30 9BX



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

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

Dear Local Planner

IV30 Burghead St Aethan Rd Garden Ground Ingleside
PLANNING APPLICATION NUMBER: 18/00383/APP
OUR REFERENCE: 760015
PROPOSAL: Erect dwellinghouse on

Please quote our reference in all future correspondence

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

Water

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

Foul

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

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

Surface Water

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

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

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to

discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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

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

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

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

Yours sincerely

Angela Allison

Angela.Allison@scottishwater.co.uk

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	4th May 2018
Planning Authority Reference	18/00383/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site In Garden Ground Of Ingleside St Aethans Road Burghead Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133071202
Proposal Location Easting	311674
Proposal Location Northing	868835
Area of application site (Ha)	457 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=P5TSTUBGKXB00
Previous Application	17/01764/APP
Date of Consultation	20th April 2018
Is this a re-consultation of an existing application?	No
Applicant Name	Mr & Mrs John Kelbie
Applicant Organisation Name	
Applicant Address	2 McDonald Crescent Burghead Elgin UK IV30 5UX
Agent Name	Madders Design Services
Agent Organisation Name	
Agent Address	110 Gaitside Drive Aberdeen UK AB10 7BE
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Maurice Booth
Case Officer Phone number	01343 563274
Case Officer email address	maurice.booth@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 18/00383/APP

**Erect dwellinghouse on Site In Garden Ground Of Ingleside St Aethans Road Burghead
Moray for Mr & Mrs John Kelbie**

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"/> |

It is noted that the proposed access has already been formed so this proposal is part-retrospective in nature.

Condition(s)

1. Prior to the occupation or completion of the dwelling, whichever is sooner works shall take place to ensure that no boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height (measured from the level of the carriageway) and fronting onto the public road shall be within 2.4m of the edge of the carriageway. This will require the lowering of the existing timber boundary fence to the south of the access, along with the lowering of the existing timber fence perpendicular to the road frontage for a distance of 2.4m into the site measured from the edge of the public carriageway.

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

2. The width of the vehicular access shall be as existing and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The first 5m of the access track, measured from the edge of the public road, shall be constructed to the Moray Council specification and surfaced with bituminous macadam.

Reason: To ensure acceptable infrastructure at the development access

3. Two car parking spaces shall be provided within the site prior to the occupation or completion of the dwellinghouse, whichever is the sooner. The parking spaces shall

thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

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

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.

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

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

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

Contact: DA/AG

Date 26 April 2018

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

Consultee: TRANSPORTATION

Return response to

consultation.planning@moray.gov.uk

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

Comments for Planning Application 18/00383/APP

Application Summary

Application Number: 18/00383/APP

Address: Site In Garden Ground Of Ingleside St Aethans Road Burghead Moray

Proposal: Erect dwellinghouse on

Case Officer: Maurice Booth

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Height of proposed development

Comment: Please could we ask why the building will be a 1 and 1/2 storey when all surrounding properties are single storey. Feel this will overshadow and block light

Comments for Planning Application 18/00383/APP

Application Summary

Application Number: 18/00383/APP

Address: Site In Garden Ground Of Ingleside St Aethans Road Burghead Moray

Proposal: Erect dwellinghouse on

Case Officer: Maurice Booth

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Height of proposed development
- Loss of privacy (being overlooked)

Comment:I would like to reply to statements made in the above

application.

I for one would not be disappointed if planning permission was refused. I also enjoy the open aspect of the back

gardens as things stand at present.

However,if planning is granted, I think it should be a bungalow in keeping with surrounding properties. And because the front of the property will be overlooking my

back garden ,I agree to a fence for privacy due to extra footfall etc.

Comments for Planning Application 18/00383/APP

Application Summary

Application Number: 18/00383/APP

Address: Site In Garden Ground Of Ingleside St Aethans Road Burghead Moray

Proposal: Erect dwellinghouse on

Case Officer: Maurice Booth

Customer Details

Name:

[REDACTED]

Address:

[REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support this development as it has gotten rid of a terrible eye sore in burghead

Comments for Planning Application 18/00383/APP

Application Summary

Application Number: 18/00383/APP

Address: Site In Garden Ground Of Ingleside St Aethans Road Burghead Moray

Proposal: Erect dwellinghouse on

Case Officer: Maurice Booth

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I feel this would be an appropriate use of grounds which previously had been an absolute eyesore. Also with the shortage of suitable family homes in the area it will be wonderful to see a new build property in there.

REPORT OF HANDLING

Ref No:	18/00383/APP	Officer:	Maurice Booth
Proposal Description/ Address	Erect dwellinghouse on Site In Garden Ground Of Ingleside St Aethans Road Burghead Moray		
Date:	24.05.2018	Typist Initials:	LMC

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Planning And Development Obligations	23/04/18	Required but not being pursued due to application being refused
Environmental Health Manager	27/04/18	No objection
Contaminated Land	24/04/18	No objection
Transportation Manager	26/04/18	No objections subject to conditions.
Scottish Water	23/04/18	No objection

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1: Sustainable Economic Growth		
PP3: Placemaking		
IMP3: Developer Obligations		
H1: Housing Land	Y	
H3: Sub division for House Plots	Y	
IMP1: Developer Requirements	Y	
T2: Provision of Access		
T5: Parking Standards		
EP9: Contaminated Land		
EP10: Foul Drainage		
EP2: Recycling Facilities		

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: FOUR		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the Data Protection Act.		
Summary and Assessment of main issues raised by representations.		
Two of the representations were in support of the proposal, one neither objected nor supported the proposal (but had concerns), and one objected.		
<p>Issue: No objections to a dwellinghouse per se, but objection to its height. In order to blend better with its surrounding buildings which are for the most part bungalows the plot is much better suited to a bungalow and it may block their natural sunlight out if it isn't.</p> <p>Comments (PO): The height of the proposed house would add to the unacceptable impact on neighbouring properties from the development - see Observations.</p> <p>It is noted that it has clearly been necessary to introduce a second storey to make even a small three bedroomed unit fit on what is a severely constrained site.</p>		
<p>Issue: Proposal removes an eyesore and would provide for needed housing.</p> <p>Comments (PO): The site is not an 'eyesore', and the 'need' for housing does not override the requirement that new development must meet proper planning standards and should not materially compromise basic standards of residential layout.</p>		
<p>Issue: Concern over one and a half storeys of proposed house in relation to overlooking and loss of light.</p> <p>Comments (PO): The house proposed is compact and limited in scale. The fundamental concerns with the proposal concern the backland nature of the development and the 'shoe horned' of a new house into a very small rear garden area - see Observations.</p> <p>Note: The applicant has provided a 6 name petition supporting the proposals.</p>		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

History

17/01764/APP - closely similar proposals for a house to those currently under consideration. That application was refused for the same reason as the current proposals. The only relevant differences between the previous and current proposals is that the rear facing gable has now been amended to a pitched roof and a small clerestory type window removed. This does not alter the assessment of the proposals or the reasons for refusal.

The Site

A level backland site covering 320 sq m excluding the access. The site has been fenced, apparently in anticipation of the current proposal being approved although this clearly has no bearing on the planning merits of the proposal.

The site is surrounded on all sides by houses/gardens. An access has been created by taking land from between 'Ingleside' and no. 18 Fraser Road, adjoining to the north.

The Proposal

An APP for a three bedroomed one and a half storey house. Daylighting to the upstairs bedroom and bathroom accommodation is provided by roof lights.

Character and Impact on Setting (H1, H3, IMP1)

The proposed house is sited towards the southern part of the site, with the distances from the side and rear boundaries being between 2 and 2.8 metres. The outlook from the main front elevation is 8.6m from the residential boundaries to the northern side, with this area having the access and somewhat constrained parking and turning provision. The rear 'garden' area for the proposal is only 2m to western the boundary where there is an existing badly planned backland house development.

4m from the rear (western) boundary of the site there is a bungalow set at a slightly lower level with three facing windows. To the south there is a house (Kincora) with facing main windows close to the boundary, screened by a 2m block wall. Separating the new site that has been already created from the parent house is a newly erected 1.8 m wood panel fence. The other (northern) boundary is separated from the neighbouring gardens by walling and fencing.

Policy IMP1 contains general criteria on character, with policy H3 being specific to the type of backland subdivision proposed. Policy H3 states:

"Proposals for the subdivision for housing plots in those settlements and rural groupings where there is no specific embargo will be acceptable if the plot subdivision is less than 50% of the original plot, if the site provided is at least 400 square metres excluding access, if the house style complements the character of the area and the scale and architecture of the parent and neighbouring properties. The built up area of the application site should avoid overlooking and maintain the amenity of the parent and surrounding properties. Acceptable provision must be made for on-plot parking for both the new and parent properties. Backland development will be acceptable where it meets these conditions but proposals for tandem development will only be permitted in exceptional circumstances because of the impact upon the amenity of the parent property."

With the proposed house being immediately behind the parent house the proposals are defined as 'tandem' backland development. There is a specific presumption against such development in H3. At 230 sq m (excluding the access) the site is also significantly below the minimum 400 sq m required for subdivision. The proposals represent over-intensive, cramped development that would result in a loss of residential amenity to the neighbouring properties due to the relationship of a large new residential building to the private rear areas of neighbouring houses. The proposal would also introduce vehicular and other activity into what is currently a private rear garden area, to the further detriment of neighbouring residential amenity.

In relation to policy H1 (a) the proposals would adversely impact on the character of the surrounding environment due to the relationship with neighbouring houses and their gardens.

For these reasons the proposals should be refused.

Although there are no recent planning records of the existing house adjoining on the southern boundary ('Kincora') it is acknowledged that this house is on a site with similar characteristics as the current proposal site. However, that development represents similar problems to the current proposal and it is not considered that it should provide a justification for further such development.

Developer Contributions (IMP3)

A Developer Contribution has been identified for healthcare, and it is understood that the applicant would be willing to make this contribution.

Due to the application being refused this matter has not been pursued.

Conclusion

The proposals should be refused as being contrary to policies H1, H3 and IMP1, as considered above.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
17/01764/APP	Erect dwellinghouse on Site In Garden Ground Of Ingleside St Aethans Place St Aethans Road Burghead Moray			
	Decision	Refuse	Date Of Decision	12/01/18

ADVERT

Advert Fee paid?	No		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development plan	17/05/18	
PINS	Departure from development plan	17/05/18	

DEVELOPER CONTRIBUTIONS (PGU)

Status	Required but not being pursued due to application being refused
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DOCUMENTS, ASSESSMENTS etc. *

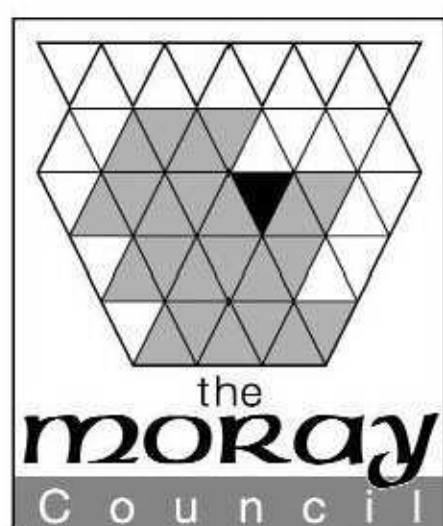
** Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

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)			

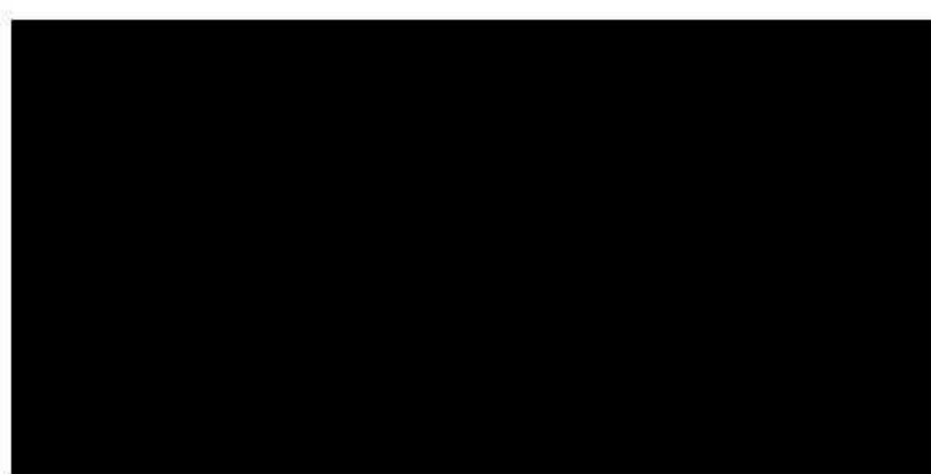


**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

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

TO

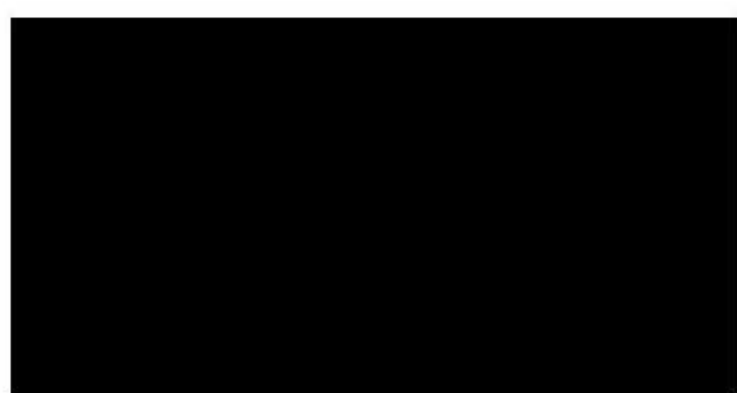


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Erect dwellinghouse on Site In Garden Ground Of Ingleside St Aethans Road
Burghead Moray**

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

Date of Notice: **25 May 2018**



HEAD OF DEVELOPMENT SERVICES
Environmental Services Department
The 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, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposal is contrary to the Moray Local Development Plan policies H1 (a), H3 and IMP1 for the following reasons:

- (i) 'tandem' backland development. There is a specific presumption against such development under policy H3. At 230 sq m (excluding the access) the site is also significantly below the minimum 400 sq m required for subdivision. The proposals represent over-intensive, cramped development that would result in a loss of residential amenity to the neighbouring properties due to the relationship of a separate new residential building to the private rear areas of neighbouring houses. There would also be a detrimental impact on the character of the area from introducing a new house into a secluded private rear garden area.

The proposal would also introduce vehicular and other activity into what is currently a private rear garden area, to the further detriment of neighbouring residential amenity.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
MDS 0078-03		Site plan and sections
MDS 0078-02		Elevations and floor plans

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 01343 563 501 Fax: 01343 563 263 Email: development.control@moray.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100075501-004

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:	Madders Design Services		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Richard	Building Name:	
Last Name: *	Madders	Building Number:	110
Telephone Number: *	07739011141	Address 1 (Street): *	Gaitside Drive
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	UK
		Postcode: *	AB10 7BE
Email Address: *	richard@maddersdesign.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="John"/>	Building Number:	<input type="text" value="2"/>
Last Name: *	<input type="text" value="Kelbie"/>	Address 1 (Street): *	<input type="text" value="McDoanld Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Burghead"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Elgin"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV30 5UX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

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="INGLESIDE"/>
Address 2:	<input type="text" value="ST AETHANS PLACE"/>
Address 3:	<input type="text" value="ST AETHANS ROAD"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="BURGHEAD"/>
Post Code:	<input type="text" value="ELGIN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="868826"/>	Easting	<input type="text" value="311693"/>
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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)

Erect dwellinghouse on Site In Garden Ground Of Ingleside St Aethans Road Burghead Moray

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

You must state in full, why you are 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.

We are appealing the refusal based on our opinion that the reasons for refusal are incorrect. The site is not a tandem backland development as the house is not immediately behind the existing and they don't share an access. The site measures 408m² excluding the access, not 230m² as stated. The density matches that of the surrounding area, the character and residential amenity are improved with the development. The gardenscape and privacy are improved with the new fencing, trees and hedging.

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)

MDS 0078-1a Ingleside Burghead SITE PLAN 16-3-18 MDS 0078-2a Ingleside Burghead NEW HOUSE PLAN 16-3-18 mds 0078-3a Ingleside Burghead NEW HOUSE SECTION & NOTES 16-3-18 mds 0078-4 Driveway confirmation mds 0078-5 Neighbours support mds 0078-6 Planning appeal statement 21-6-18

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18-00383/APP

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

19/03/2018

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

25/05/2018

Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Richard Madders

Declaration Date: 22/06/2018

Erect dwellinghouse on Site In Garden Ground Of
Ingleside, St Aethans Road Burghead Moray

Date: 21/6/18

We are appealing the refusal decision for the application for Planning Permission based on our opinion that the reasons for refusal as stated are incorrect.

Firstly we don't agree that the site should be treated as a tandem backland development. In policy H3 tandem backland development is described as where a house is immediately behind an existing house and they share the same access. The proposed house is over 13m away from the existing house which we feel is way more than is intimated by the use of the phrase immediately behind. Also, the proposed new house has its own driveway, separate from the existing house driveway, being at opposite ends of the frontage. Even if it was felt that the new house was immediately behind the existing one, the use of the word and between the two criteria for tandem backland development would mean that to be classed as such, both criteria would have to be met.

Secondly the refusal states that the site area is 230m² excluding the access. This is incorrect, the site measures 408m² excluding the access which measures an additional 50m². The site area of 408m² is over the minimum 400m² required by policy H3.

Thirdly, we feel the density matches that of the surrounding area. The character and residential amenity are improved with the development.

The existing gardenscape consists of low walls and post and wire fences to the north east and north west which provide no privacy to the existing garden or to the neighbours. The development would introduce screening with the new fencing, trees and shrubs which will benefit all the neighbours. The neighbours are supportive of the proposal and have been consulted on the development and fencing proposals constantly.

On the final point regarding vehicles being introduced to the rear garden, this just isn't the case as can be seen from the site plan. The access driveway stops just beyond the front of Ingleside. Previously this driveway which is existing extended further back into the garden and vehicles were found in the undergrowth. (See photo 1 below) This gives an indication of how bad the garden was and how much of an overall improvement the development will be to the immediate area. Any other activity that would take place in the rear garden would be no different to that of any other garden.

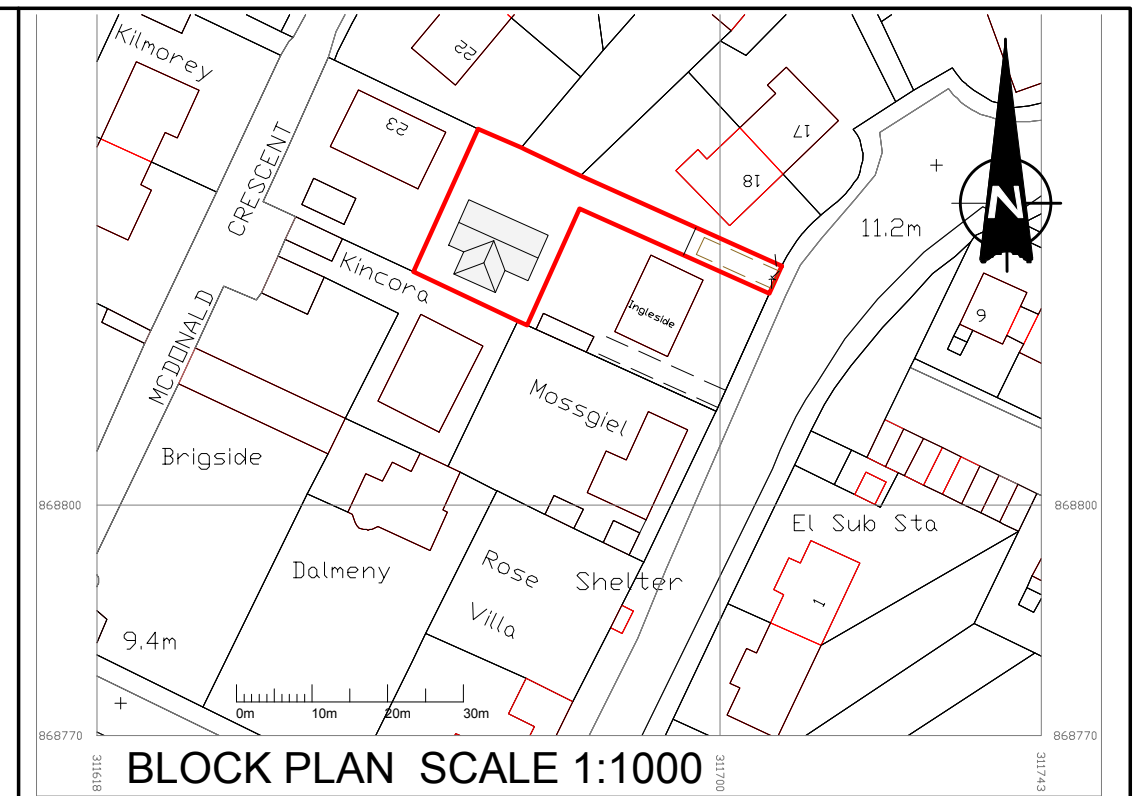
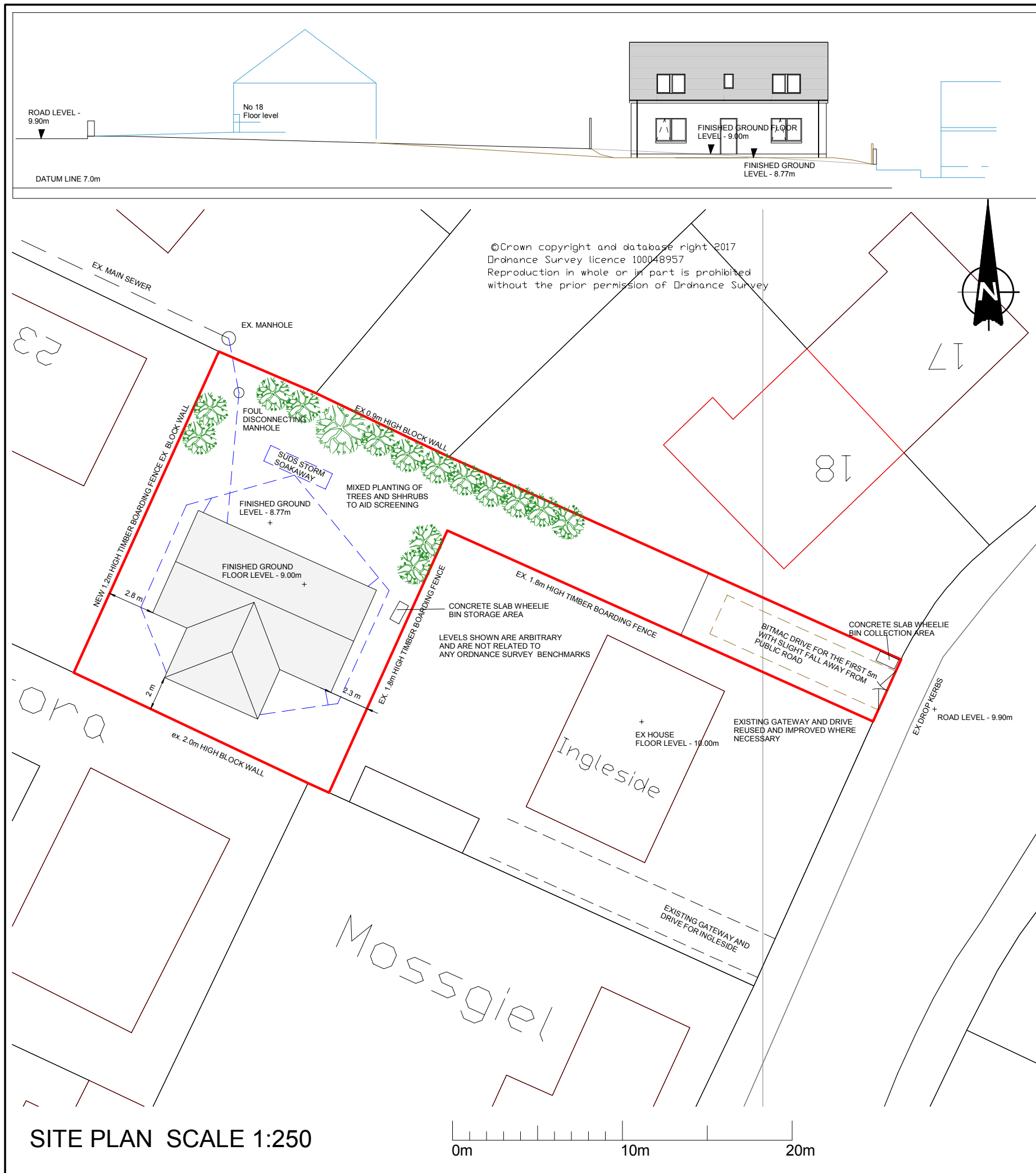
The applicant has taken constant feedback from the surrounding neighbours regarding boundary treatments house location and design to minimise any impact. The neighbours were even happy to sign a document of support for the development and also verify details regarding the existence and extent of the driveway being utilised for the new house. Both documents were sent in with the planning application.

Written on behalf of Mr & Mrs J Kelbie by

Richard Madders
Madders Design Services (Agent)
110 Gaitside Drive
Aberdeen
AB10 7BE



Photo 1 - Ingleside garden after some clearing of weeds



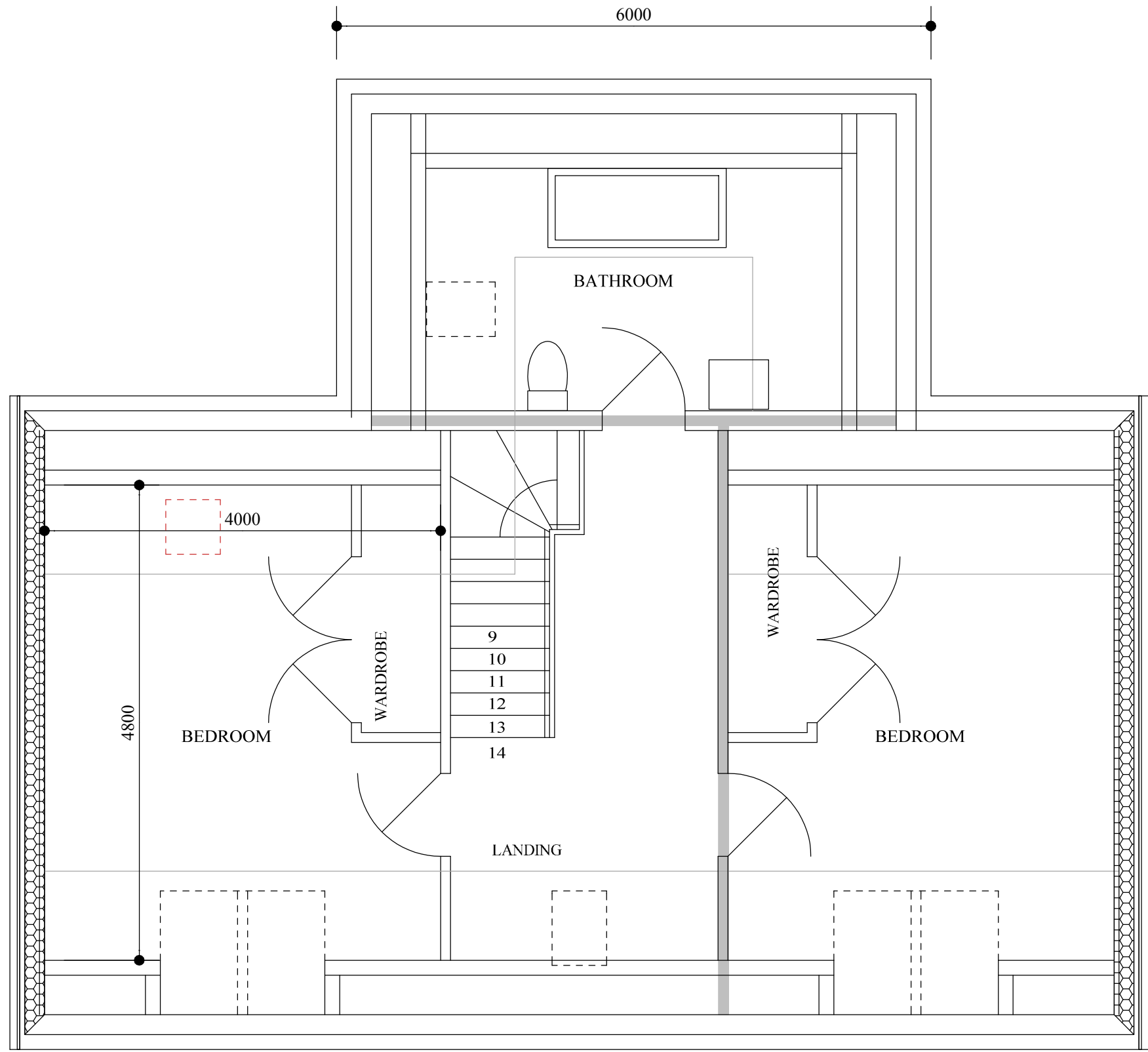
16/3/18 | Drive layout and sections updated, notes and screen planting added | A

REF. NO: MDS 0078-03 | DATE: 14/11/17 | SCALE: AS SHOWN

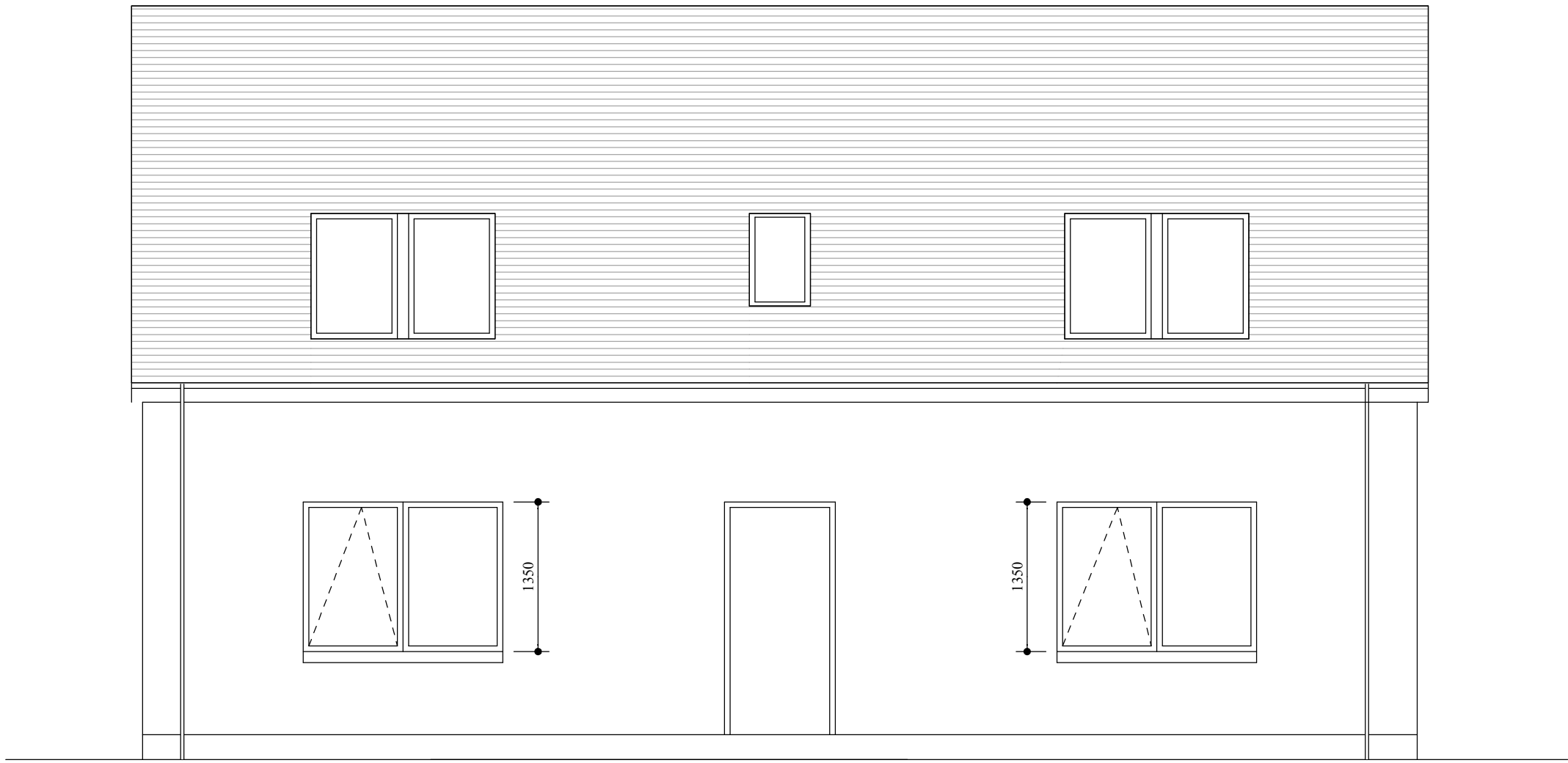
PROPOSED NEW HOUSE ON SITE AT
INGLESIDE, ST AETHANS PLACE, BURGHEAD
FOR MR & MRS J KELBIE

MADDERS
DESIGN
SERVICES

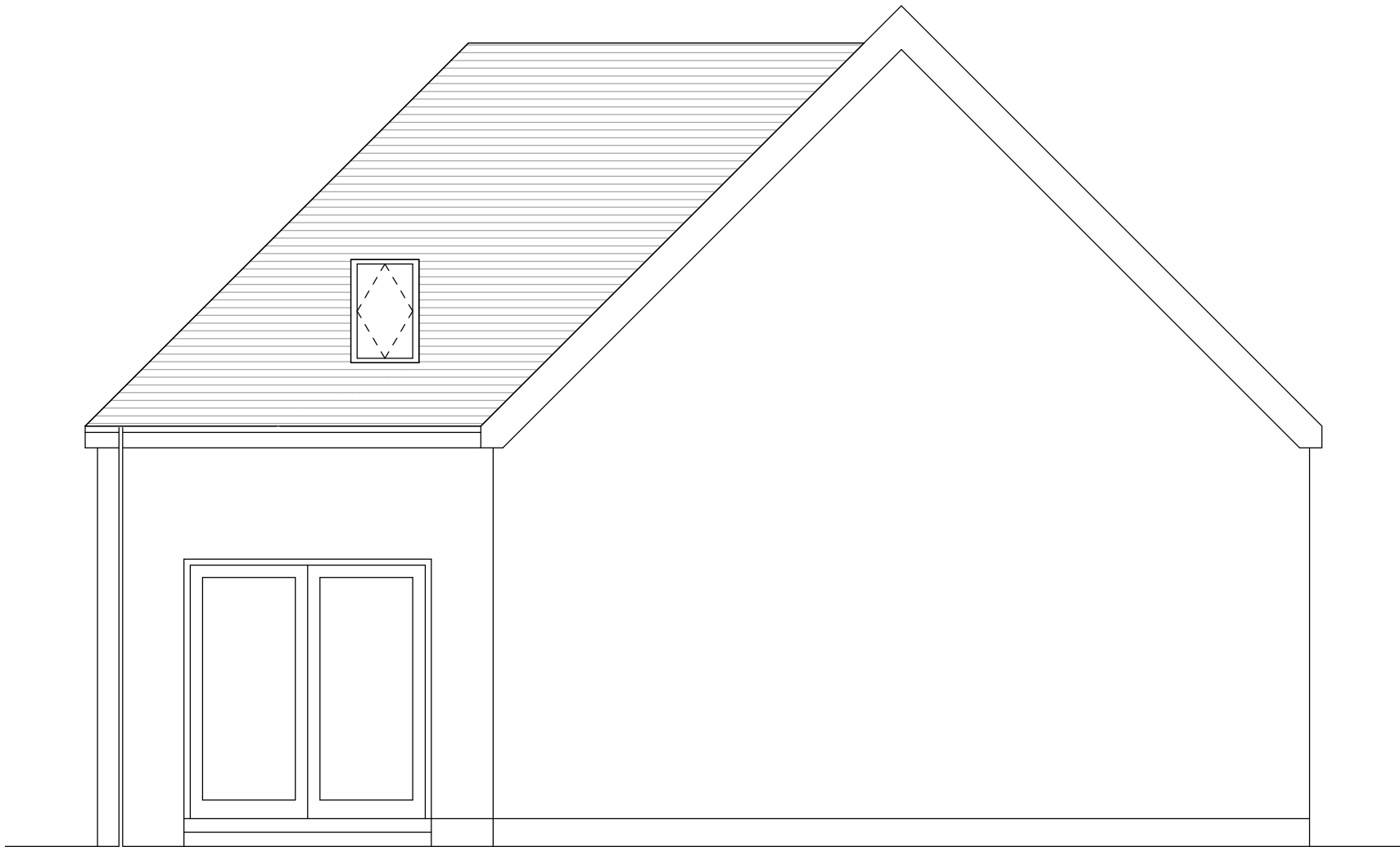
richard@maddersdesign.co.uk



FIRST FLOOR PLAN



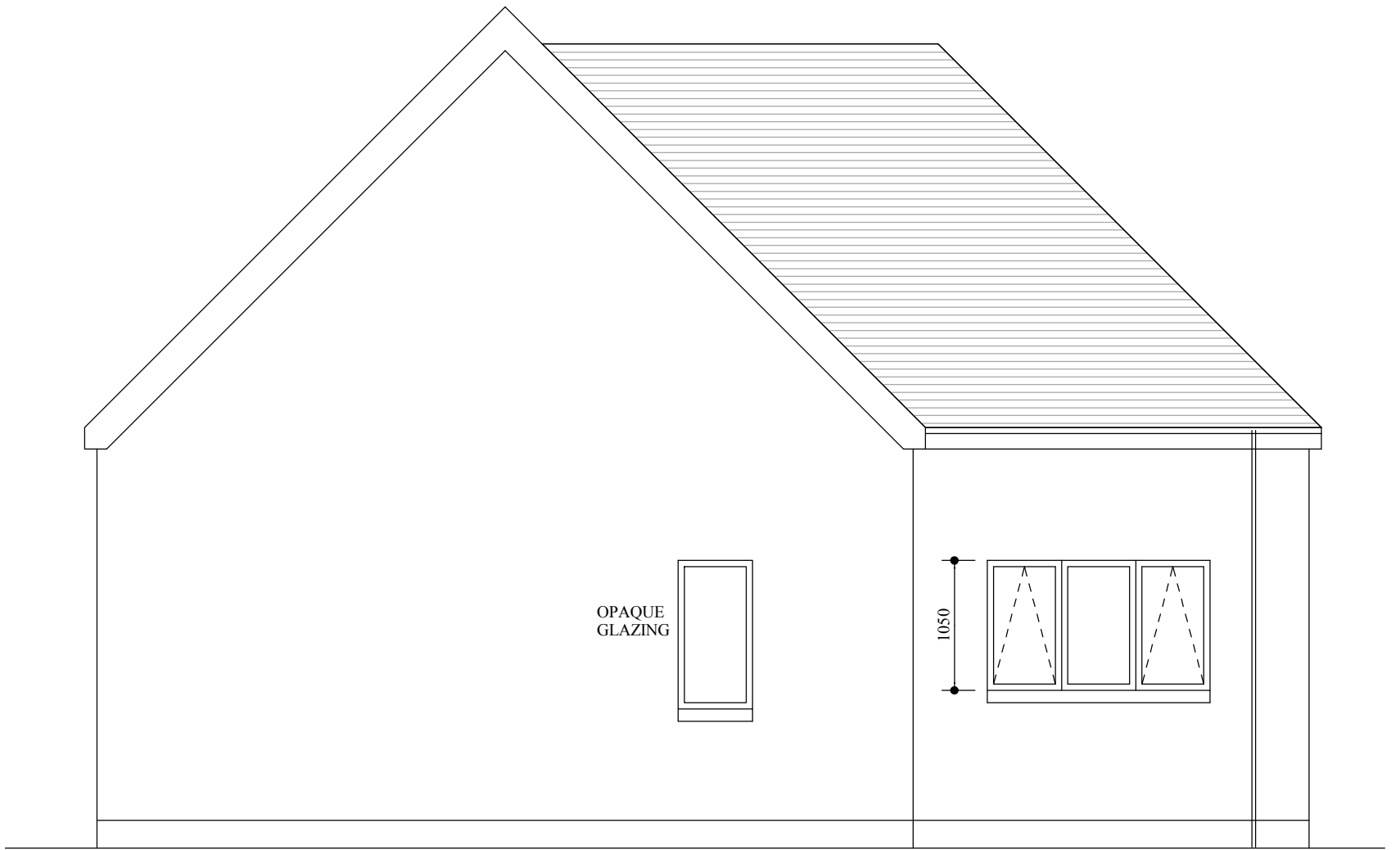
FRONT ELEVATION



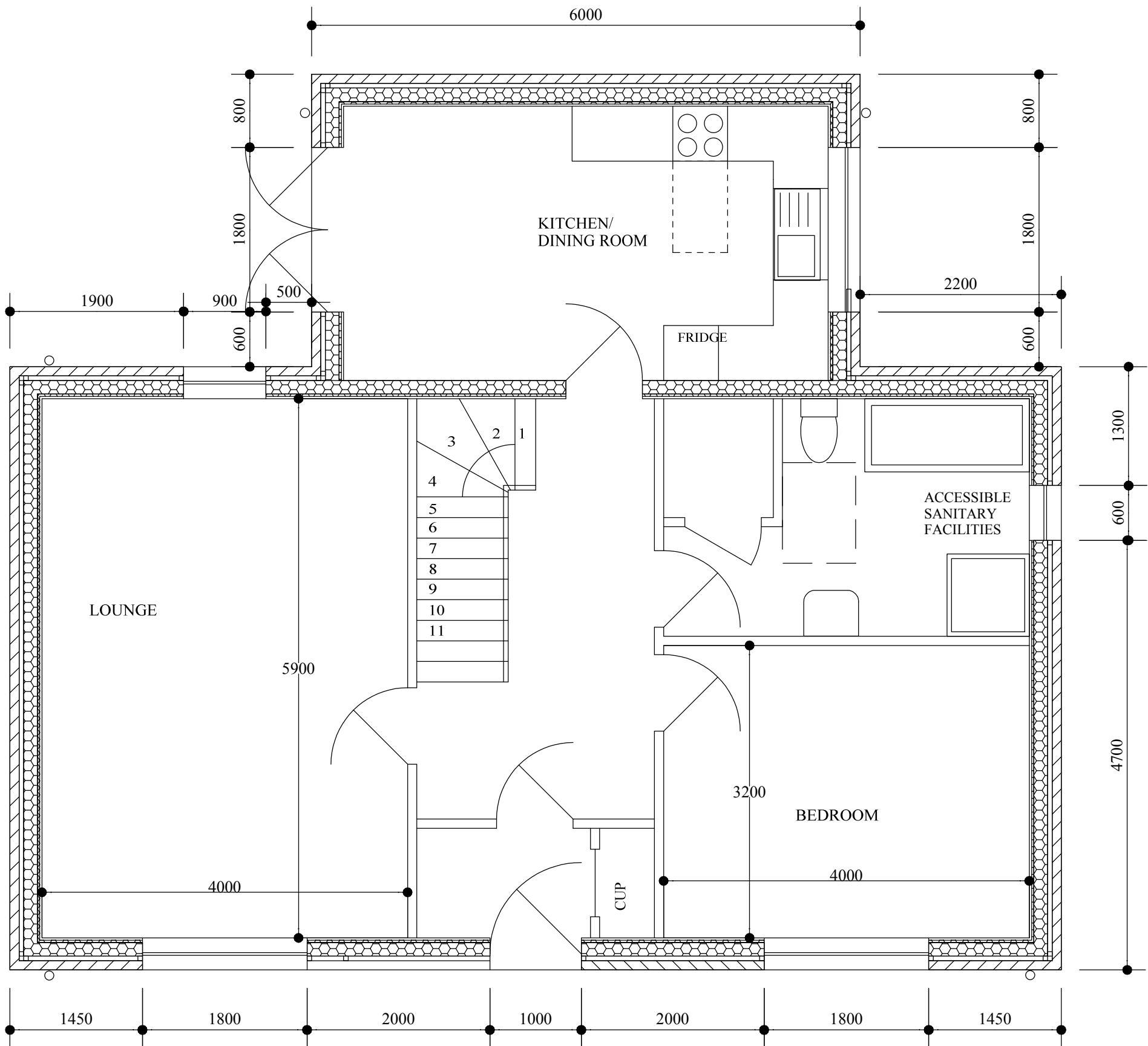
SIDE ELEVATION



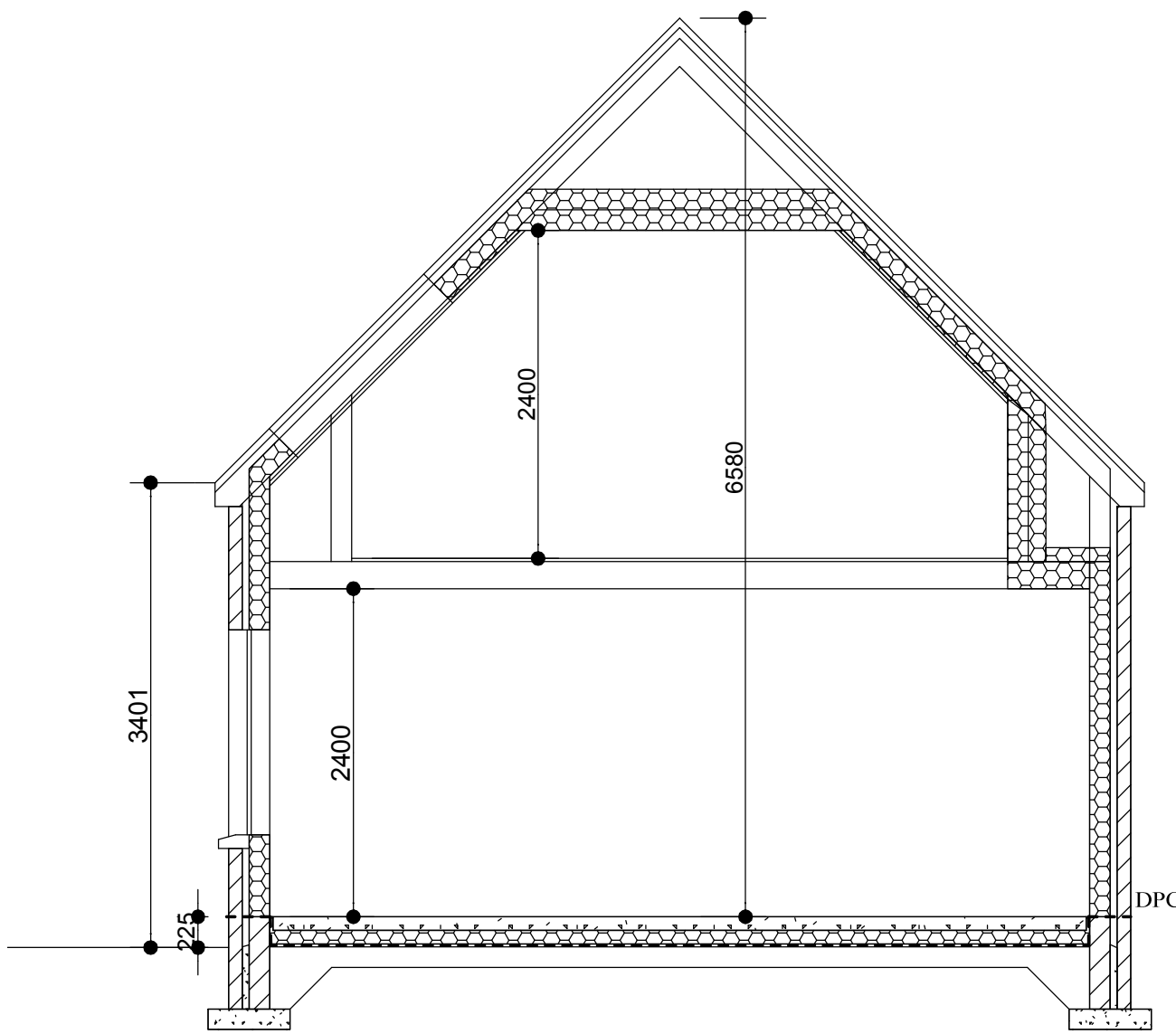
REAR ELEVATION



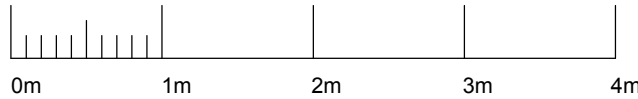
SIDE ELEVATION



GROUND FLOOR PLAN



SECTION

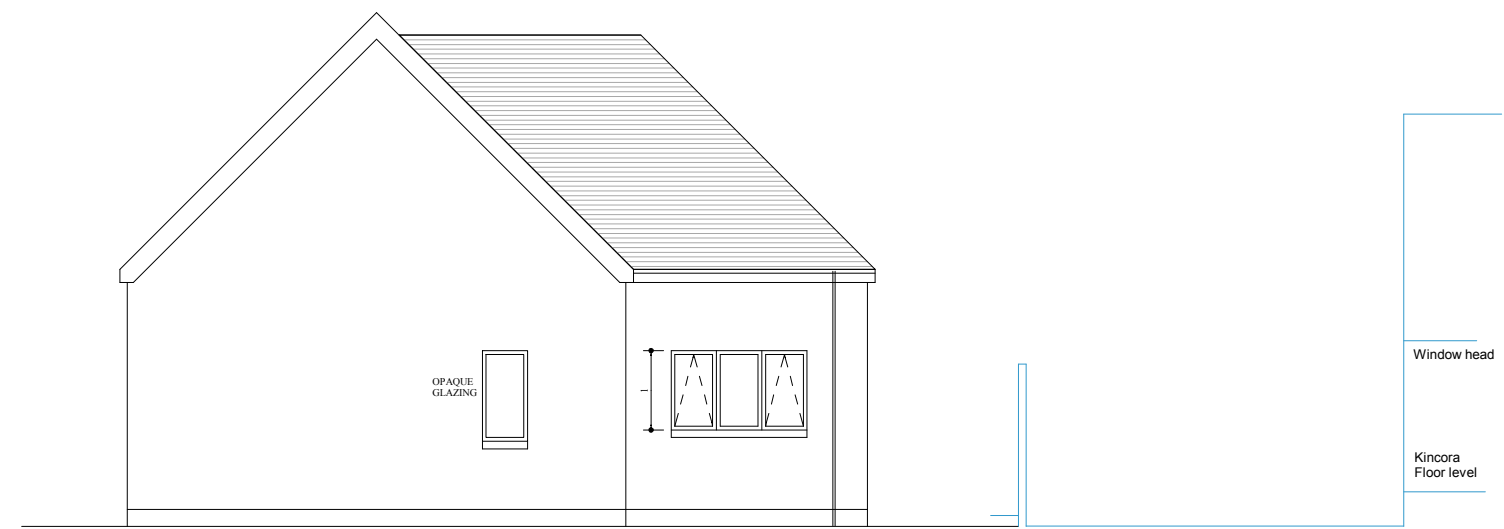
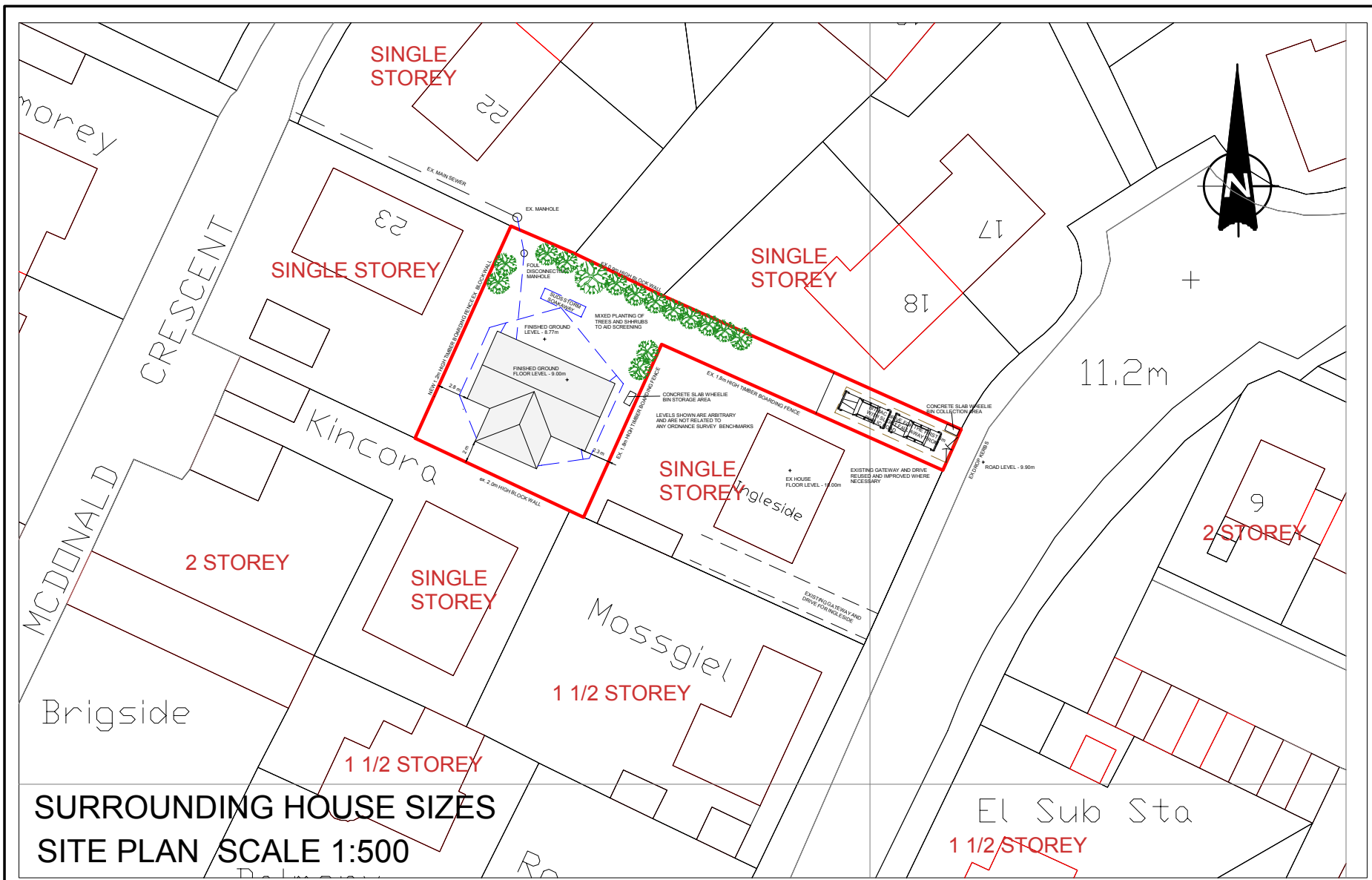


SPECIFICATION
FLOOR - Insulated concrete slab
WALLS - Timber frame with beige rendered blockwork
ROOF - Finished with Grey concrete tiles
WINDOWS AND DOORS - White uPVC

16/3/18	Rear gable changed to hip roof	A
DATE	DESCRIPTION	REV
PROPOSED NEW HOUSE ON SITE AT INGLESIDE, ST AETHANS PLACE, BURGHEAD FOR MR & MRS J KELBIE		
PROPOSED HOUSE PLAN		
REF. NO: MDS 0084-02	DATE: 16/3/18	SCALE: 1:50

madders
DESIGN SERVICES
110 Gaitside Drive
Aberdeen
AB10 7BE

Contact: Richard Madders
Tel: 07739011141
richard@maddersdesign.co.uk
www.maddersdesign.co.uk



KINCORA DETAILS SCALE 1:100

CLARIFICATION ON POINTS RAISED:

a) - The development should not be catagorised as tandem backland development as is mentioned in the refusal as the site has it's own access separate from the parent property and is not located immediately behind the parent property but over 13m away.

b) - The driveway layout has been amended to remove vehicle access from next to the dwelling and provide over 400m2 site area excluding the drive.

c) - The footprint, heigh and overall accommodation provision are in keeping with those immediately surrounding which range from 1 to 2 storey in height and having 3 bedrooms. The scale and character of the site are similar to surrounding properties.

d) - Currently many of the surrounding rear gardens are not secluded. We propose to plant trees and shrubs along the northern boundary to provide site privacy but also to provide the surrounding neighbours with their own privacy from existing neighbours which is at the moment non existent. We have provided a hipped roof over the rear kitchen area and removed the kitchen window facing Kincora to reduce the impact the roof may have and remove any loss of privacy not retained by the 2.1m high garden wall.

Almost all of the surrounding neighbours with gardens adjoining the site are in full support of the application and expressed disappointment at the refusal to build.

CROSS SECTION AND NOTES

16/3/18 | Drive layout and sections updated, notes and screen planting added | A

REF. NO: MDS 0078-03 DATE: 14/11/17 SCALE: AS SHOWN

PROPOSED NEW HOUSE ON SITE AT
INGLESIDE, ST AETHANS PLACE, BURGHEAD
FOR MR & MRS J KELBIE

MADDERS
DESIGN
SERVICES
richard@maddersdesign.co.uk

Maurice Booth
Planning Department
Moray Council
Elgin

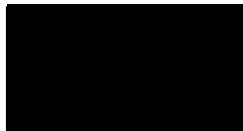
Mr and Mrs J Kelbie
2 Macdonald Crescent
Burghead

The two names and addresses are neighbour to the proposed new build, they have lived next to the previous eye sore for over 15 years they both can confirm that there were 2 drives and garages at Ingleside, one on either side of the house and the drive on the new development went passed the house and half way down the garden.

Sarah Morrison
18 St Aethans Drive
Burghead



Jude Housby
Mossgiel
St Aethans place

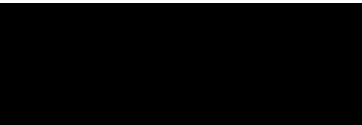
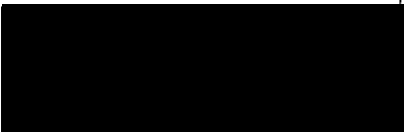

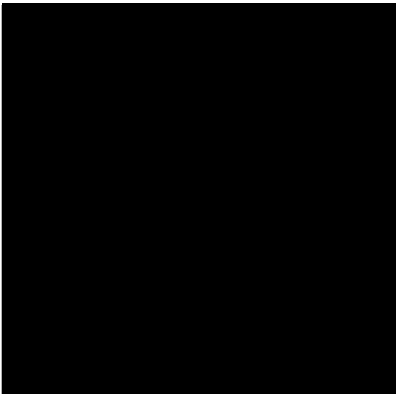


18/01/18

Site in Garden ground of Ingleside
St aethans lace
Burghead

For the attention of Maurice Booth or Moray Council Planning Depaertmrnt

The people who have supported this development from the beginning have given their name, address and phone number below , and are the neighbours of the proposed build.

<u>Name</u>	<u>Address</u>	<u>Number</u>
SARAH MORRISON 	18 McDONALD CRESCENT 	 
JUDE HOUSBY	MOSSGIEL, ST AETHANS	
IAIN HOLGAN	KINCORA	
Kerrial Duncan	211 McDONALD CRESCENT	