

Moray Local Review Body

Thursday, 30 August 2018

NOTICE IS HEREBY GIVEN that at a Meeting of the Moray Local Review Body is to be held at Council Chambers, Council Office, High Street, Elgin, IV30 1BX on Thursday, 30 August 2018 at 09:30.

BUSINESS

1	Sederunt	
2	Declaration of Group Decisions and Members Interests *	
3	Minute of Meeting dated 31 May 2018	5 - 8
	New Cases	
4	Case No LR207 - Ward 5 - Heldon and Laich	9 - 88
	Planning Application - 18/00246/APP – Erect 2 Dwellinghouses within Grounds of Torrieston House, Torrieston, Pluscarden	
5	Case No LR208 - Ward 3 - Buckie	89 -
	Planning Application 18/00227/APP – Change of use of amenity land to garden ground at Ferndale, Mains of Buckie, Buckie	168
6	Case No LR209 - Ward 5 - Heldon and Laich	169 -
	Planning Application 18/00383/APP - Erect dwellinghouse on site in garden ground of Ingleside, St Aethans Road, Burghead, Moray	224
7	Case No LR210 - Ward 1 - Speyside Glenlivet	225 -
	Planning Application 18/00581/PPP – to erect a dwelling house and detached garage on a site north of Dowalls Croft, Craigellachie, Moray	316

317 -376

Planning Application 18/00417/APP – Proposed dwelling house and garage, Plot CP1, Adjacent to Muir of Ruthrie, Aberlour, Moray

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.

Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.

GUIDANCE NOTES

- Declaration of Group Decisions and Members Interests The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.
- ** Written Questions Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

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

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

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

Clerk Name: Lissa Rowan Clerk Telephone: 01343 563015

Clerk Email: lissa.rowan@moray.gov.uk

THE MORAY COUNCIL

Moray Local Review Body

SEDERUNT

Councillor Amy Patience (Chair)

Councillor David Bremner (Depute Chair)

Councillor George Alexander (Member)

Councillor Paula Coy (Member)

Councillor Donald Gatt (Member)

Councillor Marc Macrae (Member)

Councillor Derek Ross (Member)

Clerk Name: Lissa Rowan Clerk Telephone: 01343 563015

Clerk Email: lissa.rowan@moray.gov.uk

MINUTE OF MEETING OF THE MORAY LOCAL REVIEW BODY

31 MAY 2018

COUNCIL CHAMBERS, ELGIN

PRESENT

Councillors D Gatt (Chair), D Bremner, G Cowie, A Patience and D Ross.

APOLOGIES

Apologies were intimated on behalf of Councillors M Macrae and M McLean

IN ATTENDANCE

The Senior Planning Officer (Development Planning and Facilitation) and Mrs E Gordon, Planning Officer, as Planning Advisers, Mr P Nevin, Senior Solicitor, as Legal Adviser, and Mrs T Sutherland, Committee Services Officer as Clerk to the Moray Local Review Body.

1. DECLARATION OF GROUP DECISIONS AND MEMBERS INTERESTS

In terms of Standing Order 20 and the Councillors' 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.

2. MINUTE OF THE MORAY LOCAL REVIEW BODY DATED 26 APRIL 2018

The Minute of the Meeting of the Moray Local Review Body dated 26 April 2018 was submitted and approved.

3. NEW CASES

(a) CASE NO LR205 – WARD 6 – ELGIN CITY NORTH - PLANNING APPLICATION 17/01775/APP: CONVERT PART OF BAR AREA INTO 3no FLATS AT THE GOLDEN PHEASANT, NORTH STREET, BISHOPMILL, ELGIN

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse an application on the grounds that the proposal is contrary to the provisions of the Moray Local Development Plan 2015 (Policies H1, EP8, T2 & IMP1) for the following reasons:

1. The development would involve a significant intensification of the use of an existing access where visibility is severely restricted and the access lane is not wide enough to allow two vehicles to pass clear of the public road. This development will therefore fail to provide safe entry and exit to the site

contrary to policy T2 and H1 and would give rise to conditions detrimental to road safety which would undermine the amenity of the area contrary to policy IMP1.

2. The application has failed to demonstrate either that the development would not be subject to significant pollution or that any noise pollution could be satisfactorily mitigated contrary to policies EP8 and IMP1.

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

With regard to the accompanied site inspection carried out on 28 May 2018, the Chair stated that all members of the Moray Local Review Body (MRLB) present were shown the site where the proposed development would take place and had before them papers which set out both the reasons for refusal and the Applicant's grounds for review.

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

The Chair then asked the MLRB if they had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information.

During discussion surrounding the reasons for refusal of the application some members of the MLRB stated that in their opinion the proposal was not contrary to policies H1, EP8, T2 and IMP1 in terms of pollution and road safety.

In response, the Planning Adviser advised that the application had been refused in terms of policies T2 and H1 as the Transportation Service had reported that the development would result in intensification in usage of the existing access which was considered to be detrimental to road safety due to restricted visibility. With regard to policy EP8 in terms of noise pollution, as there was no noise impact assessment submitted with the application, it was refused on those grounds as it was unknown whether the noise from the adjoining bar would be of an acceptable level.

The MLRB, in noting the response from the Planning Adviser sought clarification as to whether they could grant planning permission subject to the provision of a satisfactory Noise Impact Assessment and reduction in the height of the wall to the right of the exit to achieve appropriate visibility splay lines.

In response to the query in relation to improving visibility by reducing the height of the wall to the right of the exit, the Planning Adviser advised that, even if the height of this wall could be reduced, the actual building was blocking the view to the left hand side resulting in decreased visibility to the left also.

The Chair then queried whether signage could be displayed stating that vehicles leaving the car par could only turn left.

In response the Legal Adviser advised against this course of action as the MLRB was at risk of granting planning permission subject to conditions that were possibly not achievable and suggested that the MLRB consider deferring the appeal to

request further information from the Applicant in relation to whether it was possible to reduce the height of the wall to improve visibility and whether a Noise Impact Assessment could be obtained although it was noted that this was expensive and would not guarantee planning permission. He further suggested that consideration be given to requesting further information from Transportation in relation the possibility of enforcing "no right turn" when exiting the car park.

Councillor Ross stated that, in his opinion, there were too many conditions and uncertainties in relation to this request for review and moved that the LRB refuse the appeal and uphold the decision of the Appointed Officer to refuse the application as it was contrary to policies H1, EP8, T2 and IMP1 of the Moray Local Development Plan 2015. This was seconded by Councillor Patience.

Thereafter the MLRB agreed to dismiss Case LR207 and uphold the original decision of the Appointed Officer to refuse planning permission in respect of planning application 17/01775/APP.

(b) CASE NO LR206 – WARD 3 – BUCKIE – PLANNING APPLICATION 18/00015/APP – ERECT TWO STOREY DWELLINGHOUSE WITH OFF-STREET PARKING ON PLOT 30 HIGHFIELD GARDENS, STEINBECK ROAD, BUCKIE

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse an application on the grounds that the proposal is contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies H1 IMP1 and PP3) because the proposed design which has a ridge height of approximately 8.6m providing accommodation over two storeys would result in a dwelling which would be out of place with the scale and character of the existing streetscape (predominately single storey at this part of Steinbeck Road). On this basis, the proposed dwelling is of a design which would be detrimental to the character and appearance of the site and the existing properties located on this part of Steinbeck Road.

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

With regard to the accompanied site inspection carried out on 28 May 2018, the Chair stated that all members of the Moray Local Review Body (MRLB) present were shown the site where the proposed development would take place and had before them papers which set out both the reasons for refusal and the Applicant's grounds for review.

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

The Chair then asked the MLRB if they had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information.

Councillor Ross having had the opportunity to visit the site and consider the Applicant's grounds for review stated that he did not agree with the reason for refusal

given by the Appointed Officer in terms of policies H1, IMP1 and PP3 of the Moray Local Development Plan 2015 which stated that the dwelling would be out of place with the scale with character of the existing streetscape due to its height. He further stated that when visiting the site he had noted that the nearby houses were predominantly, but not exclusively, single storey and moved that the appeal be upheld and planning permission granted as there were other two storey houses in the area. This was seconded by Councillor Cowie.

Councillor Bremner, having had the opportunity to visit the site and consider the Applicant's grounds for review agreed with the view of the Appointed Officer and stated that on visiting the site he had noted that most of the houses in the area were 1½ storey and was of the opinion that the design of the house could have been more sympathetic to the surrounding houses and therefore moved that the appeal be refused. On failing to find a seconder, his motion fell.

Thereafter, the MLRB agreed to uphold Case 206 and grant planning permission in respect of planning application 18/00015/APP.



MORAY LOCAL REVIEW BODY

30 AUGUST 2018

SUMMARY OF INFORMATION FOR CASE No LR207

Planning Application - 18/00246/APP - Erect 2 Dwellinghouses within Grounds of Torrieston House, Torrieston, Pluscarden

Ward 5: Heldon and Laich

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 16 April 2018 on the grounds that:

The proposal is contrary to policies IMP1 and H7 for the following reasons:

(i) The site is part of a large open meadow and would be a visually intrusive roadside development. It would be a ribbon form of development diminishing the open separation of houses along the public road. The new house would not be integrated in the landscape and would contribute to a build-up of housing such that the open rural character of the Pluscarden valley setting would be diminished.

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.

Site Plan for Neighbour Notification purposes only

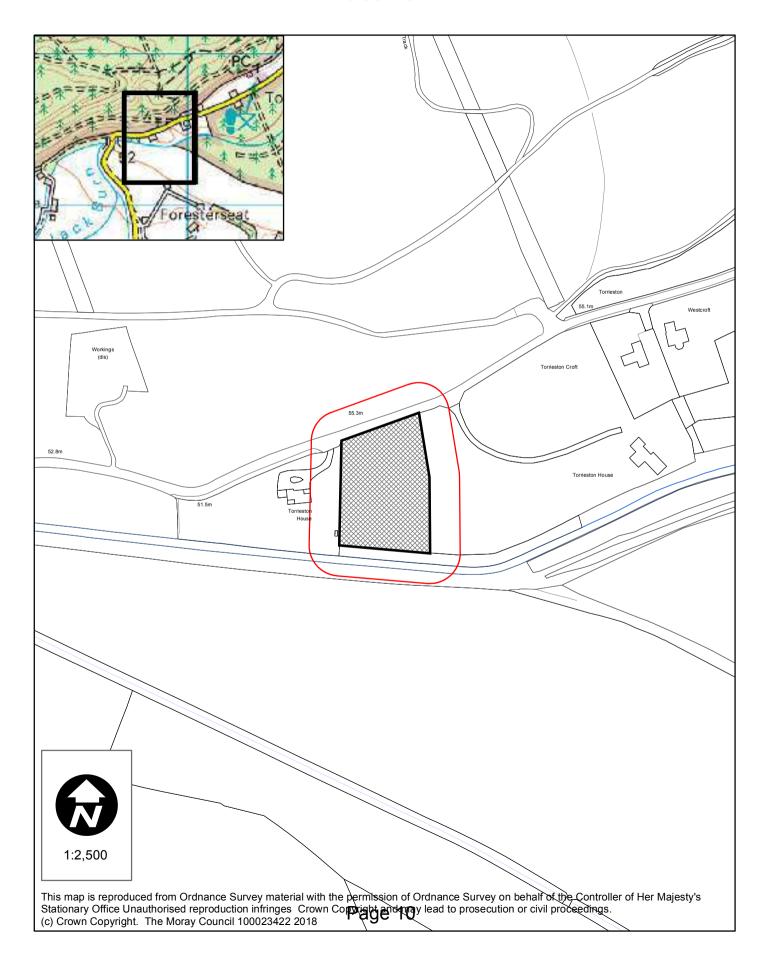
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Town and Country Planning

(Development Management Procedure)(Scotland) Regulations 2008

Planning Application Reference Number:

18/00246/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

100084944-001

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 Application for Approval of Matters specified in conditions.	al of a planning condition etc)
Description of Proposal	
Please describe the proposal including any change of use: * (Max 500 characters)	
2 New Houses within Ground of Torrieston House	
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 detail	s		
Company/Organisation:	CM Design		
Ref. Number:		You must enter a Bu	uilding 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 Orga			
Please enter Applicant de			
Title:	Ms	You must enter a Bu	uilding Name or Number, or both: *
Other Title:		Building Name:	Torrieston House
First Name: *	К	Building Number:	
Last Name: *	Gosling-Crockart	Address 1 (Street): *	Pluscarden
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Elgin
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV30 8TZ
Fax Number:			
Email Address: *			

Site Address D	Details				
Planning Authority:	Moray Council				
Full postal address of the s	ite (including postcode	where available):			
Address 1:					
Address 2:					
Address 3:					
Address 4:					
Address 5:					
Town/City/Settlement:					
Post Code:					
Please identify/describe the	e location of the site or	sites			
Northing 8:	58449		Easting		315815
Pre-Applicatio	n Discussion	.			
Have you discussed your p					☐ Yes ☒ No
Site Area		.9			
Please state the site area:		4000.00			
Please state the measuren	nent tyne used:	Hectares (ha	a) 🛛 Square M	letres (sa l	m)
Trease state the measurem	Terre type doed.		a) in equal e ivi		,
Existing Use					
Please describe the curren	t or most recent use: *	(Max 500 charac	ters)		
Garden Ground					
Access and Pa	arking				
	_	or from a public	road? *		☐ Yes ☒ No
Are you proposing a new a	show on your drawings	the position of a	ny existing. Alter	ed or new	access points, highlighting the changes
you propose to make. You	snould also show existi	rig rootpaths and	note if there will	be any im	pact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access	s?* Yes 🗵 No
If Yes please show on your drawings the position of any affected areas highlighting the changes you pro arrangements for continuing or alternative public access.	opose to make, including
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)? *	4
Please show on your drawings the position of existing and proposed parking spaces and identify if these types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	e are for the use of particular
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 fu	urther details.
What private arrangements are you proposing? *	
New/Altered septic tank.	
Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage tre	eatment such as a reed bed).
U 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 an	nd supporting information: *
Please refer to plan	
Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *	Ⅺ 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 ne	etwork? *		
X Yes			
No, using a private water supply			
No connection required			
If No, using a private water supply, please show on plans to	the supply and all works needed t	o provide it (on or of	f 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 madetermined. You may wish to contact your Planning Author	ay need to submit a Flood Risk A rity or SEPA for advice on what ir	ssessment before your formation may be re	our application can be equired.
Do you think your proposal may increase the flood risk els	ewhere? *	Yes	No Don't Know
Trees			
Are there any trees on or adjacent to the application site?	*		X Yes ☐ No
If Yes, please mark on your drawings any trees, known pro any are to be cut back or felled.	otected trees and their canopy spi	read close to the pro	posal site and indicate if
Waste Storage and Collection			
Do the plans incorporate areas to store and aid the collect	ion of waste (including recycling)?	? *	X Yes ☐ No
If Yes or No, please provide further details: * (Max 500 cha	aracters)		
Please refer to plans			
Residential Units Including Cor	nversion		
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 statement.	s on the plans. Additional informat	tion may be provided	d in a supporting
All Types of Non Housing Deve	elopment – Propos	sed New Flo	oorspace
Does your proposal alter or create non-residential floorspa	ce? *		☐ Yes ☒ No
Schedule 3 Development			
Does the proposal involve a form of development listed in Planning (Development Management Procedure (Scotland		ntry	⊠ No □ Don't Know
If yes, your proposal will additionally have to be advertised authority will do this on your behalf but will charge you a fe fee and add this to your planning fee.			
If you are unsure whether your proposal involves a form of		O mlanan ahani 4ha l	

Planning	Service Employee/Elected Member Interest	
	the applicant's spouse/partner, either a member of staff within the planning service or an the planning authority? *	☐ Yes ☒ No
Certificate	es and Notices	
	D NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPME COTLAND) REGULATION 2013	NT MANAGEMENT
	ist be completed and submitted along with the application form. This is most usually Certificaticate C or Certificate E.	te A, Form 1,
Are you/the application	ant the sole owner of ALL the land? *	X Yes □ No
Is any of the land p	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 O	wnership Certificate	
Certificate and Not Regulations 2013	tice under Regulation 15 of the Town and Country Planning (Development Management Pro	cedure) (Scotland)
Certificate A		
I hereby certify tha	t –	
lessee under a lea	ner than myself/the applicant was an owner (Any person who, in respect of any part of the lar se thereof of which not less than 7 years remain unexpired.) of any part of the land to which e period of 21 days ending with the date of the accompanying application.	
(2) - None of the la	and to which the application relates constitutes or forms part of an agricultural holding	
Signed:	Craig Mackay	
On behalf of:	Ms K Gosling-Crockart	
Date:	20/02/2018	
	☒ Please tick here to certify this Certificate. *	

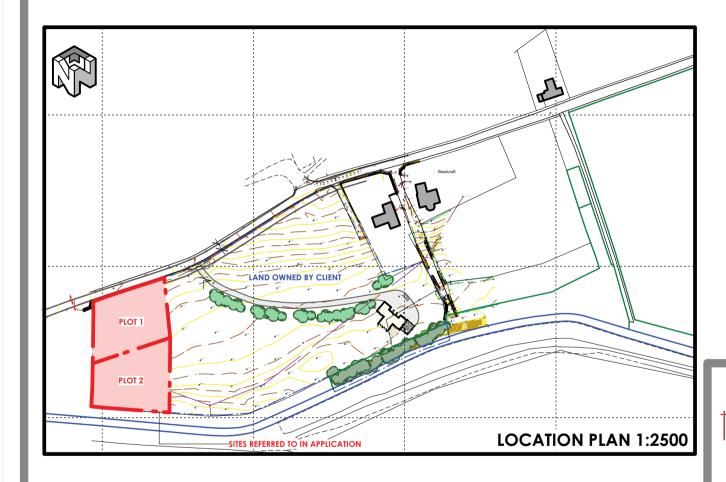
Checklist – Application for Planning Permission Town and Country Planning (Scotland) Act 1997 The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary 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 Yes No Not applicable to this application b) If this is an application for planning permission or planning permission in principal 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 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 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 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. Master Plan/Framework Plan. Landscape plan. Photographs and/or photomontages. If Other, please specify: * (Max 500 characters)

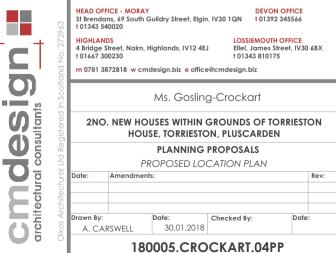
Provide copies of the followin	g documents if applicable:	
A copy of an Environmental S	Statement. *	☐ Yes ☒ N/A
A Design Statement or Design	n and Access Statement. *	🛛 Yes 🗌 N/A
A Flood Risk Assessment. *		Yes X N/A
A Drainage Impact Assessme	ent (including proposals for Sustainable Drainage Systems). *	Yes X N/A
Drainage/SUDS layout. *		Yes X N/A
A Transport Assessment or T	ravel Plan	Yes X N/A
Contaminated Land Assessm	ent. *	☐ Yes ☒ N/A
Habitat Survey. *		Yes X N/A
A Processing Agreement. *		Yes X N/A
Other Statements (please spe	ecify). (Max 500 characters)	
Declare - For A	pplication to Planning Authority	
	nat this is an application to the planning authority as described in this for I information are provided as a part of this application.	m. The accompanying
Declaration Name:	Mr Craig Mackay	
Declaration Date:	20/02/2018	
Payment Details	5	
Online payment: 286236	00040	
Payment date: 20/02/2018 16	:03:16	Created: 20/02/2018 16:03

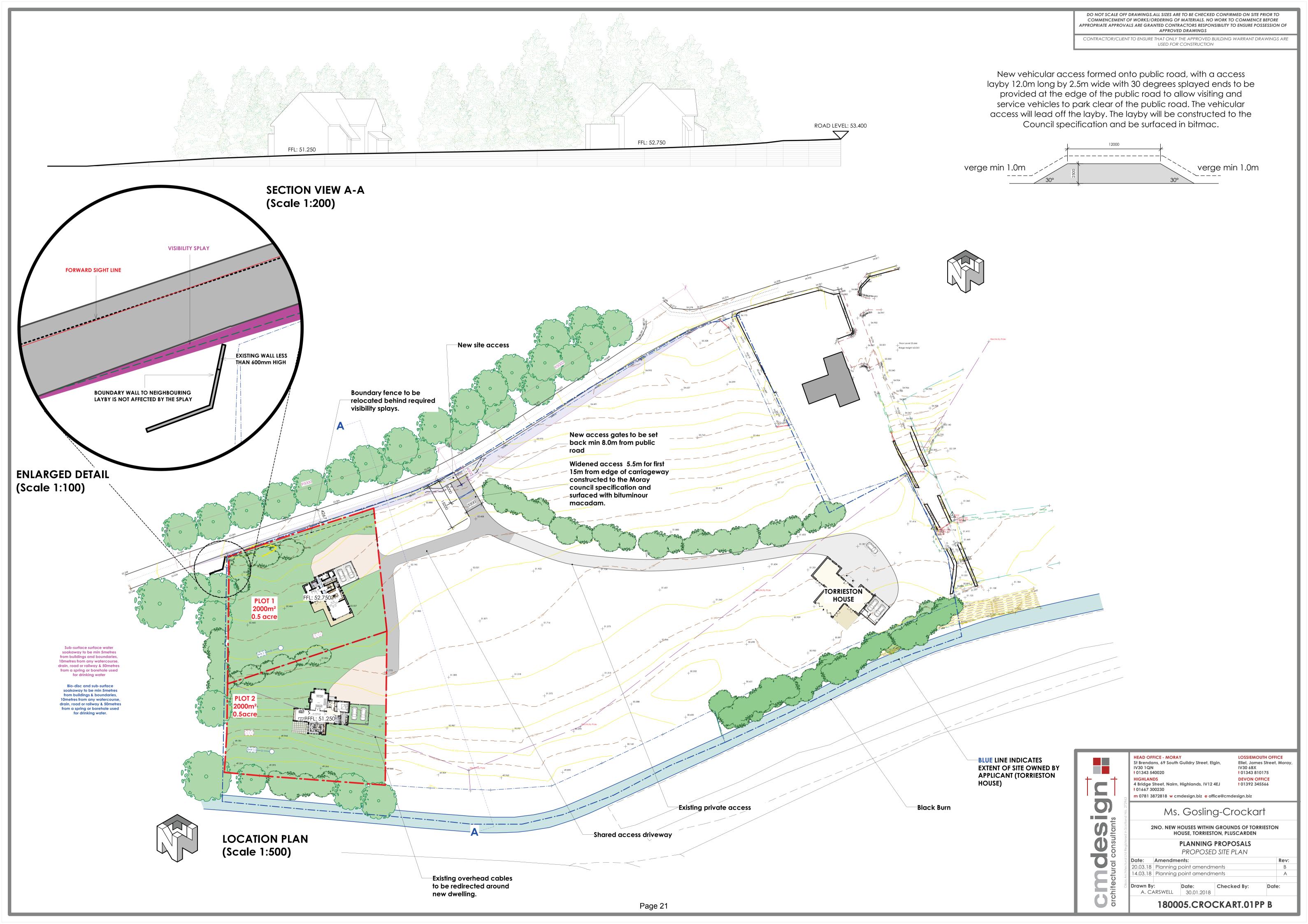
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DO NOT SCALE OFF DRAWINGS.ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS

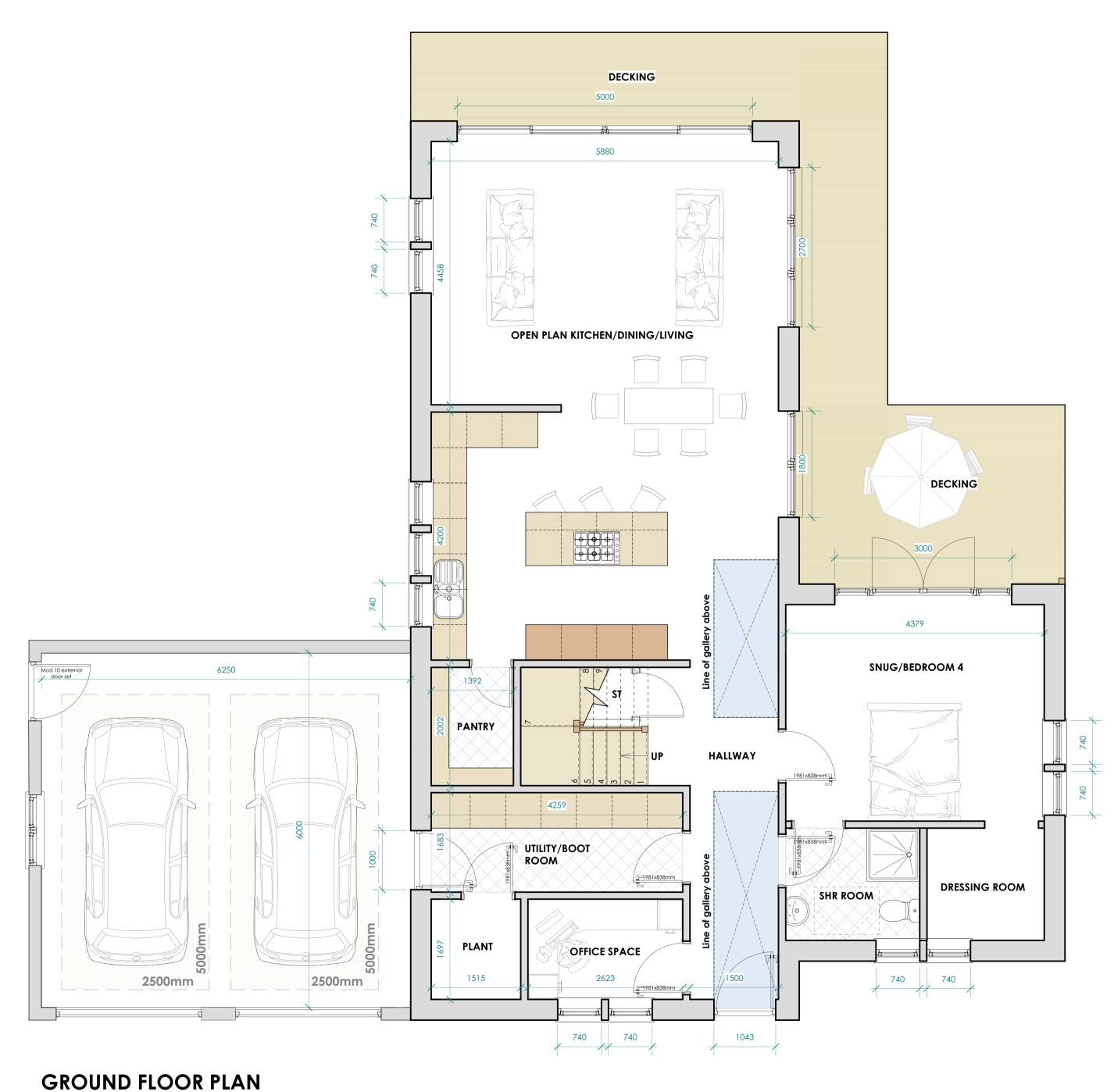
CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION







CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION



(Scale 1:50)

Ground Floor Area = 110m² Garage Floor Area = 38m²



FRONT ELEVATION (Scale 1:100)



REAR ELEVATION (Scale 1:100)

A GABLE WIDTH OF NO MORE THAN 2.5 TIMES THE HEIGHT OF THE WALL FROM GROUND TO EAVES LEVEL **GROUND TO EAVES = 3450mm**

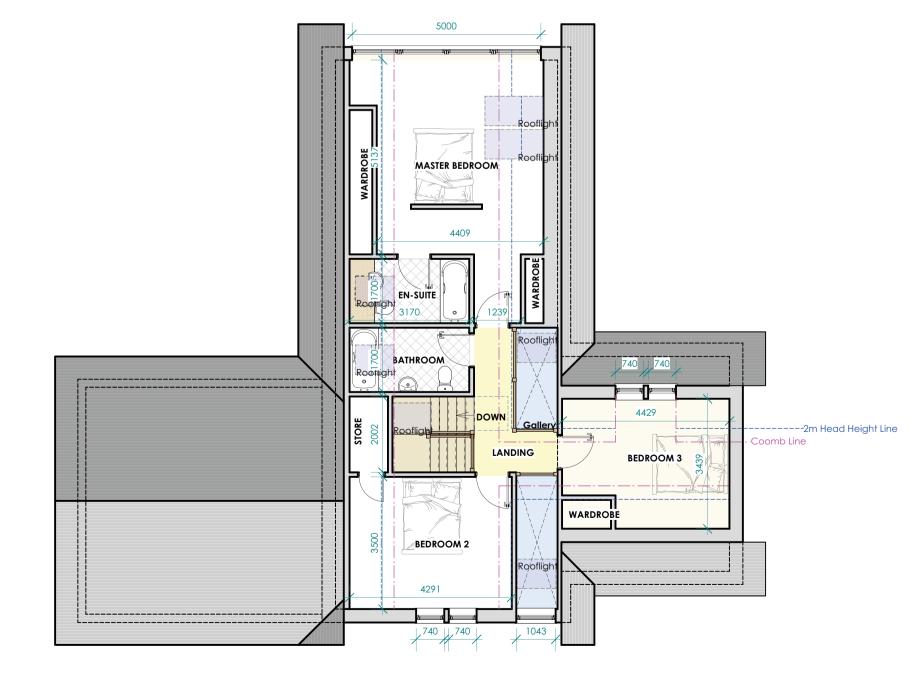
ACTUAL GABLE WIDTH = 6580mm



EAST ELEVATION (Scale 1:100)



WEST ELEVATION (Scale 1:100)



FIRST FLOOR PLAN (Scale 1:100)

First Floor Area = 85m²

<u>Finishes</u>

Roof

- Slate (Heavy Spanish)

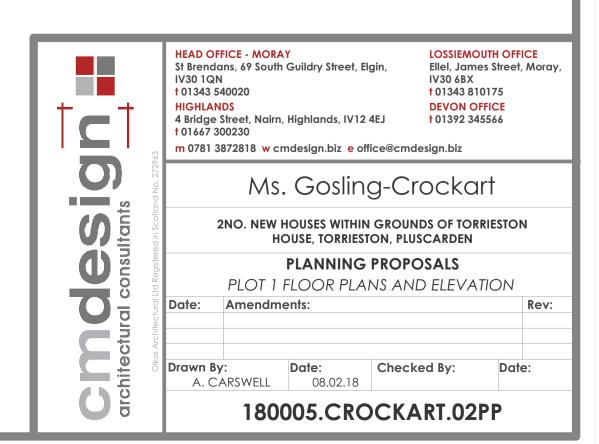
- Timber fascia, barge board and soffit

Aluminium deepflow gutters and downpipes, prefinished colour to clients choice
 Walls, Basecourse & Dormers
 Cream or off white render

- Vertical larch cladding

Windows & Doors - Painted timber finish with sandstone precast cills or

timber edgings



DO NOT SCALE OFF DRAWINGS.ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION SIDE ELEVATION **FRONT ELEVATION** (Scale 1:100) (Scale 1:100) **REAR ELEVATION SIDE ELEVATION** A GABLE WIDTH OF NO MORE THAN 2.5 TIMES THE HEIGHT OF THE WALL FROM GROUND TO EAVES LEVEL $\,$ (Scale 1:100) (Scale 1:100) GROUND TO EAVES = 4750mm SO GABLE CANNOT BE ANY GREATER THAN: ACTUAL GABLE WIDTH = 7495mm **Finishes** Roof - Slate - Timber fascia, barge board and soffit- Aluminium deepflow gutters and downpipes, prefinished colour to clients choice Walls - Off white smooth render - Grey or sandstone feature stonework cladding & basecourse - Vertical larch cladding Windows & Doors - Painted timber finish with sandstone precast cills or timber edgings FIRST FLOOR PLAN (Scale 1:100) First floor aera 90sqm. 6250 4341 2500mm 2500mm LOUNGE ORD HEAD OFFICE - MORAY St Brendans, 69 South Guildry Street, Elgin, LOSSIEMOUTH OFFICE Ellel, James Street, Moray, IV30 1QN † 01343 540020 **DEVON OFFICE** † 01392 345566 **HIGHLANDS** 4 Bridge Street, Nairn, Highlands, IV12 4EJ † 01667 300230 **GROUND FLOOR PLAN** m 0781 3872818 w cmdesign.biz e office@cmdesign.biz (Scale 1:50) Ms. Gosling-Crockart Consultants Ground floor aera 136sqm 2NO. NEW HOUSES WITHIN GROUNDS OF TORRIESTON Garage floor aera 38sqm. HOUSE, TORRIESTON, PLUSCARDEN PLANNING PROPOSALS PLOT 2 FLOOR PLANS AND ELEVATIONS CTD architectural of Date: Drawn By: Checked By:

Page 23

A. CARSWELL

180005.CROCKART.03PP

Consultee Comments for Planning Application 18/00246/APP

Application Summary

Application Number: 18/00246/APP

Address: Grounds Of Torriston House Torriston Pluscarden Elgin Moray

Proposal: Erect 2no dwellinghouses within

Case Officer: Maurice Booth

Consultee Details

Name: Mr CL Consultations

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

Email: clconsultations@moray.gov.uk
On Behalf Of: Contaminated Land

Comments

No Objections

Adrian Muscutt

Consultee Comments for Planning Application 18/00246/APP

Application Summary

Application Number: 18/00246/APP

Address: Grounds Of Torriston House Torriston Pluscarden Elgin Moray

Proposal: Erect 2no dwellinghouses within

Case Officer: Maurice Booth

Consultee Details

Name: Mr EH Consultations

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

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

Comments

No Objection

Kevin Boyle

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Flood Risk Management

Planning Application Ref. No: 18/00246/APP

Erect 2no dwellinghouses within Grounds Of Torriston House Torriston Pluscarden Elgin

for Ms K Gosling-Crockart

_		_			
l	have the follow	ina comme	ents to ma	ake on the	application:-

		Please
(a)	I OBJECT to the application for the reason(s) as stated below	
(b)	I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal	
(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	

Condition(s)

- 1. A Level 1 flood risk statement will be required to confirm 1 in 200yr plus climate change water levels.
- 2. A drainage impact assessment will be required to ensure adequate SuDS design.

Contact: Stewart Gordon / James Ross Date......02/03/2018......
email address: stewart.gordon@moray.gov.uk Phone No 01343 563767 / 3771......
Consultee: Moray Flood Risk Management

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

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.



2nd March 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

SITE: IV30 Elgin Torriston Grand of Torriston House

PLANNING REF: 18/00246/APP

OUR REF: 757927

PROPOSAL: Erect 2no dwellinghouses within

Please quote our reference in all future correspondence

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

Water

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

Foul

 Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options. The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

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

Megan Innes

Technical Analyst Megan.Innes2@scottishwater.co.uk



Our ref: PCS/157812 Your ref: 18/00246/APP

If telephoning ask for: Clare Pritchett

8 March 2018

Maurice Booth
The Moray Council
Development Services
Environmental Services Dept.
Council Office, High Street
Elgin
IV30 1BX

By email only to: consultation.planning@moray.gov.uk

Dear Mr Booth

Town and Country Planning (Scotland) Acts
Planning application: 18/00246/APP
Erect 2 dwellinghouses
Grounds Of Torriston House Torriston Pluscarden Elgin

Thank you for your consultation email which SEPA received on 1 March 2018 specifically requesting our advice in connection with flood risk for the above planning application.

Advice for the planning authority

We **object** to this planning application on the grounds of lack of information and that it may place buildings and persons at flood risk contrary to Scottish Planning Policy (SPP) and PAN 69. We will review this objection if the issues detailed in Section 1.1 below are adequately addressed.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scotlish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

1. Flood Risk

- 1.1 We **request that additional information** is provided to demonstrate that the development accords with the principles of SPP. In the first instance, we request that it is demonstrated that the site is considerably elevated above the functional floodplain through either:
 - North-south cross-sections upstream, downstream and through the site extending across the Black Burn including the channel bed levels and bank levels of the opposite bank (particularly to demonstrate that the ground levels on the southern bank are lower);

Or:





- It may be possible to illustrate there is a considerable embankment/drop from the edge of the development site to the Black Burn (as illustrated for the Torrieston House Site) by providing photographs. These photographs should be taken looking north from the banks of the Black Burn towards the site, with a person holding a metre stick (this should illustrate the height of the banks). Also photographs should be taken from the site looking south towards the opposite bank of the Black Burn. We also recommend photographs looking east and west (illustrating the nature of the Burn to the south of the site), to clearly demonstrate that the southern bank is considerably lower and in a high flow event water would spill from the Burn and occupy land to the south. If it can be shown that the embankment/drop below the site is of a considerable height, then this measurement, plus the change in ground level across the site (Plot 2- ground level of the house and FFL lie 1.634m and 1.884m respectively, above the southern boundary of the proposed site), would demonstrate that the site is sufficiently elevated and lies outwith the functional floodplain and the site would be unlikely to be at medium to high risk of flooding.
- 1.2 However, if this information is insufficient to provide a robust assessment of the risk of flooding to the development then a detailed flood risk assessment may need to be carried out by a suitably qualified professional.
- 1.3 The two houses are sited on Plots 1 and 2 with Plot 1 lying adjacent to the unclassified road between Elgin and Pluscarden. Plot 2 lies to the south of Plot 1, with its southern boundary adjacent to the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding from the Black Burn. The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit Flood maps | Scottish Environment Protection Agency (SEPA).
- 1.4 Scottish Planning Policy (SPP) states (paragraph 255) that "the planning system should promote flood avoidance by safeguarding flood storage and conveying capacity, and locating development away from functional flood plains and medium to high risk areas." It further defines (glossary) that "For planning purposes the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year". Built development should not therefore take place on the functional flood plain. SPP goes on to state (paragraph 256) "the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere".

- 1.5 On the "Proposed Site Plan" drawing it is illustrated that the ground levels fall from the north of Plot 1, southwards through Plot 2, towards the Black Burn. The approximate ground level along the southern boundary of Plot 2 is approximately 49.366mAOD, which would appear to be situated above the Black Burn. The southern edge of Plot 1 has a ground level of approximately 52mAOD, which is 2.634m higher than the very southern edge of Plot 2 which borders the top of the boundary close to the Black Burn. The proposed Plot 1 house is sited on land with a ground level of approximately 52.5mAOD and has a proposed Finished Floor Level (FFL) of 52.750mAOD, which would therefore be 3.134m and 3.384m respectively above the edge of the southern boundary close to the Black Burn. Therefore, with this level data only, it appears unlikely that Plot 1 lies within the functional floodplain of the Black Burn and it is unlikely to be at medium to high risk of flooding.
- 1.6 Plot 2 lies closer to the Black Burn and the house site lies at an approximate level of 51mAOD with a proposed FFL of 51.25mAOD. Therefore the ground level of the house and FFL lies 1.634m and 1.884m respectively above the southern boundary of the proposed site.
- 1.7 Although on the "Proposed Site Plan" drawing, it would appear that a cross-section A-A has been taken through the adjacent field to the east of the site boundary of Plot 1 and Plot 2, the agent has advised by email (Anna Carswell Cmdesign 7.3.2018) that "we haven't had the neighbouring field or burn surveyed yet. At this stage we simply wanted to indicate the topography of the site which runs into the burn and that the SEPA flood map show the field to the south flooding". It is also stated that "Torrieston house, noted on the proposed site plan as "Existing Dwelling" was subject to planning application no 15/0088/APP. On review of the report of the handling for the previous application it's noted that the comments from SEPA is that the flood risk for this site is a probability of 1 in 200 years". When consulted SEPA had no objection to the proposed development of Torrieston House (SEPA reference PCS/144795, application 16/00020/APP and previously 15/0088/APP) as topographic information was provided which illustrated that the existing ground levels at the site were above 50.0mAOD whereas the height of the bank of the burn was 45.5mAOD. The proposed finished floor level at the house was 50.9mAOD, which was 4.4m above the banks of the burn. We concluded that as the site was adjacent to the indicative flood envelope, was well elevated and we held no additional information to indicate that the site is at flood risk, we had no objection to the proposed development on flood risk grounds.
- 1.8 In the case of this development proposal we have not been provided with such clear evidence that this site is considerably elevated above the Black Burn. Therefore there is insufficient information available for us to assess flood risk and therefore we object to the proposal, specifically to the development of Plot 2.

If you have any queries relating to this letter, please contact me by telephone on 01224 266609 or e-mail at planning.aberdeen@sepa.org.uk.

Yours sincerely

Clare Pritchett Senior Planning Officer Planning Service

ECopy to: C M Design Anna Carswell anna@cmdesign.biz Maurice.booth@moray.gov.uk

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our website planning pages.

Lissa Rowan

From:

Hay, David <David.Hay@forestry.gsi.gov.uk>

Sent:

05 March 2018 09:27

To: Cc: Planning Consultation
Maurice Booth

Subject:

18/00246/APP-Erect 2no dwelling houses within Grounds Of Torriston House

Dear Maurice,

FCS Response to 18/00246/APP-Erect 2no dwelling houses within Grounds Of Torriston House.

Although the development proposal is bordered by woodland to the south, the development site itself is not woodland an no woodland contiguous with the development proposal is adversely affected. Therefore, Forestry Commission Scotland (FCS) has no comment to make at this time.

If you require clarification or additional information please do not hesitate to contact me.

Kind regards

David Hay BSc(Hons) MICFor | Woodland Officer (Moray) | Forestry Commission Scotland | Grants and Regulations | Grampian Conservancy | Huntly | Aberdeenshire | AB54 4SJ Office 0300 067 6210 | Direct Dial: 0300 067 6281 | Mob: 07733308259

www.forestry.gov.uk/scotland www.facbook.com/forestrycommissionscotland www.twitter.com/fcscotlandnews

Forestry Commission Scotland is the Scottish Government's forestry advisor and regulator.

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Comments for Planning Application 18/00246/APP

Application Summary

Application Number: 18/00246/APP

Address: Grounds Of Torriston House Torriston Pluscarden Elgin Moray

Proposal: Erect 2no dwellinghouses within

Case Officer: Maurice Booth

Customer Details

Name:

Address:

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Drainage
- Loss of privacy (being overlooked)
- Noise
- Over-development of site
- Road access
- Road safety

Comment:We live where we are because we like the privacy and peacefulness of the area. This new proposal will have a big impact on the peace and tranquillity we enjoy at the moment.

Comments for Planning Application 18/00246/APP

Application Summary

Application Number: 18/00246/APP

Address: Grounds Of Torriston House Torriston Pluscarden Elgin Moray

Proposal: Erect 2no dwellinghouses within

Case Officer: Maurice Booth

Customer Details

Name:

Address:

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Noise
- Over-development of site
- Traffic
- View affected

Comment:We purchased this house after the Planning Department informed us that under no circumstances no more that 4 Houses would be built on this site due to the conservation of the area. This would not be in keeping with amenity of the area. As our land borders this planning application We would have expected to have been notified in writing.

Comments for Planning Application 18/00246/APP

Application Summary

Application Number: 18/00246/APP

Address: Grounds Of Torriston House Torriston Pluscarden Elgin Moray

Proposal: Erect 2no dwellinghouses within

Case Officer: Maurice Booth

Customer Details

Name:

Address:

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Drainage
- Loss of privacy (being overlooked)
- Over-development of site
- View affected

Comment:In consideration of this location and the effects further development would have in wrecking the peace and beauty of a lovely valley I object most strongly to the plan to build more housing in Torriston.

The potential for pollution of the Black burn becomes ever more predictable with each set of septic tank/soakaway units.

Drainage of the lower part of the site is already very poor as will be easily seen by visiting the Torriston House property after rain.

A bad idea all round, please stop it!

Comments for Planning Application 18/00246/APP

Application Summary

Application Number: 18/00246/APP

Address: Grounds Of Torriston House Torriston Pluscarden Elgin Moray

Proposal: Erect 2no dwellinghouses within

Case Officer: Maurice Booth

Customer Details

Name:

Address:

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Road access
- Road safety
- Traffic

Comment:The access for these two properties would be onto a very narrow road with sight restrictions due to a sharp bend. Over the last few years the speed of much of the traffic has increased to a dangerous level with many near accidents. This part of the country road is not designed for more access at this point.

Heldon Community Councillor

REPORT OF HANDLING

Ref No:	18/00246/APP	Officer:	Maurice Booth
Proposal Description/ Address	Erect 2no dwellinghouses within Grounds Of Torriston House Torriston Pluscarden Elgin		
Date:	16/04/18	Typist Initials:	FJA

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

CONSULTATIONS				
Consultee	Date Returned	Summary of Response		
Environmental Health Manager	06/03/18	No objection		
Contaminated Land	06/03/18	No objection		
Transportation Manager	27/03/18	No objection subject to standard conditions and informatives.		
Scottish Water	02/03/18	No objection		
Planning And Development Obligations	14/03/18	A developer contribution has been identified but this not been pursued since the application is being refused.		
Moray Flood Risk Management	02/03/18	No objection subject to conditions on flood and drainage risk statements		
Scottish Environment Protection Agency	28/03/18	No objection		
Forestry Commission	05/03/18	No objection – no woodland affected by he		
		proposal		

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
IMP3: Developer Obligations		
PP3: Placemaking		
H7: New Housing in the Open Countryside	Υ	
EP9: Contaminated Land		
IMP1: Developer Requirements	Υ	
EP10: Foul Drainage		

T2: Provision of Access	
T5: Parking Standards	
EP2: Recycling Facilities	
E7: AGLV and impacts on wider landscape	
E4: Trees and Development	
ER2: Development in Woodlands	
EP7: Control of Develop in FloodRiskArea	
EP5: Sustainable Urban Drainage Systems	

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

Issue: Traffic hazards

Comments (PO): Reasonable visibility can be achieved from the site and subject to conditions Transportation have no objections to the proposals.

Issue: Detrimental impact on valley setting and over-development

Comments (PO): See Observations

Issue: Drainage problems

Comments (PO): SEPA have been specifically consulted in this respect and raise no objections. Moray Flood Risk Management do not object subject to conditions.

Issue: Loss privacy

Comments (PO): In relation to the distances, orientation and relationship with the neighbouring house to the west it is not considered that this would be a material issue.

Issue: Effect on natural environment

Comments (PO): No environmental designations are involved in the site and there is no evidence of any species or habitat that would be detrimentally impacted on.

Issue: Loss of view

Comments (PO): This is not a planning issue.

OBSERVATIONS - ASSESSMENT OF PROPOSAL

History

01/01725/FUL- The proposals for 2 houses are built, and are to the east of the site, across an open field. This consent involved the demolition of a croft at what is now "Torriston Croft" (western-most house) and "West Croft" (eastern-most).

02/02365/FUL has been mis-plotted in Uniform -. at the time that application was permitted the house on Plot "A" (02/02051, site now identified as "West Croft" on the OS base map) had been completed. 02/02365/FUL was for a revised house type, understood to refer to this being a revision of 01/01725/FUL which was the original full consent for 2 houses - besides these there are no other previous applications that could have been 'revised'.

On this basis the proposal site has no previous house consents, and even had there been any such consent that would have been long ago under quite different policy considerations.

The Site

Western part of a large open meadow area, with a 25m road frontage. Plot 1 is to the front and plot 2 extends to the rear of the meadow area.

There are tall mature conifer trees to the western and southern boundaries

The Proposal

APP for the erection of two houses.

The houses are reasonably compact units, well proportioned and with slate to the roof and render/larch boarding to the walls.

Housing in the Countryside Policy (H7, IMP1)

At a general level policy IMP1 requires that the scale, density and character of new development must be appropriate and integrated in the surrounding area. However, the specific policy for assessing new housing in the countryside is H7. This policy assumes in favour of new houses in the countryside providing all of the four stated criteria are met

Under H7 the specific requirements are:-

- a) It reflects the traditional pattern of settlement in the locality and is sensitively integrated with the surrounding landform using natural backdrops, particularly where the site is clearly visible in the landscape. Obtrusive development (i.e. on a skyline, artificially elevated ground or in open settings such as the central area of a field) will not be acceptable;
- b) It does not detract from the character or setting of existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development;
- c) It does not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications; and,
- d) At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways)."

The proposal site is part of a large open meadow in an extensively forested area. Across the meadow there are distant views of the attractive Pluscarden valley.

There are already a number of new houses west of the meadow area in which the current proposal sites lie, and there is already evidence of the attractive rural character of the setting being eroded. Reflecting this there has been a refusal for a further house to the east (far side) of the existing housing (reference 10/00115/APP).

The current proposals represent obtrusive roadside development. Combined with the new and established housing in the vicinity ribbon development would be involved. A significant build-up of housing is represented by the proposals and the attractive qualities of this Pluscarden valley road would be detrimentally impacted on. n this basis the proposals should be refused as specifically breaching H7 (a), (b) and (c).

House Design (H7)

The concern with the proposal is specifically with the principle of any new house on the area, and in itself the overall scale, detailing and finishes of the houses are not such that house design would be a reason for refusal.

Developer Obligations (IMP3)

A Developer Obligation contribution has been identified for healthcare and the applicant has indicated that they would be willing to make this contribution.

As the application is being refused this matter has not been pursued.

Conclusion

For the reasons stated the proposal would be contrary to the specific provisions of policy H7 and should be refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY				
Reference No.	Description			
	Proposed house on Sites At Torriston Pluscarden Moray			
13/02072/PE	Decision	ID/PE Answered	Date Of Decision	27/01/14
	Amend house design and erect new dwellinghouse on Pot 2 on Sites At Torriston Pluscarden Elgin Moray			
02/02365/FUL	Decision	Permitted	Date Of Decision	25/03/03
	Erect new dwellinghouse and integral double garage on Plot A on Sites Torriston Pluscarden Elgin Moray			on Plot A on Sites At
02/02051/FUL	Decision	Permitted	Date Of Decision	16/01/03
	Outline to erect new dwellinghouse on Sites At Torriston Pluscarden Elgin Moray			
00/01100/OUT	Decision	Refuse	Date Of Decision	15/08/00
	Outline to erect new dwellinghouse at Sites At Torriston Pluscarden Elgin Moray			
99/00805/OUT	Decision	Refuse	Date Of Decision	16/09/99

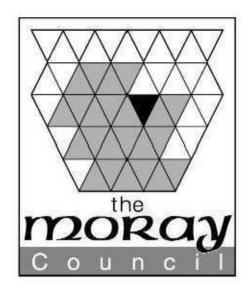
ADVERT				
Advert Fee paid?	No			
Local Newspaper	Reason for Advert	Date of expiry		
Northern Scot	No PremisesDeparture from development plan	29/03/18		
PINS	No PremisesDeparture from development plan	29/03/18		

DEVELOPER CONTRIBUTIONS (PGU)	
Status	A developer contribution has been identified but this not been
Status	pursued since the application is being refused.

DOCUMENTS, ASSESSMENTS etc. * * Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and TA, NIA, FRA etc	Access State	ement, RIA,
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:		

Section 31 Requiring planning authority to provide information and restrict grant of planning permission	NO
and restrict grant of planning permission	
	NO
Section 32 Requiring planning authority to consider the imposition of planning conditions	NO



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

REFUSAL OF PLANNING PERMISSION

[Heldon And Laich] Application for Planning Permission



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 2no dwellinghouses within Grounds Of Torriston House Torriston Pluscarden Elgin

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

Date of Notice: 16 April 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 policies IMP1 and H7 for the following reasons:

(i) The site is part of a large open meadow and would be visually intrusive roadside development. It would be a ribbon form of development diminishing the open separation of houses along the public road. The new house would not be integrated in the landscape and would contribute to a build-up of housing such that the open rural character of the Pluscarden valley setting would be diminished.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference Version	Title
180005.CROCKART.04PP	Location plan
180005.CROCKART.02PP	Plot 1 - elevations and floor plans
180005.CROCKART.03PP	Plot 2 elevations and floor plans
180005.CROCKART.01PP	Site plan
180005.CROCKART.01PP B	Proposed site plan

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

N/A

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

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, 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

100113954-001

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

☑ Individual ☐ Organisation/Corporate entity

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 ☐ Applicant ☒ Agent on behalf of the applicant in connection with this application) **Agent Details** Please enter Agent details CM Design Company/Organisation: Ref. Number: You must enter a Building Name or Number, or both: * Craig St Brendans First Name: * **Building Name:** 69 Mackay **Building Number:** Last Name: * Address 1 01343540020 South Guildry Street Telephone Number: * (Street): * Address 2: Extension Number: Elgin Mobile Number: Town/City: * United Kingdom Fax Number: Country: * IV30 1QN Postcode: * office@cmdesign.biz Email Address: *

Applicant De	etails			
Please enter Applicant details				
Title:	Ms	You must enter a Bu	uilding Name or Number, or both: *	
Other Title:		Building Name:	Torrieston House	
First Name: *	К	Building Number:		
Last Name: *	Gosling-Crockart	Address 1 (Street): *	Pluscarden	
Company/Organisation		Address 2:		
Telephone Number: *		Town/City: *	Elgin	
Extension Number:		Country: *	Scotland	
Mobile Number:		Postcode: *	IV30 8TZ	
Fax Number:				
Email Address: *				
Site Address	s Details			
Planning Authority:	Moray Council			
Full postal address of th	ne site (including postcode where available):			
Address 1:				
Address 2:				
Address 3:				
Address 4:				
Address 5:				
Town/City/Settlement:				
Post Code:				
Please identify/describe	e the location of the site or sites			
Grounds of Torriesto	n House, Pluscarden			
Northing	858449	Easting	315815	

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 2 Dwellinghouses within Grounds of Torrieston House, Torrieston, Pluscarden
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 a 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 the attached appeal statement and supporting documents
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
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 to rely on in support of your review. You can attach these documents electronically later in the				
Appeal Statement, Refusal Documents, Report of Handling, Site Plan, Housetype Plot 1, Housetype Plot 2, Location Plan, Copy of Mains Issue Report				
Application Details				
Please provide details of the application and decision.				
What is the application reference number? * 18/00246/APP				
What date was the application submitted to the planning authority? *	20/02/2018			
What date was the decision issued by the planning authority? *	16/04/2018			
Review Procedure				
The Local Review Body will decide on the procedure to be used to determine your review an process require that further information or representations be made to enable them to determ required by one or a combination of procedures, such as: written submissions; the holding or inspecting the land which is the subject of the review case.	nine the review. Further	information may be		
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 \sum No				
In the event that the Local Review Body appointed to consider your application decides to in	spect the site, in your op	oinion:		
Can the site be clearly seen from a road or public land? *	Can the site be clearly seen from a road or public land? *			
Is it possible for the site to be accessed safely and without barriers to entry? *				
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.				
	nformation in support of	your appeal. Failure		
	nformation in support of			
to submit all this information may result in your appeal being deemed invalid.	∑ Yes □ I	No		
to submit all this information may result in your appeal being deemed invalid. Have you provided the name and address of the applicant?. * Have you provided the date and reference number of the application which is the subject of the subject of the application which is the subject of the	Yes In the Yes In the	No No No N/A		
to submit all this information may result in your appeal being deemed invalid. Have you provided the name and address of the applicant?. * Have you provided the date and reference number of the application which is the subject of treview? * 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	His ⊠ Yes ☐ N	No No No N/A		
to submit all this information may result in your appeal being deemed invalid. Have you provided the name and address of the applicant?. * Have you provided the date and reference number of the application which is the subject of review? * 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 review should be sent to you or the applicant? * Have you provided a statement setting out your reasons for requiring a review and by what	Hhis Yes In Yes	No No N/A No No N/A No ers you consider tatement of review ence that you rely		
to submit all this information may result in your appeal being deemed invalid. Have you provided the name and address of the applicant?. * Have you provided the date and reference number of the application which is the subject of treview? * 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 review should be sent to you or the applicant? * 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? * Note: You must state, in full, why you are seeking a review on your application. Your statemer require to be taken into account in determining your review. You may not have a further opporat a later date. It is therefore essential that you submit with your notice of review, all necessariants.	Hhis Yes The his his Yes The h	No No N/A No No N/A No ers you consider tatement of review ence that you rely		

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

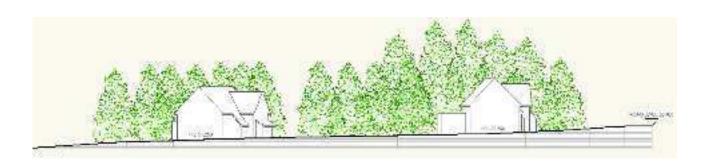
Declaration Date: 04/06/2018



LOCAL REVIEW BOARD

STATEMENT OF APPEAL

ERECT 2 DWELLINGHOUSES WITHIN GROUNDS OF TORRISTON HOUSE, PLUSCARDEN, ELGIN



May 2018

St. Brendans South Guildry Street Elgin Moray IV30 1QN

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

4 Bridge Street Nairn Highland IV12 4EJ

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

planningconsultancy • architecturaldesign • projectmanagement



St. Brendans South Guildry Street Elgin Moray IV30 1QN

planningconsultancy • architecturaldesign • projectmanagement

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

Our Reference:	180005.CROCKART	
Local Authority:	The Moray Council	
Planning Application Ref:	18/00246/APP	
Application Proposal:	Erect 2no dwellinghouses	
Site Address:	within grounds of Torriston House, Pluscarden, Elgin	
Appellants:	Ms Karen Gosling-Crockart	
Date Application Validated:	26 th February 2018	
Council Decision Notice Date:	16 th April 2018	
Reason for Refusal:	"The proposal is contrary to Policies IMP1 and H7 for the following reasons:	
	The site is part of a large open meadow and would be a visually	
	intrusive roadside development. It would be a ribbon form of	
	development diminishing the open separation of houses along the	
	public road.	
	The new houses would not be integrated in the landscape and would	
	contribute to a build up housing such that the open rural character of	
	the Pluscarden valley setting would be diminished"	
Application Drawings &	CMD Doc 001 – Moray Council Refusal Documents	
Supporting Documents:	CMD Doc 002 – Case Officer Handling Report	
Supporting Documents:	 CMD Doc 002 – Case Officer Handling Report CMD Doc 003 – 180005.CROCKART.01PP (B) – Site Plan 	
Supporting Documents:		
Supporting Documents:	• CMD Doc 003 – 180005.CROCKART.01PP (B) – Site Plan	
Supporting Documents:	 CMD Doc 003 – 180005.CROCKART.01PP (B) – Site Plan CMD Doc 004 – 180005.CROCKART.02PP – Housetype Plot 1 	

Contents	Introduction – page 3
	2. Background – page 5
	3. Statement of Case – page 7
	4. Policy Compliance – pages 8
	5. Planning Precedent – page 11
	6. Conclusion – page 13



1. Introduction

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

Erect 2 new houses - upon land formally recommended for development by Council Officers in the current Local Development Plan Review

1.2 Prior to the application referred to in this case being lodged with council, the site in question was put forward for development in the current Local Development Plan by of the "call for sites" process

Local Development Plan Main Issues Report

Mein ben in Payant San Kalunda (1914) (1914)

Site Description (Identity as here published

Demis chloruffetered Str. Size Type : fax certis

Property the control of ecological Constitution (Constitution)

barren nicht ein

(Council reference LDP2020_BID_TO01)

- 1.3 The submission by council (not by the appellant) for 2-3 new house sites was not carried forward due to rumoured concerns over vehicular access (See Doc No 007).
- 1.4 We can confirm that there are no access issues at this site.
- 1.5 In the midst of this Review statement, the appellant wishes to demonstrate that -
 - Certain material considerations exist that might assist this case.
 - This application could be deemed to totally satisfy the principle Policies that would permit
 approval under IMP1 and H7 see Section 4 Policy Compliance
 - Any issues previously raised with regard to vehicular access have been dismissed
 - Whilst the site remains suitable for wholesale development as a rural grouping (as suggested by council in the MLDR process) this application for only two houses serves to demonstrate its suitability for future Local Plan Reviews.
 - SEPA have approved of the proposals in terms of flood management.
 - The Transportation Department have **no objection** to the proposals.
 - Previous LRB cases have supported development of this type See Section on Planning Precedent.
- 1.6 Only 4 written representations were received in the midst of the application process and generally related to; traffic hazard (dismissed), Impact on rural setting, drainage issues (dismissed), loss of privacy (dismissed), natural environment (dismissed), Loss of view (dismissed).

- 1.7 Whilst the worth and principle of precedent is understood, this report will also look at similar applications for sites that have been approved with significantly less merit in terms of setting, screening and backdrop.
- 1.8 This application represents an opportunity to contribute to Morays' need for more housing, in an area that has already been deemed to be appropriate by the Moray Local Development Plan Review process and in an area that is popular and likely to be developed quickly.



2. Background.

- 2.1 The appellant owns the parcel of land at Torrieston House which itself extends to circa 2.3ha.
- 2.2 The wider cluster of 3 houses at Torrieston occupies a similar size of land to the East and all within significant treeline on all sides.
- 2.3 The appellant is a business woman and local designer who wishes to develop and



- extract of site plan

landscape the land at Torrieston in a tasteful and attractive way that will add value to the journey through Pluscarden Valley.

- 2.4 The release of 2 new house sites will release the required capital required to realise the vision for the extensive landscaping and management of what is, at the moment, an non-landscaped and unmanageable area of garden ground.
- 2.5 The access road shown on the site plan above is already established, as is the access and visibility splay required.
- 2.6 The sites are afforded considerable backdrop by the trees to the West, South and North and can be screened further if required.



Pic 1 - site view approach from East

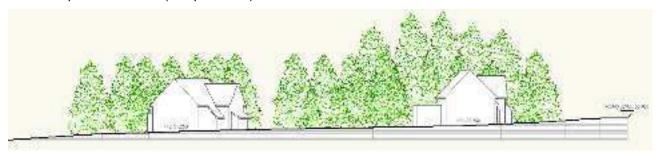


Pic 2 - site view looking south



Pic 3 – site invisible from west

2.7 The topography of the site allows for the two proposed houses to sit below the only vehicular route that passes the site. (see pic below).



wireframe view of site section and slope

- 2.8 The two proposed sites **might only be seen for an instant** by traffic approaching from the East and cannot be seen from any other pedestrian or vehicular vantage point.
- 2.9 The site is of a scale that can easily accommodate 2 small house sites of this type and enjoys several landscape features that further assist the suitability for development of this scale.

3. Statement of Case

3.1 Section 25 of the Town and Country Planning (Scotland) 1997 Act (as amended) requires that planning applications be determined in accordance with the development plan unless material

considerations require otherwise.

3.2 Moreover, it should be recognised that the **principle** of the current local development plan is to **guide** development decisions across Moray but **not to preclude** focussed and local decision making which better informs localised development at any given point in time.

2. Vision for Moray

2. Suitainable according development is a log objective for both the Section Government and Moray Council. The economic and employment benefits of business and industrial growth ahould be a material consideration in any according for Moray to properly.

2.2 the Water for Moray to strongly based on that of the Moray occurrence Strategy.

2.3 is sweet in have:

• A growing population, which rectains name of its younger people and attracts new indipension the area.

• A fund has next have with stable, well palderquingment a facus on high quality jobs in explowering indicators and sectioning growth of established resistors, front, distinct errors.

• Sufficient house galant forms of the Moray Moraham Damand for extraction and for Table the parents of a Moraham Construction, and the Table the parents of a Moraham baseing, and to receive high marky resistent and development.

- 3.3 The current Development plan requires that "In determining planning applications, the Council will apply appropriate weight to all of the issues and material considerations before reaching a decision" There are material considerations in this case that might allow for full compliance to be agreed or at least a departure from Policy to be permitted.
- 3.4 It is a fact that there is a need for additional housing in Moray and this was recognised in the MLDP Review documents see extract below of Main Issues Report which seeks to use the site at **Torrieston** to serve that housing need.

Planning Assessment	
Planning Conclusion	The bid proposes development on a site where there is an existing cluster of houses. The surrounding area has been identified as an area where there is a high demand for housing in the open countryside. As part of reviewing the rural housing policy, opportunities for development in existing groupings and clusters have been looked at to offer potential development opportunities.

extract of Main Issues Report re Torrieston

- 3.5 The opportunity within the MLDP Review process, to address the access issue that hindered the councils' own submission has now passed but we contend that the original submission by council in respect of Torrieston should be considered to be a **significant material consideration** in this case
- 3.6 The appellant believes several material considerations exist that might allow a Local Review Board to support this application or a departure from Policy in this unique case.
 - The application site was suggested for development and a housing designation by Moray Council
 in the MLDP process
 - The issue that hindered its progress in that process has now been overcome and dismissed by the Roads Department
 - The criteria for compliance with Policy H7 exists in this case.
 - Other LRB decisions to approve applications under similar circumstances might assist this case.

4. Policy Compliance

- 4.1 Two Policies are listed by the Case Officer for consideration and the appellant responds to each as follows.
- 4.2. **Policy IMP1** is a collective summary of the intent of other more specific Policies such as H7, described later in this report. The appellant **can comply with each and every one** of the policy criteria, as follows.

In looking at each sub-paragraph of this policy in detail, the appellant would like to respond as follows

- a) Scale, density and character Notwithstanding that fact that the councils' own MLDP submission suggested developing the entire parcel of land, this application proposes to tuck the house sites into the west end of the site, along a substantial tree line and following the downward slope of the site.
- b) Landscape integration The house designs seek to reflect the scale and style of traditional and contemporary houses that exist in the area and proposed landscaping will serve to integrate the sites further still.
- c) **Access** It has been proven and the transport department have accepted and approved that the site can be safely accessed.
- d) Water and drainage SEPA have approved of the proposals
- e) **Renewable energy** Current Building Standards will inevitably require a significant degree of low carbon/zero carbon technologies to enable compliance.
- f) Open Space whilst there will not be a requirement on a small scale development like this, to provide open spaces, there will be plenty available by default and by virtue of the design intentions of the appellant for the entire site.
- g) Landscape maintenance the site is currently a large and unwieldly garden ground which is unmanageable by the appellant. Developing a mere two sites will release the required capital to enable a programme of planting, maintenance and landscaping that will benefit Pluscarden Valley.
- h) **Conservation** the land in question is of no agricultural merit and will be enhanced by development of this type.
- i) **Flooding** the risk of flooding has been dismissed and approved by the Local Flood Management team
- j) **Pollution** again this issue has been dismissed by SEPA who approve of the proposals. The detailed management of foul water will be addressed within any inevitable Building Warrant application.
- k) **Contamination** this has been dismissed in the midst of the initial Planning Application
- Agricultural purposes this proposal does not threaten or sterilise any workable reserves of mineral of prime agricultural land

- m) Waste management this will be dealt with in the midst of any Building Warrant Process
- 4.3. **Conclusion** It can be seen from taking each of the paragraphs of IMP1, that this application can be seen to comply in general terms. It is therefore perhaps more interesting to examine the application's merits against the remaining grounds for refusal **Policy H7**
- 4.4 **Policy H7** is the specific Policy for assessing new housing in the countryside. This policy "..assumes in favour.." of new houses in the countryside providing all of the four stated criteria are met.
- 4.5 The four areas of criteria can be read on the adjacent extract of Policy.
- 4.6 The appellants proposal could be seen to comply fully with each paragraph detailed in the extract of H7 as seen on the attached pic and as follows
 - a) Response The pattern of settlement around Moray and more specifically on the Pluscarden Valley is very similar to what is being proposed. Small groupings of houses in one's and two's, nestled into treelines and often within large unmanageable rural garden grounds.

This site is NOT clearly visible in the landscape (as warned against in this paragraph) and can only be seen for a few hundred yards by drivers



extract of Policy H7

approaching from the East and is significantly screened from the North, West and South.

The sites are the exact opposite of everything that this paragraph warns against (ie the sites are not elevated, not on the skyline, not in an open setting etc)

Summary – this particular paragraph does not offer any **significant issues** of non-compliance that would justify refusal

b) Response – The proposals certainly do not represent any form of ribbon development and, whilst the application could possibly be justified as an "acceptable expansion of an existing housing group", the sites actually rest on their own merit as an acceptable development of a portion of a very large garden ground without any impact upon existing properties or the character of the area.

The proposals leave sufficient land between neighbouring houses to negate the risk or appearance of ribbon development and furthermore, the 2 house arrangement carries the development into the garden ground rather than extending development along the carriageway.

Summary – this paragraph seeks to avoid unacceptable "build up" or "ribbon development" of which this proposal is neither. The garden ground at Torrieston House is significant and the development can co-exist with neighbouring houses without any impact upon these households whatsoever.

- c) Response Current Planning Policy in Moray has designated several areas of the county as being at risk of over development. The Pluscarden Valley is not one of them. In fact, the councils' own suggestion that the entire site at Torrieston should be designated for housing in the emerging Local Plan would further demonstrate that there is capacity and demand for new houses in this area. Summary this paragraph guards against the character of an area being irreversibly changed by the continual addition of new housing. Again the, fact that council have suggested that Torrieston could contribute to the need for more housing in Moray within the next Local Plan, demonstrates the fact this site is entirely suitable for development as proposed.
- **d)** Response The sites enjoy the stated criteria of 50% of its boundaries being established. These boundaries are not merely fence lines but significant and mature treelines that provide screening and context.

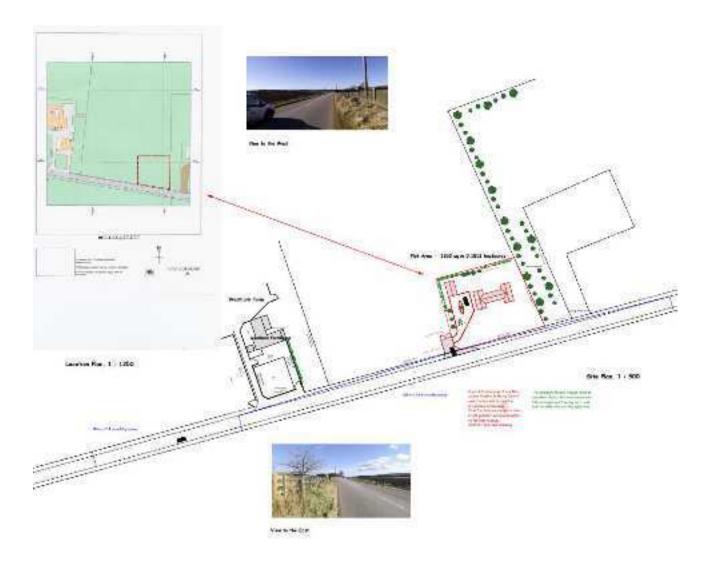
Summary – This particular paragraph is very clear and not subject to opinion. The need for 50% boundaries are a matter of fact and this site complies fully.

4.7. **H7 Conclusion** – Whilst the concern that an area could be at risk of over development is understood, it can be clearly seen that this proposal complies with each of the paragraphs described above. Whilst 3 out of the 4 criteria could be at risk of different subjective opinions, it should be reiterated that Moray Council actually suggested that this land be developed in the current Local Plan review process, demonstrating its suitability and capacity.

This application can therefore be deemed to satisfy Policy H7 in every way

5. Planning Precedent

- 5.1 Whilst it is fully understood that each application must be examined on its own merits, there are Planning Applications and LRB cases which might offer examples of similar circumstances that might contribute helpfully in this case.
- 5.2 One such case is LR184 of 2017 (Planning Application Ref No 17/00358/APP) for a new house East of Westbank Farmhouse, Roseisle as seen below.



- 5.3 This case refers to an application for development in the corner of an open agricultural field (not garden ground as in the appellants case) was also initially refused under **Policies IMP1 and H7.**
- The site itself can be seen from all directions and from across vast portions of open farmland as can be seen from the following photographs.



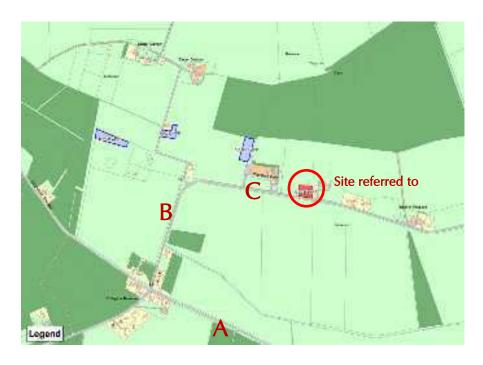




Pic 4 - view from A on map

Pic 5 - view from B on map

Pic 6 - view from C on map

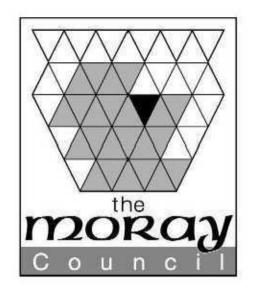


- It is not the intention of this Supporting Statement to in any way criticise the decision to approve a new house at Roseisle but would suggest that the circumstances of the case offer some similarities in which perhaps, our appellants case could be seen in an even greater light.
- 5.6 If it were deemed appropriate to approve the development in Roseisle, when it did not enjoy a significant backdrop of trees, suffered an elevated site and could be seen for many many miles around, then it is hoped that the appellants application could be supported for reasons of similar merit.
- 5.7 The appellants site cannot be seen from anywhere apart from the 100m or so approach road, the sites sit lower than road and the houses will be dwarfed by the significant treeline to the rear and sides.
- 5.8 In summary, the appellants' application offers more mitigating circumstances and material considerations than the above historical case and could, in all fairness, be granted similar benefit.

6. CONCLUSION

- 6.1 This statement of case has demonstrated
 - That the proposals fully comply with the umbrella Policy IMP1 in general terms
 - That the proposals fully comply with the specific criteria of Policy H7.
 - That material considerations exist that would allow for a departure from Policy, if required.
 - That support for the development of Torrieston for housing was demonstrated within the current Moray Local Plan Review and that the issues that hindered its progress in that process have been dismissed.
 - That there is an opportunity to contribute to the overall housing needs of Moray and offer that opportunity in an area that is popular and has capacity to be developed quickly.
 - That the issues raised by the written representations have been dismissed.
 - That previous LRB cases offer helpful insight and support for this particular case.
- 6.2 It is respectfully requested that consideration be given to upholding this Review

C.J.S Mackay
Principle Designer & Planning Consultant
CM Design



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

REFUSAL OF PLANNING PERMISSION

[Heldon And Laich] Application for Planning Permission



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 2no dwellinghouses within Grounds Of Torriston House Torriston Pluscarden Elgin

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

Date of Notice: 16 April 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 policies IMP1 and H7 for the following reasons:

(i) The site is part of a large open meadow and would be visually intrusive roadside development. It would be a ribbon form of development diminishing the open separation of houses along the public road. The new house would not be integrated in the landscape and would contribute to a build-up of housing such that the open rural character of the Pluscarden valley setting would be diminished.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference Version	Title
180005.CROCKART.04PP	Location plan
180005.CROCKART.02PP	Plot 1 - elevations and floor plans
180005.CROCKART.03PP	Plot 2 elevations and floor plans
180005.CROCKART.01PP	Site plan
180005.CROCKART.01PP B	Proposed site plan

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

N/A

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

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, 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.

REPORT OF HANDLING

Ref No:	18/00246/APP	Officer:	Maurice Booth
Proposal Description/ Address	Erect 2no dwellinghouses within Groun	ds Of Torriston Ho	use Torriston Pluscarden
Date:	16/04/18	Typist Initials:	FJA

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

CONSULTATIONS			
Consultee	Date Returned	Summary of Response	
Environmental Health Manager	06/03/18	No objection	
Contaminated Land	06/03/18	No objection	
Transportation Manager	27/03/18	No objection subject to standard conditions and informatives.	
Scottish Water	02/03/18	No objection	
Planning And Development Obligations	14/03/18	A developer contribution has been identified but this not been pursued since the application is being refused.	
Moray Flood Risk Management	02/03/18	No objection subject to conditions on flood and drainage risk statements	
Scottish Environment Protection Agency	28/03/18	No objection	
Forestry Commission	05/03/18	No objection – no woodland affected by he	
		proposal	

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
IMP3: Developer Obligations		
PP3: Placemaking		
H7: New Housing in the Open Countryside	Υ	
EP9: Contaminated Land		
IMP1: Developer Requirements	Υ	
EP10: Foul Drainage		

T2: Provision of Access	
T5: Parking Standards	
EP2: Recycling Facilities	
E7: AGLV and impacts on wider landscape	
E4: Trees and Development	
ER2: Development in Woodlands	
EP7: Control of Develop in FloodRiskArea	
EP5: Sustainable Urban Drainage Systems	

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

Issue: Traffic hazards

Comments (PO): Reasonable visibility can be achieved from the site and subject to conditions Transportation have no objections to the proposals.

Issue: Detrimental impact on valley setting and over-development

Comments (PO): See Observations

Issue: Drainage problems

Comments (PO): SEPA have been specifically consulted in this respect and raise no objections. Moray Flood Risk Management do not object subject to conditions.

Issue: Loss privacy

Comments (PO): In relation to the distances, orientation and relationship with the neighbouring house to the west it is not considered that this would be a material issue.

Issue: Effect on natural environment

Comments (PO): No environmental designations are involved in the site and there is no evidence of any species or habitat that would be detrimentally impacted on.

Issue: Loss of view

Comments (PO): This is not a planning issue.

OBSERVATIONS - ASSESSMENT OF PROPOSAL

History

01/01725/FUL- The proposals for 2 houses are built, and are to the east of the site, across an open field. This consent involved the demolition of a croft at what is now "Torriston Croft" (western-most house) and "West Croft" (eastern-most).

02/02365/FUL has been mis-plotted in Uniform -. at the time that application was permitted the house on Plot "A" (02/02051, site now identified as "West Croft" on the OS base map) had been completed. 02/02365/FUL was for a revised house type, understood to refer to this being a revision of 01/01725/FUL which was the original full consent for 2 houses - besides these there are no other previous applications that could have been 'revised'.

On this basis the proposal site has no previous house consents, and even had there been any such consent that would have been long ago under quite different policy considerations.

The Site

Western part of a large open meadow area, with a 25m road frontage. Plot 1 is to the front and plot 2 extends to the rear of the meadow area.

There are tall mature conifer trees to the western and southern boundaries

The Proposal

APP for the erection of two houses.

The houses are reasonably compact units, well proportioned and with slate to the roof and render/larch boarding to the walls.

Housing in the Countryside Policy (H7, IMP1)

At a general level policy IMP1 requires that the scale, density and character of new development must be appropriate and integrated in the surrounding area. However, the specific policy for assessing new housing in the countryside is H7. This policy assumes in favour of new houses in the countryside providing all of the four stated criteria are met

Under H7 the specific requirements are:-

- a) It reflects the traditional pattern of settlement in the locality and is sensitively integrated with the surrounding landform using natural backdrops, particularly where the site is clearly visible in the landscape. Obtrusive development (i.e. on a skyline, artificially elevated ground or in open settings such as the central area of a field) will not be acceptable;
- b) It does not detract from the character or setting of existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development;
- c) It does not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications; and,
- d) At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways)."

The proposal site is part of a large open meadow in an extensively forested area. Across the meadow there are distant views of the attractive Pluscarden valley.

There are already a number of new houses west of the meadow area in which the current proposal sites lie, and there is already evidence of the attractive rural character of the setting being eroded. Reflecting this there has been a refusal for a further house to the east (far side) of the existing housing (reference 10/00115/APP).

The current proposals represent obtrusive roadside development. Combined with the new and established housing in the vicinity ribbon development would be involved. A significant build-up of housing is represented by the proposals and the attractive qualities of this Pluscarden valley road would be detrimentally impacted on. n this basis the proposals should be refused as specifically breaching H7 (a), (b) and (c).

House Design (H7)

The concern with the proposal is specifically with the principle of any new house on the area, and in itself the overall scale, detailing and finishes of the houses are not such that house design would be a reason for refusal.

Developer Obligations (IMP3)

A Developer Obligation contribution has been identified for healthcare and the applicant has indicated that they would be willing to make this contribution.

As the application is being refused this matter has not been pursued.

Conclusion

For the reasons stated the proposal would be contrary to the specific provisions of policy H7 and should be refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY					
Reference No.	Description				
	Proposed house on Sites At Torriston Pluscarden Moray				
13/02072/PE	Decision	ID/PE Answered	Date Of Decision	27/01/14	
	Amend house design and erect new dwellinghouse on Pot 2 on Sites At Torriston Pluscarden Elgin Moray				
02/02365/FUL	Decision	Permitted	Date Of Decision	25/03/03	
	Erect new dwellinghouse and integral double garage on Plot A on Sites At Torriston Pluscarden Elgin Moray				
02/02051/FUL	Decision	Permitted	Date Of Decision	16/01/03	
	Outline to erect new dwellinghouse on Sites At Torriston Pluscarden Elgin Moray				
00/01100/OUT	Decision	Refuse	Date Of Decision	15/08/00	
	Outline to erect new dwellinghouse at Sites At Torriston Pluscarden Elgin Moray				
99/00805/OUT	Decision	Refuse	Date Of Decision	16/09/99	

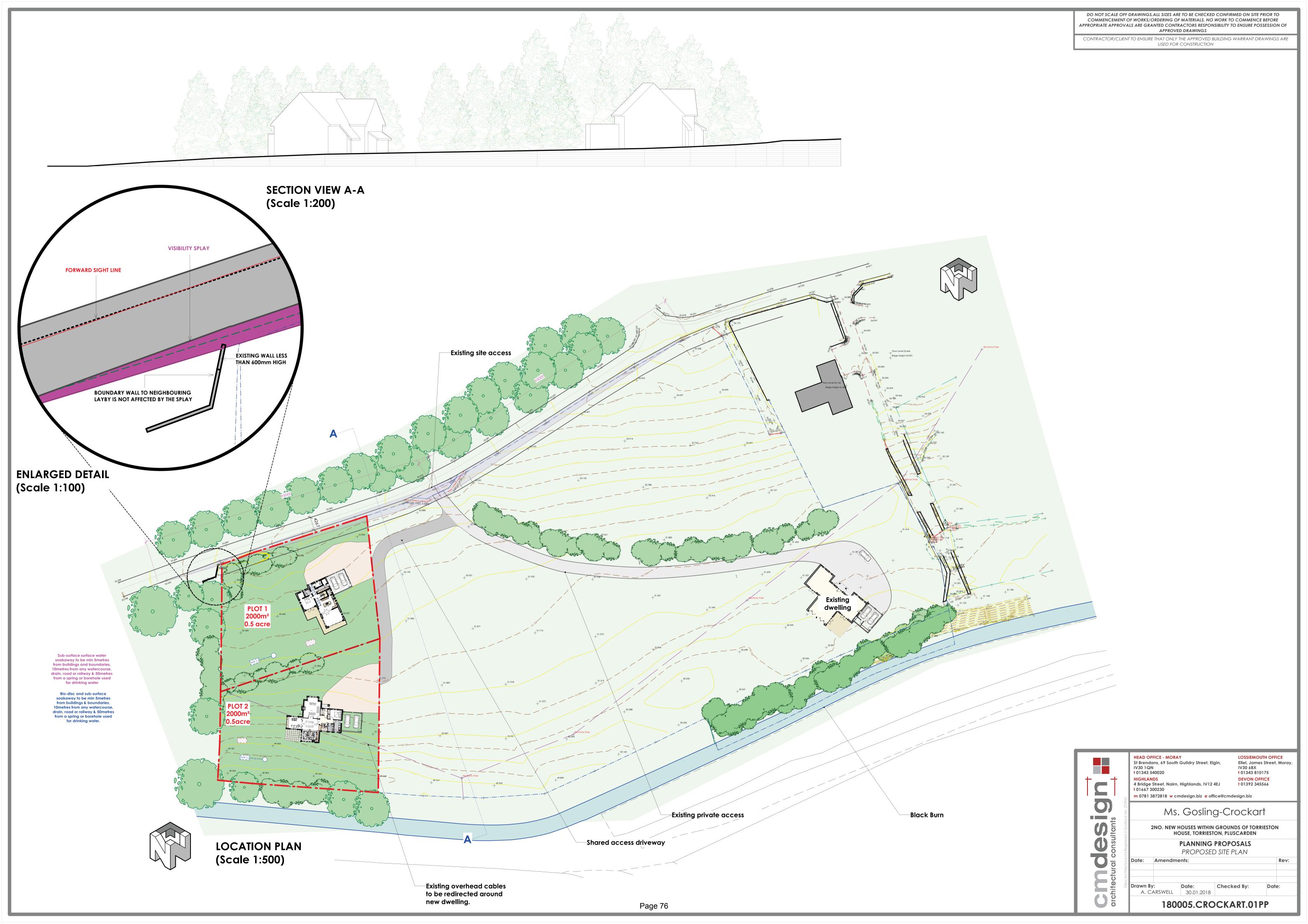
ADVERT		
Advert Fee paid?	No	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	No PremisesDeparture from development plan	29/03/18
PINS	No PremisesDeparture from development plan	29/03/18

DEVELOPER CONTRIBUTIONS (PGU)		
Status	A developer contribution has been identified but this not been	
Otatus	pursued since the application is being refused.	

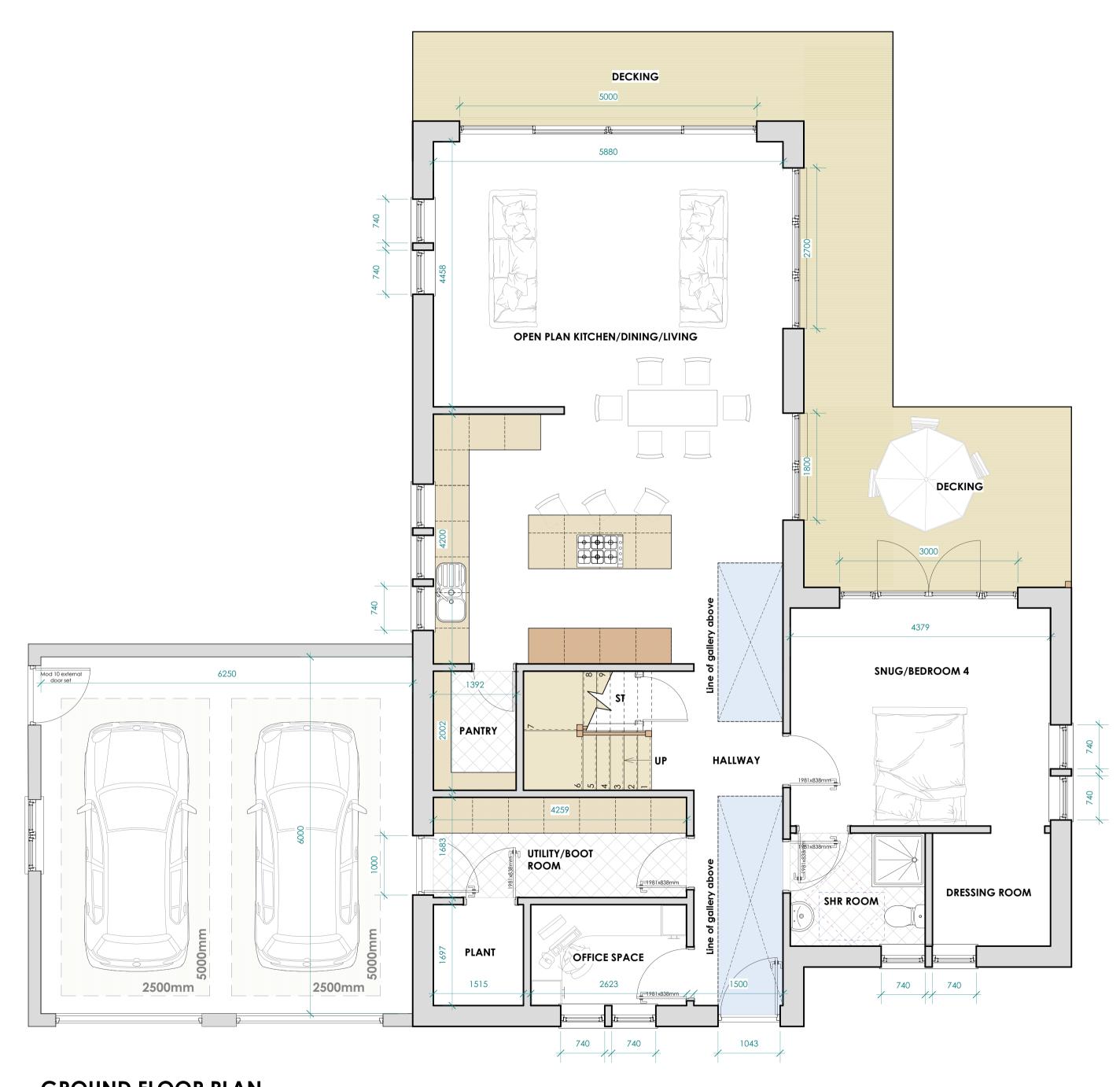
DOCUMENTS, ASSESSMENTS etc. * * Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc			
Supporting information submitted with application?		NO	
Summary of main issues raised in each statement/assessment/report			
Document Name:			
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 Directi	on(s)		



CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION



GROUND FLOOR PLAN (Scale 1:50)

Ground Floor Area = 110m² Garage Floor Area = 38m²



FRONT ELEVATION (Scale 1:100)



REAR ELEVATION (Scale 1:100)

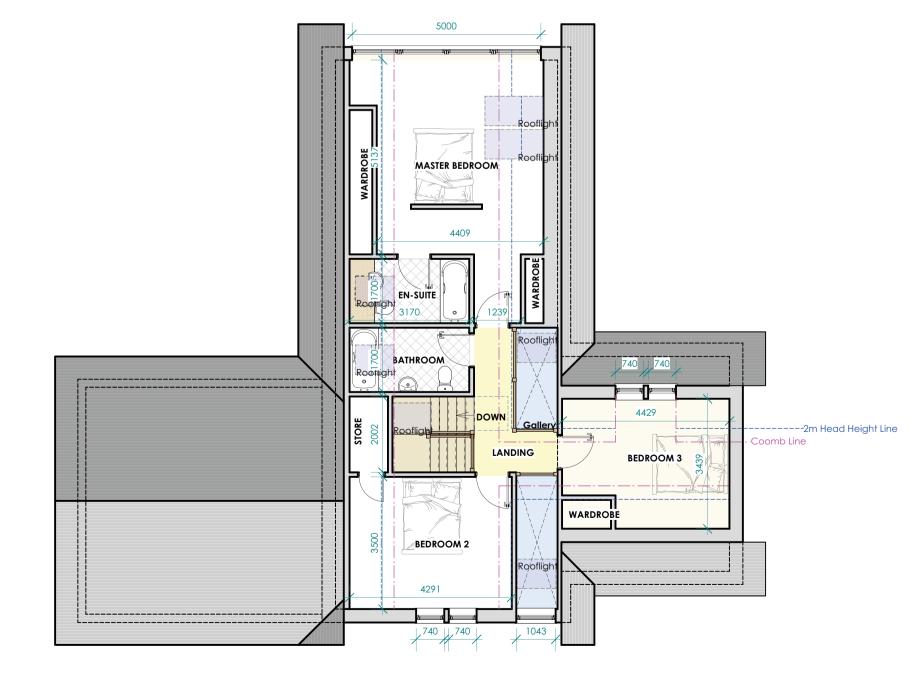




EAST ELEVATION (Scale 1:100)



WEST ELEVATION (Scale 1:100)



FIRST FLOOR PLAN (Scale 1:100)

First Floor Area = 85m²

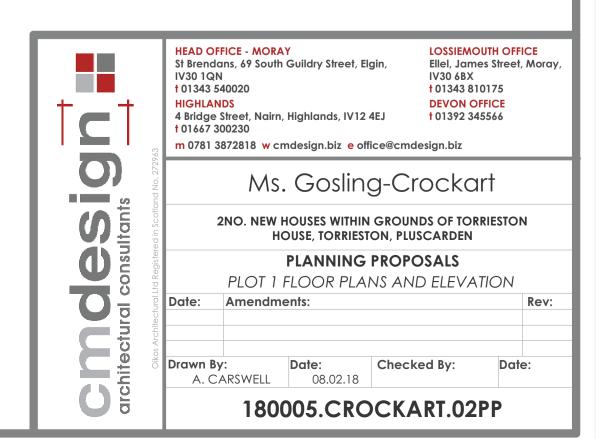
<u>Finishes</u>

Roof

- Slate (Heavy Spanish)
- Timber fascia, barge board and soffit Aluminium deepflow gutters and downpipes, prefinished colour to clients choice
 Walls, Basecourse & Dormers
 Cream or off white render

- Vertical larch cladding Windows & Doors
- Painted timber finish with sandstone precast cills or

timber edgings



Site Plan for Neighbour Notification purposes only

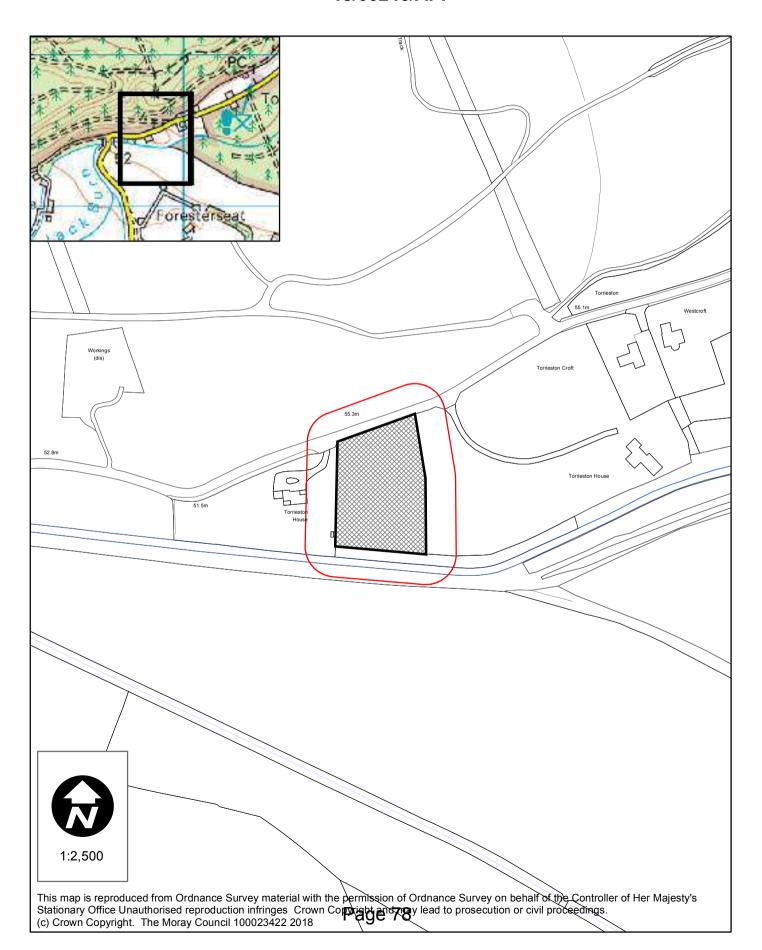
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Town and Country Planning

(Development Management Procedure)(Scotland) Regulations 2008

Planning Application Reference Number:

18/00246/APP



Site Reference	LDP2020_BID_TO01		
Settlement	Torrieston		
Site Address	Torrieston, Near Elgin		
Owner Developer	Officer identified		
Site Description	Area of land next to a small cluster of houses		
Bid Summary	Residential		
Greenfield/ Brownfield	Greenfield		
Current Zoning	None		
Planning History	None		
Planning History None Rowan Cottage Ouarry (dis) Torrieston Croft Torrieston House			
Strategic Environmental			
Assessment SEA Scoping In/Out	Out		
Overall SEA Conclusion	Scope out, despite impact on landscape the bid is not supported.		
Effective Sites	ocope out, adaptic impact of failure page the Bia is not supported.		
Market Interest / Developer			
commitment			
Site Constraints:			
Transportation Requirements	Not supported – visibility splays are restricted and require third party land.		
	Development is for three sites each for 2 – 3 dwellings, served by a new access which has been formed onto C3E Elgin-Pluscarden Road.		

	New access has been formed to serve single plot with visibility splays of 2.4m x 90m in both directions. However additional plots will require visibility splays at access of 4.5m x 90m and widening of the access to 5.5m to enable two-way movements. To the west there is a wall and hedge within the garden ground of 'Torriston House' which restrict the visibility splay. The level of the road is also falling at that location which further limits sightlines.
Flooding	Flood Team The site is at risk from fluvial flood risk at the south from the Black Burn and some small areas of surface water flooding. A Level 1 flood risk statement and drainage impact assessment will be required to ensure adequate SuDS design.
Contaminated Land	
Landscape Requirements	
Advanced Planting	
Other Abnormal Costs (e.g.	Flood risk: A Flood Risk Assessment would be required to determine the flood risk of the Black Burn to the south of the site. Protection of the water environment: the site is adjacent to Black Burn, so adequate buffer strips would be required to protect the watercourse from development. Drainage: Foul drainage may limit development. Disposal to land is the preferred option and porosity should be investigated. A developer requirement for a compliant site investigation in accordance with Section 3.9 of the Domestic Technical handbook is submitted in support of any planning submission.
Other Abnormal Costs (e.g. Gas Pipeline)	1000
Identified Assessment Requirements	Flood Risk Assessment
Summary / Conclusion	The proposal is not support on transportation grounds.
Planning Assessment	
Planning Conclusion	The bid proposes development on a site where there is an existing cluster of houses. The surrounding area has been identified as an area where there is a high demand for housing in the open countryside. As part of reviewing the rural housing policy, opportunities for development in existing groupings and clusters have been looked at to offer potential development opportunities. Transportation have objected to the proposal as the necessary visibility splays cannot be achieved
Recommendation	Not supported



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

Lissa Rowan

From:

Planning-Comments

Sent:

14 June 2018 09:32

To:

Lissa Rowan

Subject:

18/00246/APP Grounds Of Torriston House, Torriston, Pluscarden, Elgin

Hi Lisa

Please see comment below re the above application which is with the Local Review Body.

Thanks

Lorraine

From:

Sent: 14 June 2018 8:42 AM

To: planning

Subject: Re: Saved search results and Tracked Applications have been updated

I have read the appeal submitted by the architect and would like to make the following comments. I am very surprised the roads department find no problem with the extra vehicles using the access drive on to what has become a very busy and fast road. With the access near a blind corner and the speed cars are travelling at it would be an accident waiting to happen.

The appeal claims no visual impact. From the west I would agree but coming from the other direction as soon as you round the corner it is right in your face and no way of hiding or muting the visual effect.

On 6 Jun 2018 10:34 am, planning@moray.gov.uk wrote:

The following results have been updated recently:

Tracked Applications

<u>Erect 2no dwellinghouses within - Grounds Of Torriston House Torriston Pluscarden</u> <u>Elgin Moray</u>

Ref. No: 18/00246/APP | Status: Local Review Requested | Case Type: Planning Application

Lissa Rowan

From:

Sent:

18 June 2018 15:28

To:

Lissa Rowan

Subject:

Planning Application - 18/00246/APP

Erect 2 Dwelling-houses within Grounds of Torrieston House, Torrieston Pluscarden

As an interested party to the above application I wish to make further representations for the refusal of this planning application.

The reasons for the original refusal have not altered. They read as follows The proposal is contrary to policies IMP1 and H7 for the following reasons:

"The site is part of a large open meadow and would be visually intrusive roadside development. It would be a ribbon form of development diminishing the open separation of houses along the public road. The new house would not be integrated in the landscape and would contribute to a build-up of housing such that the open rural character of the Pluscarden valley setting would be diminished".

The 2 proposed houses will be one of the first viewings as vehicles enter the Pluscarden valley from the Elgin direction and not "seen for an instant" as stated by the applicant.

The needs of Moray are for "affordable housing" which this development would not fulfil.

In the original planning application it was stated that the site would be used to house horses and for stabling with no mention of housing.

The access issues are still disputed. The access road is narrow with sharp bends, verges which are breaking up and speeding traffic frequently including large tractors with trailers and lorries moving livestock.

The planned extensive landscaping should not form part of the appellants application. Indeed the applicant has not complied with the conditions to allow planning of Torrieston House i.e to plant beech hedging and native trees in the garden ground (lands condition 7).



Sent from my iPad

1 8 JUN 2018 14/6/18

The lalerk MLRB Moray bouncel bounce beforces High Street Elgin IV30 1BX

Jani Ref: LR/LR 207 - Notice of Review Flanning application 18/00246/APP Erect 2 Dwelling Houses within igrounds of Torrieston House, Peuscarden.

With reperence to above I winh to Highlight the bollowing:

I) To confirm that the existing houses

ere in an open Setting and Building & 2 Hauses would have an impact on Mughbausing Houses.

- Li Munganorgeable Land?

 Elle peats have the same land and
 have managed to landscape Same.
- 3) Etample of House a Rosevole?
 No compaison the topography is completely dibberent.
- Historic : ant standing beauty of Welders and very much expreciated by Residents of Moray for recreation, walking, Running, cycling and approved lehanty Runs etc.
- 5) Torrieston Hauss is situated within one site with planning for bour Hauses L4 Pects).

The Peak Post of Torriston Hause is of Similar Size.

it will encourage Ribbon Development.

your faithfully,

Lissa Rowan

From:

Sent:

13 June 2018 13:50

To:

Lissa Rowan

Subject:

Further to our conversation.

May I address the following concerns to the MLRB. I must be missing something in the documents so if I may I will list the following.

Ref.18/00246/APP

Technical problems.

Schools.

Transport. Lack of adequate public transport.

Traffic volume on the Pluscarden road is already a dangerous burden at times of day.

Amenities and services very limited.

Sewage and surface runoff will increase causing the burn to be at greater flood risk.

Management of risk that might be related to contractors in case building is approved. E.g. diesel or other oil spillage. The

Black burn does supply water to Miltonduff distillery just a couple of miles downstream and the only drainage of this valley is

the burn.

It is clear that the plan to build housing in the valley is being pushed as hard as possible. The proposed homes will not represent

easily affordable assets; each occupying half an acre. These large units with two car garages ,etc , cannot be defined as housing to fulfil the current gross

needs.

It is also clear that if this bid to obtain permission to build is approved, then the prospect for the valley is bleak as it will certainly be

stuffed with lots of large highly profitable homes - not simply 'ribbon development' but eventually, complete development of the valley as

another village with the attendant ruination of much good agricultural land, just what Moray is based on.

My apologies if some of this communication falls outside the essential definition of material that can be considered in an appeal.



MORAY LOCAL REVIEW BODY

30 AUGUST 2018

SUMMARY OF INFORMATION FOR CASE No LR208

Planning Application 18/00227/APP – Change of use of amenity land to garden ground at Ferndale, Mains of Buckie, Buckie

Ward 3: Buckie

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 3 May 2018 on the grounds that:

The proposal is contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies E5 and IMP1 as well as the Moray Open Space Strategy Supplementary Guidance 2018) because the proposal to change the land from undeveloped open ground into private enclosed garden ground does not meet any of the policy objectives or exemptions identified and would lead to the loss of part of the Buckie ENV6 designation which is designated to preserve open/amenity space within settlements. The proposal in failing to maintain the designated ENV6 green corridor would also fail to comply with the objectives of the Moray Open Space Strategy Supplementary Guidance 2018.

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

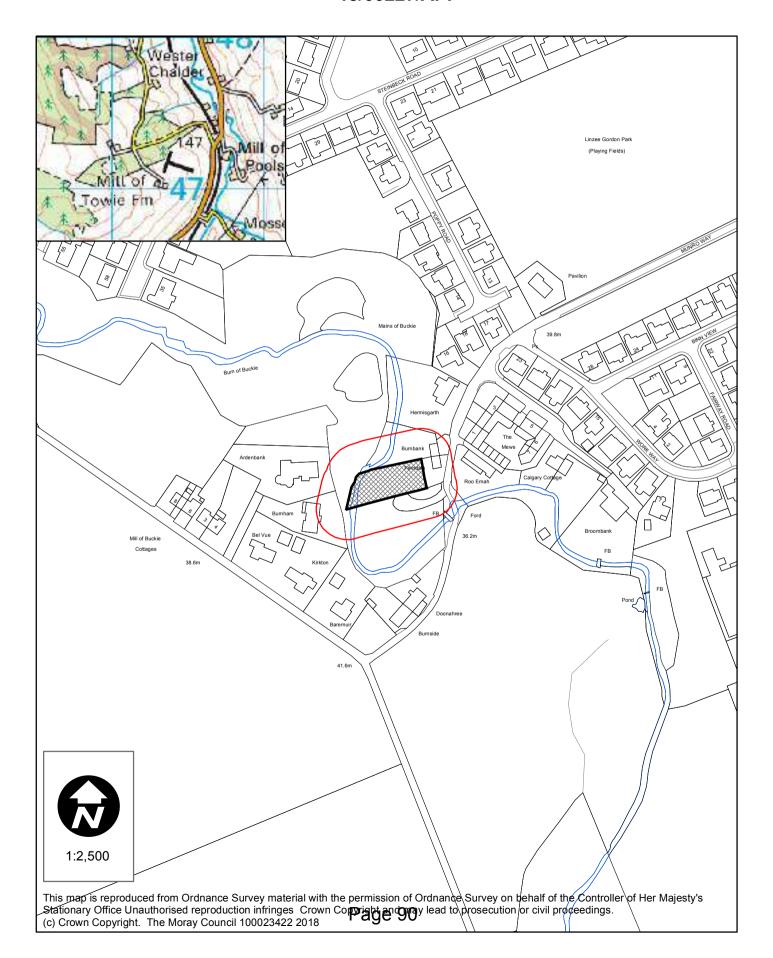
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Town and Country Planning

(Development Management Procedure)(Scotland) Regulations 2008

Planning Application Reference Number:

18/00227/APP





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

18/00227/APP 18 FEB 2018

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS

FLECTRONICALLY VIA https://www.eplanping.scot

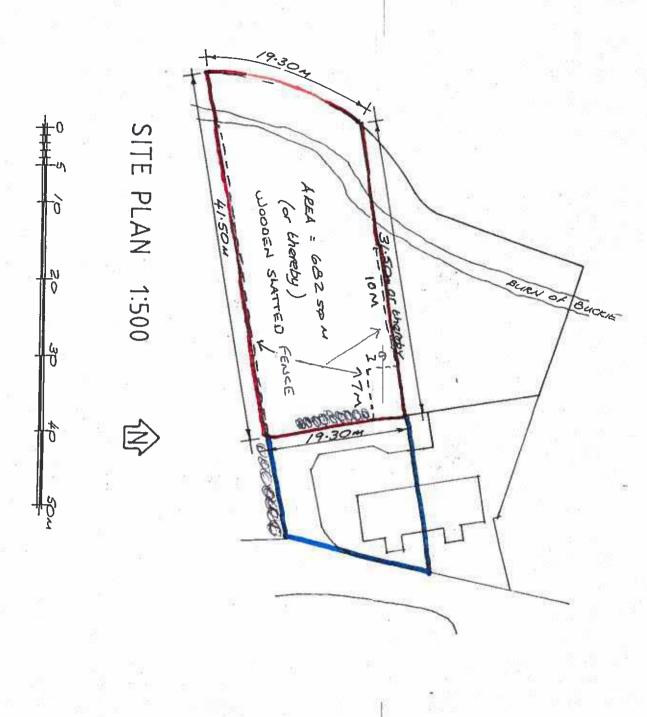
1. Applicant's De	tails	2. Agent's Details	(if any)	
Title	mR	Ref No.		
Forename	RONALD	Forename		
Surname	MAIR	Surname		
		-		
Company Name		Company Name		
Building No./Name	FERNOALE	Building No./Name	·	
Address Line 1	MAINS OF BUCKIE	Address Line 1		
Address Line 2		Address Line 2		
Town/City	BUCKIE	Town/City		
Postcode	AB564AA	Postcode		
Telephone		Telephone		
Mobile		Mobile		
Fax		Fax		
Email	A 1.	Email		
3. Postal Address	s or Location of Proposed I	Development (please	include postcode)	
Same				
NB. If you do not hat documentation.	ve a full site address please ide	ntify the location of the sit	te(s) in your accompanying	
4. Type of Application				
	ion for? Please select one of the	following:		
Planning Permission	n _.			
Planning Permission in Principle				
Further Application*				
Application for Approval of Matters Specified in Conditions*				
Application for Mineral Works**				
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.				
*Please provide a reference number of the previous application and date when permission was granted:				
Reference No:		Date:		
**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information				

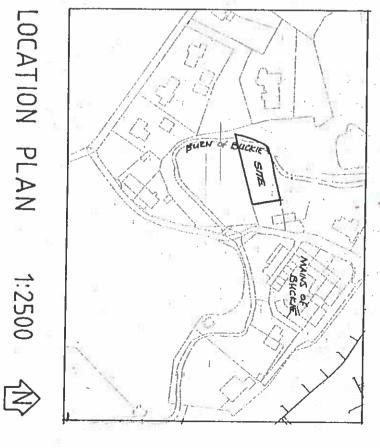
5. Description of the Proposal			
Please describe the proposal including any change of use:			
Change of use of amenity Land To garden grand			
Is this a temporary permission? Yes No			
If yes, please state how long permission is required for and why:			
Have the works already been started or completed?			
If yes, please state date of completion, or if not completed, the start date:			
Date started: OCTGBER 2017 Date completed: DECEMBER 2017			
If yes, please explain why work has already taken place in advance of making this application			
UNAWARE THAT PLANNING PERMISSION WAS REQUIRED			
6. Pre-Application Discussion			
Have you received any advice from the planning authority in relation to this proposal?			
If yes, please provide details about the advice below:			
In what format was the advice given? Meeting Telephone call Letter Email			
Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes No			
Please provide a description of the advice you were given and who you received the advice from:			
Name: STUART DALE Date: 14.2.2017 Ref No.:			
ADVICE GIVEN IN RELATION TO APPLICATION PACK			
7. Site Area			
Please state the site area in either hectares or square metres:			
Hectares (ha): Square Metre (sq.m.) 682			
8. Existing Use			
Amenity Ground			

Please describe the current or most recent use:	
1	
9. Access and Parking	
Are you proposing a new altered vehicle access to or from a public road?	Yes No V
If yes, please show in your drawings the position of any existing, altered you propose to make. You should also show existing footpaths and note if	
Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?	Yes No No
If yes, please show on your drawings the position of any affected areas a make, including arrangements for continuing or alternative public access.	and explain the changes you propose to
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 number of existing spaces plus any new spaces)	6
Please show on your drawings the position of existing and proposed parking allocated for particular types of vehicles (e.g. parking for disabled people, or	
10. Water Supply and Drainage Arrangements	
Will your proposals require new or altered water supply or drainage arrangements?	Yes No No
Are you proposing to connect to the public drainage network (e.g. to an exi	sting sewer?)
Yes, connecting to a public drainage network	
No, proposing to make private drainage arrangements Not applicable – only arrangement for water supply required	
What private arrangements are you proposing for the new/altered septic tar	nk?
Discharge to land via soakaway	
Discharge to watercourse(s) (including partial soakaway) Discharge to coastal waters	
Please show more details on your plans and supporting information	
What private arrangements are you proposing? Treatment/Additional treatment (relates to package sewer treatment plants, sewage treatment such as a reed bed) Other private drainage arrangement (such as a chemical toilets or compost	
Please show more details on your plans and supporting information.	
Do your proposals make provision for sustainable drainage of surface wate	r? Yes 🔽 No 🔲

				
Note:- Please include details of SUDS arrangements on your plans				
Are you proposing to connect to the public water supply network?	Yes No No			
If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)				
11. Assessment of Flood Risk				
Is the site within an area of known risk of flooding?	Yes No No			
If the site is within an area of known risk of flooding you may need to submit application can be determined. You may wish to contact your planning information may be required.	•			
Do you think your proposal may increase the flood risk elsewhere? Yes	No Don't Know			
If yes, briefly describe how the risk of flooding might be increased elsewhere	3 .			
<u> </u>				
12. Trees				
Are there any trees on or adjacent to the application site?	Yes No No			
If yes, please show on drawings any trees (including known protected trees) to the proposed site and indicate if any are to be cut back or felled.	and their canopy spread as they relate			
13. Waste Storage and Collection				
Do the plans incorporate areas to store and aid the collection of waste? (including recycling)	Yes No			
If yes, please provide details and illustrate on plans. If no, please provide details as to why no provision for refuse/recycling stora	ge is being made:			
14. Residential Units Including Conversion				
Does your proposal include new or additional houses and/or flats?	Yes No			
If yes how many units do you propose in total?				
Please provide full details of the number and types of units on the plan. Add supporting statement.	itional information may be provided in a			

15. For all types of non housing development – new floorspace proposed				
Does you proposal alter or create non-residential floor If yes, please provide details below:	space? Yes No No			
Use type:				
If you are extending a building, please provide details of existing gross floorspace (sq.m):				
Proposed gross floorspace (sq.m.):				
Please provide details of internal floorspace(sq.m)				
Net trading space:				
Non-trading space:				
Total net floorspace:				
16. Schedule 3 Development				
Does the proposal involve a class of development liste (Development Management Procedure) (Scotland) Re				
Yes No Don't Know				
	ised in a newspaper circulating in your area. Your planning ee. Please contact your planning authority for advice on			
17. Planning Service Employee/Elected Memb	er Interest '			
Are you / the applicant / the applicant's spouse or part elected member of the planning authority?	ner, a member of staff within the planning service or an Yes No			
Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?				
If you have answered yes please provide details:				
	-			
DECLARATION				
I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.				
I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed				
I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes No N/A				
Signature: Name:	ROWALS MAIR Date: 14 FEB 2018			
Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.				





GROUND AT FERNDALE, MAINS OF BUCKIE,
BUCKIE, MORAY

DAVID A. SMITH

DIP.ARCH. Leics
ARCHITECT
BERRYBAUDS, CLOCHAN, BUCKIE AB56 5HX
TEL: 01542 850286 FAX: 01542 850336 EMAIL: david a dasmith.co

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	21st March 2018
Planning Authority Reference	18/00227/APP
Nature of Proposal	Change of use of amenity land to garden ground
(Description)	at
Site	Ferndale
	Mains Of Buckie
	Buckie
	Moray
	AB56 4AA
Site Postcode	N/A
Site Gazetteer UPRN	000133049710
Proposal Location Easting	342651
Proposal Location Northing	864575
Area of application site (Ha)	m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation	http://public.moray.gov.uk/eplanning/centralDis
URL	<u>tribution.do?caseType=Application&keyVal=P</u>
	48M5QBG0CQ00
Previous Application	03/01967/ID
Date of Consultation	7th March 2018
Is this a re-consultation of an	No
existing application?	
Applicant Name	Mr Ronald Mair
Applicant Organisation Name	
Applicant Address	Ferndale
	Mains Of Buckie
	Buckie
	Moray
	AB56 4AA
Agent Neme	
Agent Name Agent Organisation Name	
Agent Organisation Name Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk
I A Nesponse 10	Consultation.planning@inoray.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: 18/00227/APP Change of use of amenity land to garden ground at Ferndale Mains Of Buckie Buckie Moray for Mr Ronald Mair

I have the following comments to make on the application:-			Please	
(a)	(a) I OBJECT to the application for the reason(s) as stated below			
(b)	I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal			
(c)	(c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below			
(d)	Further information is required in order to co below	nsider the application as set out		
Reason(s) for objection				
Condition(s)				
Further comment(s) to be passed to applicant				
Further information required to consider the application				
emai	act: Adrian Muscutt address: ultee:	Date: 7 March 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.

Consultation Request Notification

Planning Authority Name	The Moray Council	
Response Date	The Moray Council 21st March 2018	
Planning Authority Reference	18/00227/APP	
	Change of use of amenity land to garden ground	
Nature of Proposal	at	
(Description) Site	Ferndale	
Site	Mains Of Buckie	
	Buckie	
	Moray	
	AB56 4AA	
	ADOU TAA	
Site Postcode	N/A	
Site Gazetteer UPRN	000133049710	
Proposal Location Easting	342651	
Proposal Location Northing	864575	
Area of application site (Ha)	m ²	
Additional Comment		
Development Hierarchy Level	LOCAL	
Supporting Documentation	http://public.moray.gov.uk/eplanning/centralDis	
URL	tribution.do?caseType=Application&keyVal=P	
0.12	48M5QBG0CQ00	
Previous Application	03/01967/ID	
Torrede Application	60/01/01/12	
Date of Consultation	7th March 2018	
Is this a re-consultation of an	No	
existing application?		
Applicant Name	Mr Ronald Mair	
Applicant Organisation Name		
Applicant Address	Ferndale	
	Mains Of Buckie	
	Buckie	
	Moray	
	AB56 4AA	
A maint Name -		
Agent Name		
Agent Organisation Name		
Agent Address		
Agent Phone Number	N/A	
Agent Email Address	N/A Shana Strashan	
Case Officer Phone number	Shona Strachan	
Case Officer Phone number Case Officer email address	01343 563303	
	shona.strachan@moray.gov.uk	
PA Response To	consultation.planning@moray.gov.uk	

NOTE:

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

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

two month determination period to be exceeded.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 18/00227/APP Change of use of amenity land to garden ground at Ferndale Mains Of Buckie Buckie Moray for Mr Ronald Mair

I hav	e the following comments to	o make on the application:-	Please x	
(a)	a) I OBJECT to the application for the reason(s) as stated below			
(b)	I have NO OBJECTIONS comment(s) to make on the	IS to the application and have no condition(s) and/or the proposal		
(c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below				
(d)) Further information is required in order to consider the application as set out below			
Rea	son(s) for objection			
Con	dition(s)			
Furt	her comment(s) to be p	assed to applicant		
Furt	her information require	d to consider the application		
ema	act: James McLennan il address: sultee:	Date: 7 March 2018 Phone No		
Retu	rn response to	consultation.planning@morav.gov.uk		

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

Please note that information about the application including consultation responses and

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.

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: The Moray Council, Flood Risk Management **Planning Application Ref. No:** 18/00227/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	
(b)	I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal	
(c)	I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below	\boxtimes
(d)	Further information is required in order to consider the application as set out below	

Reason(s) for objection

Conditions(s)

Lower section of boundary fencing to be removed, up to first set of screws. This is to ensure there is no restriction in water flow during a flood event.

Further comments(s) to be passed to applicant

Further information required to consider the application

Contact: Leigh Moreton Date 29/03/2018

email address: Leigh.moreton@moray.gov.uk Phone No 01343563773 (3773)

Consultee: The Moray Council, Flood Risk Management



Our ref: PCS/158135 Your ref: 18/00227/APP

If telephoning ask for: Jessica Fraser

27 March 2018

Shona Strachan
The Moray Council
Development Services
Environmental Services Dept.
Council Office, High Street
Elgin
IV30 1BX

By email only to: consultation.planning@moray.gov.uk

Dear Ms Strachan

Town and Country Planning (Scotland) Acts
Planning application: 18/00227/APP
Change of use of amenity land to garden ground at
Ferndale Mains Of Buckie Buckie Moray AB56 4AA

Thank you for your email which SEPA received on 21 March 2018 enclosing photographs of the boundary treatments at the site. We have also received additional photographs directly from the applicant in their email of 23 March 2018 and further additional information in their email of 27 March 2018. We note that this follows the comments made within our previous response PCS/157875 (21 March 2018).

We have considered the additional information that has been received and we wish to provide the following amended comments on flood risk:

We ask that the **requirements** set out in section 1.5 below are secured by planning **condition** or other mechanism as deemed appropriate by the planning authority. If any of these will not be applied, then please consider this representation as an **objection**. Please note, if the Planning Authority considers that the requirements set out in section 1.5 cannot be controlled or enforced, please **re-consult** us for further advice.

In addition, we also request that permitted development rights be removed from the garden ground that is proposed within this planning application.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scotlish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

Notwithstanding our position we would expect Moray Council to undertake their responsibilities as





the Flood Risk Management Authority.

1. Flood risk

- 1.1 Within our previous response which highlighted that, based on the information currently available to us (our Flood Map and information submitted in regard to a previous planning application in the area referenced 10/01916/PP), it is likely that at least some of the ground within this current planning application lies within the functional floodplain and there is a possible east-west flow path crossing within or adjacent to this land. Therefore, it is important that any application at the site complies with the flood risk principles of Scottish Planning Policy (SPP), that the flood storage and conveyance capacity provided by the site is preserved and protected and that the proposals do not result in an increase in flood risk on or offsite.
- 1.2 Unfortunately, the additional information and photographs that have been submitted does not alter the above advice. We note that the applicant has submitted some information on another previous planning application referenced 900693 which was granted planning permission on 24 October 1991 and which we understand expired 24 October 1996. The exact site location of that application site is not completely clear to us. However, no flood risk information has been provided and, in any case, flood risk understanding and policy has significantly changed since that time.
- 1.3 In regard to the photographs that have been submitted, we note that there is currently a tall fence which we understand is erected on the northern and southern boundaries of the site. We note that the applicant, in his "supporting document," considers that this would allow water flow from the burn if flooding occurred and would not increase the probability of flooding elsewhere. However, unfortunately it appears to us that this boundary treatment, in its current form, does have the potential to impact on the flood storage and conveyance capacity of the area. The spacing between and under the fence is small and it would take minimal debris to create blockages which would result in the creation of an obstruction to flow This may also increase the flood risk to Ferndale and properties elsewhere. Therefore, we do not consider that the current boundary treatments meet the requirements set out within our previous response. This fence should therefore be removed or amended to ensure that it does not negatively impact on flood risk.
- 1.4 In light of all of the above, our position on this planning application is as follows:
- 1.5 Ideally, in line with the precautionary principle, garden ground should be located outwith the functional floodplain wherever possible. However, we do not object to the use of the ground as garden ground for the associated house of Ferndale provided that, to preserve the flood storage and conveyance capacity of the floodplain and to ensure no increase in flood risk, the following requirements are secured by planning condition or other mechanism as deemed appropriate by the planning authority:
 - There is no change (increase or decrease) in present ground levels
 - Details of all boundary treatments are submitted to demonstrate that they do not negatively impact on the flood storage and conveyance capacity of the floodplain and that flood risk is not increased. This should be for approval by the Planning Authority in consultation with SEPA.
- 1.6 In regards to the boundary treatments, it needs to be ensured that the design and construction is such that floodplain flow and storage is not impeded. Ideally boundaries should be left open. However, if boundary treatments are required, they should be designed

to allow the free flow of floodwater. As some fencing has already been constructed, if the applicant wishes to maintain these, the fencing would need to be amended. For example, a significant gap could be formed along the entire length, between the present ground level and the bottom of the fence. This gap should enable the easy conveyance of flood water without interference from possible debris blockage. As no specific information is available from previous Flood Risk Assessments to define the necessary gap size along the full length of the boundaries, a conservative approach should be taken which we have discussed with Moray Council Flood Risk Management team, for example, as a minimum the lower part of the fence up to the first layer of screws should be removed. We would comment that the required gap at the bottom of the fence will depend on the amount of water which is likely to flow under the fence during a flood event and ideally this height should be where there is no restriction on water flow.

- 1.7 We would be happy to provide further advice to the applicant on any proposals that are submitted. In this respect, we note that the applicant has confirmed they will work with SEPA and Moray Council with regards to the boundary treatments, which we very much welcome.
- 1.8 As highlighted above, we also request that permitted development rights be removed from the garden ground that is proposed within this planning application.
- 1.9 If the above requirements are not acceptable to the Planning Authority or applicant, the applicant has the option of carrying out an up-to-date Flood Risk Assessment to try to demonstrate that the site is not at risk from flooding (We refer the applicant to the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction Policy 41 (Part 2)). However, we would caution that this may only confirm that the site is at flood risk and therefore the requirements set out above would still apply.
- 1.10 We would also take this opportunity to highlight that, based on the information we currently have available to us, if built development for example housing or land raising were to be proposed at the site in the future, we would likely object to this on flood risk grounds in line with the flood risk principles of Scottish Planning Policy.

If you have any queries relating to this letter, please contact me by telephone on 01224 266698 or e-mail at planning.aberdeen@sepa.org.uk.

Yours sincerely

Jessica Fraser, Planning Officer, Planning Service

ECopy to: Applicant, Ronald Mair: scottishmannie@hotmail.com
Moray Planning Officer, Shona Strachan: Shona.Strachan@moray.gov.uk
Moray Flood Risk Management, Leigh Moreton: Leigh.moreton@moray.gov.uk

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our website planning pages.

Manager (Development Management) Development Services Moray Council Council HQ Elgin

Development at Ferndale Mains of Buckie Buckie Ref: 18/00227/APP (Change of use has already taken place)

This is the third time I have had occasion to contact your department regarding this piece of ground, the issue being the raising of ground level causing changes to the environment lower down the burn. This area of ground at its original level has always been the natural flood plain for the Buckie Burn.

Now one just needs to view the area at the first bend on the burn at the downside of the area of ground in question. The burn at this point has at least quadrupled in width. The soil of the banks are showing cracking and parts are hanging ready to fall with the next heavy rains. Further down where there is no rock banks there are signs of erosion with ground missing being washed away and where there is rock the ground above has also been washed away. Evidence of bank erosion is now evident for quite a distance downstream.

Also Highfield Gardens Development Buckie Plots numbered 21 & 22

To add to the change in the surrounding area and part of the change to the environment in this area, the part of our land adjacent to Morlich Homes Highfield Gardens development which was always a dry area is now becoming a wet area with loss of vegetation because the site numbered 22 on this development and where an current application has been submitted with your department to build a house has been flooded. this are of ground always floods with normal rainfall and there has been no excess water run off in the past months. (there has been very little snow or rain in the Buckie area) The boundary fence between us at this point has been demolished with a mechanical digger bucket. I contacted Mr John Main of Morlich Homes requesting an answer as to the vandalised fence. (it was a wire mesh fence with concrete slab base, this has been removed and a trench dug to allow the flood water from plot 22 to exit.) Mr Main's answer was that the site foreman had instructed the above to take place.

Serious consideration is required as to how all this additional water is being allowed into the burn from the area at the Tesco store down to the bottom of Highfield Road. Moray Council has and is spending millions of pounds to prevent flooding in different places, yet in this area, development is being given planning approval which is having an adverse effect on the environment.

I request that you look into the above matters and that the ground at Ferndale been returned to its original level and that any flooding on the two sites mentioned be contained within the said development.

I look forward to your reply

Yours Sincerely

REPORT OF HANDLING

Ref No:	18/00227/APP	Officer:	Shona Strachan
Proposal Description/ Address	Change of use of amenity land to garden ground at Ferndale Mains Of Buckie Buckie Moray		
Date:	03/05/18	Typist Initials:	FJA

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

CONSULTATIONS			
Consultee	Date Returned	Summary of Response	
Contaminated Land	08/03/18	No objection	
Environmental Health Manager	08/03/18	No objection	
Moray Flood Risk Management	29/03/18	No objection subject to a condition that the lower section of the boundary fence be removed up to the first set of screws.	
Scottish Environment Protection Agency	09/04/18	 Object unless a number of conditions are applied to any consent, in short these include: No change (increase or decrease) in present ground levels, Details of all boundary treatments are submitted to demonstrate that they do not negatively impact on the flood storage and conveyance capacity of the floodplain and that flood risk is not increased. This should be for approval by the Planning Authority in consultation with SEPA. It is noted that as a minimum the lower part of the fence up to the first layer of screws should be removed. Permitted Development rights are to be removed. 	

DEVELOPMENT PLAN POLICY			
Policies	Dep	Any Comments (or refer to Observations below)	
PP1: Sustainable Economic Growth	Y		
PP3: Placemaking	Y		
E5: Open Spaces	Υ	The application will be refused on the basis of this policy.	
EP7: Control of Develop in FloodRiskArea	N	Subject to the application of specified conditions from MFRM and SEPA the application is not a departure from this policy.	
IMP1: Developer Requirements	Υ		

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 Data Protection Act.

Summary and Assessment of main issues raised by representations

Issue:

Concern that the raising of the ground level at the site is causing changes to the environment lower down the burn. It is further advised that this area of ground at its original level has always been the natural flood plain for the Buckie Burn. The contributor also advises that this representation is the 3rd time that they have contacted the Council about this matter.

Comments (PO): SEPA has confirmed in its consultation response that at least some of the ground within this current planning application lies within the functional floodplain.

However, the retrospective nature of this application means that Officers do not have the benefit of seeing the land in its original state and whilst from the site inspection the land has been cleared, there are no obvious signs of land raising. It is noted from historic photographs that levels at this locality have changed over the years, with previous overgrown mounds of earth having been subsequently levelled at some point. It is also noted that the applicant has confirmed in the Supporting Statement that there has been no alteration to the ground height or any change to the burn embankment. It is reasonable to conclude that whilst there has been some regrading of the land, its levels have not increased, or increased substantially.

Issue: Concerns are raised that the alterations to the site including the bank walls. The soil of the banks are showing cracking and parts are hanging ready to fall with the next heavy rains. Further down where there are no rock banks, there are signs of erosion with ground missing being washed away and where there is rock the ground above has also been washed away. Evidence of bank erosion is now evident for quite a distance downstream.

Comments (PO): There was no evidence on site, that the earth banks on the west side of the burn had been altered. The applicant has confirmed in the Supporting Statement that there has been no alteration to the ground height or any change to the burn embankment.

SEPA has confirmed that a should planning permission be granted a condition ensuring that there would be no change (increase or decrease) in ground levels of the site must be applied, this would be to ensure there is no further increase of flood risk as a result of this proposal.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2015 (MLDP 2015) unless material considerations indicate otherwise. In this case the main planning issues are considered below.

Proposal

Retrospective planning permission is sought for the change of use of amenity land to garden ground at Ferndale Mains of Buckie, Buckie.

The application seeks the change of use of the amenity land to private garden ground for the property Ferndale, the land is to be used to provide parking and private garden space.

The land has been cleared and much of the land has been surfaced with loose stones. A wooden slatted fence has been erected to the north and south boundaries of the site. The western boundary is formed by the steep sided land embankment to the Burn of Buckie, the eastern boundary of the site adjoins the residential property Ferndale.

Site Characteristics

Extending to 682 sq m the land is located to the rear of the property Ferndale.

The site is part of the Burn of Buckie Environmental Designation "ENV6" which is characterised by green corridors, natural coastal braes/slopes; valleys semi natural greenspaces.

As identified by the SEPA flood maps and confirmed by SEPA in their consultation response at least some of the ground within the site lies within the functional floodplain.

Planning History

The site and adjoining land to the north and south was part of a larger site area under application reference 10/01916/PPP which sought Planning Permission in Principle for a housing development for 5 houses. This application was refused because the proposal would have a detrimental impact upon ENV6 and related Open Space Policy because this policy presumes against development of green spaces in towns where there would be a loss of amenity and landscape benefit and because of flood risk concerns.

The site and adjoining land to the north and south was also part of a larger site area under application reference 05/00263/OUT which sought Outline Planning Permission for 9 houses, this application was refused because the proposal would have a detrimental impact upon ENV6 and related Open Space Policy which as noted above policy presumes against development of green spaces in towns where there would be a loss of amenity and landscape benefit.

The site was also part of an application site for two dwellings under planning application reference 900693. This application was granted following an appeal to Scottish Ministers. The flood history in the area, and availability of flood data for the locality has occurred since this lapsed approval.

Policy Assessment

Impact of the development (E5 and IMP1)

As noted previously, the site is part of an "ENV6" which is characterised by green corridors, natural coastal braes/slopes; valleys semi natural greenspaces. The overarching policy for this designation is Policy E5 Open Space which seeks to safeguard open spaces.

In particular Policy E5, advises: Development which would cause the loss of, or adversely impact on, areas identified under the ENV designation in settlement statements and the amenity land designation in rural groupings will be refused unless;

- The proposal is for a public use that clearly outweighs the value of the open space or the proposed development is ancillary to the principal use and will enhance use of the site for sport and recreation; and
- The development is sited and designed to minimise adverse impacts on the recreational, amenity and biodiversity value of the site; and
- There is a clear excess of the type of ENV designation within easy access in the wider area and loss of the open space will not negatively impact upon the overall quality and quantity of open space provision, or
- Alternative provision of equal or greater benefit will be made available and is easily accessible for users of the developed space.

The Moray Open Space Strategy Supplementary Guidance 2018 sets out a strategic vision for protecting, enhancing and managing publicly usable open space in Moray. The Open Space Strategy was informed by an Open Space Audit which sought to review the ENV Designations, based on the findings of this Audit the Burn of Buckie ENV6 Designation was identified as a steep sided gorge like landscape feature which runs through the town. It further identifies that development opportunities are restricted to brownfield sites, and, within the curtilage of existing buildings only. The findings of the Audit also conclude that the designation is of "good quality" and should be retained (page 45). This document is a material consideration in the determination of planning applications.

Policy IMP1 seeks compatibility in terms of scale, density and character, requiring new development to integrate into the surrounding landscape and be sensitively sited, designed and serviced appropriate to the amenity and character of the area.

In this instance, the proposal to change the land from amenity ground into private garden ground does not meet any of policy objectives (or qualifying exceptions in E5) identified and would lead to the loss of part of the designation which would have a detrimental impact upon the ENV6 Designation resulting in the reduction of the amenity and landscape value of the designation. In these terms, the proposal would fail to integrate sensitively to the surrounding area including the ENV6 Designation within which it is located, therefore; on these grounds the proposal would be contrary to Policies E5 and IMP1 as well as the Moray Open Space Strategy Supplementary Guidance 2018.

Control of Development in Flood Risk Area's (EP7)

As noted previously, part of the site lies within the functional floodplain for the Burn of Buckie. As such SEPA has been consulted on the proposal. SEPA has advised in their consultation response that they would maintain their objection unless a number of conditions are applied to any planning permission granted. The conditions identified are as detailed:

- I. There is to be no change (increase or decrease) in present ground levels;
- II. Details of all boundary treatments are submitted to demonstrate that they do not negatively impact on the flood storage and conveyance capacity of the floodplain and that flood risk is not increased. This should be for approval by the Planning Authority in consultation with SEPA. It is noted that as a minimum the lower part of the fence up to the first layer of screws should be removed; and,
- III. Permitted Development rights are to be removed.

Moray Flood Risk Management has also been consulted on the proposal and they have similarly recommended that the Lower section of boundary fence be removed, up to first set of screws on the horizontal board supporting the vertical slats. This is to ensure there is no restriction in water flow during a flood event.

During the course of the application, the applicant has agreed to these conditions and these would need to be adhered to in order for the development to be acceptable in relation to flood risk. However, addressing the flood risk concerns does not negate the main policy objection to the proposal in relation to the loss of Open Space. Flood risk has therefore not been cited in the grounds

for refusal and had the application been approved the above requirements from SEPA and Moray Flood Risk would have been attached as conditions.

Conclusion and Recommendation

The proposal to change the use of this amenity land to garden ground is unacceptable at this location and would result in the loss of land from an ENV 6 designation which does comply with the provisions of the MLDP 2015, including Policies E5 and IMP1 as well as the Moray Open Space Strategy Supplementary Guidance 2018. Therefore this application is therefore recommended for refusal.

As the application is retrospective, the decision will be referred to the Development Management Enforcement Officer.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY				
Reference No.	Description			
	Form opening from house to garage Ferndale Mains Of Buckie Buckie Banffshire AB56 2AA			
03/01967/ID	Decision Planning Permission Required NOT NOT Required Date Of Decision 10/09/03			
	Planning Permission in Principle for housing development of 5 house sites at Mill Of Buckie Buckie Moray			
10/01916/PPP	Decision	Refuse	Date Of Decision	14/02/13
	Outline for housing development for nine sites at Mill Of Buckie Buckie Banffshire AB56 2AA			
05/00263/OUT	Decision	Refuse	Date Of Decision	30/04/10

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Advertiser	No PremisesDeparture from development plan	09/04/18
PINS	No PremisesDeparture from development plan	09/04/18

DEVELOPER CONTRIBUTION	S (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: This Statement supports the application and seeks to address some of the

planning considerations raised during the course of the application. In particular, the Statement advises that there has been no alteration to ground height or any

change to the burn embankment.

The applicant also advises that he would be willing to work with SEPA and Moray Council to make alterations to the fence if required. It is also advised that the garden would be used for garden ground and parking. Reference is also made to a historical consent for 2 dwellings encompassing the site which was

granted following an appeal to Scottish Ministers.

Document Name: A planning application reference 900693

Main Issues: The applicant has submitted a copy of a historical consent for 2 dwellings

encompassing the site which was granted following an appeal to Scottish

Ministers.

Document Name: The application is supported by some photos of the site/fence.

S.75 AGREEMENT

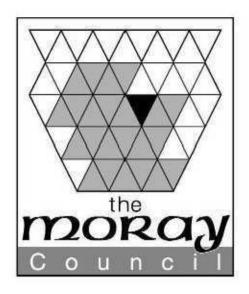
Application subject to S.75 Agreement NO

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

[Buckie] Application for Planning Permission

TO



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

Change of use of amenity land to garden ground at Ferndale Mains Of Buckie Buckie Moray

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

Date of Notice:

3 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 provisions of the adopted Moray Local Development Plan 2015 (Policies E5 and IMP1 as well as the Moray Open Space Strategy Supplementary Guidance 2018) because the proposal to change the land from undeveloped open ground into private enclosed garden ground does not meet any of policy objectives or exemptions identified and would lead to the loss of part of the Buckie ENV6 designation which is designated to preserve open/amenity space within settlements. The proposal in failing to maintain the designated ENV6 green corridor would also fail to comply with the objectives of the Moray Open Space Strategy Supplementary Guidance 2018.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

The following plans and drawings form part of the decision:
Reference Version Title

Site and location plan

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

N/A

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

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, 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

100121044-001

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 ☐ Applicant ☒ Agent on behalf of the applicant in connection with this application) **Agent Details** Please enter Agent details Company/Organisation: 18NP309 Ref. Number: You must enter a Building Name or Number, or both: * Michael First Name: * **Building Name:** 62 McLoughlin MRTPI **Building Number:** Last Name: * Address 1 Main Street 07742084590 Telephone Number: * (Street): * Buckpool Address 2: Extension Number: **Buckie** Mobile Number: Town/City: * United Kingdom Fax Number: Country: * **AB56 1XQ** Postcode: * mcloughlin__michael@hotmail.co.uk Email Address: * Is the applicant an individual or an organisation/corporate entity? * ☑ Individual ☐ Organisation/Corporate entity

Applicant Det	tails		
Please enter Applicant details			
Title:	Mr	You must enter a Bu	ilding Name or Number, or both: *
Other Title:		Building Name:	Ferndale
First Name: *	Ronald	Building Number:	
Last Name: *	Mair	Address 1 (Street): *	Munro Way
Company/Organisation		Address 2:	Mains of Buckie
Telephone Number: *		Town/City: *	Buckie
Extension Number:		Country: *	Moray
Mobile Number:		Postcode: *	AB56 4AA
Fax Number:			
Email Address: *			
Site Address	Details		
Planning Authority:	Moray Council		
Full postal address of the	e site (including postcode where available):		
Address 1:	FERNDALE		
Address 2:	MAINS OF BUCKIE		
Address 3:			
Address 4:			
Address 5:			
Town/City/Settlement:	BUCKIE		
Post Code:	AB56 4AA		
Please identify/describe the location of the site or sites			
Northing	864575	Easting	342651

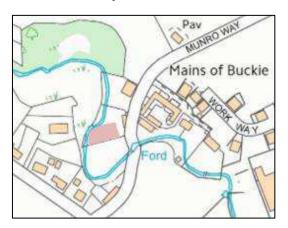
Description of Proposal
Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: * (Max 500 characters)
Change of use of amenity land to garden ground
Type 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
Statement of reasons for seeking review You must state in full, why you are a 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)
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Please provide a list of all supporting documents, materials and evidence which you wish to to rely on in support of your review. You can attach these documents electronically later in the			d intend
Please see separate Supporting Statement.			
Application Details			
Please provide details of the application and decision.			
What is the application reference number? *	18/00227/APP		
What date was the application submitted to the planning authority? *	02/02/2018		
What date was the decision issued by the planning authority? *	03/05/2018		
Review Procedure			
The Local Review Body will decide on the procedure to be used to determine your review an process require that further information or representations be made to enable them to determ required by one or a combination of procedures, such as: written submissions; the holding or inspecting the land which is the subject of the review case.	nine the review. Further	information r	
Can this review continue to a conclusion, in your opinion, based on a review of the relevant i parties only, without any further procedures? For example, written submission, hearing sess Yes No		yourself and	other
Please indicate what procedure (or combination of procedures) you think is most appropriate select more than one option if you wish the review to be a combination of procedures.	e for the handling of your	review. You	ı may
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 mawill deal with? (Max 500 characters)	tters set out in your state	ement of app	eal it
It would be beneficial for the Local Review Body to access the Site itself (private land) to just to consider visual/amenity and related matters from surrounding public land.	udge the effects of the D	evelopment	and
In the event that the Local Review Body appointed to consider your application decides to in	spect the site, in your op	oinion:	
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? *	X	Yes 🗌 No)
If there are reasons why you think the local Review Body would be unable to undertake an unexplain here. (Max 500 characters)	naccompanied site insp	ection, pleas	e
The Site is private land to the rear of Mr Mair's property.			

Checklist - App	lication for Notice of Review	
	g checklist to make sure you have provided all the necessary may result in your appeal being deemed invalid.	information in support of your appeal. Failure
Have you provided the name	and address of the applicant?. *	🛛 Yes 🗌 No
Have you provided the date a review? *	and reference number of the application which is the subject o	f this X Yes No
, , , ,	n behalf of the applicant, have you provided details of your na nether any notice or correspondence required in connection w or the applicant? *	
, ,	ent setting out your reasons for requiring a review and by what procedures) you wish the review to be conducted? *	t 🛛 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.		
	ocuments, material and evidence which you intend to rely on ich are now the subject of this review *	⊠ Yes □ No
planning condition or where it	es to a further application e.g. renewal of planning permission relates to an application for approval of matters specified in c., approved plans and decision notice (if any) from the earlier	conditions, it is advisable to provide the
Declare - Notice	e of Review	
I/We the applicant/agent certi	fy that this is an application for review on the grounds stated.	
Declaration Name:	Mr Michael McLoughlin	
Declaration Date:	12/06/2018	

SUPPORTING STATEMENT

to the Notice of Review in respect of Planning Application 18/00227/APP for Development at Ferndale, Munro Way, Mains of Buckie



CONTENTS

- 1. The Application
- 2. Appointed Officer's Decision
- 3. Summary of Reasons for Requesting a Review
- 4. The Planning Case in favour of a Grant of Permission
- 5. Conclusion

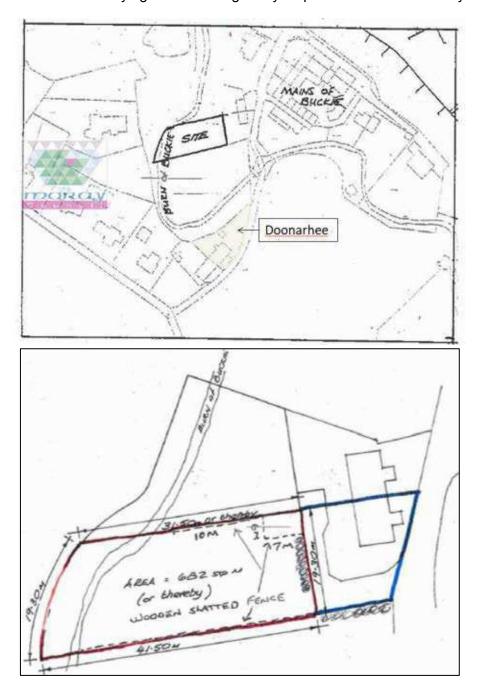
Appendices

- 1 Submitted Location Plan and Site Plan Drawings
- 2 Notice of Decision
- 3 Note/details of Enquiries made for the Review with the Council's Planning Policy personnel
- 4 Planning Appeal Decision Letter for Planning Application 900693 and Approved Site Layout Drawing
- 5 Table extracted from page 45 of Appendix 4 (Buckie Audit Findings) to the Moray Open Space Strategy Supplementary Guidance 2018
- 6 Extract of the Buckie West Landscape Analysis Plan from the Council's Final Report on the Integration of New Development into the Landscape, May 2005
- 7 Extract from Map 17A (Buckie Inset Map) of the Moray Core Paths Adopted Plan 2011
- 8 Local Plan Policy IMP1 (page 84 extracted from the 2015 Moray Local Development Plan)
- 9 Local Plan Policy PP3 (page 9 extracted from the 2015 Moray Local Development Plan)
- 10 Extract from the Moray Urban Design Guide 2015 (pages 2, 3, 9, 10 and 12)

1. The Application

The Application is a retrospective one, seeking permission for the change of use of amenity land to garden land (with fencing) at the rear of Mr Mair's home, Ferndale adjacent to the Burn of Buckie.

The Location Plan Drawing and Site Plan Drawing from the Application are reproduced in full at Appendix 1. However, for ease of reference image clips from both Drawings are shown below (these are of course not to scale). The property known as Doonarhee to the south of the Site has been annotated on the first image as well because this is discussed in Section 4 of this Statement and identifying it on the image may help the Local Review Body:



2. Appointed Officer's Decision

Planning permission was refused on 3rd May 2018. The full Notice of Decision is provided at Appendix 2.

The Officer's grounds of refusal allege that as the Development involves the loss of undeveloped open ground forming part of the Buckie ENV6 green corridor designation to private enclosed garden ground, it would not meet the terms/objectives of Local Plan Policies E5 (Open Spaces) and IMP1 (Developer Requirements) and the Moray Open Space Strategy Supplementary Guidance.

The focus of the Officer's concern is thus the alleged conflict of the Development with open space policy.

Some of the Site lies in the Burn's floodplain. Whilst flooding is discussed in the Officer's Report of Handling, this was not a reason for refusal and the relevant Local Plan policy on this matter, Policy EP7 is not cited in the Notice of Decision.

In their consultation responses, the Scottish Environmental Protection Agency (SEPA) and Moray Flood Risk Management recommended some conditions/actions to manage potential flooding risk. These included no alteration to ground levels on the Site, the removal of permitted development rights and removal of the lower section of the fencing as erected, so as to enable burn water to flow unrestricted through the Site during any flood event.

The Report of Handling accepts that as a result of the Development, Site levels have not been increased substantially. Mr Mair has also already removed the lower section of the fencing as evidenced by the photograph below:



Plate 1: Gap at bottom of fencing as a result of the removal of the lower section

In addition, Mr Mair is happy to accept a planning condition removing any permitted development rights from the Site as appropriate.

3. Summary of Reasons for Requesting a Review

- 1. The Appointed Officer's decision was based on an inadequate assessment of the merits of the Application against the provisions of the Local Plan, bearing in mind the purpose/objectives of Policy E5 and the Buckie ENV5 green corridor designation, the characteristics of the Buckie ENV5 green corridor in the vicinity of the Site and the limited effects of the development on the specific qualities of the burnside environment/space in this location.
- 2. The Appointed Officer's decision gave undue weight to the contents of the 2015 Open Space Audit which is inadequate in the level of analysis/description its provides about the nature of the burnside environment/space with regards to the Site and the immediate environs.
- 3. The Appointed Officer's decision didn't give adequate weight to a key aspect of the planning history of the immediate locality, namely the 1991 Appeal Decision for Planning Application 900693 which granted planning permission for 2 houses and a garage in this burnside location.
- 4. The Appointed Officer's decision failed to consider certain benefits of the development that are material planning considerations, supported by Local Plan Policy PP3 and the Urban Design Supplementary Guidance 2015, namely the improvement to streetscene appearance, highway safety and community safety.

These matters are discussed in greater detail in the next Section of this Statement. They are all matters that were capable of consideration at the time the Application was determined by the Appointed Officer. They represent material planning issues that ought to be considered by the Local Review Body in its determination¹.

Page 126

¹ In line with Section 43B (2) of the Town & Country Planning (Scotland) Act 1997, which requires all material planning considerations to be addressed in the process regardless of any prohibition implied by the preceding Section.

4. The Planning Case in favour of a Grant of Permission

It is quite true that the current Local Plan Proposals Map shows the Development Site lying within an area designated as an open space (ENV6).

This is one of several in and around Buckie identified as contributing to the town's amenity.

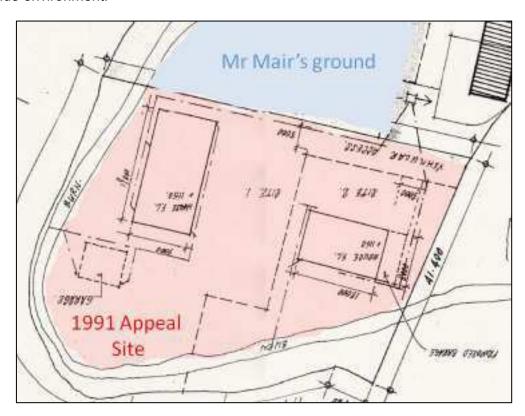
The Notice of Decision states that the ENV6 designation has been designated to 'preserve open/amenity space within settlements'.

Earlier Local Plans have contained similar open space policy designations focussed on the Burn of Buckie, going back to at least 1993 (see details of enquiries undertaken at Appendix 3).

Each Plan since then has, more or less, shown the same detailed boundaries and 'accepted wisdom' of the preceding version.

However, the historic evidential basis for the original, detailed definition of the boundaries of these open space designations is not so clear, nor the criteria employed.

Oddities have occurred. For example, in defining the open space, the 1993/98 Local Plan Proposals Map seems to have effectively ignored the existence of a then extant planning permission granted on Appeal in 1991 for the development of 2 houses and a garage on land immediately south of the Site (see Appendix 4). The image below is an annotated extract from the approved Appeal site plan drawing. The Reporter did not consider that residential development here, even of this scale, would detract from the qualities of the burnside environment.



The approved area for the proposed new houses, garage and gardens was included within the open space designation rather than being shown as part of the built-up area. Other residential properties and curtilages in the vicinity were in contrast excluded from the space. This gives an impression of inconsistency on how the boundary between the open space and the built-up parts of the settlement were originally defined.

Even the current 2015 Local Plan was not informed by a study looking at/reviewing open space policy designations and their detailed boundaries. The Open Space Audit that underpins the 2018 Moray Open Space Strategy Supplementary Guidance was undertaken in 2015 as the ink was drying on the current Local Plan.

The Audit did 'survey' the whole of the Burn of Buckie (Audit Site Reference M/BCOS/011) and records an overall 'quality' score for the entire open space corridor against various criteria. It also briefly describes the Burn valley as a landscape feature, noting its steep slopes and gorge-like appearance in parts, both of which it acknowledges limit public access (see extracted Table from the Open Space Strategy at Appendix 5). These generic comments represent the extent of information from the survey on the physical aspects of the space.

However, in the same part of the Strategy, there is no discussion of the appropriateness of the boundaries of the existing open space designation or even the criteria for the definition of its boundaries.

Furthermore, the same enquiries referred to above (Appendix 3), have also revealed that detailed information from the Audit does not survive e.g. survey sheets, the locations at which the burnside environment was evaluated, the disaggregated scores for different sections of the burnside corridor, the basis for retaining the existing boundaries of ENV Designations and how these key judgements were made.

So, the Audit was very strategic in its study and 'review' of the ENV6 designation and it is not possible from the Audit to gain an in-depth picture of the specific characteristics/qualities of the burnside environment immediately around the Site, which might suffer from development and which planning decisions ought to be safeguarding.

The Site and adjacent burnside area forms a relatively low lying and sheltered 'hollow' in the local landscape of this part of Buckie - something acknowledged by the 1991 Appeal Reporter, and to a certain extent the post-Local Plan Open Space Audit and Landscape Study work carried out to assess development bids for the 2015 Local Plan (see Extract at Appendix 6). Development also fringes the space, further limiting long distance views.

The setting of the Burn valley in the locality of the Site is thus visually well-contained.

Whilst it is not common for people to walk up/down the Burn north/south at this point, a local Core Path route does cross the Burn here west/east (BK03 Laird's Way to Drybridge) using the road and a footbridge adjacent to a ford (see Appendix 7). It is noted that Criteria c) of Local Plan Policy IMP1 expects new development not to adversely affect Core Paths (see Appendix 8).

To the north-west, past the footbridge/ford, the Burn takes an extensive looping meander in

the valley around a large semi-circular area of flat open land (which was where the 1991 Appeal was allowed). This area contains considerable tracts of broom and Japanese knot weed.

This vegetation further limits views into the Site and adjacent burnside area. Heading east down towards to the Burn of Buckie, Core Path users experience screened views of the Development as evidenced in the photographs below:



Plate 2: Looking eastwards towards Ferndale from the western side of the Burn



Plate 3 : Looking eastward towards Ferndale from the Footpath over the Burn

Coming from the other way, out of town along Munro Way, views are even less affected. Initially, this is because of the narrow roadway and effects of existing housing development, either side. Then, the focus of one's attention is on long open views towards the wider countryside beyond the Burn. Furthermore, at Ferndale there is Leylandii hedging to the rear of the property, which also screens the development that has been carried out. This is illustrated by the photographs below.



Plate 4: Approaching Ferndale from the east along Munro Way



Plate 5: The focus attention travelling west down to the Burn



Plate 6: Looking into the rear of Ferndale from Munro Way

So the Development's impact on how walkers/cyclists/horse-riders experience the Core Path as it crosses the Burn seems limited. They are not impeded in using the Path and the pleasantness/tranquillity of the burnside environment is not affected to an unacceptable extent. Any recreational objective/purpose/value of the ENV6 Local Plan designation in the local context therefore does not appear to have been critically undermined as a result of the Development. The Development doesn't conflict with Criteria c) of Local Plan Policy IMP1 either.

In physical terms too, a very large part of the space around the Burn remains open as undeveloped land to the south of the Site (the semi-circular shaped piece of ground where housing development was allowed on Appeal in 1991) and a corridor is still maintained through to the rest of the valley further north/north-west by virtue of the Burn itself and open ground on the other side of valley, which is steep and landscaped, rising to a substantial height above the Burn. Part of the land on the northern side of the valley is in Mr Mair's ownership and is included in the Application Site – he is happy to see this area permanently given over to 'public' open space use. In addition, whilst that part of Site on the southern side of the Burn is fenced-off, the land itself remains open in nature as garden ground. The current ENV6 designation as defined on the Local Plan Proposals Map includes some of the garden ground at the property known as Doonarhee on the southern side of the Burn, just beyond the footbridge/ford – so, unless this is a drafting error or arbitrary inclusion, it must be possible for enclosed private open space like Doonarhee's garden, to contribute to the purpose/role of the ENV6 designation. It was mentioned in Section 2 of this Statement that SEPA would like to remove any permitted development rights from the Site if permission is granted for the change of use. This action would ensure no potentially large built structures such as domestic outbuildings could be erected in future on it without express planning permission from the Council and would maintain openness. In terms of the entire Burn of Buckie open space designation (a whole 17.9 hectares in extent), the Site (just 682 square

metres) represents a mere 0.3% of the total. Finally, Mr Mair's garden extension/fencing is far less substantial in physical terms than the 2 houses and garage what were permitted in the Appeal on the semi-circular area of ground to the south of his ground – the Reporter didn't consider that the loss of this space to significant built development would be detrimental to the 'open gap' formed by the burnside valley.

Bearing in mind the above points, any landscape/townspace objective/purpose/value of the ENV6 Local Plan designation in the local context therefore does not appear to have been critically undermined as a result of the Development (or likely to be so in the future). The Development likewise appears to satisfy Criteria a), b) and c) of Local Plan Policy IMP1 dealing with siting and design issues. If, following a site visit, the Local Review Body are minded to grant permission for the change of use including the wooden fencing, it would of course be possible to impose a condition requiring the fence to be painted in a darker colour to further match other fencing in the immediate locality and help it blend into the local surroundings.

As far as enquiries could reveal (Appendix 3), no habitat mapping of the Burn of Buckie by a professional ecologist appears to have been undertaken as part of the 2015 Open Space Audit. Mr Mair has confirmed that vegetation on the Site that was cleared for the Development was similar ecologically speaking to that occupying the large semi-circle of land to the south: mainly broom, grass and Japanese Knotweed. The latter species is of course an invasive alien species and general nuisance. Little, if anything of value on the Site appears to have been lost in biodiversity terms as a result of the Development. The maintenance of the Burn as a watercourse and a corridor of open land between the area around the footbridge/ford and the rest of the valley, albeit reduced in size, still allows for the theoretical movement of aquatic and terrestrial wildlife up and down the Burn of Buckie open space. Any ecological objective/purpose/value of the ENV6 Local Plan designation in the local context therefore does not appear to have been critically undermined as a result of the Development. Likewise, the Development appears to satisfy Criteria c) of Local Plan Policy IMP1 in relation to conserving natural resources.

It is noted that the Officer Report of Handling did make some reference to Local Plan Policy PP3 on Placemaking (see Appendix 9). It is considered that this Policy is indeed material to the Review Body's appraisal of the merits of the Development. This is because Policy PP3 seeks to minimise the visual impact of parked cars on the streetscene through new development as well as acknowledging the role planning can play in reducing the fear of crime and improving community safety. The related Urban Design Supplementary Guidance 2015 (see Appendix 10) contains similar sentiments and is also considered relevant in this case. The Guidance seeks to avoid parking within the front curtilage of houses as this breaks up the building frontage, leads to a visual dominance of parked cars, restricts natural surveillance/overlooking of the street and affects how garden space can be used. It also notes that well designed places should take account of crime prevention measures.

As mentioned previously and shown on Plate 4, the highway known as Munro Way narrows considerably in the vicinity of Ferndale. On-street parking is problematic. There is some space in the front curtilage of Ferndale for off-street parking but use of this hitherto, has led to the very issues/effects highlighted in the Urban Design Guidance. The inclusion of extra

garden ground to the rear of the property, beyond the existing Leylandii hedge allows less intrusive and secure parking of vehicles in line with Local Plan Policy PP3. The removal of parked cars off the highway in this way, increases the pleasantness of Munro Way at this point for users of the Core Path. The fencing of the ground also improves the general security of Ferndale and its neighbouring property, Burnbank, which adds to a greater sense of well-being for their occupants due to the reduced possibility/fear of crime. These benefits of the Development were overlooked in the Report of Handling and the Appointed Officer's decision.

5. Conclusion

The preceding Section has sought to demonstrate that the Development does not frustrate the objectives of relevant Local Plan policies, nor undermine the fundamental integrity of the Burn of Buckie open space designation.

It would appear that there has been no substantial harm to any interest of acknowledged planning importance and indeed some benefits have been identified that were previously overlooked.

In this case, it is hoped that Members of the Local Review Body will be able to agree to a grant of planning permission for Mr Mair's Application.

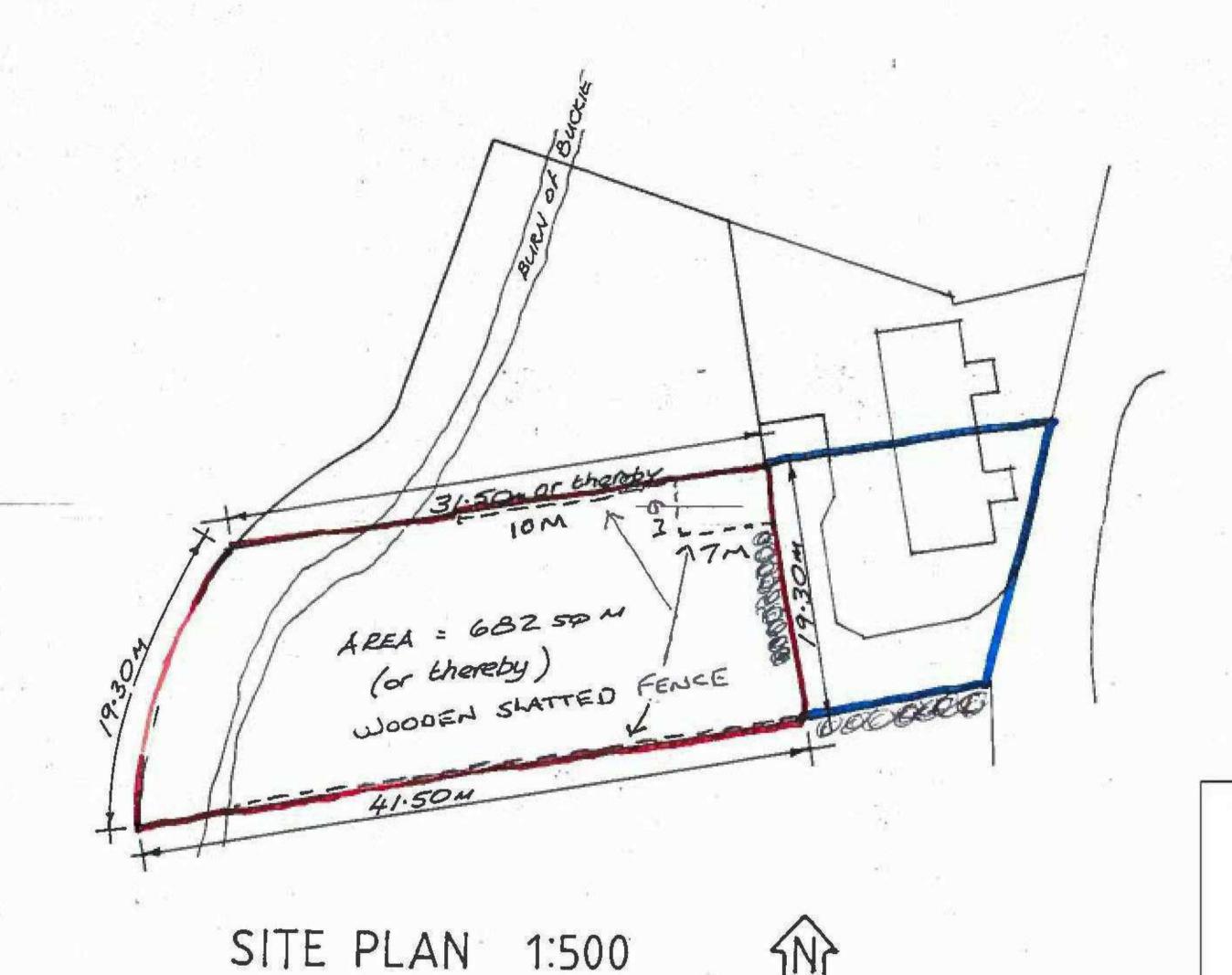
He is happy to accept a condition to paint the wooden side fencing in a darker colour to further match other fencing in the immediate locality and help it blend into the local surroundings, if this is something the Local Review Body consider would be beneficial.

He is also happy to accept conditions along the lines previously suggested by SEPA in the interests of managing flood risk in the Burn of Buckie valley, noting that one removing permitted development rights would retain the openness of the Site and support the open space designation.

APPENDIX 1

Submitted Location Plan and Site Plan Drawings

OCHOOODO / LEYLANDII HEDGE

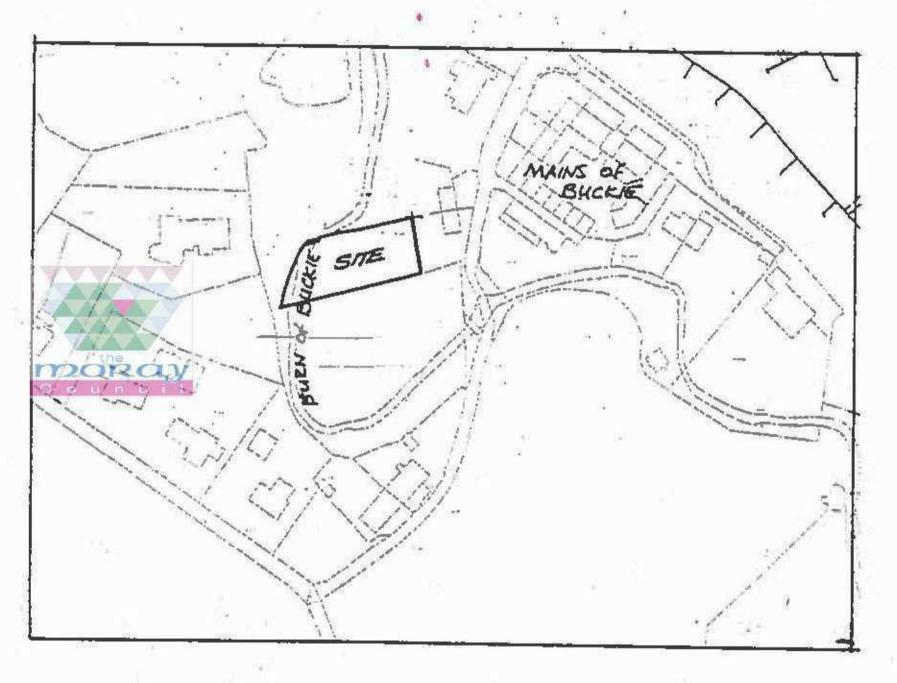


Town & Country Planning (Scotland) Act, 1997 as amended

REFUSED

03 May 2018

Development Management Environmental Services The Moray Council



LOCATION PLAN

1:2500



GROUND AT FERNDALE, MAINS OF BUCKIE, BUCKIE, MORAY

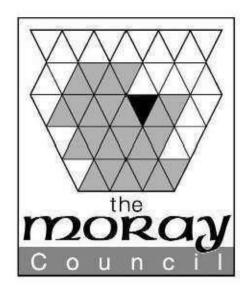
DAVID A. SMITH

DIP.ARCH. Leics
ARCHITECT

BERRYBAUDS, CLOCHAN, BUCKIE AB56 5HX TEL: 01542 850286 FAX: 01542 850336 EMAIL: david a dasmith.co

APPENDIX 2

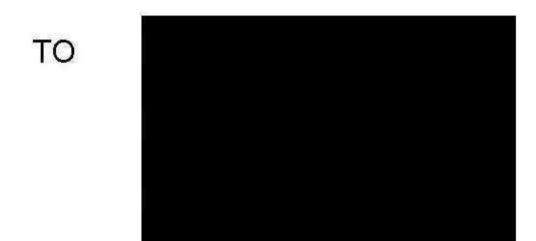
Notice of Decision



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

REFUSAL OF PLANNING PERMISSION

[Buckie] Application for Planning Permission



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:-

Change of use of amenity land to garden ground at Ferndale Mains Of Buckie Buckie Moray

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

Date of Notice: 3 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 provisions of the adopted Moray Local Development Plan 2015 (Policies E5 and IMP1 as well as the Moray Open Space Strategy Supplementary Guidance 2018) because the proposal to change the land from undeveloped open ground into private enclosed garden ground does not meet any of policy objectives or exemptions identified and would lead to the loss of part of the Buckie ENV6 designation which is designated to preserve open/amenity space within settlements. The proposal in failing to maintain the designated ENV6 green corridor would also fail to comply with the objectives of the Moray Open Space Strategy Supplementary Guidance 2018.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

awings form part of the decision:-
Title
i i i i i

Site and location plan
Cite and location plan
<u></u>

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

N/A

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

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, 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 3

Note/details of Enquiries made for the Review with the Council's Planning Policy personnel

On Wednesday 30th May 2018, Michael McLoughlin phoned Moray Council's Planning Policy Team to ask a number of questions about the evolution of Local Plan policy in the Mains of Buckie locality and the detail of the 2015 Open Space Audit with respect to the Burn of Buckie (method and findings).

Mr Keith Henderson was very helpful. The email exchange that followed the telephone conversation is provided on the pages towards the back of this Appendix.

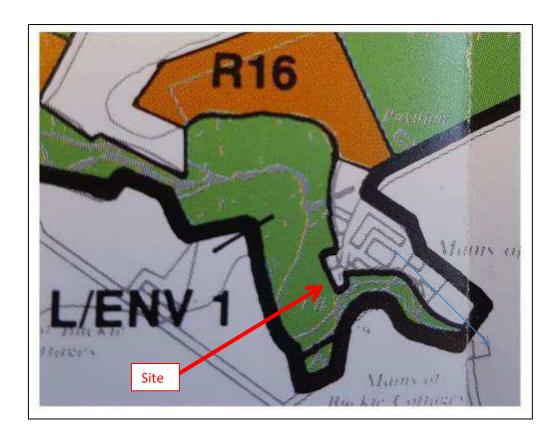
The key points about the Audit from the telephone conversation and email exchange can be summarised thus:

- the survey sheets from the Open Space Audit no longer exist, nor the master spreadsheet
- precise details of the exact spots from where the Burn valley was assessed are also now unknown
- the general approach of the surveyor was to 'walk down the length of the space as much as you can'
- the Audit following on from the adoption of the current Plan

The key points about the evolution of Local Plan policy from the telephone conversation and email exchange are outlined below.

Although in the Appeal Decision Letter (at Appendix X), the Reporter refers at paragraph 11 to the Buckie Area Local Plan, Mr Henderson was unable to uncover further details of this Plan. From what the Reporter says it appears that at the time of the planning appeal decision, the Site lay in an area treated as countryside in policy terms.

The same enquiries have confirmed that for the period 1993-1998, the Local Plan in force was the Moray District Plan. The Proposals Map from that Plan shows that, rather oddly the Site was included in a green space designation area (L/ENV1) despite the appeal decision and extant planning permission for new housing development. The image clip below pinpoints the Site on an extract of the relevant part of the Proposals Map (the original having been kindly provided by Mr Henderson with his email):

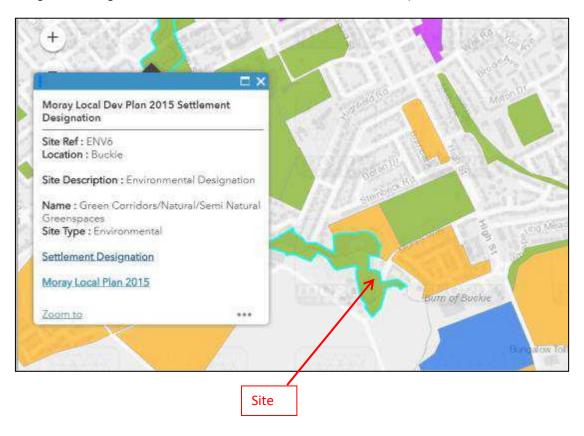


When the 1993-1998 Local Plan was superceded by the Moray Local Plan 2000, this approach was carried forward without much alteration apart from the green space policy designation label changing from L1/ENV to ENV1. The image clip below pinpoints the Site on an extract of the relevant part of the Proposals Map (the original having been kindly provided by Mr Henderson with his email):



Another Local Plan followed in 2008 along the same lines.

The current Local Development Plan (2015) adopts a similar approach, with the Site and the burnside environment shown as falling within an environmental designation ENV 6. The image clip below pinpoints the Site on an extract of the relevant part of the Proposals Map (the original having been taken from the Council's online version):



The ENV6 designation is described in the Local Plan Settlement Statement for Buckie as relating to open space sites identified as contributing to the amenity of the town, covering the following: 'Green Corridors/Natural Coastal Braes/slopes; Valleys Semi Natural Greenspaces Valleys of Buckie; Freuchny and Rathven burns; old railway lines, Portessie Station'. The Settlement Statement states that in line with Policy E5 these areas should be safeguarded from development not related to their current use.

NB Please see overleaf for copies of the emails referred to above.

RE: Open Space at Mains of Buckie/Buckie Burn

Keith Henderson < Keith. Henderson@moray.gov.uk >

Thu 31/05/2018 15:59

To:michael mcloughlin <mcloughlin_michael@hotmail.co.uk>;

4 attachments (17 MB)

Local Plan 2000 map.jpg; Local Plan 2000.jpg; Moray District Plan - 1993 - 98.jpg; Moray District Plan 1993 - 98.jpg;

Michael,

I have had a look around and found a copy of the Moray Local Plan 2000 and the Moray District Plan 1993 – 1998. I have attached some photographs (as it is hopefully clearer than scanning) of the Buckie Burn ENV designation and the area that you had in the red dashes. Sorry for the large files. We do not have a record or any knowledge of a Buckie Local Plan in the 1990's and do not have any copies of the older plans to sell but let me know if there is anything else you need.

Regards

Keith

Keith Henderson | Planning Officer | Planning & Development <u>keith.henderson@moray.gov.uk</u> | <u>website</u> | <u>facebook</u> | <u>twitter</u> | <u>newsdesk</u> 01343 563614

council

From: michael mcloughlin [mailto:mcloughlin_michael@hotmail.co.uk]

Sent: 31 May 2018 12:35 **To:** Keith Henderson

Subject: Re: Open Space at Mains of Buckie/Buckie Burn

Thanks Keith - most kind!

Michael

From: Keith Henderson < Keith. Henderson@moray.gov.uk>

Sent: 31 May 2018 12:32 **To:** michael mcloughlin

Subject: RE: Open Space at Mains of Buckie/Buckie Burn

Good afternoon Michael,

Sorry to hear that your throat is worse. I will have had a look and ask around and get back to you.

Kind regards

Keith

Keith Henderson | Planning Officer | Planning & Development

keith.henderson@moray.gov.uk | website | facebook | twitter | newsdesk

01343 563614



From: michael mcloughlin [mailto:mcloughlin_michael@hotmail.co.uk]

Sent: 31 May 2018 10:39 **To:** Keith Henderson

Subject: Open Space at Mains of Buckie/Buckie Burn

Morning Keith,

Thank you again for your help yesterday on the phone and for bearing with me and my croaky voice. Today I now have a full blown throat infection! Hence the late start.

I can fully understand that 3 years on the survey sheets from the Open Space Audit no longer exist, nor the spreadsheet and that precise details of the exact spots from where the Burn valley was assessed are lost in the mists of planning time. I noted what you said too about the Audit following on from the adoption of the current Plan.

As discussed I am trying to understand how local planning policy has evolved for the area around Mains of Buckie over the past 30 years.

I believe that in 1990 there was a Buckie Area Local Plan.

Is there any chance that you could ask around the 'old-timers' or look in your library to see what this Plan was subsequently replaced by? It may be that it was superceded by the 2000 Moraywide Local Plan that you mentioned.

Would it be possible to purchase a photocopied/scanned extract of the Proposals Map from the 2000 Moraywide Local Plan for the area marked by a red dashed line on the attached plan? It is at Mains of Buckie, north-west of the Tesco store.

Likewise, if there was another Local Plan adopted between the Buckie Area Local Plan and 2000 Moraywide Local Plan, would it also be possible to purchase a photocopied/scanned extract of the Proposals Map from it for the same area?

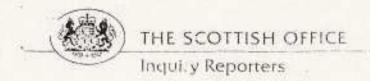
I hope you are able to help further.

Best regards

Michael

Planning Appeal Decision Letter for Planning Application 900693 and Approved Site Layout Drawing





2 Greenside Lane EDINBURGH EHI SAG

Telephone 031-244 - Soc5. Fax 631-244 5680

Alexander George & Company Solicitors W4 Shore Street Macduff AB44 1TX

Your sers BLA/EMB

Int ref: 9/99A/08/207

24 October 1991

Dear Blet

TOWN AND COUNTRY FLANKING (SCOTLAND) ACT 1972: SECTION 30 AND SCHEDULE 7 APPEA) BY MR W MILTON: ERECTION OF 2 DWELLINGHOUSES AND ONE GARAGE AT MAINS OF SUCKIE, SUCKIE

- I refer to your client's appeal, which I have been appointed to determine, against the refusal of planning permission by Moray District Council for the rection of 2 dwellinghouses and one garage at Mains of Buckle, Buckle, I made an accompanied inspection of the site and surroundings on 22 Figust 1991.
- 2. The site ites in countryside to the south west of the former farmsteading of Minur of Buckie, and about 100m south of the built up area of Buckie. It outprises an overgrown erea of low lying land, extending to about 0.25 Ma, which is bounded to the west, south and south east by the Burn of Buckie, and to the north by a slightly higher area of overgrown land. There are about a occupied houses at or near Mains of Buckie. Conversion work on the main part of the former steading, to provide further houses, is well advanced, but appeared to have been suspended. Access to the area is by way of a minor road running west from the A942 road. It deteriorates beyond the farm steading, as it descends towards the appeal site and a bridge over the burn.
- 3. Each proposed house has a rectangular plen, buff harled walls, and a shallow pitched roof clad with charcoal coloured tiles. Each has a lounge, kitchen, 4 bedrooms and a bathroom. One also has a large snocker room, and a detached garage. Elevations of the garage have not been submitted. The block plan shows septic tanks and soakaways close to the burn.
- 4. The reasons stated for the refusal of planning permission are that the proposal is contrary to the council's policies on housing development in the countryside and the green belt surrounding Buckle, that it would set an undesirable precedent, that connections to the public sewerage system have been required in rehabilitation schemes in the area, and that the design of the proposed properties does not readily relate to existing ones in the vicinity.
- 5. On behalf of your client, you state that he wishes to erect one house for himself and one for his parents. There is limited scope for this type

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- of development in Buckle. The proposal would be in acquing with existing development at Mains of Buckle. As the site in low lying, the development would not be visually obtrusive. Any precedent necessor sould be limited as the site is small and there are faw, if any, visually vites in the area. Your client is prepared to connect the development to the public sever. He would be willing to conform to reasonable requirements regarding design, and would prefer a "cottage type" design to a more modern design.
- 6. The district countil states that the site lies within the roundaries of the Buckle Area Local Plan and the Buckle Great selt. A precedent would be created for possibly a further 2 houses sites on adjacent land. The house styles, while simple, incorporate a shallow roof pitch. Septic tank drainage is contrary to policy and to recent committee decisions in the area.
- 7. The North East River Purification Board states that the conversion of the Mains of Buckle steading to houses required a connection to the public foul sawer, and this development should also be connected to the foul sewer.
- A letter of support was submitted by the owner of the appeal site. He states that the rite was previously a stockyard, not a field, and that it is completely lablated from the rest of the farm by housing development.

CONCLUS.ONS

- 9. From my inspection of the site and surroundings and consideration of the written submissions, I believe that the main issues in this appeal are whether the principle of erecting houses on this site is contrary to the relevant national and local planning policies, whether the design of the proposed houses would be seriously out of keeping with the character of the area, whether adequate drainage can be provided, and whether the possibility of a precedent being set provides an adequate basis for withholding planning permission in this case.
- 10. The first reason for refusal refers to local plan green belt policy. In accordance with SDD Circular 24/1985 ("Development in the Countryside and Green Belts"), the strategic context for a green belt should be established in a structure plan before its boundaries are defined in a local plan. As the structure plan for this area contains no such provision, the area around Buckle is not a statutory green belt. The advice on green belts contained in Circular 24/1985 is therefore not relevant to this appeal.
- 11. Paragraph 7.3.8 of the Buckie Area Local Plan, which deals with these non-statutory green belts, states that they are intended to prevent unnecessary development on the edge of the built up areas so that a clear distinction is kept between town and countryside. It emphasises the need to protect the east and west edges of coastal towns, and the separate identity of the village of Rathven to the south. It states that some sites within the defined green belt may be acceptable because they are obscured from settlements by the contour of the land. The appeal site lies in a hollow, next to a small group of buildings. The proposed development would not erode the physical distinction between town and country, the east or west edges of Buckie or the identity of Rathven. In my opinion it would not run counter to the objectives of this policy.

- 12. Policy 3.3.7 of the local plan states that there is no inherent presumption against new housing development in the countryside. Policy 7.3.1 states that a site proposed for development in the countryside will be assessed in relation to both the natural features and the number and location of buildings in the locality, as well as considerations of road across and road rafety, availability of services and the means of sewage treatment proposed. The last issue is discussed below in paragraph 14. No objections on road acress or safety grounds were raised by the planning or roads authorities. The first part of the policy, regarding natural features and buildings, is not expressed as clearly as it might bu, and allows for considerable flexibility in interpretation. However it appears to encourage planned, grouped development that fits relatively incomspicuously into the landscape, and discourage an unplanned build up of isolated and prominent development. The proposed houses would be built in a hollow, next to an existing group of buildings, and as such they would appear to comply closely with the terms of this policy. I conclude that the principle of erecting houses on this site is not confidery to the relevant national and local planning policies.
- II. The proposed houses would have a traditional harl finish, and fairly innormous charges, coloured tiles. The site is not very prominent, and existing houses near the former steading display a variety of styles. However I share the planning authority's concern about the inappropriateness of the shallow pitched roofs. The roofs would be particularly noticeable parts of these low lying houses. Steeper roof pitches, generally between 40 and 45 degrees, are a characteristic feature of Scottish rural buildings, and I would have thought that they could be provided here without any major difficulty. I note that your client has a preference for more traditional looking houses. Subject to this provise, I consider that the design of the proposed houses would not be seriously out of keeping with the character of the area.
- 14. The application proposed septic tank drainage, but this is unacceptable to the planning authority and the river purification board. You state that your client would be prepared to connect the development to the public sewer. This has apparently been done elsewhere in the area, and I therefore assume that adequate drainage could be provided in this case.
- 15. The district council is concerned that approval could set a precedent for the development of up to 2 more houses on adjoining land. I assume it is referring to the overgrown land to the north of the appeal site. I do not know whether such a proposal has been made, or whether it would be feasible or desirable. It would be inappropriate for me to comment on such a proposal. Each planning application falls to be determined on its individual merits, and I see no reason to withhold planning permission in this case because of fears about possible development on that, or any other site.
- 16. I therefore find the proposal to erect the 2 houses acceptable. In the absence of details of the garage I cannot approve it. Accordingly, and in exercise of the authority delegated to me, I hereby sustain the appeal and grant planning permission for the erection of 2 dwellinghouses at Mains of Buckie, Buckie, in accordance with planning application No 900693, dated 17 July 1990, subject to the following conditions:
 - 1. The permission hereby granted shall lapse if the development is

not begun within 5 years from the date of this decision.

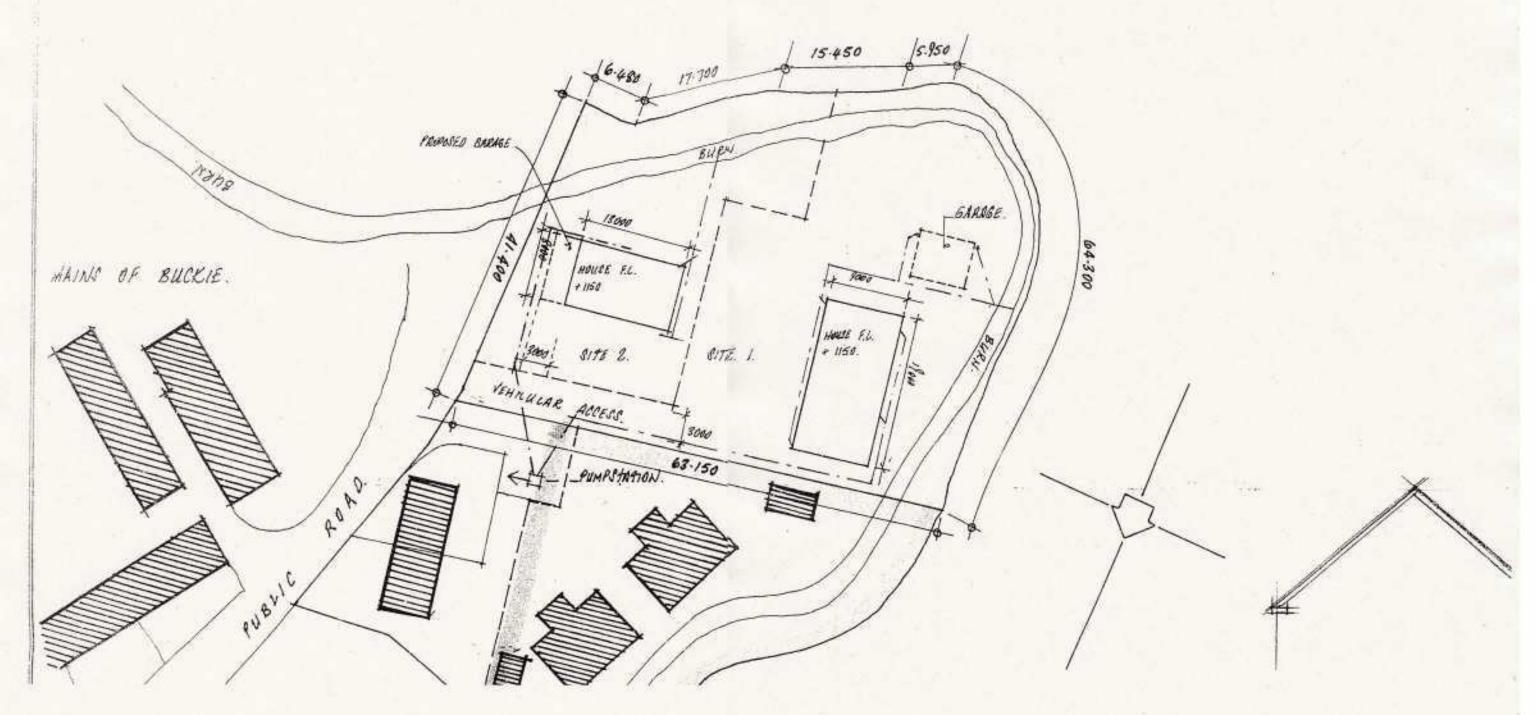
- 2. Details of the external materials to be used on the broken shall be approved by the planning authority prior to the start of construction work on sitm.
- 1. The roofs of the houses shall have a pitton of between 10 and 45 degreer.
- 4. The bouges shall be connected to the public sewerage system before they are occupied. They shall not be drained by means of septic tanks and sockaways.
- 17. The foregoing decision is final, subject to the right of any aggrieved person to apply to the Court of Session within 6 weeks from the date hereof as conferred by sections 231 and 233 of the Town and Country Planning (Scotland) Act 1972; on any such application the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by a Sailure to comply with any requirement of the Act or of the Wribunels and Inquiries Act 1971 or of any bridge, regulations or rules made under these Acts.
- 18. A copy of this letter has been sent to Moray District Council,

Yours Faithfully

D N GORDON Reporter

NOTE: DRAINAGE FROM HOUSES TO PUMPSTATION

Copyright in any plans and correspondence enclosed lies with the original author. Passing you copies under Freedom of Information/Data Protection Act/Planning Legislation, does not give you rights to re-use this material many way, which would infringe this copyright.

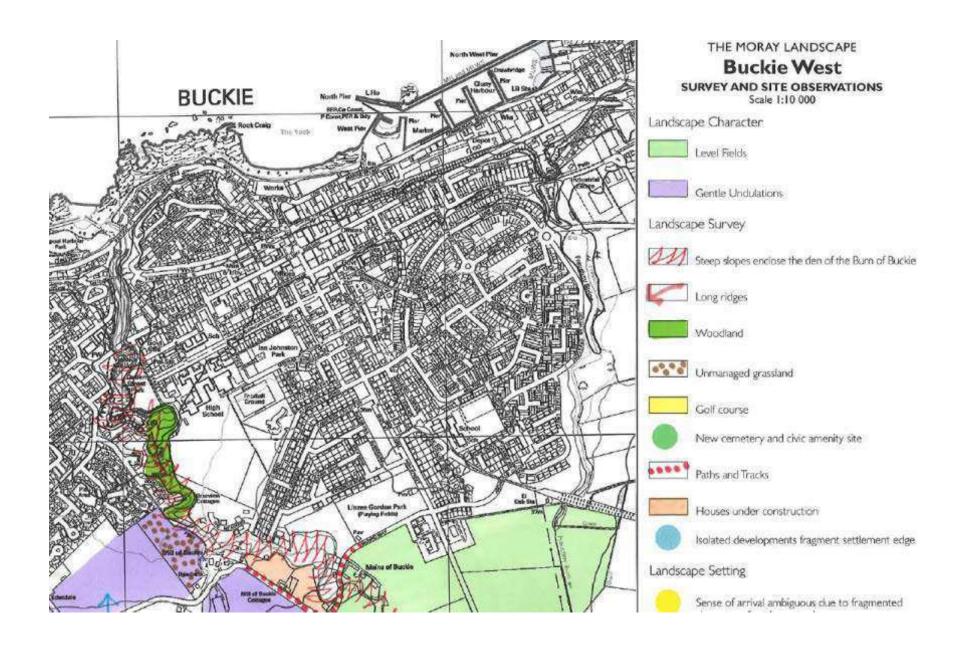


Page 152

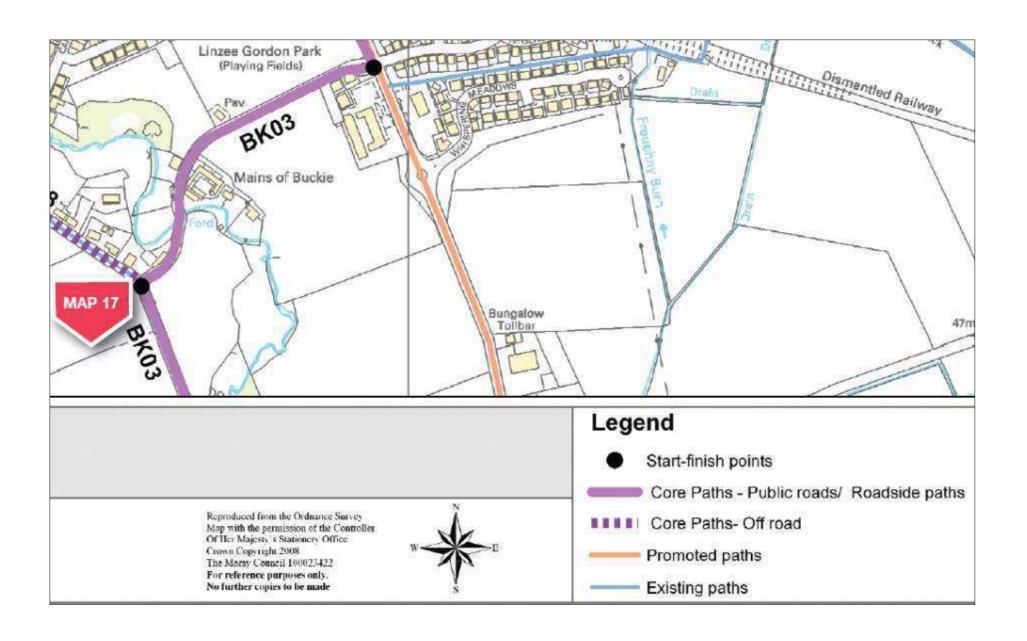
Table extracted from page 45 of Appendix 4 (Buckie Audit Findings) to the Moray Open Space Strategy Supplementary Guidance 2018

Audit Site Ref	Site Name	Ownership/ Responsible for Management	Audit Typology	Area (Ha)	Quality Score	Reasons for Poor	Park Hierarchy	Key qualities and features
/RC/OS/001	Buckpool Coast	ТВС	Green Corridor	0.49	Good		N/A	Area of foreshore, rocky at sea edge with rough grass behind. Coastal path runs through site.
M/BC/OS/002	Buckpool Coast/Shore	TBC	Amenity	0.19	Good		N/A	Area of foreshore, rocky at sea edge with rough grass behind. Coastal path runs through site. Parts surfaced for carparking.
M/BC/OS/003	Buckpool Harbour Park	Moray Council	Public Parks	2.47	Good		Neighbourhood Park	Distinctive public park with attractive setting beside harbour wall. Primarily grass with areas planted with shrubs. Includes well equipped playspace and coastal path. Area of foreshore to the west.
M/8C/OS/004	Coastal slope and former railway	Private /Moray Council path	Green Corridor	3.17	bed		N/A	Former railway with distinctive changes in level. Allows movement between upper and lower parts on steep paths with steps. Distinctive landform which runs through Buckie.
M/BC/OS/005	Buckpool Playing fields	Moray Council	Sports Area	2.17	Good		Nashbourhood Park	Playingfields with playspace,
M/BC/OS/007	The Bow	Moray Council	Amenity	0.17	Poor	Lacks any clear function and made up solely of grass.	N/A	Flat grass area forming a square. Breaks a development and provides amenity for house a in immediate vicinity.
M/BC/OS/010	Letterfourie Road	Moray Council	Playspace	0.42	Good		Pocket Park	Landscaped area in centre of cousing development with playspace. Inc. les mature trees and landscaping.
M/BC/OS/011	Burn of Buckie	Moray Council/ Private	Green Corridor	13.79	Good			Corridor for Burn of Buckle which runs through town. Steeply sided and gorge like in parts. Landscape feature. Access limited due to steep slopes.

Extract of the Buckie West Landscape Analysis Plan from the Council's Final Report on the Integration of New Development into the Landscape, May 2005 (situated between pages 29 and 30)



Extract from Map 17A (Buckie Inset Map) of the Moray Core Paths Adopted Plan 2011



Local Plan Policy IMP1 (page 84 extracted from the 2015 Moray Local Development Plan)

Policy IMP1

Developer Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with the following criteria

- The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

Justification

The quality of development in terms of its siting, design and servicing is a priority consideration within the Plan. In the first instance, development needs to be suitable to the surrounding built and natural environment. Development should be adequately serviced in terms of transport, water, drainage, with particular emphasis on providing pedestrian and cycle access, and any necessary public transport facilities/connections. The use of SUDS and incorporation of renewable energy techniques and sustainable design and construction methods will all help promote sustainability in Moray. Most of the serious flood risks have been addressed by flood alleviation schemes, but there are still areas that are susceptible and these should be avoided. Similarly, pollution issues in relation to air, noise, groundwater and ground contamination, must be adequately addressed to provide proper development standards.

Local Plan Policy PP3 (page 9 extracted from the 2015 Moray Local Development Plan)

PP3

Placemaking

All residential and commercial (business, industrial and retail) developments must incorporate the key principles of Designing Streets, Creating Places and the Council's supplementary guidance on Urban Design.

Developments should;

- create places with character, identity and a sense of arrival
- create safe and pleasant places, which have been designed to reduce the fear of crime and anti social behaviour
- be well connected, walkable neighbourhoods which are easy to move around and designed to encourage social interaction and healthier lifestyles
- include buildings and open spaces of high standards of design which incorporate sustainable design and construction principles
- have streets which are designed to consider pedestrians first and motor vehicles last and minimise the visual impact of parked cars on the street scene.
- ensure buildings front onto streets with public fronts and private backs and have clearly defined public and private space
- maintain and enhance the natural landscape features and distinctive character of the area and provide new green spaces which connect to green and blue networks and promote biodiversity
- The Council will work with developers and local communities to prepare masterplans, key design principles and other site specific planning guidance as indicated in the settlement designations.

Justification:

The Scottish Government aims to encourage higher standards of urban design and has published Designing Streets and Creating Places. The Council has approved supplementary guidance on urban design which developers are referred to.

The planning system encourages a designled approach to planning responding to the context and characteristics of each site. The 6 key qualities of distinctive, welcoming, adaptable, resource efficient, safe and pleasant and easy to move around and beyond should be considered and integrated into new developments.

Design statements are required for all major applications, however this approach is encouraged for all developments over 10 units to understand the proposal within the context of the site and surrounding environment.

Scottish Government policies encourage the creation of walkable neighbourhoods which are defined as neighbourhoods which have a range of facilities within 5 minutes (about 400 metres) walking distance of residential areas.

A Design and Access Statement is required for national and major planning applications and the Council encourages preparation of a Design Statement for all housing developments of 10 or more units and commercial developments in excess of 500 sq. metres.

Extract from the Moray Urban Design Guide 2015 (pages 2,3,9,10 and 12)

Introduction

The Scottish Government's clear commitment to raising urban design standards is set out in its policy statements 'Creating Places' and 'Designing Streets'. These emphasis the important value that good design brings to creating successful places that enhance our quality of life. Our quality of life is determined by the way in which we interact with our surroundings. Architecture, public space and landscape are central to this.

The Scottish Government's approach to designing successful places is underpinned by six key qualities: a successful place is distinctive, safe and pleasant, easy to move around, welcoming, adaptable, and resource efficient. Creating Places sets out the value (physical, functional, viable, social and environmental) that a creative, innovative and inclusive design process can deliver. Designing Streets puts the importance of well-designed streets and its impact on movement and connection between people and places, building and streets, public and private spaces, and the built and natural environment back at the heart of the design process.

This urban design guide has been produced to ensure that new development, especially Greenfield sites at the gateway to towns and villages are places of character with their own identity, which are well-connected and pleasant to live in. These places should have a sense of place which helps establish communities and foster civic pride.

The aim of this guide is to ensure that good design principles are applied to new developments in order that they become successful places to live, work and relax. The design process must ensure that the site and area appraisal together with design principles are analysed at the outset to create an appropriate design that adds value to the place and people. The planning authority must be involved from the outset to ensure that the key design principles set out in this guide are embedded in new development, and to avoid delays in the planning application process.

Good design can avoid longer term problems of poorly maintained spaces, isolated communities, and social problems. The guide aims to reduce reliance on the car and reinforce the role of our streets as a key way of walking and cycling therefore creating a sense of place and allowing for more social interaction.





The benefits of good urban design are:

- Enhances our quality of life by creating attractive, safe and well-connected places;
- Makes urban areas more attractive and competitive for inward investment;
- Creates distinctive places with their own sense of identity and community;
- Lower crime rates and fewer social problems;
- Provides opportunities for active and healthier lifestyles with more opportunities for walking and cycling as an alternative to the car;
- Creates better access to public transport; and,
- Provides opportunities to maximise energy efficiency and reduce emissions.

This guide is aimed primarily at larger housing developments however, many of the principles should be applied to all sizes and types of developments. The guidance supports and expands on the Moray Local Development Plan (LDP) policies of which Placemaking is a key priority for the Council. The guide also supplements the key design principles set out for development sites in the LDP. The guide is a material consideration in the determination of planning applications.









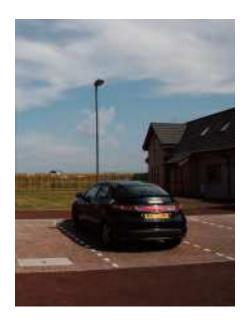
Page 165

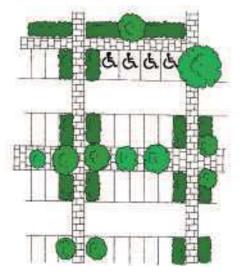
Homezones can form part of a well connected network of public shared spaces which encourage walking, cycling and social interaction. Homezones should conform to the following key principles:

- Access points into homezones must be clearly defined to allow all users to understand the change in street layout and function, which requires different behaviour. Access point design is likely to include design features such as planting, street narrowing, surface level and material changes.
- Streets within homezones must be capable of allowing two-way traffic movements. One way systems will not be acceptable.
- Short forward visibility standards must be applied to influence driver behaviour and encourage low vehicle speeds. This can be achieved with varied deflections in the street and the careful positioning of trees, planters, buildings, lighting columns, etc.
- On street parking should be designed to minimise the impact upon the streetscene, influence traffic movement and speed. Soft and hard landscaping and street furniture should be used to define parking areas.
- Paving material and colours should be varied to distinguish between the
 preferred use of a particular part of a shared surface and to reinforce the
 distinctiveness and identity of public spaces. Developers are advised to discuss
 materials/colours with the Planning Authority at pre-application stage.

Car parking

Car parking can dominate the streetscape unless it is carefully designed. The street must be capable of accommodating parked vehicles without detracting from the character of the place. Parking and turning space also needs to be considered for bicycles, public transport and service vehicles. The level and location of car parking provision can influence how people travel. Parking should be conveniently located and overlooked by properties. Parking within the front curtilage should be avoided as it breaks up the building frontage and leads to a visual dominance of parked cars, restricts overlooking of the street and minimises garden space.





Parking bays should be broken up with soft landscaping

Most residential car parking must be provided to the side or behind the building line, in areas which allow for active surveillance. Car parking to the side of properties is preferred, but some styles of development, e.g. flats may be suited to the rear or courtyard parking.

Street frontages should not be dominated by garage doors, which should be in line with or set back from the house front.

On-street parking using discrete bays broken up by soft landscaping, kerb features or street furniture softens the impact of communal parking areas. Communal car parking to the rear of flatted developments reduces the impact of the car and allows for a softer, landscaped frontage to the building.

In commercial developments, which involve significant areas of car parking the impact should be reduced by locating parking to the side or rear. Paved surfaces should be kept to a minimum and parking bays broken up into small separated clusters.



Car parking provided to the rear of property reduces the level of parking on the street



Reducing Street Clutter

Street furniture, signs, bins, bollards, lighting and other items which tend to accumulate on a footway can clutter the streetscape and be visually intrusive. Signage must be kept to a minimum and be well located. Street lighting should be as discreet as possible but provide adequate illumination, e.g. mounted on building walls.



Crime Prevention

Blank facades, remote footpaths, poor lighting and areas which cannot be observed all contribute to perceptions of poor security. Well designed places should take account of crime prevention measures. Buildings should be orientated to ensure that public open spaces, car parking areas and footpaths are all overlooked to improve security. Active building frontages generate activity and help to increase safety.

Lighting can help to reduce the incidence of crime, add vitality to the area and enhance its attractiveness and sense of place.

Footpaths should have an open aspect, be well lit, with good surveillance allowing pedestrians to see the full length of the path. Pedestrians should not have to negotiate enclosed, poorly lit paths or blind corners or recesses.

Density

The Moray Local Development Plan identifies indicative capacities for designated housing sites. For other sites the appropriate density will be determined by taking account of a number of criteria including neighbouring density levels, landscaping, access, noise, flooding, etc.



Sequence Markers

Sequence markers can be added to the design of a development to assist with orientation around an area. Sequence markers are required along longer stretches of paths or roads to remind people where they are and provide a sense of getting somewhere. A sequence marker can be added in a variety of forms including a different house style, landscape feature or street furniture. These can be sited at junctions to become landmarks within a formal grid structure. However, on curved streets they should be sited to be visible from a distance and could project up, down or forward, relative to the building line.

Mixed Uses

Large residential areas should incorporate a range of non-residential uses, such as shops, school, employment and community facilities. The location of these within predominantly residential areas will reduce the need to travel, and will create activity and the opportunity for social interaction. Community facilities should be sited at locations, which are accessible by a choice of transport modes.



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

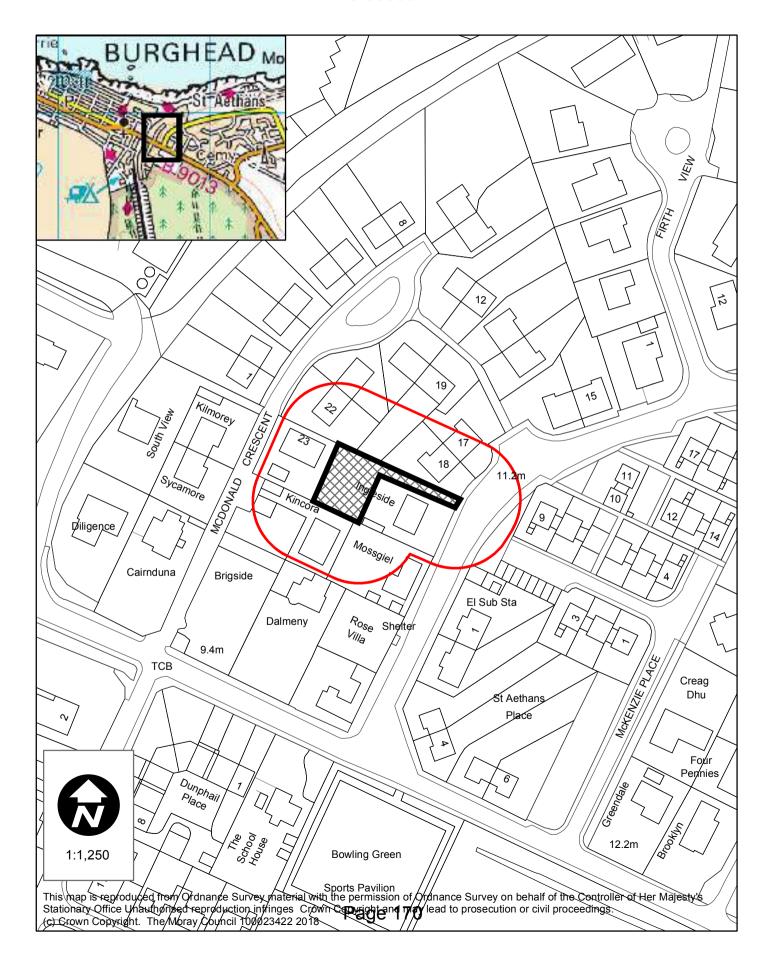


Town and Country Planning

(Development Management Procedure)(Scotland) Regulations 2008

Planning Application Reference Number:

18/00383/APP





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 Application for Approval of Matters specified in conditions.	al of a planning condition etc)
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? (Answer 'No' if there is no change of use.) * Has the work already been started and/or completed? * No Yes – Started Yes - Completed	☐ Yes ⊠ No
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 detail	s			
Company/Organisation:	Madders Design Services			
Ref. Number:		You must enter a Bu	ilding 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 individ	ual or an organisation/corporate entity? *			
	nisation/Corporate entity			
Applicant Det	ails			
Please enter Applicant de	etails			
Title:	Other	You must enter a Bu	ilding 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 th	e site (including postcode where availal	ble):	_			
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-Applicati	ion Discussion					
Have you discussed you	Have you discussed your proposal with the planning authority? *					
Pre-Applicati	ion Discussion Detail	s Cont.				
lo lo ad 6 a ma ad a dha a f	in all and arise of O. *					
In what format was the f	-	☑ _{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						
	Mr					
Title: First Name:		Other title: Last Name:	Pooth			
Correspondence Refere	Maurice ence	Date (dd/mm/yyyy):	Booth			
Number:						
	greement involves setting out the key stand from whom and setting timescales for					

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
	the position of any existing. Altered or new access p	
you propose to make. You should also show existi	ng lootpaths and note it there will be any impact on the	iese.
Are you proposing any change to public paths, put	olic rights of way or affecting any public right of acces	s?* Yes 🗵 No
	of any affected areas highlighting the changes you pro-	opose to make, including
arrangements for continuing or alternative public a	iccess.	
How many vehicle parking spaces (garaging and c Site?	open parking) currently exist on the application	2
How many vehicle parking spaces (garaging and control of existing and any new spaces or a reduced		2
Please show on your drawings the position of exis	ting and proposed parking spaces and identify if thes	e are for the use of particular
types of vehicles (e.g. parking for disabled people,	coaches, HGV vehicles, cycles spaces).	
Water Supply and Drainage	e Arrangements	
	_	
Will your proposal require new or altered water sup	pply or drainage arrangements? *	🛛 Yes 🗌 No
Are you proposing to connect to the public drainage	e network (eg. to an existing sewer)? *	
Yes – connecting to public drainage network		
No – proposing to make private drainage arra		
☐ Not Applicable – only arrangements for water	supply required	
Do your proposals make provision for sustainable (e.g. SUDS arrangements) *	drainage of surface water?? *	⊠ Yes □ No
Note:-		
Please include details of SUDS arrangements on y	your plans	
Selecting 'No' to the above question means that yo	ou 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	Are you proposing to connect to the public water supply network? *	
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	⊠ Yes	
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, using a private water supply	
Assessment of Flood Risk Is the site within an area of known risk of flooding? *	No connection required	
Is the site within an area of known risk of flooding? *	If No, using a private water supply, please show on plans the supply and all works needed to provid	de it (on or off site).
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? *	Assessment of Flood Risk	
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? *	Is the site within an area of known risk of flooding? *	☐ Yes ☒ No ☐ Don't Know
Trees Are there any trees on or adjacent to the application site? *	If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessm determined. You may wish to contact your Planning Authority or SEPA for advice on what informati	ent before your application can be on may be required.
Are there any trees on or adjacent to the application site? *	Do you think your proposal may increase the flood risk elsewhere? *	☐ Yes ☐ No ☒ Don't Know
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)? *	Trees	
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 ☐ Yes ☑ No ☐ Don't Know Planning (Development Management Procedure (Scotland) Regulations 2013 * 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	Are there any trees on or adjacent to the application site? *	☐ Yes ☒ No
Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *		se to the proposal site and indicate if
If Yes or No, please provide further details: * (Max 500 characters) Concrete slab bin storage and collection areas shown	Waste Storage and Collection	
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Planning (Development Management Procedure (Scotland) Regulations 2013 * 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	Schedule 3 Development	
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		Yes No Don't Know
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.	If you are unsure whether your proposal involves a form of development listed in Schedule 3, pleas	

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?* 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? * Are you'the applicant the sole owner of ALL the land? * 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 tessee 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. *					
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On behalf of: Mr & Mrs John Kelbie Date: 16/03/2018					
Date: 16/03/2018	Signed:	Richard Madders			
	On behalf of:	Mr & Mrs John Kelbie			
☑ Please tick here to certify this Certificate. *	Date:	16/03/2018			
		⊠ Please tick here to certify this Certificate. *			

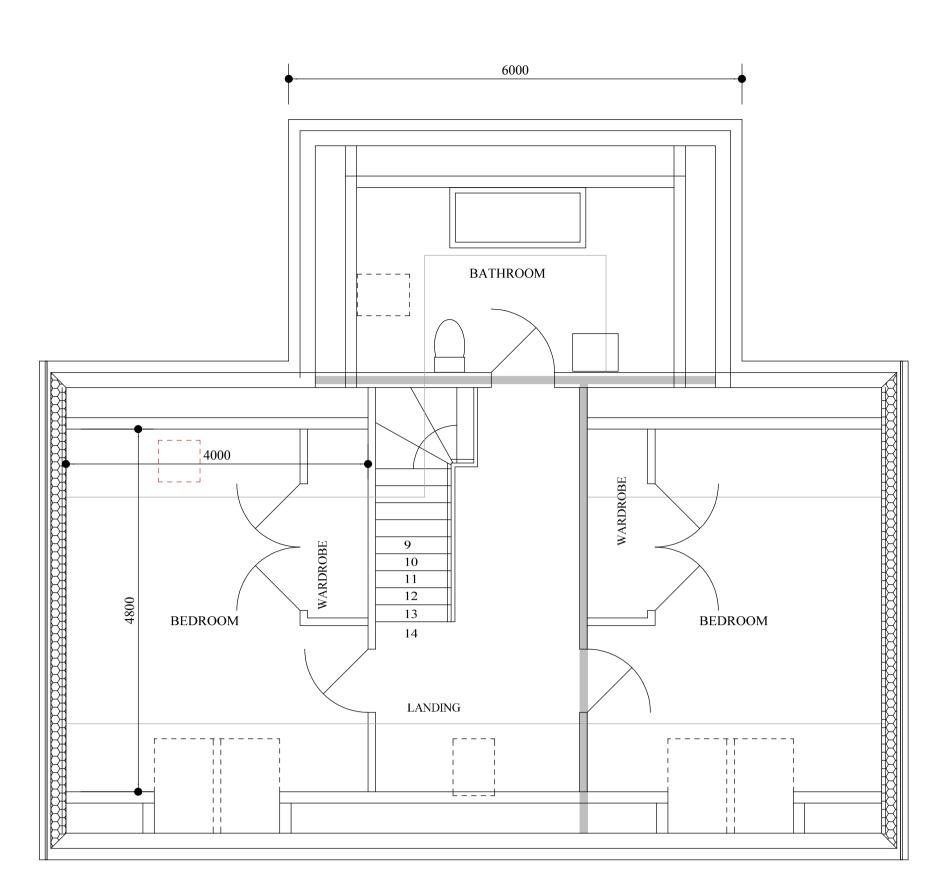
Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

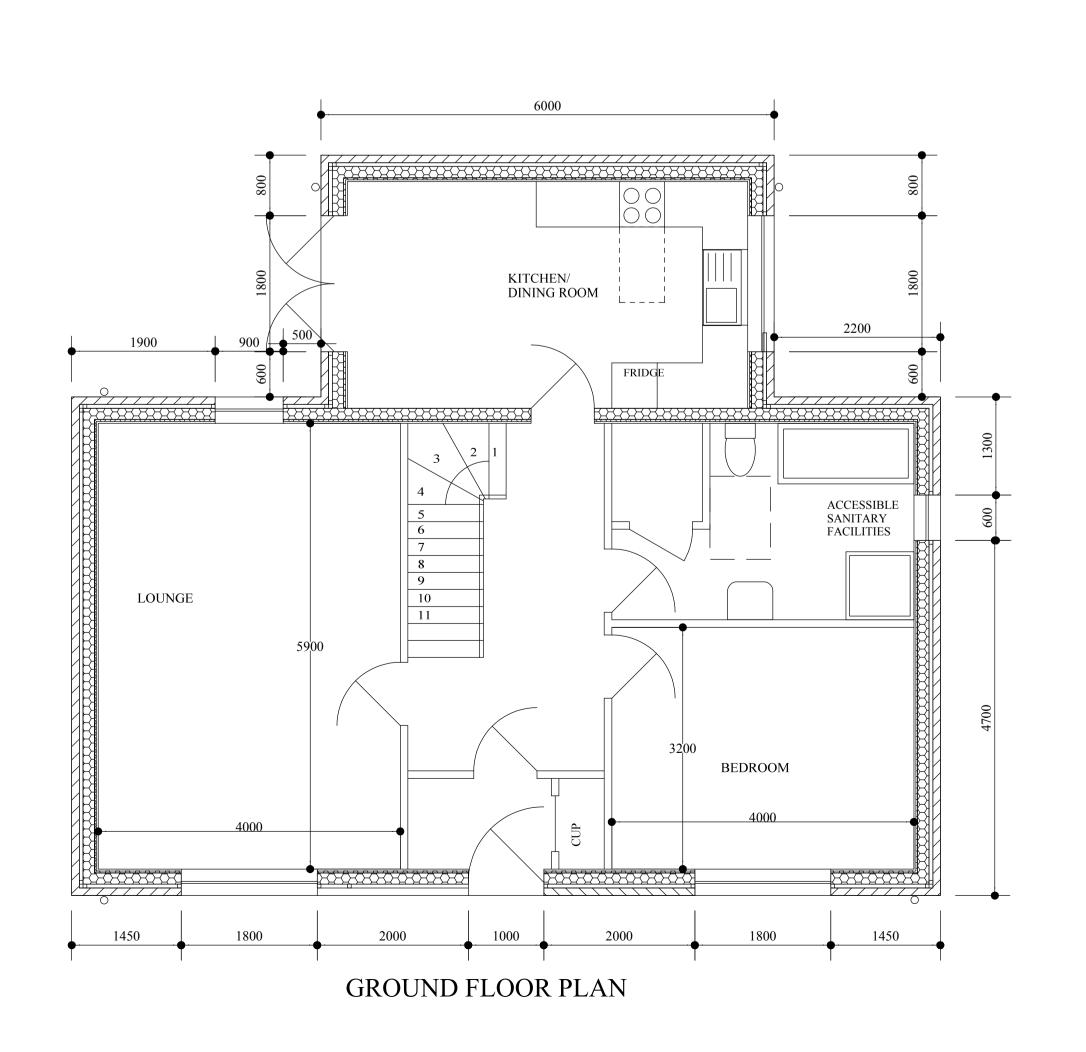
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

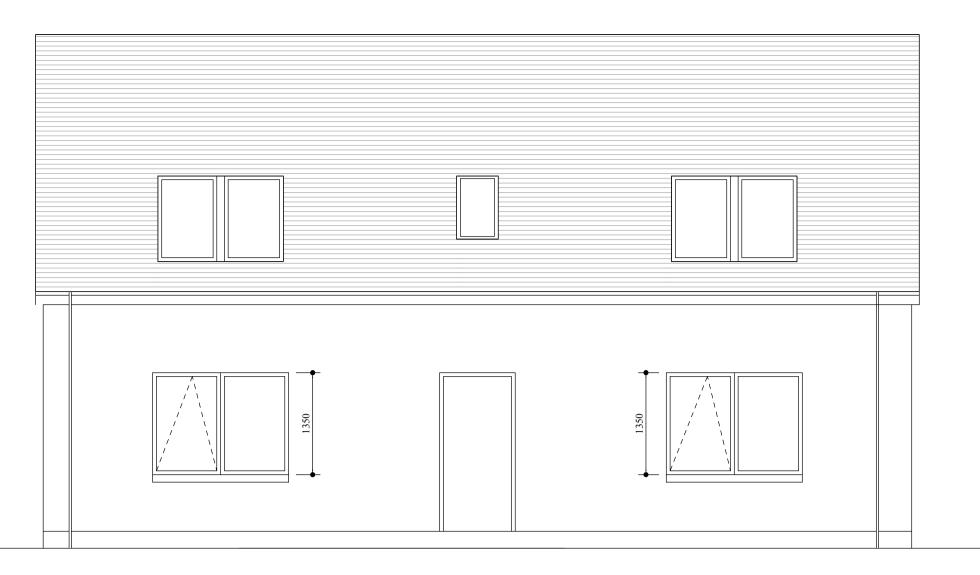
Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority 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	D
b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? * Yes No X 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 Kot 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. ★ 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 followin	g documents if applicable:	
A copy of an Environmental S	Statement. *	☐ Yes ☒ N/A
A Design Statement or Desig	n and Access Statement. *	☐ Yes ☒ N/A
A Flood Risk Assessment. *		☐ Yes ☒ N/A
A Drainage Impact Assessme	ent (including proposals for Sustainable Drainage Systems). *	☐ Yes ☒ N/A
Drainage/SUDS layout. *		✓ Yes ✓ N/A
A Transport Assessment or T	ravel Plan	☐ Yes ☒ N/A
Contaminated Land Assessm	nent. *	☐ Yes ☒ N/A
Habitat Survey. *		☐ Yes ☒ N/A
A Processing Agreement. *		☐ Yes ☒ N/A
Other Statements (please spe	ecify). (Max 500 characters)	
Declare - For A	pplication to Planning Authority	
	hat this is an application to the planning authority as described al information are provided as a part of this application.	d in this form. The accompanying
Declaration Name:	Mr Richard Madders	
Declaration Date:	14/11/2017	
Payment Details	5	
Telephone Payment Reference	ce:	Created: 16/03/2018 15:56



FIRST FLOOR PLAN

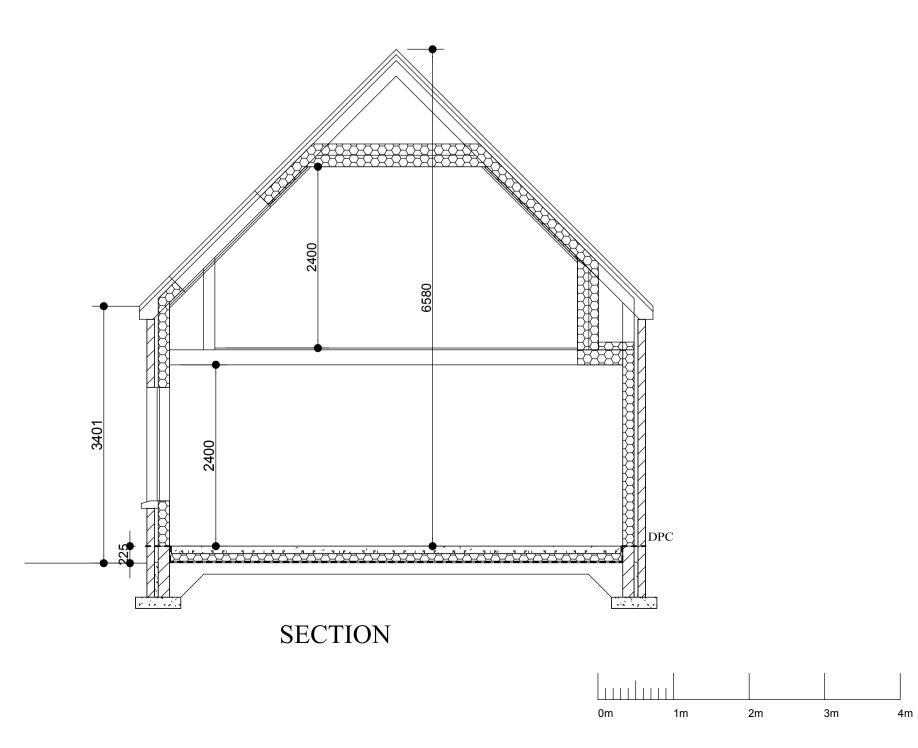




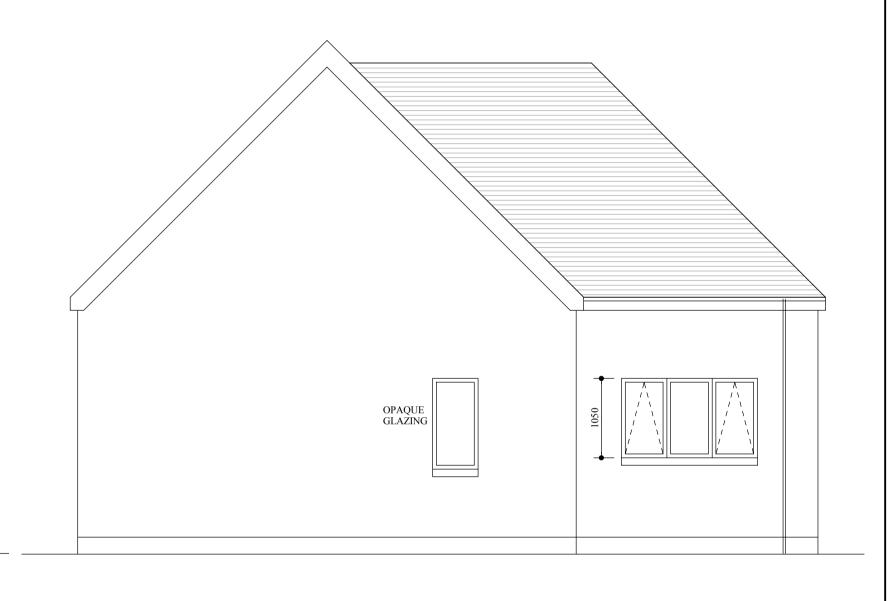
FRONT ELEVATION



REAR ELEVATION







SIDE ELEVATION

16/3/18 Rear gable changed to hip roof

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

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

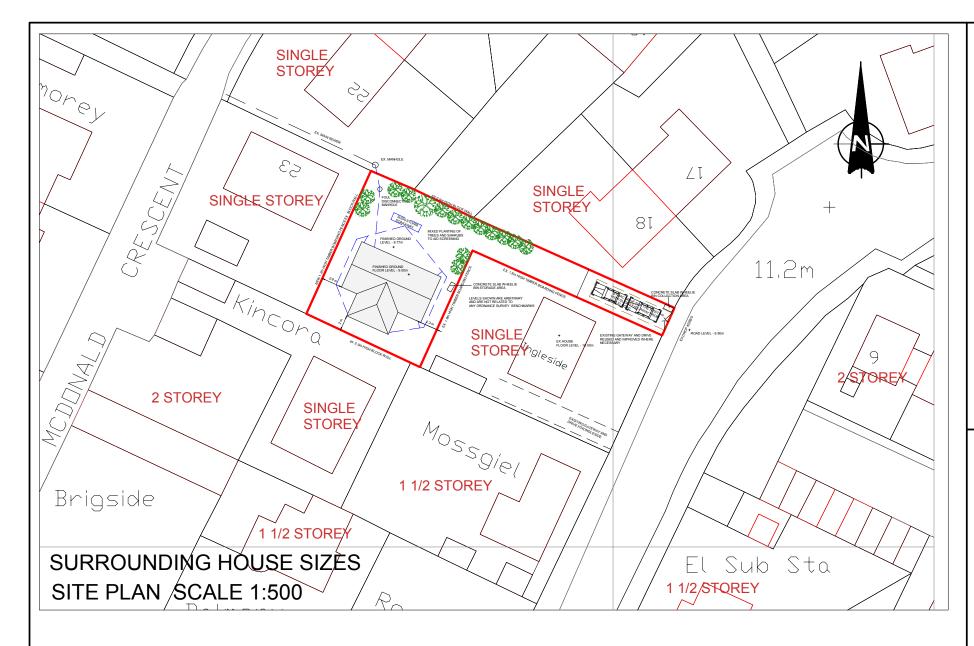


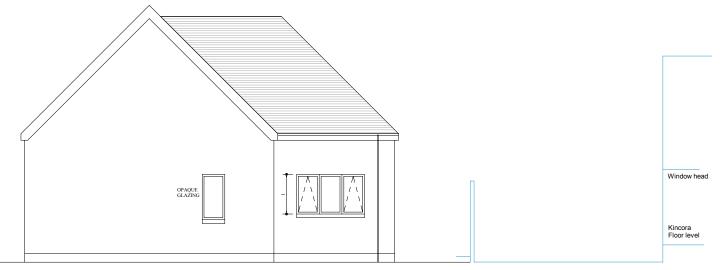
DESIGN SERVICES

110 Gaitside Drive Aberdeen AB10 7BE Contact: Richard Madders Tel: 07739011141 richard@maddersdesign.co.uk www.maddersdesign.co.uk

SCALE: 1:50

Page 180





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

CE, BURGHEAD MADDERS
DESIGN
SERVICES
richard@maddersdesign.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	Erect dwellinghouse on	
(Description)		
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 m ²	
Additional Comment		
Development Hierarchy Level	LOCAL	
Supporting Documentation	http://public.moray.gov.uk/eplanning/centralDis	
URL	tribution.do?caseType=Application&keyVal=P	
	5TSTUBGKXB00	
Previous Application	17/01764/APP	
Date of Consultation	20th April 2018	
Is this a re-consultation of an	No	
existing application?		
Applicant Name	Mr & Mrs John Kelbie	
Applicant Organisation Name		
Applicant Address	2 McDonald Crescent	
	Burghead	
	Elgin UK	
	IV30 5UX	
	1420 207	
Agent Name	Madders Design Services	
Agent Organisation Name		
	110 Gaitside Drive	
	Aberdeen	
Agent Address	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	
	. 50 11,51	

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	e the following comments to make on the applica	tion:-	Please
(a)	I OBJECT to the application for the reason(s) a	s stated below	â
(b)	I have NO OBJECTIONS to the application a comment(s) to make on the proposal	and have no condition(s) and/or	X
(c)	I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below		
(d)	d) Further information is required in order to consider the application as set out below		
email		Date… 24/4/2018 Phone No 3496	

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.

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



Hilda Puskas

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



Developer Obligations: ASSESSMENT REPORT



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 (Contribution towards extension at Moray Coast Medical Practice)	
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 the per SRUE.



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



Moray Council DEVELOPER OBLIGATIONS

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 reassessment 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	Erect dwellinghouse on		
(Description)			
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 m ²		
Additional Comment			
Development Hierarchy Level	LOCAL		
Supporting Documentation	http://public.moray.gov.uk/eplanning/centralDis		
URL	tribution.do?caseType=Application&keyVal=P		
	5TSTUBGKXB00		
Previous Application	17/01764/APP		
Date of Consultation	20th April 2018		
Is this a re-consultation of an	No		
existing application?			
Applicant Name	Mr & Mrs John Kelbie		
Applicant Organisation Name			
Applicant Address	2 McDonald Crescent		
	Burghead		
	Elgin		
	UK NGO SUY		
	IV30 5UX		
Agent Name	Madders Design Services		
Agent Organisation Name	-		
	110 Gaitside Drive		
	Aberdeen		
Agent Address	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 x
(a)	a) I OBJECT to the application for the reason(s) as stated below		
(b)	I have NO OBJECTIONS to the application comment(s) to make on the proposal	and have no condition(s) and/or	X
(c)	I have NO OBJECTIONS to the application comment(s) about the proposal as set out below		
(d)	Further information is required in order to co below	nsider the application as set out	
Reas	son(s) for objection		
Cond	dition(s)		
Furth	ner comment(s) to be passed to applican	t	
Furth	ner information required to consider the	application	
email	act: Kevin Boyle l address: cultee:	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	Erect dwellinghouse on		
(Description)			
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 m ²		
Additional Comment			
Development Hierarchy Level	LOCAL		
Supporting Documentation	http://public.moray.gov.uk/eplanning/centralDis		
URL	tribution.do?caseType=Application&keyVal=P		
	5TSTUBGKXB00		
Previous Application	17/01764/APP		
Trevious Application	177017047741		
Date of Consultation	20th April 2018		
Is this a re-consultation of an	No		
existing application?			
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			
	110 Gaitside Drive		
	Aberdeen		
Agent Address	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 I have NO OBJECTIONS to the application and have no condition(s) and/or (b) comment(s) to make on the proposal (c) I have NO OBJECTIONS to the application subject to condition(s) and/or X comment(s) about the proposal as set out below (d) Further information is required in order to consider the application as set out

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

Condition(s)

below

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.

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:

Address:

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

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:

Address:

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.

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:

Address:

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

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:

Address:

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 reaso	on(s) listed below	Y
Legal Agreement required e.g. S,75		N
Notification to Scottish Ministers/Historic Scotland		N
Haarina van iramanta	Departure	N
Hearing requirements	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.

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.

Comments (PO): The height of the proposed house would add to the unacceptable impact on neighbouring properties from the development - see Observations.

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.

Issue: Proposal removes and eyesore and would provide for needed housing.

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.

Issue: Concern over one and a half scale of proposed house in relation to overlooking and loss of light.

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 horning' of a new house into a very small rear garden area - see Observations.

Note: The applicant has provided a 6 name petition supporting the proposals.

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 piended 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			
		nghouse on Site In G Road Burghead Mora		eside St Aethans Place
17/01764/APP	Decision	Refuse	Date Of Decision	12/01/18

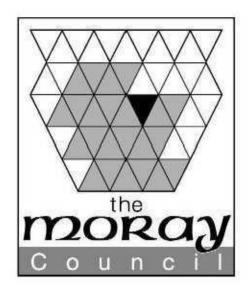
ADVERT		
Advert Fee paid?	No	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	Departure from development plan	17/05/18
PINS	Departure from development plan	17/05/18

DEVELOPER CONTRIBUTION	S (PGU)
Status	Required but not being pursued due to application being refused

DOCUMENTS, ASSESSMENTS etc. * * Includes Environmental Statement, Appropriate Assessment, Design Statement, Statement, RIA, TA, NIA, FRA etc	, Design an	d Access
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 Direct	tion(s)	



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

REFUSAL OF PLANNING PERMISSION

[Heldon And Laich] Application for Planning Permission



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

(Page 1 of 3) Ref: 18/00383/APP

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

(Page 2 of 3) Ref: 18/00383/APP

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.

(Page 3 of 3) Ref: 18/00383/APP



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 A	Agent Details		
	n agent? * (An agent is an architect, consult in connection with this application)	ant or someone else a	acting Applicant Agent
Agent Details			
Please enter Agent details	S		
Company/Organisation:	Madders Design Services		
Ref. Number:		You must enter a Bo	uilding 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		
	ual or an organisation/corporate entity? *		

Applicant De	tails		
Please enter Applicant of	details		
Title:	Other	You must enter a Bu	uilding Name or Number, or both: *
Other Title:	Mr & Mrs	Building Name:	
First Name: *	John	Building Number:	2
Last Name: *	Kelbie	Address 1 (Street): *	McDoanld 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 th	e site (including postcode where availab	le):	
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
[

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 a 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 dont 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? *
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 to rely on in support of your review. You can attach these documents electronically later in the			dintend
MDS 0078-1a Ingleside Burghead SITE PLAN 16-3-18 MDS 0078-2a Ingleside Burghead 0078-3a Ingleside Burghead NEW HOUSE SECTION & NOTES 16-3-18 mds 0078-4 Driv 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 an process require that further information or representations be made to enable them to determ required by one or a combination of procedures, such as: written submissions; the holding of inspecting the land which is the subject of the review case.	nine the review. Further	information r	
Can this review continue to a conclusion, in your opinion, based on a review of the relevant in parties only, without any further procedures? For example, written submission, hearing sess X Yes N 0		yourself and	other
In the event that the Local Review Body appointed to consider your application decides to ins	spect the site, in your op	oinion:	
In the event that the Local Review Body appointed to consider your application decides to instant the site be clearly seen from a road or public land? *	X	Yes 🗌 No	
	X		
Can the site be clearly seen from a road or public land? *	X	Yes 🗌 No	
Can the site be clearly seen from a road or public land? * Is it possible for the site to be accessed safely and without barriers to entry? *	X X	Yes ☐ No Yes ☐ No)
Can the site be clearly seen from a road or public land? * Is it possible for the site to be accessed safely and without barriers to entry? * Checklist – Application for Notice of Review Please complete the following checklist to make sure you have provided all the necessary in	Iformation in support of y	Yes No Yes No your appeal.)
Can the site be clearly seen from a road or public land? * Is it possible for the site to be accessed safely and without barriers to entry? * Checklist – Application for Notice of Review Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid.	formation in support of y	Yes No Yes No your appeal.)
Can the site be clearly seen from a road or public land?* Is it possible for the site to be accessed safely and without barriers to entry? * Checklist – Application for Notice of Review Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid. Have you provided the name and address of the applicant?. * Have you provided the date and reference number of the application which is the subject of the	Information in support of your his Yes \(\text{Yes} \) Yes \(\text{Yes} \) Yes \(\text{Information} \) in the	Yes No Yes No Yes No Your appeal. No No No)
Can the site be clearly seen from a road or public land?* Is it possible for the site to be accessed safely and without barriers to entry?* Checklist — Application for Notice of Review Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid. Have you provided the name and address of the applicant?. * Have you provided the date and reference number of the application which is the subject of the review? * 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	oformation in support of your his	Yes No Yes No Yes No Your appeal. No No No)
Can the site be clearly seen from a road or public land?* Is it possible for the site to be accessed safely and without barriers to entry?* Checklist — Application for Notice of Review Please complete the following checklist to make sure you have provided all the necessary into submit all this information may result in your appeal being deemed invalid. Have you provided the name and address of the applicant?. * Have you provided the date and reference number of the application which is the subject of treview? * 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 review should be sent to you or the applicant? * Have you provided a statement setting out your reasons for requiring a review and by what	aformation in support of y Yes	Yes No Yes No Yes No Yes No N	Failure
Can the site be clearly seen from a road or public land? * Is it possible for the site to be accessed safely and without barriers to entry? * Checklist – Application for Notice of Review Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid. Have you provided the name and address of the applicant?. * Have you provided the date and reference number of the application which is the subject of the review? * 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 review should be sent to you or the applicant? * 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? * Note: You must state, in full, why you are seeking a review on your application. Your statemer require to be taken into account in determining your review. You may not have a further opporat a later date. It is therefore essential that you submit with your notice of review, all necessary.	formation in support of y Yes his Yes his Yes his Yes his Yes his A Yes A Yes	Yes No Yes No Yes No Yes No N	Failure

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

Planning application reference: 18/00383/APP

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.

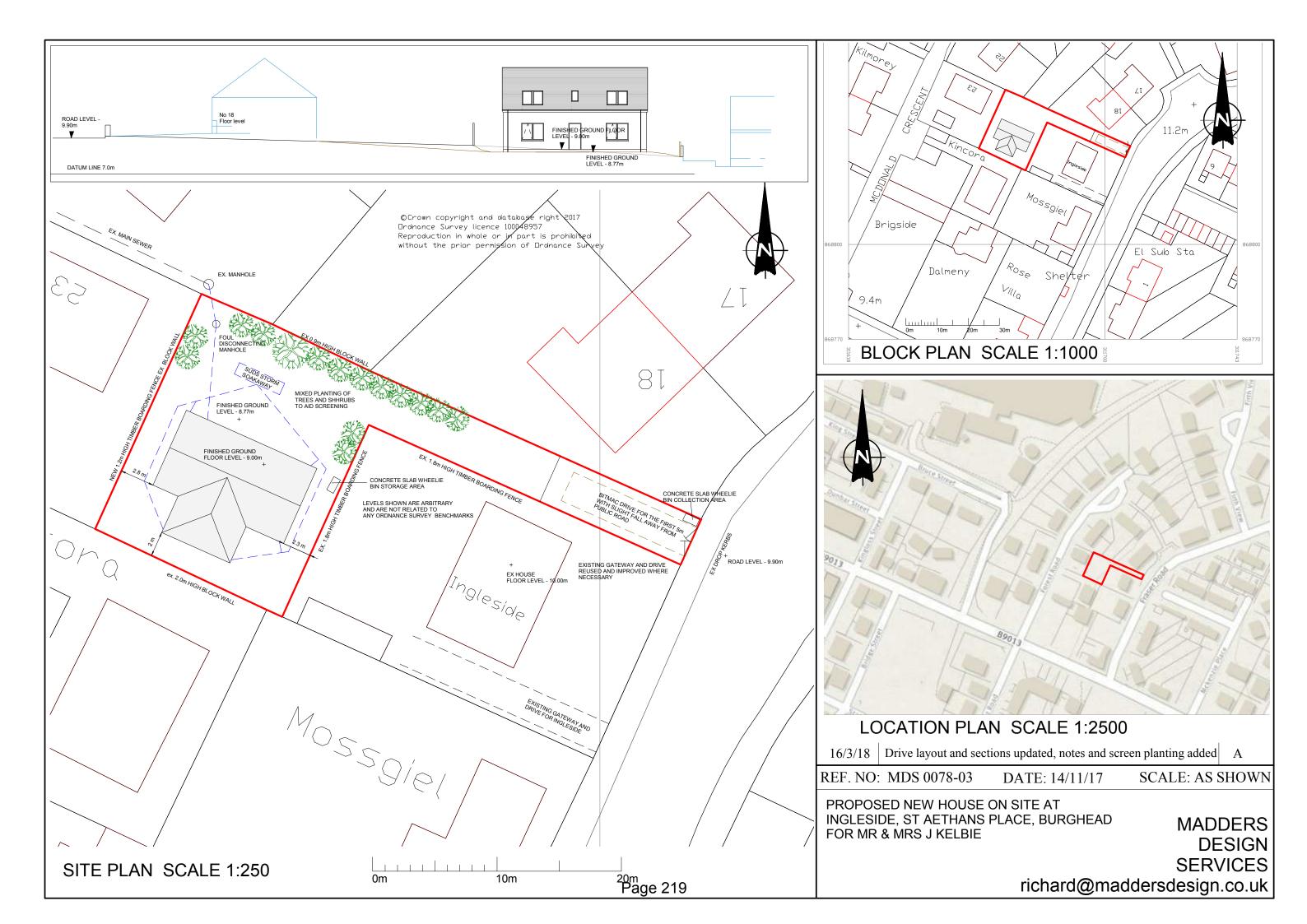
The applicant has taken constant feedback from the surrounding neighbours regarding boundary treatments house location and design to minimise any impact. The neighbours were even happy to sign a document of support for the development and also verify details regarding the existence and extent of the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

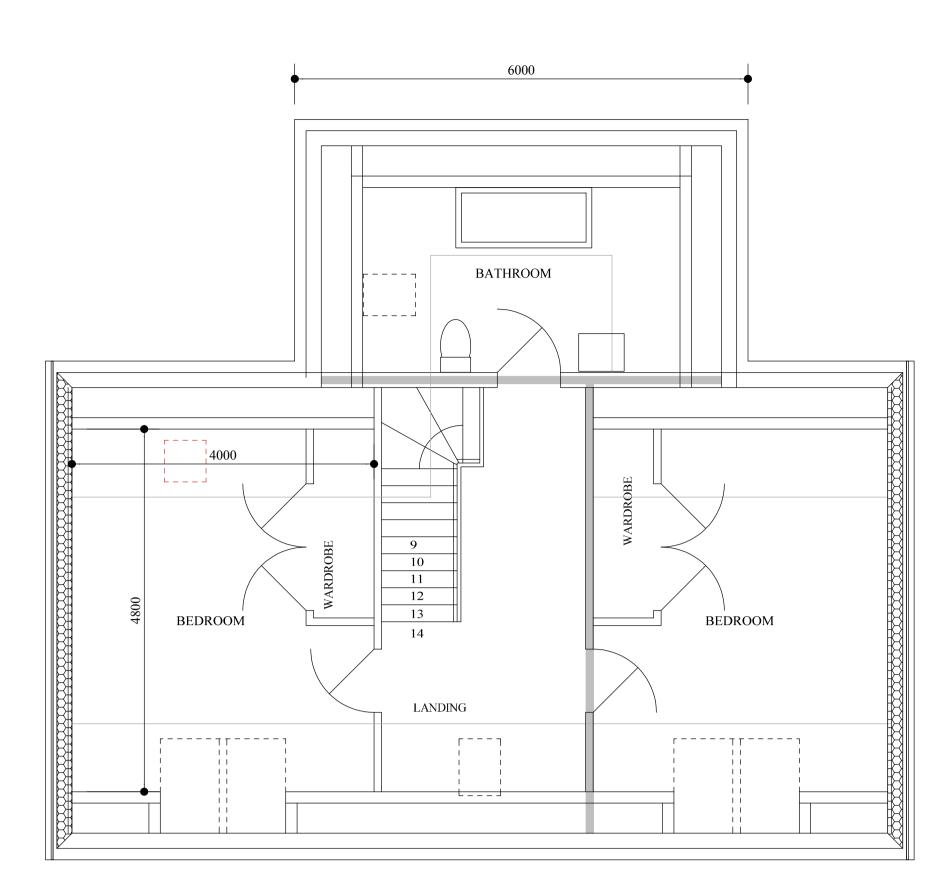
Written on behalf of Mr & Mrs J Kelbie by

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

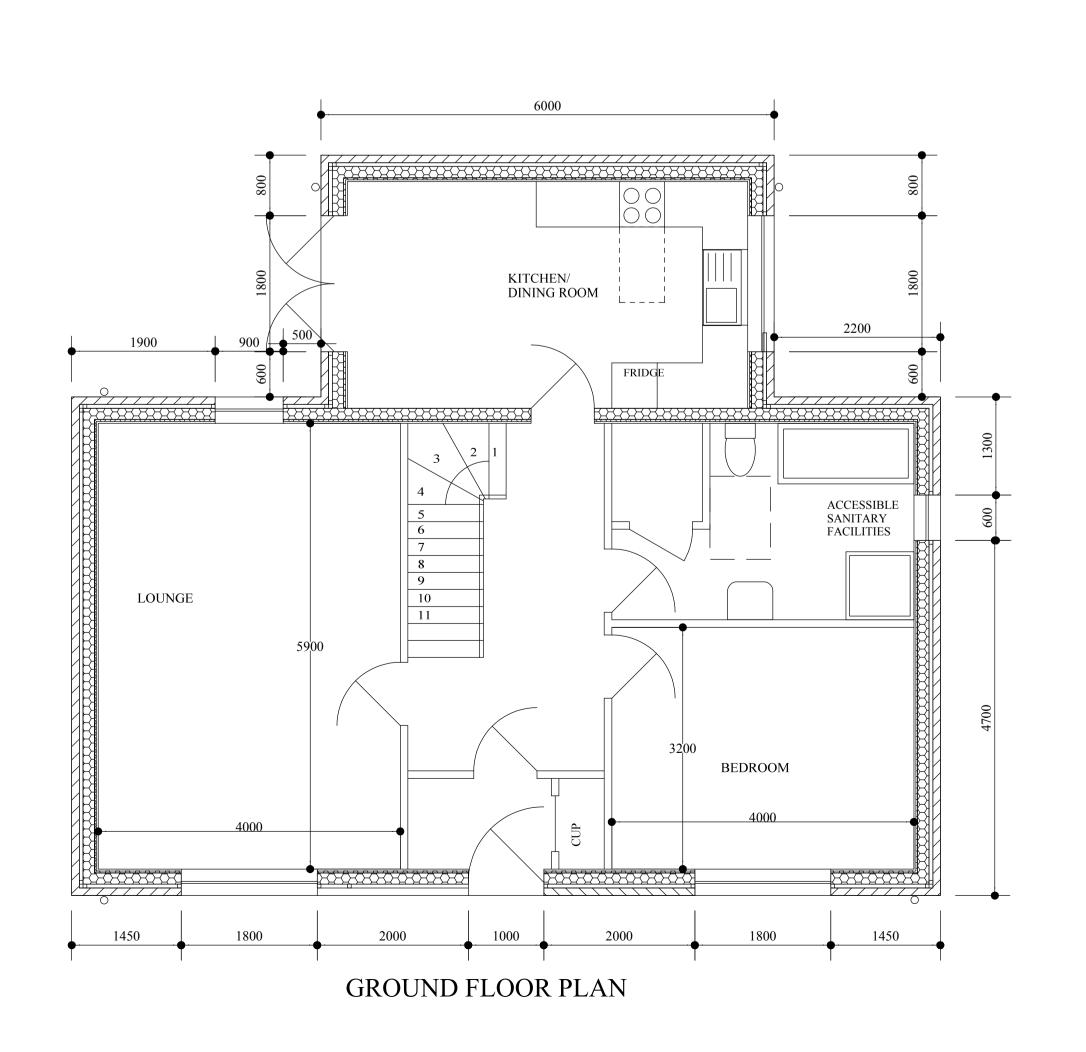


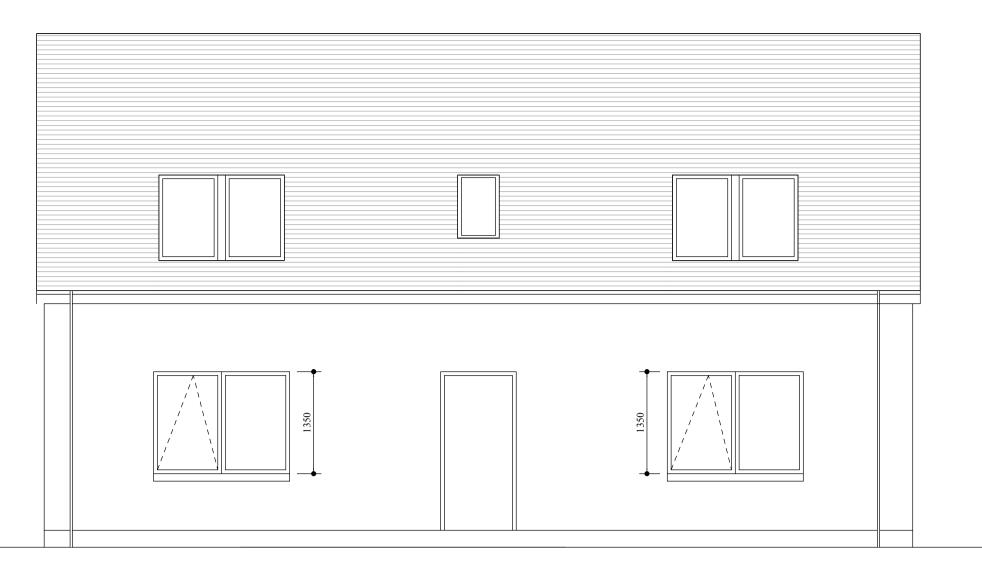
Photo 1 - Ingleside garden after some clearing of weeds



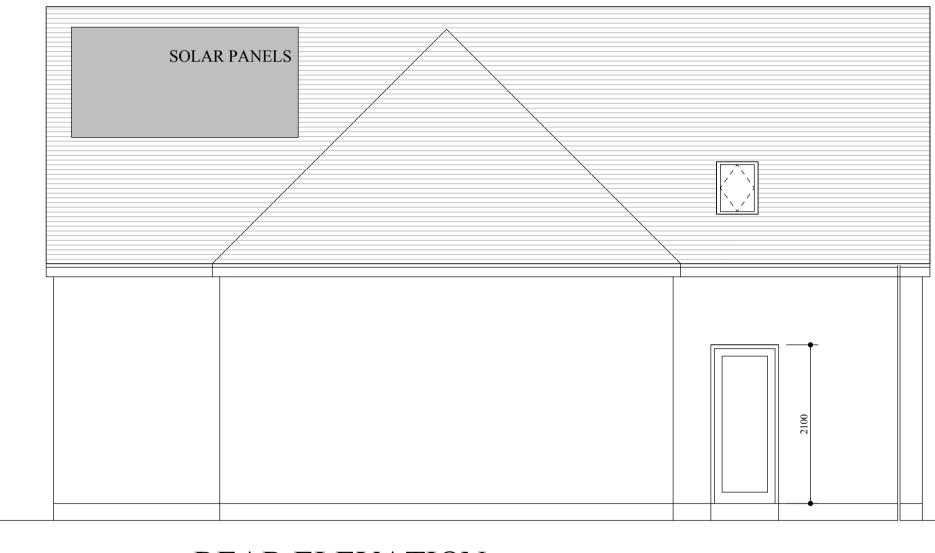


FIRST FLOOR PLAN

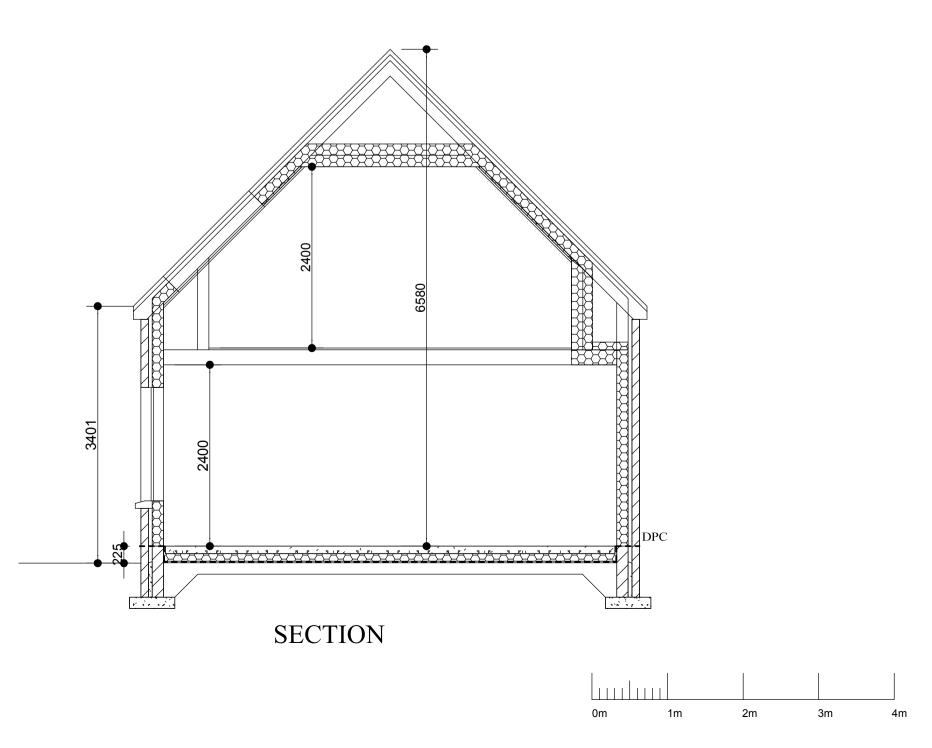




FRONT ELEVATION



REAR ELEVATION







SIDE ELEVATION

16/3/18 Rear gable changed to hip roof

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

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

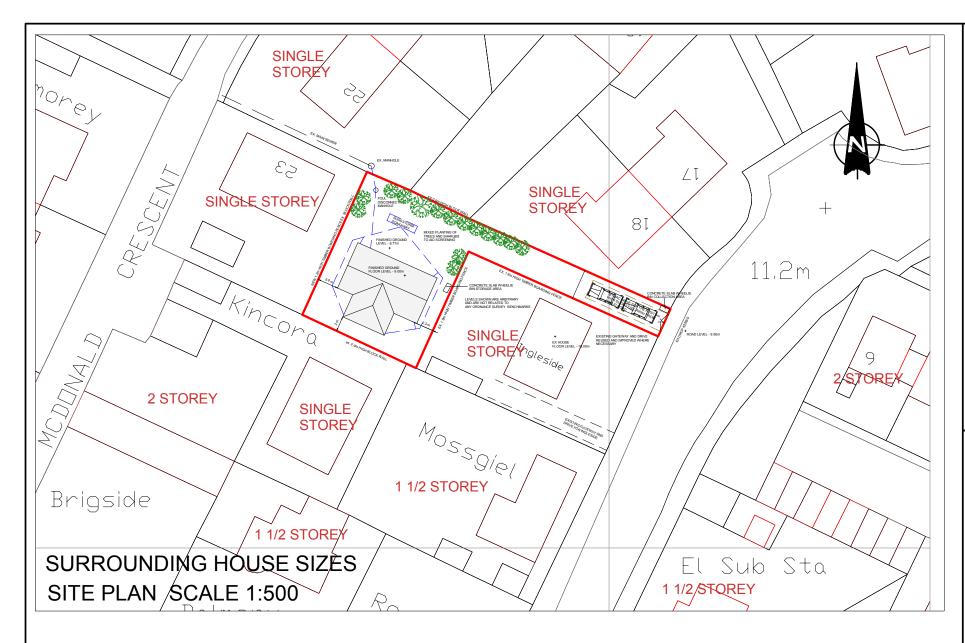


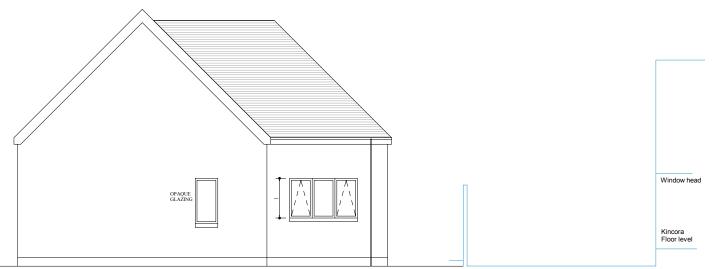
DESIGN SERVICES

110 Gaitside Drive Aberdeen AB10 7BE Contact: Richard Madders Tel: 07739011141 richard@maddersdesign.co.uk www.maddersdesign.co.uk

SCALE: 1:50

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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

CE, BURGHEAD MADDERS
DESIGN
SERVICES
richard@maddersdesign.co.uk

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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



Site in Garden ground of Ingleside St aethans lace Burghead

For the attention of Maurice Booth or Moray Council Planning Department

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.

	SGIEL, STAETHAWS	
1 1	cora Viccolonald Croxert	



MORAY LOCAL REVIEW BODY

30 AUGUST 2018

SUMMARY OF INFORMATION FOR CASE No LR210

Planning Application 18/00581/PPP – to erect a dwelling house and detached garage on a site north of Dowalls Croft, Craigellachie, Moray

Ward 1: Speyside Glenlivet

Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 14 June 2018 on the grounds that:

The proposal would be contrary to policies H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (MLDP 2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside for the following reason:

The proposal is considered to constitute an inappropriately located site that would contribute to an unacceptable cumulative build-up of development given the large number of built and consented dwellings already along the U64H on which it is located.

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:

18/00581/PPP





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

100094547-001

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	l 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)	
PPP APPLICATION FOR HOUSE & DETACHED GARAGE AT GROUND NORTH OF DOWELLS	CROFT CRAIGELLACHIE
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:	JWS Design Ltd		
Ref. Number:		You must enter a Bu	uilding Name or Number, or both: *
First Name: *	Jake	Building Name:	Hillcrest
Last Name: *	Smith	Building Number:	75
Telephone Number: *	01542836147	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Buckie
Fax Number:		Country: *	Scotland
		Postcode: *	AB56 1HX
Email Address: *	Info@jws-design.co.uk		
Is the applicant an individual or an organisation/corporate entity? * Individual Organisation/Corporate entity Applicant Details			
Please enter Applicant de	etails		
Title:	Mr	You must enter a Bu	uilding Name or Number, or both: *
Other Title:		Building Name:	DOWALLS CROFT
First Name: *	lan	Building Number:	
Last Name: *	Cormack	Address 1 (Street): *	CRAIGELLACHIE
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	ABERLOUR
Extension Number:		Country: *	SCOTLAND
Mobile Number:		Postcode: *	AB38 9JR
Fax Number:			
Email Address: *			

Site Address Details				
Planning Authority:	Planning Authority: Moray Council			
Full postal address of the	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	846211	Easting	330673	
Pre-Application Discussion Have you discussed your proposal with the planning authority? * ☑ Yes ☐ No				
Pre-Applicati	on Discussion Details	Cont.		
In what format was the fe	oodbaak aiyan2 *			
	-	mail		
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)				
Application previously granted consent on 3rd September 2014: Erect dwellinghouse and detached garage on Ground North Of Dowells Croft Craigellachie Moray Ref: 14/01387/PPP				
Title:	Mr	Other title:	Principle Planning Officer	
First Name:	Richard	Last Name:	Smith	
Correspondence Reference Number: Date (dd/mm/yyyy): 03/09/2014				
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:	1047.00	
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)	
Building Plot		
Access and Parking		
	o or from a public road? *	
Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.		
Water Supply and Drainage	e Arrangements	
Will your proposal require new or altered water su	upply or drainage arrangements? * Yes No	
Are you proposing to connect to the public drainage	ge 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	r supply required	
As you have indicated that you are proposing to n	nake private drainage arrangements, please provide further details.	
What private arrangements are you proposing? *		
New/Altered septic tank.		
	ckage sewage treatment plants, or passive sewage treatment such as a reed bed).	
Other private drainage arrangement (such as		
Please explain your private drainage arrangement	ts briefly here and show more details on your plans and supporting information: *	
Waste water to be treated via a bio treatment pl water via partial soakaway discharging to water	lant followed by partial soakaway with discharge to nearby water course. Rain course.	

Do your proposals make provision for sustainable drainage of surface water?? *
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? *
X Yes
☐ No, using a private water supply
If No uning a private water supply places show an place the supply and all works preded to provide it (an or off site)
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? *
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? *
Trees
Are there any trees on or adjacent to the application site? *
If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate any are to be cut back or felled.
All Types of Non Housing Development – Proposed New Floorspace
Does your proposal alter or create non-residential floorspace? [⋆] ☐ Yes ☒ No
Schedule 3 Development
Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *
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? *

Certificate	es 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 applica	ant the sole owner of ALL the land? *	Ⅺ Yes ☐ No			
Is any of the land p	Is any of the land part of an agricultural holding? *				
Certificate	Required				
The following Land	Ownership Certificate is required to complete this section of the proposal:				
Certificate A					
Land Ov	wnership Certificate				
Certificate and Not Regulations 2013	ice under Regulation 15 of the Town and Country Planning (Development Management Pro	ocedure) (Scotland)			
Certificate A					
I hereby certify that	t-				
lessee under a leas	er than myself/the applicant was an owner (Any person who, in respect of any part of the lase thereof of which not less than 7 years remain unexpired.) of any part of the land to which e period of 21 days ending with the date of the accompanying application.				
(2) - None of the la	nd to which the application relates constitutes or forms part of an agricultural holding				
Signed:	Jake Smith				
On behalf of:	Mr Ian Cormack				
Date:	27/04/2018				
	⊠ Please tick here to certify this Certificate. *				
Checklist	 Application for Planning Permission 				
Town and Country	Planning (Scotland) Act 1997				
The Town and Cou	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 No Not applicable to this application					
b) If this is an application for planning permission or planning permission in principal 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 No not applicable to this application		
e) If this is an application for planning permission and relates to development belonging to the category of loc to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have Statement? * Yes No X Not applicable to this application		
f) If your application relates to installation of an antenna to be employed in an electronic communication netw ICNIRP Declaration? * Yes No Not applicable to this application	ork, have you provided an	
g) If this is an application for planning permission, planning permission in principle, an application for approvaconditions 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 X 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 X N/A	
Contaminated Land Assessment. *	☐ Yes ☒ N/A	
Habitat Survey. *	Yes X 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.

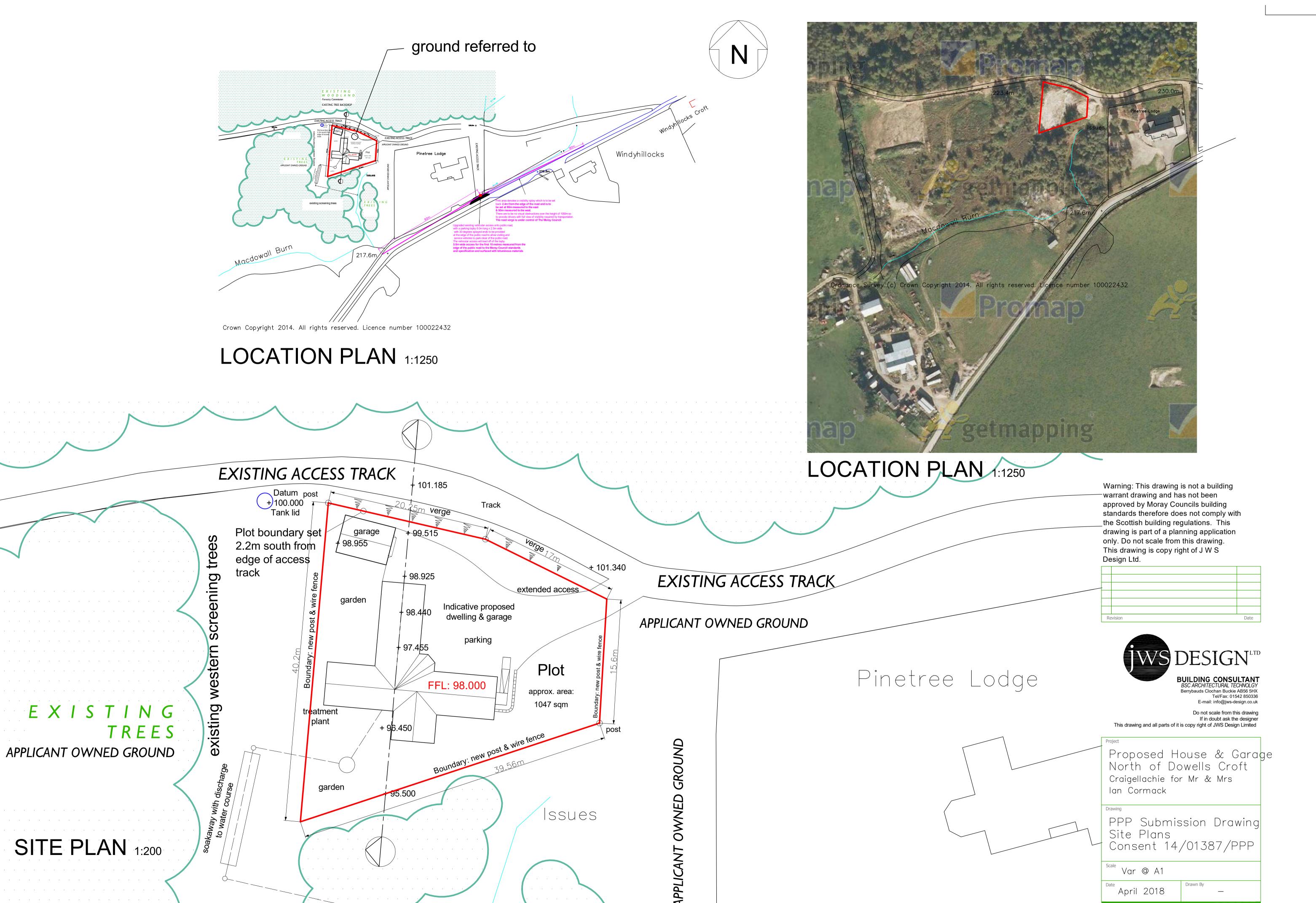
Declaration Name: Mr Jake Smith

Declaration Date: 27/04/2018

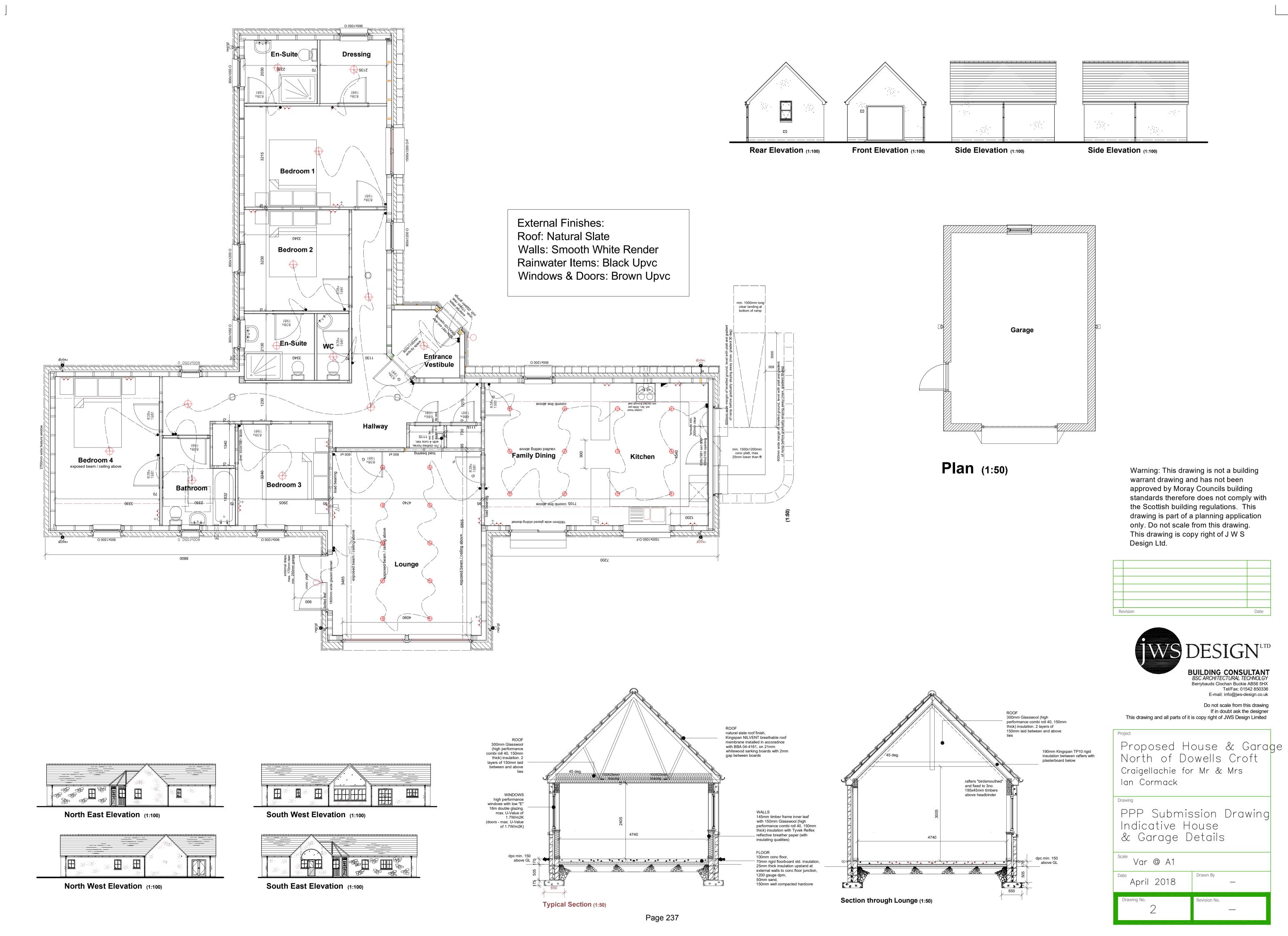
Payment Details

Cheque: Mr Ian Cormack, 00001382601620108759

Created: 27/04/2018 17:05



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Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	23rd May 2018
Planning Authority Reference	18/00581/PPP
Nature of Proposal	Erect dwellinghouse and detached garage on
(Description)	
Site	Site North Of Dowalls Croft
	Craigellachie
	Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133068433
Proposal Location Easting	330659
Proposal Location Northing	846202
Area of application site (Ha)	1047 m ²
Additional Comment	1.0041
Development Hierarchy Level	LOCAL
Supporting Documentation	http://public.moray.gov.uk/eplanning/centralDis
URL	tribution.do?caseType=Application&keyVal=P
	7ZURTBGH5V00
Previous Application	14/01387/PPP
Date (Occasion)	011 14 . 0040
Date of Consultation	9th May 2018
Is this a re-consultation of an	No
existing application? Applicant Name	Mr Ian Cormack
Applicant Name Applicant Organisation Name	WII Idii COIIIIdCK
Applicant Address	Dowells Croft
/ Applicant / Idai ess	Craigellachie
	Moray
Agent Name	J W S Design Limited
Agent Organisation Name	
	Hillcrest
	75 High Street
Agent Address	Buckie
Agent Address	Moray
	AB56 1AX
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Emma Mitchell
Case Officer Phone number	01343 563326
Case Officer email address	emma.mitchell@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: 18/00581/PPP

Erect dwellinghouse and detached garage on Site North Of Dowalls Croft Craigellachie Moray for Mr Ian Cormack

I hav	e the following comments to make on the applic	cation:-	Please
(a)	I OBJECT to the application for the reason(s)	as stated below	X
(b)	I have NO OBJECTIONS to the application comment(s) to make on the proposal	and have no condition(s) and/or	Х
(c)	I have NO OBJECTIONS to the application comment(s) about the proposal as set out believes		
(d)	Further information is required in order to cobelow	onsider the application as set out	
Reas	son(s) for objection		
Con	dition(s)		
Furt	ner comment(s) to be passed to applica	nt	
Furt	ner information required to consider the	application	
emai	act: Adrian Muscutt I address: sultee:	Date10/5/18 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.

Consultation Request Notification – Development Plans

Planning Authority Name	The Moray Council
Response Date	5th June 2018
Planning Authority Reference	18/00581/PPP
Nature of Proposal	Erect dwellinghouse and detached garage on
(Description)	
Site	Site North Of Dowells Croft
	Craigellachie
	Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133068433
Proposal Location Easting	330659
Proposal Location Northing	846202
Area of application site (Ha)	1047 m2
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation	http://public.moray.gov.uk/eplanning/centralDis
URL	tribution.do?caseType=Application&keyVal=P
	7ZURTBGH5V00
Previous Application	14/01387/PPP
Date of Consultation	22nd May 2018
Is this a re-consultation of an	No
existing application?	
Applicant Name	Mr Ian Cormack
Applicant Organisation Name	
Applicant Address	Dowells Croft
	Craigellachie
A (N	Moray
Agent Name	J W S Design Limited
Agent Organisation Name	1191
Agent Address	Hillcrest
	75 High Street Buckie
	Moray
	AB56 1AX
Agent Phone Number	ADOUTAX
Agent Email Address	N/A
Case Officer	Emma Mitchell
Case Officer Phone number	01343 563326
Case Officer email address	emma.mitchell@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk
	3
•	

NOTE:

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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: 18/00581/PPP

Erect dwellinghouse and detached garage on Site North Of Dowells Croft

Craigellachie Moray for Mr Ian Cormack

Ward: 01 17 Speyside Glenlivet

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	29	H7 New Housing in the Countryside	Х		
		39	E4 Trees and Development	N/A	N/A	
		63	ER2 Development in Woodland	N/A	N/A	
		84	IMP1 Developer Requirements	X		
2	Further Discussion Requir	ed				

REASONING FOR THIS DECISION:

The proposal is for planning permission in principle to erect a dwellinghouse and detached garage on Site North of Dowells Croft, Craigellachie.

Siting and Build-Up (Policy H7 and IMP1)

Policy H7 New Housing in the Open Countryside states that a proposal must not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area, with particular focus placed where there has been a significant growth in the number of new house applications.

In recent years, there has been a significant growth in the number of new house applications in this area and the proposed site falls within the Craigellachie Housing in the Countryside Hotspot, as identified within the 'Guidance Note on Landscape and Visual

Impacts of Cumulative Build-Up of Houses in the Countryside'. The number of new houses located along, and taking access from, the U64H Balnacoul Road has led to an unacceptable cumulative and incremental build-up of development. The incidence and inter-visibility of new houses result in these being a major characteristic of the landscape and a sequential visual impact when travelling along roads, particularly the U64H, in the vicinity of the proposed site.

Policy IMP1 *Developer Requirements* requires that the scale, density and character of new developments must be appropriate to the surrounding area and be sensitively sited and designed.

The proposal is considered to constitute an inappropriately located site and would contribute to an unacceptable cumulative build-up of development and is therefore contrary to Policies H7 and IMP1.

Woodland (Policies E4 and ER2)

Policies E4 *Trees and Development* and ER2 *Development in Woodlands* aim to give protection to trees and woodland from development. The site is entirely situated within woodland identified on the National Forest Inventory; however the trees have already been permanently removed from the proposed area. As intimated in Forestry Commission Scotland's response dated 16 May 2018, there are no current Forestry Grant Schemes or outstanding felling licence obligations on the area in question and therefore clarification is required as to whether the works have been carried out in accordance with the Forestry Act 1967.

As there are no longer any trees on the site to protect and safeguard, the requirements of Policies E4 and ER2 do not apply.

Conclusion

The proposal is considered to be contrary to Policies H7 and IMP1 on the grounds that the proposal constitutes an inappropriately located site and would contribute to an unacceptable cumulative build-up of development.

The site is entirely situated within woodland identified on the National Forest Inventory; however the trees have been removed from the proposed area.

Contact: Darren Westmacott Date:

Email Address: Darren.Westmacott@moray.gov.uk Phone No: 01343 563358

Consultee: Development Plans

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.

From: DeveloperObligations

Sent: 10 May 2018 15:52:56 +0100

To: Emma Mitchell
Cc: DC-General Enquiries

Subject: 18/00581/PPP Erect dwellinghouse and detached garage on Site North of

Dowalls Croft, Craigellachie

Attachments: 18-00581-PPP Erect dwellinghouse and detached garage on Site North of

Dowalls Croft, Craigellachie.pdf

Hi

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

Regards,

Hilda



Hilda Puskas

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



Developer Obligations: ASSESSMENT REPORT



Date: 10/05/2018

Reference: 18/00581/PPP

Description: Erect dwellinghouse and detached garage on Site North of Dowalls

Croft, Craigellachie

Applicant: Mr Ian Cormack

Agent: J W S Design Limited

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

Nil	
Nil	
Nil	
Nil	

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:

4 bed = 1.2 SRUE

This assessment is therefore based on 1.2 SRUE.

Developer Obligations Discount for Small Scale Development

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



Moray Council DEVELOPER OBLIGATIONS

INFRASTRUCTURE

Education

Primary Education

Pupils generated by this development are zoned to Craigellachie Primary School. The school is currently operating at 58% functional capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Primary Education = Nil

Secondary Education

Pupils generated by this development are zoned to Speyside High School. The school is currently operating at 75% 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).

Aberlour Health Centre is the nearest GP
Practice within which healthcare facilities can
be accessed by the proposed development.
NHS Grampian has confirmed that Aberlour
Health Centre is working beyond design
capacity and existing space will be required to
be reconfigured and that 1 Additional Dental
Chair will be required.

Contributions are calculated based on a proportional contribution of per SRUE for the health centre and per SRUE for the additional dental chair.



Contribution towards Healthcare=

Sports and Recreational Facilities

Sports and Recreation Facilities

Existing sports provision within Craigellachie is considered to be adequate to serve the needs of the residents anticipated to be generated by this development. Therefore, in



Moray Council DEVELOPER OBLIGATIONS

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 reassessment 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	23rd May 2018
Planning Authority Reference	18/00581/PPP
Nature of Proposal	Erect dwellinghouse and detached garage on
(Description)	
Site	Site North Of Dowalls Croft
	Craigellachie
	Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133068433
Proposal Location Easting	330659
Proposal Location Northing	846202
Area of application site (Ha)	1047 m ²
Additional Comment	1.004
Development Hierarchy Level	LOCAL
Supporting Documentation	http://public.moray.gov.uk/eplanning/centralDis
URL	<u>tribution.do?caseType=Application&keyVal=P</u>
	7ZURTBGH5V00
Previous Application	14/01387/PPP
Date of Consultation	9th May 2018
Is this a re-consultation of an	No
existing application?	
Applicant Name	Mr Ian Cormack
Applicant Organisation Name	D
Applicant Address	Dowells Croft
	Craigellachie
Agent Name	Moray J W S Design Limited
Agent Name Agent Organisation Name	J W S Design Limited
Agent Organisation Name	Hillcrest
	75 High Street
	Buckie
Agent Address	Moray
	AB56 1AX
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Emma Mitchell
Case Officer Phone number	01343 563326
Case Officer email address	emma.mitchell@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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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: 18/00581/PPP Erect dwellinghouse and detached garage on Site North Of Dowalls Croft Craigellachie Moray for Mr Ian Cormack

I have	e the following comments to make on the applica	ation:-	Please x
(a)	I OBJECT to the application for the reason(s) a	s stated below	Û
(b)	I have NO OBJECTIONS to the application comment(s) to make on the proposal	and have no condition(s) and/or	X
(c)	I have NO OBJECTIONS to the application comment(s) about the proposal as set out below	• • • • • • • • • • • • • • • • • • • •	
(d)	(d) Further information is required in order to consider the application as set out below		
email	act: Kevin Boyle address: ultee:	Date 16/5/2018 Phone No 3354	

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.

11th May 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

AB38 Craigellachie Dowalls Croft Site North Of PLANNING APPLICATION NUMBER: 18/00581/PPP

OUR REFERENCE: 760882

PROPOSAL: Erect dwellinghouse and detached garage 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 Badentinan Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

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

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

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

Robert Lamont

Development Operations Technical Analyst Robert.Lamont@scottishwater.co.uk

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	23rd May 2018
Planning Authority Reference	18/00581/PPP
Nature of Proposal	Erect dwellinghouse and detached garage on
(Description)	
Site	Site North Of Dowalls Croft
	Craigellachie
	Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133068433
Proposal Location Easting	330659
Proposal Location Northing	846202
Area of application site (Ha)	1047 m ²
Additional Comment	1.004
Development Hierarchy Level	LOCAL
Supporting Documentation	http://public.moray.gov.uk/eplanning/centralDis
URL	tribution.do?caseType=Application&keyVal=P
	7ZURTBGH5V00
Previous Application	14/01387/PPP
D ((0) (1)	04.14.0040
Date of Consultation	9th May 2018
Is this a re-consultation of an	No
existing application? Applicant Name	Mr Ian Cormack
Applicant Organisation Name	WII Idii COIIIIdCK
Applicant Address	Dowells Croft
/ Applicant / Address	Craigellachie
	Moray
Agent Name	J W S Design Limited
Agent Organisation Name	
	Hillcrest
	75 High Street
Agent Address	Buckie
Agent Address	Moray
	AB56 1AX
151	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Emma Mitchell
Case Officer Phone number	01343 563326
Case Officer email address	emma.mitchell@moray.gov.uk
	LOODSHITSTIAN NIGHBING/6/MAKS// GOV LIV
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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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: 18/00581/PPP Erect dwellinghouse and detached garage on Site North Of Dowalls Croft Craigellachie Moray for Mr Ian Cormack

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

		Please
(a)	I OBJECT to the application for the reason(s) as stated below	
(b)	I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal	
(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	

Condition(s)

- 1. Notwithstanding the submitted details no development shall commence until:
 - i) a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 2.4 metres by 70 metres to the east, and 2.4 metres by 90 metres to the west, 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.

2. Prior to the completion or first occupation of the dwellinghouse, the first 10m of the access track, measured from the edge of the public carriageway, shall be constructed to the Moray Council specification and surfaced with bituminous macadam. The width of the vehicular access shall be minimum 3.5m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway.

Reason: To ensure acceptable infrastructure at the development access

3. Prior to the occupation of the dwellinghouse an access lay-by 8.0m long by 2.5m wide with 30 degrees splayed ends shall be provided at the edge of the public road. The vehicular access should lead off the lay-by. The lay-by must be constructed in accordance with the Moray Council specification and surfaced with bituminous macadam.

Reason: To enable visiting service vehicles to park clear of the public road in the interests of road safety.

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

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

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

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

- 6. Parking provision shall be as follows:
- 2 spaces for a dwelling with three bedrooms or less; or
- 3 spaces for a dwelling with four bedrooms or more.

The 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

The formation of the required visibility splay to the east may require the regrading/lowering of the existing high verge.

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

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

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

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

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

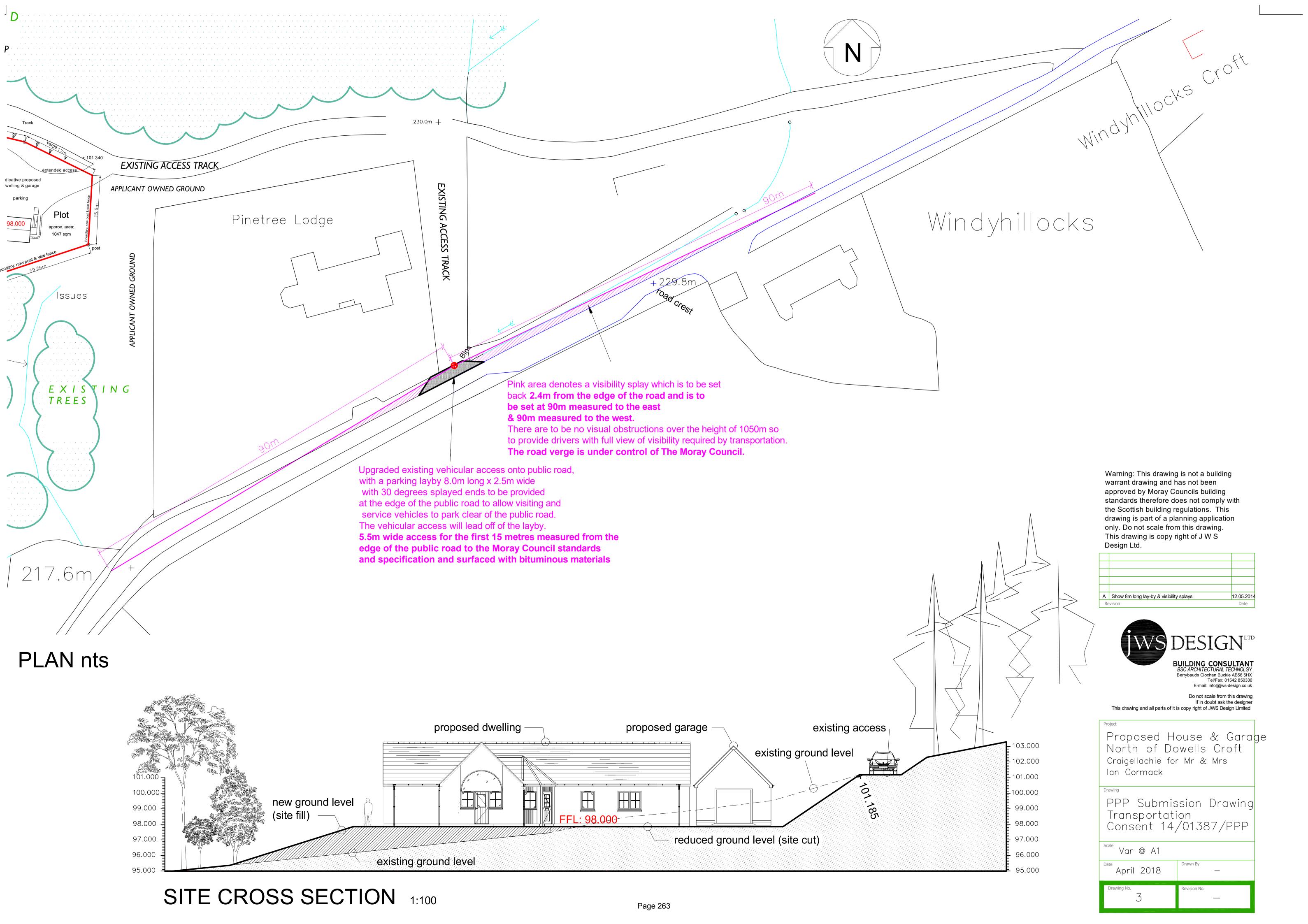
Contact: DA/AG Date 17 May 2018

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.



Title: Plot North of Dowells Croft Craigellachie for Mr Ian Cormack

Planning Ref: 18/00581/APP

COMPENSATORY REPLANTING SCHEMEMay 2018

1.0 INTRODUCITON

This document provides the compensatory tree planting proposals for Plot North of Dowells Croft Craigellachie. This scheme has been prepared by JWS Design Ltd and aims to satisfy the Development managements replanting requirements and condition:

"No tree felling shall commence on site until a woodland planting scheme to compensate for the removal of 0.105 hectares of existing woodland ("the Replanting Scheme") has been submitted to and approved in writing by Moray Council in consultation with Forestry Commission Scotland. The Replanting Scheme must comply with the requirements set out in the UK Forestry Standard (Forestry Commissions, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers. The Replanting Scheme submitted for approval must include:-

- a. details of the location of the area to be planted;
- b. details of land owners and occupiers of the land to be planted;
- c. the nature, design and specification of the proposed woodland to be planted;
- d. details of all Necessary Consents for the Replanting Scheme and timescales within which each shall be obtained;
- e. the phasing and associated timescales for implementing the Replanting Scheme;
- f. proposals for the maintenance and establishment of the Replanting Scheme, including; annual checks; replacement planting; fencing; ground preparation; and drainage."

2.0 OUTLINE PROPOSAL

The Replanting Strategy aims to replace the loss of circa 0.105ha of existing woodland to the location shown on Drawing 1 FCS The location of the proposed replanting scheme is owned by Mr Ian Cormack, who is the Applicant for this planning permission.

3.0 DETAILED PROPOSALS

3.1 Compensatory Tree Planting

Approximate Nos:

The area of proposed tree planting will comprise of a total of 100 trees, as illustrated on Drawing 1 FCS, to be planted during the next growing season.

Trees will be supplied from an approved source with traceable provenance for the local area. This will include provision of a seed certificate illustrating quantities plus provenance and native seed zones (201, 202). Trees will be planted in a randomised order to provide a naturally vegetated appearance.

Broadleaf Mix:	Coverage	No.
Species	_	
Silver Birch	70%	70
Rowan	15%	15
Willow	15%	15
Total	100%	100

Year 2 Aftercare (January 2021 - December 2021)

Site visits to carry out tree guard maintenance and litter pick, twice annually.

Carry out beat-up (replacement) planting of any failed trees.

Spring weeding of trees with spot application of glyphosate, second application in July, if required.

Application of selective broadleaved herbicide outwith tree spots to control invasive noxious weeds, if required (e.g. thistles, docks and nettles).

August - beating-up assessment to spot mark any guards containing failed trees.

Maintenance site visits to monitor tree health and growth, weeding requirements, vermin activity and advisory reports.

Year 3 Aftercare (January 2022 – December 2022)

Site visits to carry out tree guard maintenance and litter pick, twice annually.

Carry out beat-up (replacement) planting of any failed trees.

Spring weeding of trees with spot application of glyphosate, second application in July, if required.

Application of selective broadleaved herbicide outwith tree spots to control invasive noxious weeds, if required (e.g. thistles, docks and nettles).

Maintenance site visits to monitor tree health and growth, weeding requirements, vermin activity and advisory reports.

Production of a Maintenance Report for issue to the Council.

Year 4 Aftercare (January 2023 – December 2023)

Site visits to carry out tree guard maintenance and litter pick, twice annually Formative pruning of trees to concentrate growth on one leading shoot to prevent future splitting.

Spring weeding of trees with spot application of glyphosate, second application in July, if required.

Application of selective broadleaved herbicide outwith tree spots to control invasive noxious weeds, if required (e.g. thistles, docks and nettles).

Maintenance site visits to monitor tree health and growth, weeding requirements, vermin activity and advisory reports.

Year 5 Aftercare (January 2024 – December 2024)

Site visits to carry out tree guard maintenance and litter pick, twice annually.

Maintenance site visits to monitor tree health and growth, weeding requirements, vermin activity and advisory reports.

Production of a Maintenance Report for issue to the Council.

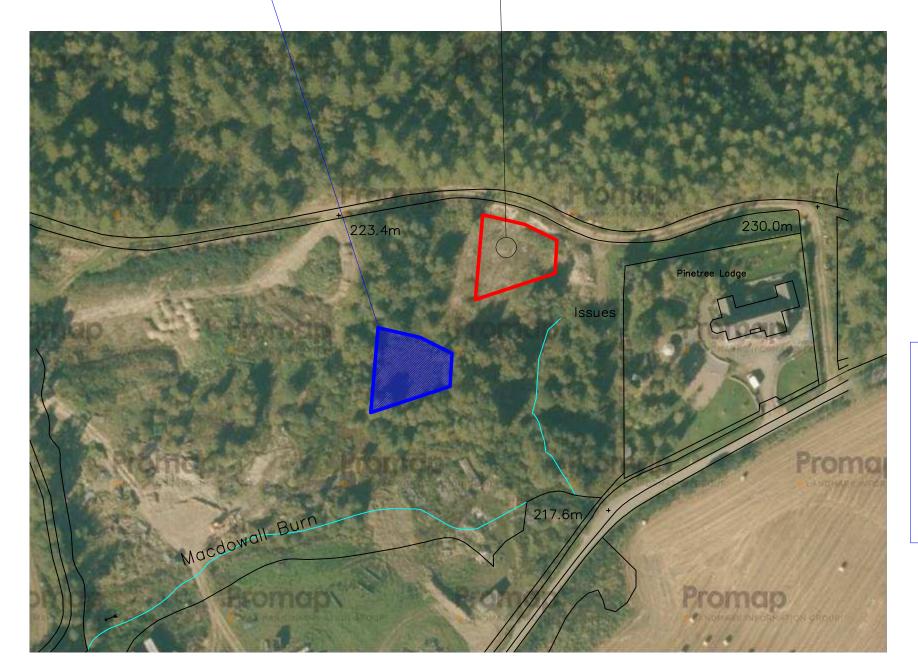
Scheme to be signed off in agreement with the Council and/or the relevant Statutory Bodies. (only upon successful establishment of the scheme).

Location Plan nts

Detailed site Plan 1:1250

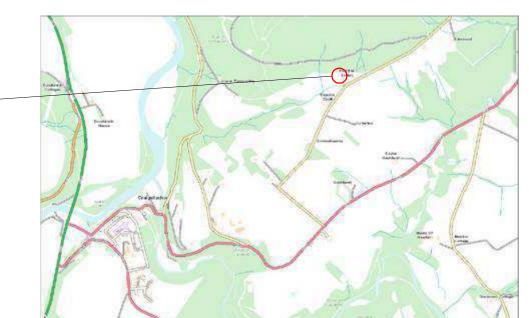
Area of compensatory tree replanting. Replanting open area to be equal to plot area.

plot referred to



Ordnance Survey (c) Crown Copyright 2014. All rights reserved. Licence number 100022432

SITE PLAN 1:1250



LOCATION PLAN NTS

COMPENSATORY TREE REPLANTING

Tree Planting (broad leaf species)
Silver birch 20%
Rowan 15%
Willow 15%

Trees 1500mm tall minimum in protective plastic tubes, planted at 1500mm centres

Refer to Compensatory Replanting Report May 2018 for further information.

Revision Date



Do not scale from this drawing If in doubt ask the designer s drawing and all parts of it is copy right of JWS Design Limited

House Plot North of Dowells Croft Craigellachie for Mr & Mrs Ian Cormack

Drawing

PPP Submission Drawing Site Plans 18/00581/PPP

1:1250 @A3

Date May 2018

May 2018 –

Drawing No. 1 FCS Revision No. –

Warning: This drawing is not a building warrant drawing and has not been approved by Moray Councils building standards therefore does not comply with the Scottish building regulations. This drawing is part of a planning application only. Do not scale from this drawing. This drawing is copy right of J W S Design Ltd.

Lissa Rowan

From:

Planning Consultation

Subject:

 $\hbox{FW: [GCSX]} \quad \hbox{RE: Forestry Commission - The Moray Council Planning Application}$

Consultation for 18/00581/PPP

From: Hay, David [mailto:David.Hay@forestry.gsi.gov.uk]

Sent: 21 May 2018 3:10 PM

To: Emma Mitchell

Subject: [GCSX] RE: Forestry Commission - The Moray Council Planning Application Consultation for 18/00581/PPP

Dear Emma,

Forestry Commission Scotland (FCS) is satisfied with the compensatory planting plan submitted by the applicant. As the plan meets the requirements of the Scottish Governments Control of Woodland Removal Policy and the UK Forestry Standard (UKFS), FCS is willing to remove the requirement for a tree survey at this time.

FCS would be willing to offer the council support in ratifying the delivery of the compensatory planting condition if required.

If you require clarification or additional information please do not hesitate to contact me.

Kind regards

David

David Hay BSc(Hons) MICFor | Woodland Officer (Moray) | **Forestry Commission Scotland** | Grants and Regulations | Grampian Conservancy | Huntly | Aberdeenshire | AB54 4SJ Office 0300 067 6210 | Direct Dial: 0300 067 6281 | Mob: 07733308259

<u>www.forestry.gov.uk/scotland</u> <u>www.facbook.com/forestrycommissionscotland</u> <u>www.twitter.com/fcscotlandnews</u>

Forestry Commission Scotland is the Scottish Government's forestry advisor and regulator.

From: Emma Mitchell [mailto:Emma.Mitchell@moray.qcsx.qov.uk]

Sent: 21 May 2018 10:31

To: Hay, David

Subject: FW: Forestry Commission - The Moray Council Planning Application Consultation for 18/00581/PPP

Hi David

Please see proposed compensatory planting scheme for application 18/00581/APP. I gather that if this is satisfactory you will remove the need for a tree survey. Can you please send a revised consultation response.

Please get in touch if you wish to discuss further.

Kind Regards

Emma Mitchell MRTPI | Planning Officer | Development Management emma.mitchell@moray.gov.uk | website | facebook | twitter | newsdesk 01343 563249



Lissa Rowan

From:

Jake Smith <info@jws-design.co.uk>

Sent:

17 May 2018 15:57

To:

Emma Mitchell

Subject:

RE: Forestry Commission - The Moray Council Planning Application Consultation for

18/00581/PPP

Attachments:

Compensatory Replanting Scheme.pdf; Replanting Scheme_FCS_Drg_1.pdf

Follow Up Flag:

Follow up

Flag Status:

Flagged

Hello Emma,

Thank you for that. Had a good conversation with David, (very helpful guy) we discussed the background of the proposal and options available i.e. Fee payable to the council for replanting elsewhere or compensatory replanting scheme

I have been in touch with the applicant Ian and discussed these options. A compensatory replanting scheme is proposed due to there being ample ground available for replanting. I can confirm that no NID was sent to the council.

David has said that he will be retracting the tree survey requirement provided that he receives a satisfactory compensatory replanting scheme. See attached Scheme & Drawing 1 FCS. (can you please forward to David for comment)

I hope this is of assistance and helps you in your decision process.

Best regards

Jake

From: Emma Mitchell Sent: 17 May 2018 12:08

To: 'Jake Smith'

Subject: RE: Forestry Commission - The Moray Council Planning Application Consultation for 18/00581/PPP

Hi Jake

Thank you for the for the information regarding the start of works on the previous application, just to clarify can you confirm that no NID was sent to the council?

I emailed David whilst on the phone to you. I will attach the pictures I sent him to this email. David's phone number -

I will be in touch next week to discuss further.

Kind Regards

Emma Mitchell MRTPI | Planning Officer | Development Management emma.mitchell@moray.gov.uk | website | facebook | twitter | newsdesk 01343 563249



From: Jake Smith [mailto:info@jws-design.co.uk]

Sent: 17 May 2018 12:01 PM

To: Emma Mitchell

Subject: RE: Forestry Commission - The Moray Council Planning Application Consultation for 18/00581/PPP

Hello Emma,

Just spoken with lan the applicant. Ian only spoke with Teresa, no letter or photos where sent in regarding the formation of the plot access hence no record.

Re the tree info, can you please cc me your email & photos to David Hay, I've taken his number down incorrectly so I need his number please.

Re David's access comment, the access is the old public road from Craigellachie and is a shared access according to the applicants deeds.

I look forward to hearing from you next week re your investigation on the site and relevant policies.

Thanks for your time this morning

Regards

Jake

From: Emma Mitchell < Emma. Mitchell@moray.gov.uk >

Sent: 16 May 2018 17:15

To: 'Jake Smith ' < info@iws-design.co.uk>

Subject: RE: Forestry Commission - The Moray Council Planning Application Consultation for 18/00581/PPP

Hi Jake

I will call you tmw morning to discuss.

Kind Regards

Emma Mitchell MRTPI | Planning Officer | Development Management emma.mitchell@moray.gov.uk | website | facebook | twitter | newsdesk 01343 563249



From: Jake Smith [mailto:info@jws-design.co.uk]

Sent: 16 May 2018 4:56 PM

To: Emma Mitchell

Subject: RE: Forestry Commission - The Moray Council Planning Application Consultation for 18/00581/PPP

Hello Emma,

Thank you for your email, can you please give me a call, as need to discuss these comments and requirements with you.

Regards

Jake

From: Emma Mitchell < Emma. Mitchell @moray.gov.uk >

Sent: 16 May 2018 16:18

To: 'J W S DESIGN' < info@jws-design.co.uk>

Subject: Forestry Commission - The Moray Council Planning Application Consultation for 18/00581/PPP

Dear Jake

Please see comments below for planning application 18/00581/APP from the Forestry Commission.

The planning application area as shown is recorded on the National Forest Inventory (NFI) as broadleaved woodland.

There are no current Forestry Grant Schemes or outstanding felling licence obligations on the area in question. It appears from our initial desk based analysis that trees may have already been removed from the proposal area possibly to pre-empt this application. FCS will have to investigate further to ascertain whether or not this has been carried out in accordance with the Forestry Act (1967).

As the red line boundary is entirely situated within woodland and would denote a change in land-use and subsequent permanent removal of approximately 0.105 ha from the NFI then the Scottish Government (SG) policy Control of Woodland Removal (2009) will apply.

It is unclear from the documentation provided as to whether there is an intention to remove additional woodland in association with this development or whether contiguous woodland will be adversely affected, I therefore recommend that the applicant prepares a tree survey, which details;

- Trees/woodland to be removed
- Trees/woodland to remain
- Tree protection measures
- On-site mitigation planting or off-site compensatory planting.

Once this information has been provided, FCS will be better placed to advise further.

The intended access track to the north is shown on the ownership deeds of the National Forest Estate (NFE) which is managed by Forest Enterprise. I have forwarded a copy of the application to them for their comment.

Can you please submit the required information as soon as possible. Please get in touch if you wish to discuss further.

Kind Regards

Emma Mitchell MRTPI | Planning Officer | Development Management emma.mitchell@moray.gov.uk | website | facebook | twitter | newsdesk 01343 563249



From: Hay, David [mailto:David.Hay@forestry.gsi.gov.uk]

Sent: 16 May 2018 12:44 PM

To: Emma Mitchell

Subject: [GCSX] The Moray Council Planning Application Consultation for 18/00581/PPP

Hi Emma,

I was supposed to attach this to the previous email.

Thanks

David

REPORT OF HANDLING

Ref No:	18/00581/PPP	Officer:	Emma Mitchell
Proposal Description/ Address	Erect dwellinghouse and detached garage on Site North Of Dowalls Croft Craigellachie Moray		
Date:	14.06.2018	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	
Departure		N	
Hearing requirements	Pre-determination	N	

CONSULTATIONS			
Consultee	Date Returned	Summary of Response	
Planning And Development Obligations	10/05/18		
Forestry Commission	05/06/18		
Development Plans (Environment)	11/06/18		
Environmental Health Manager	16/05/18		
Contaminated Land	10/05/18		
Transportation Manager	17/05/18		
Scottish Water	11/05/18		

DEVELOPMENT PLAN POLICY			
Policies	Dep	Any Comments (or refer to Observations below)	
PP1: Sustainable Economic Growth	N		
PP2: Climate Change	N		
PP3: Placemaking	N		
H7: New Housing in the Open Countryside	Υ		
E3: Protected Species	N		
E4: Trees and Development	N		
EP5: Sustainable Urban Drainage Systems	N		
EP9: Contaminated Land	N		
T2: Provision of Access	N		
T5: Parking Standards	N		
IMP1: Developer Requirements	Y		

IMP3: Developer Obligations	N	
ER2: Development with Woodland	N	
E2: Local Nature Conservation Sites and	N	
Biodiversity		

REPRESENTATIONS		
Representations Received	NO	
Total number of representations received		
Names/Addresses of parties submitting representations		
Summary and Assessment of main issues raised by representations		
Issue:		
Comments (PO):		

OBSERVATIONS - ASSESSMENT OF PROPOSAL

Proposal

- Planning permission in principle is sought for the erection of a dwellinghouse and detached garage on a site north of Dowalls Croft, Craigellachie.
- The application includes an indicative site layout which shows a house positioned within the plot with access via an existing access track of the U64H to the north. It also contains confirmation of intentions to install private foul drainage arrangements i.e. septic tank and with soakaway and a connection to the public water supply.

Planning permission was previously granted on the site (14/01387/PPP) in September 2014 for a dwelling. This consent lapsed in September 2017.

Site Characteristics

- The almost rectangular site is 1047 sqm in size; it has been recently cleared of woodland.
- The site is recorded within the National Forest Inventory for Scotland.
- The hillside site is located approx. 1.5 miles north east of Craigellachie.
- An access track runs along with the northern boundary of the site with mature woodland beyond
 it. Woodland is located to the west of the site. To the south of the site a new access has been
 constructed of the U64H (please note this is not the proposed access for the application site),
 young woodland is located to the west of the newly constructed access track.

Policy

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below.

Siting (H7, IMP1, Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside and Supplementary Guidance - Housing in the Countryside)

Policy H7: New Housing in the Open Countryside of the Moray Local Development Plan 2015 contains the necessary siting and design criteria for assessing new housing proposals in the countryside. This aims to allow new housing in the open countryside provided it can be easily absorbed into the landscape, and for new development to be low impact and to reflect the character of the surrounding area. It also states that proposals must not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Policy IMP1 Developer Requirements requires new development proposals to be sensitively sited, designed and

serviced appropriate to the amenity of the surrounding area and to be comply with set criterion (detailed within policy). These include amongst others the requirement for new development to be of a scale and character appropriate to its setting and for development to integrate into the landscape.

There has been a significant growth in the number of new house applications in the area where the proposed site is located. The proposed site falls within the Craigellachie Housing in the Countryside Hotspot, as identified within the 'Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside'. The number of new houses located along, and taking access from, the U64H Balnacoul Road has led to an unacceptable cumulative and incremental build-up of development in terms of policies H7 and IMP1 and 'Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside'. The incidence and inter-visibility of new houses result in these being a major characteristic of the landscape and a seguential visual impact when travelling along roads, particularly the U64H, in the vicinity of the proposed site. There has been a total of 11 dwellings granted planning permission along the U64H since the previous application for the site (14/01387/PPP) was approved. The most recent 3 were approved by the Moray Councils Local Review Body. Given the high volume of new dwellings consented and built since the previous application it has been determined that yet another dwelling within the stretch of the U64H is unacceptable in terms of cumulative build-up. The proposal is therefore considered to constitute an inappropriately located site and would contribute to an unacceptable cumulative buildup of development and is therefore contrary to Policies H7 and IMP1.

Access and Parking (T2 and T5)

Policy T2 requires that new development proposals are designed to provide the highest level of access and for end users. Under policy T5 proposals must conform with the Council's current policy on Parking Standards.

Transportation were consulted on the proposal and have no objections subject to conditions and informatives being attached to the consent if it were to be approved.

Trees and Woodland (E4 and ER2)

The aim of this policy is to give protection to trees and woodlands which are considered to be of significant amenity value to the community as a whole. The Forestry Commission Scotland (FCS) were consulted on the proposal due to it lying within the National Forest Inventory for Scotland. The planning application area as shown is recorded on the National Forest Inventory (NFI) as broadleaved woodland; however the trees have already been permanently removed from the proposed area.

The red line boundary is entirely situated within woodland and would denote a change in land-use and subsequent permanent removal of approximately 0.105 ha from the NFI then the Scottish Government (SG) policy Control of Woodland Removal (2009) would apply.

It was unclear from documentation provided as to whether there is an intention to remove additional woodland in association with this development or whether contiguous woodland will be adversely affected. A Tree Survey was requested by the FCS to be undertaken.

The agent undertook discussions with the FCS where it was decided that a compensatory replanting scheme could remove the requirement for a tree survey. A compensatory replanting scheme was submitted which the FCS was satisfied with. The plan meets the requirements of the Scottish Governments Control of Woodland Removal Policy and the UK Forestry Standard (UKFS), and as such no tree survey was required to be submitted.

If the application was to be approved a condition would be attached to the planning consent regarding the compensatory replanting scheme.

Drainage and Water (EP10)

In relation to EP10: Foul Drainage, and in the absence of any public foul drainage system being available, a septic tank and soakaway arrangement is proposed within the site. The acceptability of this non-mains drainage arrangement would be determined as part of Building Standards requirements.

Connection to the public water supply is proposed. Scottish Water were consulted on the proposal and have no objections.

Developer Obligations (IMP3)

As from 14 October 2016, the Council has adopted Supplementary Guidance on developer obligations as a material consideration in the determination of planning applications. The proposal has been subject to an assessment for developer obligations.

If planning permission were to be granted a developers contribution of £491.76 towards Healthcare would be required to be paid prior to the consent being issued.

Recommendation

Refuse.

REASON(S) FOR DECISION

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

The proposal does not comply with the necessary policies of the Moray Local Plan 2015 nor does it comply with the required Supplementary Guidance (Housing in the Countryside and the Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside).

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY				
Reference No.	Description			
44/04007/DDD		nghouse and detached the Of Dowells Croft C		
14/01387/PPP	Decision	Permitted	Date Of Decision	03/09/14

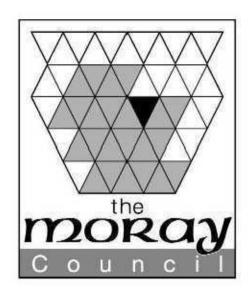
ADVERT			
Advert Fee paid?	No	No	
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development plan	14/06/18	
Northern Scot	No Premises	07/06/18	
PINS	Departure from development plan	14/06/18	
PINS	No Premises	07/06/18	

DEVELOPER CONTRIBUTION	IS (PGU)
Status	N/A

DOCUMENTS, ASSESSMENTS etc. * * Includes Environmental Statement, Appropriate Assessment, Design Statement, Statement, RIA, TA, NIA, FRA etc	, Design ar	nd Access
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 Directi	on(s)		



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

REFUSAL OF PLANNING PERMISSION

[Speyside Glenlivet]
Planning Permission in Principle



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

Erect dwellinghouse and detached garage on Site North Of Dowalls Croft Craigellachie Moray

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

Date of Notice:

14 June 2018



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
Moray
IV30 1BX

Ref: 18/00581/PPP

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 Councils reason(s) for this decision are as follows: -

The proposal would be contrary to policies H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (MLDP 2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside for the following reason:

The proposal is considered to constitute an inappropriately located site that would contribute to an unacceptable cumulative build-up of development given the large number of built and consented dwellings already along the U64H on which it is located.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference Version	Title
1	Site and location plan
2	Indicative house plans
3	Transport drawings

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.scot/eplanningClient

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase

Ref: 18/00581/PPP

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.

Ref: 18/00581/PPP



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 100126294-001

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 A				
N72 59 19	n agent? * (An agent is an architect, consult in connection with this application)	tant or someone else a	Applicant 🗵 Agent	
Agent Details				
Please enter Agent details	S			
Company/Organisation:	JWS Design Ltd			
Ref. Number:		You must enter a B	uilding Name or Number, or both: *	
First Name: *	Jake	Building Name:	Hillcrest	
Last Name: *	Smith	Building Number:	75	
Telephone Number: *	01542836147	Address 1 (Street): *	High Street	
Extension Number:		Address 2:		
Mobile Number:		Town/City: *	Buckie	
Fax Number:		Country: *	Scotland	
		Postcode: *	AB56 1HX	
Email Address: *	Info@jws-design.co.uk			
Is the applicant an individual or an organisation/corporate entity? *				
☑ Individual ☐ Organ	nisation/Corporate entity			

Applicant De	tails		
Please enter Applicant o	letails	_	
Title:	Mr	You must enter a Bu	ilding Name or Number, or both: *
Other Title:		Building Name:	Dowalls Croft
First Name: *	lan	Building Number:	
Last Name: *	Cormack	Address 1 (Street): *	Craigellachie
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberiour
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB38 9RJ
Fax Number:			
Email Address: *			
Site Address	Details		
Planning Authority:	Moray Council		
Full postal address of the	e 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	846210	Easting	330659

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)
Local Review Body Application for Planning Application Reference 18/00581/PPP to Erect dwelling house and detached garage on Site North Of Dowalls Croft Craigellachie 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 a 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 Grounds For Review Supporting Statement.
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
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 to rely on in support of your review. You can attach these documents electronically later in the			intend
Grounds For Review Supporting Statement_LRB_18.06.2018 Refusal Document: 180058 Indicative house plans.pdf 1800581PPP-Site and location plan.pdf 1800581PPP-Transport	` '	81PPP-	
Application Details			
Please provide details of the application and decision.			
/hat is the application reference number? * 18/00581/PPP			
What date was the application submitted to the planning authority? *	was the application submitted to the planning authority? * 27/04/2018		
What date was the decision issued by the planning authority? *	14/05/2018		
Review Procedure			
The Local Review Body will decide on the procedure to be used to determine your review an process require that further information or representations be made to enable them to determ required by one or a combination of procedures, such as: written submissions; the holding of inspecting the land which is the subject of the review case.	nine the review. Further	information m	
Can this review continue to a conclusion, in your opinion, based on a review of the relevant i parties only, without any further procedures? For example, written submission, hearing sess Yes No		yourself and o	other
In the event that the Local Review Body appointed to consider your application decides to in	spect the site, in your op	inion:	
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? *	X	Yes 🗌 No	
Checklist – Application for Notice of Review			
Checklist - Application for Notice of Review			
Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid.	nformation in support of	your appeal. F	Failure
Please complete the following checklist to make sure you have provided all the necessary in	oformation in support of		Failure
Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid.	⊠ Yes □ n	No	Failure
Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid. Have you provided the name and address of the applicant?. * Have you provided the date and reference number of the application which is the subject of the subject	M Yes ☐ N his M Yes ☐ N	 No	-ailure
Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid. Have you provided the name and address of the applicant?. * Have you provided the date and reference number of the application which is the subject of the review? * 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	M Yes ☐ N his M Yes ☐ N	No No N/A	Failure
Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid. Have you provided the name and address of the applicant?. * Have you provided the date and reference number of the application which is the subject of the review? * 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 review should be sent to you or the applicant? * Have you provided a statement setting out your reasons for requiring a review and by what	his Yes 1 Anthe Anthe	No N/A No N/A No considers you considered that you income the you income that you income the your income that you income the y	der view
Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid. Have you provided the name and address of the applicant?. * Have you provided the date and reference number of the application which is the subject of the review? * 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 review should be sent to you or the applicant? * 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? * Note: You must state, in full, why you are seeking a review on your application. Your statemer require to be taken into account in determining your review. You may not have a further opposit a later date. It is therefore essential that you submit with your notice of review, all necessary.	his Yes 1 Ant must set out all matter ortunity to add to your st	No N/A No N/A No considers you considered that you income the you income that you income the your income that you income the y	der view

Declare - Notice of Review

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

Declaration Name: Mr Jake Smith

Declaration Date: 26/06/2018



Erect dwellinghouse and detached garage on Site North Of Dowalls Croft Craigellachie Moray

18th June 2018

Grounds for Review of Refusal of Planning Permission Application Ref No: 18/00581/PPP



Prepared on behalf of Mr Ian Cormack (Applicant) by

JWS Design Ltd

info@jws-design.co.uk

01542 850336

Consent History:

Planning consent reference 14/0138/PPP was granted on 3rd September 2014.

A significant amount of time was spent working on the proposals in order to provide Planning officer Richard Smith with an acceptable proposal. The application was a PPP application however a single storey house and dethatched garage with a substantial site cut was designed in order to satisfy Richards requirements of a visually low impact design.

The 2014 Planning consent has expired only relatively recently and was an oversite by the applicant. The Plot was under offer with the purchaser developing a single-story house design for the submission of a full planning application. A deed plan for the plot was also prepared to completed the sale.

REASON(S) FOR REFUSAL

The proposal would be contrary to policies H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (MLDP 2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside for the following reason:

The proposal is considered to constitute an inappropriately located site that would contribute to an unacceptable cumulative build-up of development given the large number of built and consented dwellings already along the U64H on which it is located.

Site Fundamentals:

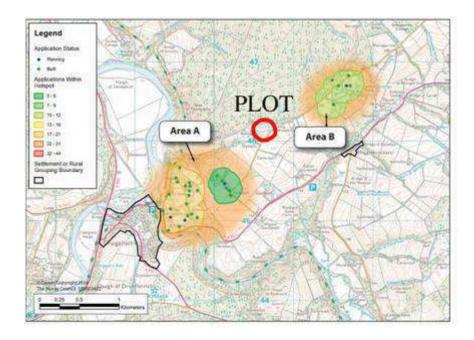
The plot proposals are contrary to the planning officers above statement:

"The proposal is considered to constitute an inappropriately located site that would contribute to an unacceptable cumulative build-up of development given the large number of built and consented dwellings already along the U64H on which it is located."

As mentioned above the planning consent for a house and detached garage expired relatively recently, fundamentally therefore if the consent had not lapsed then a full planning application would have been submitted to Development Services and most likely approved by this time with construction commencement, all in accordance with the planning policy of the time.

No further houses have been approved or built within the direct vicinity of the site therefore no additional build up in this area has occurred. The site would simply be reinstated thus not adding to cumulative build up.

The location of the site is also a substantial distance away from and not within the Area A or B exclusion zone on the Craigiellachie map of "Guidance Note On Land and Visual Impacts of Cumulative Build-Up Of Houses In The Countryside" document as referred to by the planning officer. See below map.



Furthermore

The guidance given within "Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside" states:

"Additional houses should only be accommodated on these hill slopes in exceptional circumstances where adequate screening is provided by mature woodland."

The land in question is surrounded by existing mature screening to the south as approached from the public road, east and west. The above existing screening combined with the initial houses siting and design work results with a proposal that complies with the above guidance.

Forestry:

A Compensatory Tree Replanting Scheme which will further enhance the sites screening has been submitted to the satisfaction of the Forestry Commission Scotland.

Transportation & Road Safety:

In the interest of Road Safety in relation to the proposed access we have successfully met with Transportations visibility splay requirements resulting in the plot having safe vehicular access with regards to any future occupant usage including passing public road users and pedestrians.

Online Representations / Neighbour Objections

No objections have been made.

Based on all of the above facts we believe the application provides an entirely acceptable visually low impact plot that has safe vehicle ingress and egress. The application is also in accordance with H7 and IMP1.

Jake Smith

JWS Design Ltd.



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

REFUSAL OF PLANNING PERMISSION

[Speyside Glenlivet] Planning Permission in Principle

TO Mr Ian Cormack
c/o J W S Design Limited
Hillcrest
75 High Street
Buckie
Moray
AB56 1AX

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

Erect dwellinghouse and detached garage on Site North Of Dowalls Croft Craigellachie Moray

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

Date of Notice: 14 June 2018



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department The Moray Council Council Office High Street ELGIN Moray IV30 1BX

Ref: 18/00581/PPP

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 Councils reason(s) for this decision are as follows: -

The proposal would be contrary to policies H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (MLDP 2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside for the following reason:

The proposal is considered to constitute an inappropriately located site that would contribute to an unacceptable cumulative build-up of development given the large number of built and consented dwellings already along the U64H on which it is located.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference Version	Title
1	Site and location plan
2	Indicative house plans
3	Transport drawings

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.scot/eplanningClient

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase

Ref: 18/00581/PPP

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.

Ref: 18/00581/PPP



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

PERMISSION FOR DEVELOPMENT

[Speyside Glenlivet] Planning Permission in Principle

TO Mr Ian Cormack
c/o J W S Design Limited
Berrybauds
Claochan
BUCKIE
AB56 5HX

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

Erect dwellinghouse and detached garage on Ground North Of Dowells Croft Craigellachie Moray

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

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

Date of Notice: 3rd September 2014



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department The Moray Council Council Office High Street ELGIN Moray IV30 1BX

IMPORTANT NOTE

YOU ARE OBLIGED TO COMPLY WITH THESE CONDITIONS AND NOTES

SCHEDULE OF CONDITIONS

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

CONDITION(S)

Permission is granted subject to the following conditions: -

- 1 (a) That in the case of any matter specified in conditions attached to the planning permission in principle, application for approval must be made before:-
 - (i) that expiration of 3 years from the date of the grant of planning permission in principle; or
 - (ii) the expiration of 6 months from the date on which an earlier application for such approval for the same matters was refused; or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest: provided that only one such application for approval of matters specified in conditions may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (i) above.
 - (b) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
 - (i) the expiration of 3 years from the date of the grant of planning permission in principle; or
 - (ii) the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.
- The approval hereby granted is for planning permission in principle and prior to the commencement of the development approval of matters specified in conditions, including the siting, design and external appearance of the building(s) the means of access thereto and the landscaping of the site shall be obtained from the Council, as Planning Authority.
- The grant of planning permission in principle hereby granted for the proposed development shall be carried out only in accordance with detailed drawings

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which shall previously have been submitted to and approved by the Council, as Planning Authority. These drawings shall show the matters specified in conditions numbered 4-8 below.

- 4 Plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes shall be submitted in accordance with condition no. above.
- The proposed layout of the site showing the exact position of the site boundaries, the position of all buildings, the means of access, areas for vehicle parking and the arrangements for the disposal of foul and surface water (i.e. a SUDS system or equivalent) shall be submitted in accordance with condition no. above.
- Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening shall be submitted in accordance with condition no. above.
- 7 Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. above.
- 8 Landscaping proposals showing any existing trees/hedges/shrubs to be retained or removed together with details of the type, position and number of all planting to be undertaken and details of all surfacing materials shall be submitted in accordance with condition no. above.
- 9 Prior to any development works commencing:
 - i) a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 2.4 metres by 70 metres to the east and 2.4 metres by 90 metres to the west and a schedule of maintenance for the splay area shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
 - ii) 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
 - 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.
- 10 Prior to the commencement of development details shall be submitted for the approval in writing of the Planning Authority, in consultation with the Roads Authority, to ensure no water or loose material shall be permitted to drain or be carried onto the public footpath/carriageway for the life time of the development.
- 11 The width of the vehicular access shall be a minimum of 3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The first 10m 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.

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- An access lay-by 8.0m long by 2.5m wide with 30 degrees splayed ends shall be provided at the edge of the public road to allow visiting service vehicles to park clear of the public road. The vehicular access should lead off the lay-by. The lay-by must be constructed in accordance with The Moray Council specification and surfaced with bituminous macadam.
- Any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe, agreed with the Roads Maintenance Manager (300mm minimum). The pipe shall be laid to a self-cleansing gradient and connected to an outfall.
- Parking provision shall be as follows: 2 spaces for a dwelling with three bedrooms or less; or 3 spaces for a dwelling with four bedrooms or more.
 - The 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.
- The house hereby approved shall not be occupied until an adequate and wholesome supply of water has been provided.

The Council's reason(s) for imposing the above condition(s) are:-

- The time limit condition is imposed in order to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
- In order to ensure that the matters specified can be fully considered prior to the commencement of development.
- As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
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- As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 9 To enable drivers of vehicles entering or exiting the site to have a clear view

- so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.
- To ensure acceptable infrastructure at the development access through the provision of details currently lacking.
- 11 To ensure acceptable infrastructure at the development access.
- To ensure the provision of facilities for deliveries to the development in the interests of road safety.
- To ensure the construction of an acceptable access in the interests of road safety and effective drainage infrastructure.
- 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.
- 15 In order to ensure a suitable water supply.

REASON(S) FOR DECISION

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

The Proposal was considered to be in accordance with the development plan and there were no material considerations which outweighed the proposal's accordance with the development plan.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
1		Site and location plan
2		House and garage details
3		Site section and access

IMPORTANT NOTES ABOUT THIS DECISION

DURATION OF THIS PERMISSION

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended:

- (a) That in the case of any matter specified in conditions attached to the planning permission in principle, application for approval of matters specified in conditions must be made before:-
 - (i) that expiration of 3 years from the date of the grant of planning permission in principle; or
 - (ii) the expiration of 6 months from the date on which an earlier application for such approval for the same matters was refused; or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest, and

- (b) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
 - (i) the expiration of 3 years from the date of the grant of planning permission in principle; or
 - (ii) the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.

If an application for approval of matters specified in conditions has not been made or the development has not begun within the specified dates this planning permission in principle shall lapse unless there is a specific condition attached to this permission which varies the stated timescales.

COMMENCEMENT AND COMPLETION OF THE DEVELOPMENT

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

NOTIFICATION OF INITIATION OF DEVELOPMENT

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

NOTIFICATION OF COMPLETION OF DEVELOPMENT

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

NOTIFICATION OF COMPLETION OF PHASED DEVELOPMENT

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

ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

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

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

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 permission to modify the existing public road, in accordance with Section 48 of the Roads (Scotland) Act. The applicant will be required to provide technical information, including drawings and drainage calculations, a programme for the proposed works. Advice on the application process can be obtained by emailing transport.develop@moray.gov.uk

Before staring any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 85 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@morav.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.

If required, street furniture will need to be repositioned at the expense of the developer. In addition any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by emailing road.maint@moray.gov.uk

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 his property.

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.

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.

Visibility splays relate to the visibility available to a driver at or approaching a junction in both directions. It is related to the driver's eye height, object height above the road, distance back from the main road known as the 'X' distance and a distance along the main road known as the 'Y' distance. The Y distance is related either to the design speed of the road and a corresponding 'stopping sight distance' or in some circumstances may be based on observed '85th

percentile vehicle speeds'. Advice on this matter can be obtained by emailing transport.develop@moray.gov.uk and reference to the following pages on the Council web site

Transportation Service Requirements for Small Developments in the Countryside

Full document http://www.moray.gov.uk/downloads/file79761.pdf
Checklist http://www.moray.gov.uk/downloads/file68812.pdf

MANAGER (DEVELOPMENT MANAGEMENT) has commented that:-

It is noted that your planning application proposes a septic tank and soakaway/infiltration drainage system and the suitability of the ground condition to accommodate this will be dealt with as part of your Building Warrant application. Full details of a ground assessment, trial pit investigations and percolation test results, from a suitably qualified person as contained within the Council's List of Approved Certifiers, will be required prior to obtaining a Building Warrant

An application for a Building Warrant and compliance with the Building Regulations are entirely separate from Planning procedures. Furthermore, the granting of Planning Consent does not guarantee approval of a Building Warrant.

If you have not already done so and you may wish to satisfy yourself about the adequacy of ground conditions separately at this stage, if so I recommend that you contact the Building Standards Section directly at Environmental Services, The Moray Council, Council Offices, High Street, Elgin, IV30 1BX, telephone(01343) 563243.

Please note that any proposed discharges to land or the water environment will require authorisation from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011. For further details refer to SEPA website http://www.sepa.org.uk/water/water-regulation/regimes.aspx.

Prior to the commencement of development the developer should contact Scottish Water and ensure all the requirements of that authority are complied with.

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

None

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

None

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TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION

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

None

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.

The Moray Council

NOTIFICATION OF INITIATION OF DEVELOPMENT

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

Planning Application Reference No: 14/01387/PPP

Date issued:	
I hereby give notice that works as detailed commence on:	under the above planning application will
Signed:	Date:
THE FOLLOWING INFORMATION MUST I	BE PROVIDED:
Name and address of person carrying ou	it the development:
2. The full name and address of the landow	
3. Where a site agent is appointed, their full	I name and contact details:
4. The date of issue and reference number	of the grant of planning permission:
Please return this form, duly completed to:	- The Moray Council Development Management Development Services Environmental Services Department Council Office, High Street Elgin IV30 1BX
Or email to: -	development control@moray gov uk

IMPORTANT

It is important that the Environmental Services Department is advised when you propose to start work as failure to do so may result in enforcement action be taken.

Please complete and return this form.

The Moray Council

NOTIFICATION OF COMPLETION OF DEVELOPMENT

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

Planning Application Reference No: 14/0	J1387/PPP
Date issued:	
I hereby give notice that works as detailed until be completed on:	under the above planning application
Signed:	Date:
Please return this form, duly completed to: -	- The Moray Council Development Management Development Services Environmental Services Department Council Office High Street Elgin IV30 1BX
Or email to: -	development.control@moray.gov.uk

IMPORTANT

It is important that the Environmental Services Department is advised when the development has been completed as failure to do so may result in enforcement action be taken.

Please complete and return this form.

Consultation Request Notification – Development Plans

Planning Authority Name	The Moray Council
Response Date	5th June 2018
Planning Authority Reference	18/00581/PPP
Nature of Proposal	Erect dwellinghouse and detached garage on
(Description)	
Site	Site North Of Dowells Croft
	Craigellachie
	Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133068433
Proposal Location Easting	330659
Proposal Location Northing	846202
Area of application site (Ha)	1047 m2
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation	http://public.moray.gov.uk/eplanning/centralDis
URL	tribution.do?caseType=Application&keyVal=P
	7ZURTBGH5V00
Previous Application	14/01387/PPP
Date of Consultation	22nd May 2018
Is this a re-consultation of an	No
existing application?	
Applicant Name	Mr Ian Cormack
Applicant Organisation Name	
Applicant Address	Dowells Croft
	Craigellachie
A (N	Moray
Agent Name	J W S Design Limited
Agent Organisation Name	1191
Agent Address	Hillcrest
	75 High Street Buckie
	Moray
	AB56 1AX
Agent Phone Number	ADOUTAX
Agent Email Address	N/A
Case Officer	Emma Mitchell
Case Officer Phone number	01343 563326
Case Officer email address	emma.mitchell@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk
	3
•	

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:-

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: 18/00581/PPP

Erect dwellinghouse and detached garage on Site North Of Dowells Croft

Craigellachie Moray for Mr Ian Cormack

Ward: 01 17 Speyside Glenlivet

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	29	H7 New Housing in the Countryside	Х	
		39	E4 Trees and Development	N/A	N/A
		63	ER2 Development in Woodland	N/A	N/A
		84	IMP1 Developer Requirements	Х	
2	2 Further Discussion Required				

REASONING FOR THIS DECISION:

The proposal is for planning permission in principle to erect a dwellinghouse and detached garage on Site North of Dowells Croft, Craigellachie.

Siting and Build-Up (Policy H7 and IMP1)

Policy H7 New Housing in the Open Countryside states that a proposal must not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area, with particular focus placed where there has been a significant growth in the number of new house applications.

In recent years, there has been a significant growth in the number of new house applications in this area and the proposed site falls within the Craigellachie Housing in the Countryside Hotspot, as identified within the 'Guidance Note on Landscape and Visual

Impacts of Cumulative Build-Up of Houses in the Countryside'. The number of new houses located along, and taking access from, the U64H Balnacoul Road has led to an unacceptable cumulative and incremental build-up of development. The incidence and inter-visibility of new houses result in these being a major characteristic of the landscape and a sequential visual impact when travelling along roads, particularly the U64H, in the vicinity of the proposed site.

Policy IMP1 *Developer Requirements* requires that the scale, density and character of new developments must be appropriate to the surrounding area and be sensitively sited and designed.

The proposal is considered to constitute an inappropriately located site and would contribute to an unacceptable cumulative build-up of development and is therefore contrary to Policies H7 and IMP1.

Woodland (Policies E4 and ER2)

Policies E4 *Trees and Development* and ER2 *Development in Woodlands* aim to give protection to trees and woodland from development. The site is entirely situated within woodland identified on the National Forest Inventory; however the trees have already been permanently removed from the proposed area.

It is noted that the Applicant has submitted a compensatory planting plan to the satisfaction of Forestry Commission Scotland.

Conclusion

The proposal is considered to be contrary to Policies H7 and IMP1 on the grounds that the proposal constitutes an inappropriately located site and would contribute to an unacceptable cumulative build-up of development.

The site is entirely situated within woodland identified on the National Forest Inventory; however the trees have been removed from the proposed area. It is noted that a compensatory planting plan has been submitted to the satisfaction of Forestry Commission Scotland.

Contact: Darren Westmacott Date: 08/06/2018

Email Address: Darren.Westmacott@moray.gov.uk Phone No: 01343 563358

Consultee: Development Plans

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.

Title: Plot North of Dowells Croft Craigellachie for Mr Ian Cormack

Planning Ref: 18/00581/APP

COMPENSATORY REPLANTING SCHEMEMay 2018

1.0 INTRODUCITON

This document provides the compensatory tree planting proposals for Plot North of Dowells Croft Craigellachie. This scheme has been prepared by JWS Design Ltd and aims to satisfy the Development managements replanting requirements and condition:

"No tree felling shall commence on site until a woodland planting scheme to compensate for the removal of 0.105 hectares of existing woodland ("the Replanting Scheme") has been submitted to and approved in writing by Moray Council in consultation with Forestry Commission Scotland. The Replanting Scheme must comply with the requirements set out in the UK Forestry Standard (Forestry Commissions, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers. The Replanting Scheme submitted for approval must include:-

- a. details of the location of the area to be planted;
- b. details of land owners and occupiers of the land to be planted;
- c. the nature, design and specification of the proposed woodland to be planted;
- d. details of all Necessary Consents for the Replanting Scheme and timescales within which each shall be obtained;
- e. the phasing and associated timescales for implementing the Replanting Scheme;
- f. proposals for the maintenance and establishment of the Replanting Scheme, including; annual checks; replacement planting; fencing; ground preparation; and drainage."

2.0 OUTLINE PROPOSAL

The Replanting Strategy aims to replace the loss of circa 0.105ha of existing woodland to the location shown on Drawing 1 FCS The location of the proposed replanting scheme is owned by Mr Ian Cormack, who is the Applicant for this planning permission.

3.0 DETAILED PROPOSALS

3.1 Compensatory Tree Planting

Approximate Nos:

The area of proposed tree planting will comprise of a total of 100 trees, as illustrated on Drawing 1 FCS, to be planted during the next growing season.

Trees will be supplied from an approved source with traceable provenance for the local area. This will include provision of a seed certificate illustrating quantities plus provenance and native seed zones (201, 202). Trees will be planted in a randomised order to provide a naturally vegetated appearance.

Broadleaf Mix:	Coverage	No.
Species	_	
Silver Birch	70%	70
Rowan	15%	15
Willow	15%	15
Total	100%	100

Year 2 Aftercare (January 2021 - December 2021)

Site visits to carry out tree guard maintenance and litter pick, twice annually.

Carry out beat-up (replacement) planting of any failed trees.

Spring weeding of trees with spot application of glyphosate, second application in July, if required.

Application of selective broadleaved herbicide outwith tree spots to control invasive noxious weeds, if required (e.g. thistles, docks and nettles).

August - beating-up assessment to spot mark any guards containing failed trees.

Maintenance site visits to monitor tree health and growth, weeding requirements, vermin activity and advisory reports.

Year 3 Aftercare (January 2022 – December 2022)

Site visits to carry out tree guard maintenance and litter pick, twice annually.

Carry out beat-up (replacement) planting of any failed trees.

Spring weeding of trees with spot application of glyphosate, second application in July, if required.

Application of selective broadleaved herbicide outwith tree spots to control invasive noxious weeds, if required (e.g. thistles, docks and nettles).

Maintenance site visits to monitor tree health and growth, weeding requirements, vermin activity and advisory reports.

Production of a Maintenance Report for issue to the Council.

Year 4 Aftercare (January 2023 – December 2023)

Site visits to carry out tree guard maintenance and litter pick, twice annually Formative pruning of trees to concentrate growth on one leading shoot to prevent future splitting.

Spring weeding of trees with spot application of glyphosate, second application in July, if required.

Application of selective broadleaved herbicide outwith tree spots to control invasive noxious weeds, if required (e.g. thistles, docks and nettles).

Maintenance site visits to monitor tree health and growth, weeding requirements, vermin activity and advisory reports.

Year 5 Aftercare (January 2024 – December 2024)

Site visits to carry out tree guard maintenance and litter pick, twice annually.

Maintenance site visits to monitor tree health and growth, weeding requirements, vermin activity and advisory reports.

Production of a Maintenance Report for issue to the Council.

Scheme to be signed off in agreement with the Council and/or the relevant Statutory Bodies. (only upon successful establishment of the scheme).

Location Plan nts

Detailed site Plan 1:1250

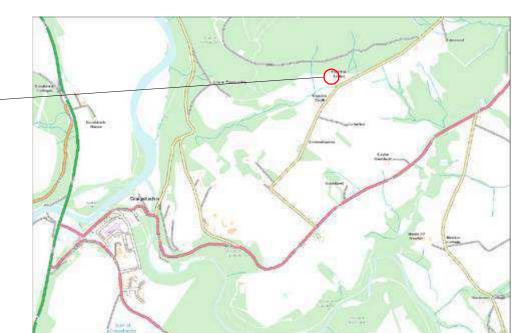
Area of compensatory tree replanting. Replanting open area to be equal to plot area.

plot referred to





SITE PLAN 1:1250



LOCATION PLAN NTS

COMPENSATORY TREE REPLANTING

Tree Planting (broad leaf species)
Silver birch 20%
Rowan 15%
Willow 15%

Trees 1500mm tall minimum in protective plastic tubes, planted at 1500mm centres

Refer to Compensatory Replanting Report May 2018 for further information.

Raylaton Date



Do not scale from this drawing If in doubt ask the designe s drawing and all parts of it is copy right of JWS Design Limited

House Plot North of Dowells Croft Craigellachie for Mr & Mrs Ian Cormack

Drawing

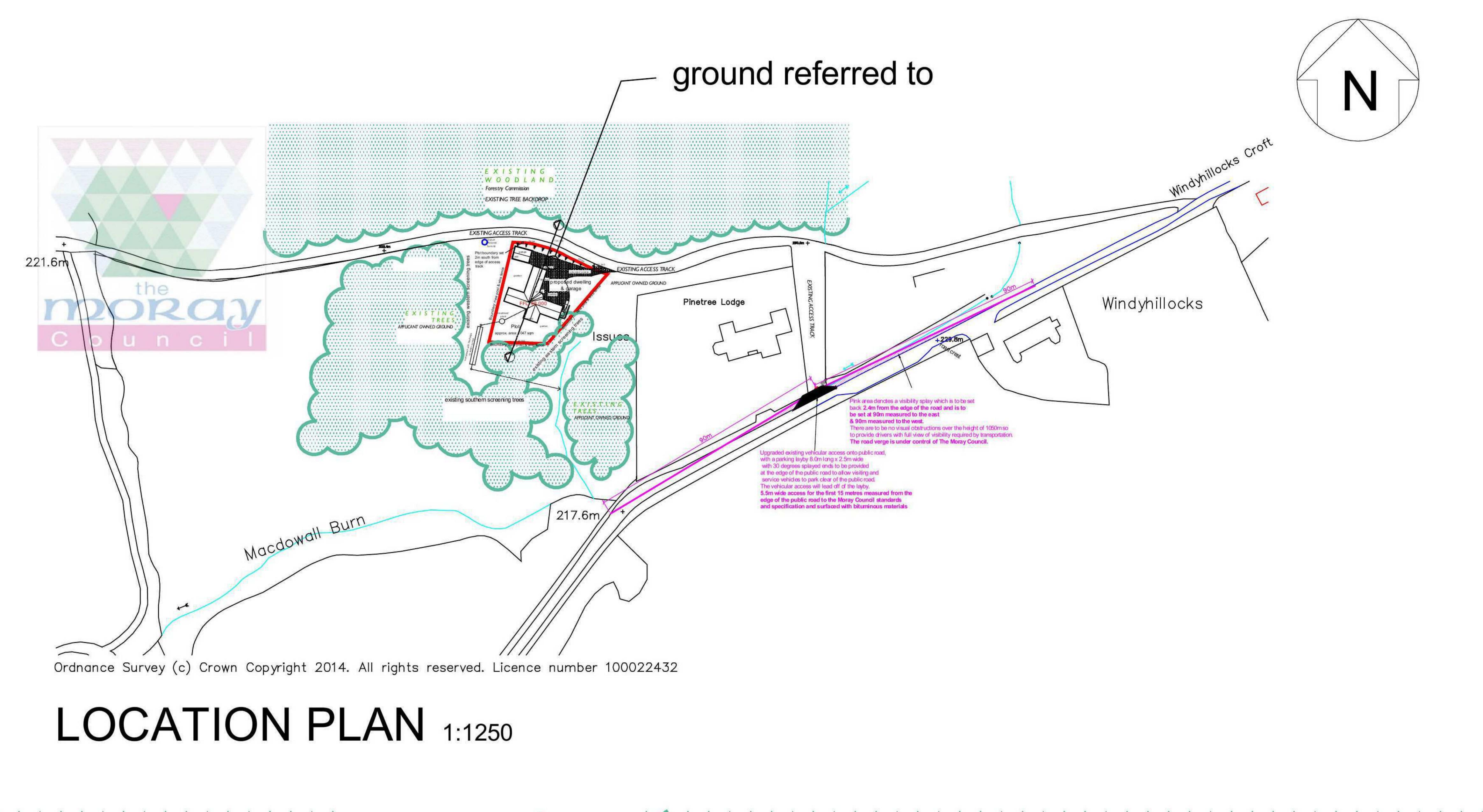
PPP Submission Drawing Site Plans 18/00581/PPP

1:1250 @A3

May 2018 Prewitig No.

1 FCS Revision No.
—

Warning: This drawing is not a building warrant drawing and has not been approved by Moray Councils building standards therefore does not comply with the Scottish building regulations. This drawing is part of a planning application only. Do not scale from this drawing. This drawing is copy right of J W S Design Ltd.





EXISTING ACCESS TRACK +)100.000 2m south from t t 10 2 2 3 3 3 (8) edge of access E E E SE SE K) K) K) K (K) (K) + 98.925 42 V 4 V 14 14 140 extended access proposed dwelling & garage treatment APPLICANT OWNED GROUND approx. area:/1047 sqm / 95.500 1807 ES 80 80 30 35 SITE PLAN 1:200

E R R R R R R R R R R R R R R

EXISTING ACCESS TRACK

APPLICANT OWNED GROUND

Page 311

Pinetree Lodge

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

APPROVED

03.09.2014

Development Management **Environmental Services** The Moray Council

Warning: This drawing is not a building warrant drawing and has not been approved by Moray Councils building standards therefore does not comply with the Scottish building regulations. This drawing is for planning submission only. This drawing is copy right of J W S




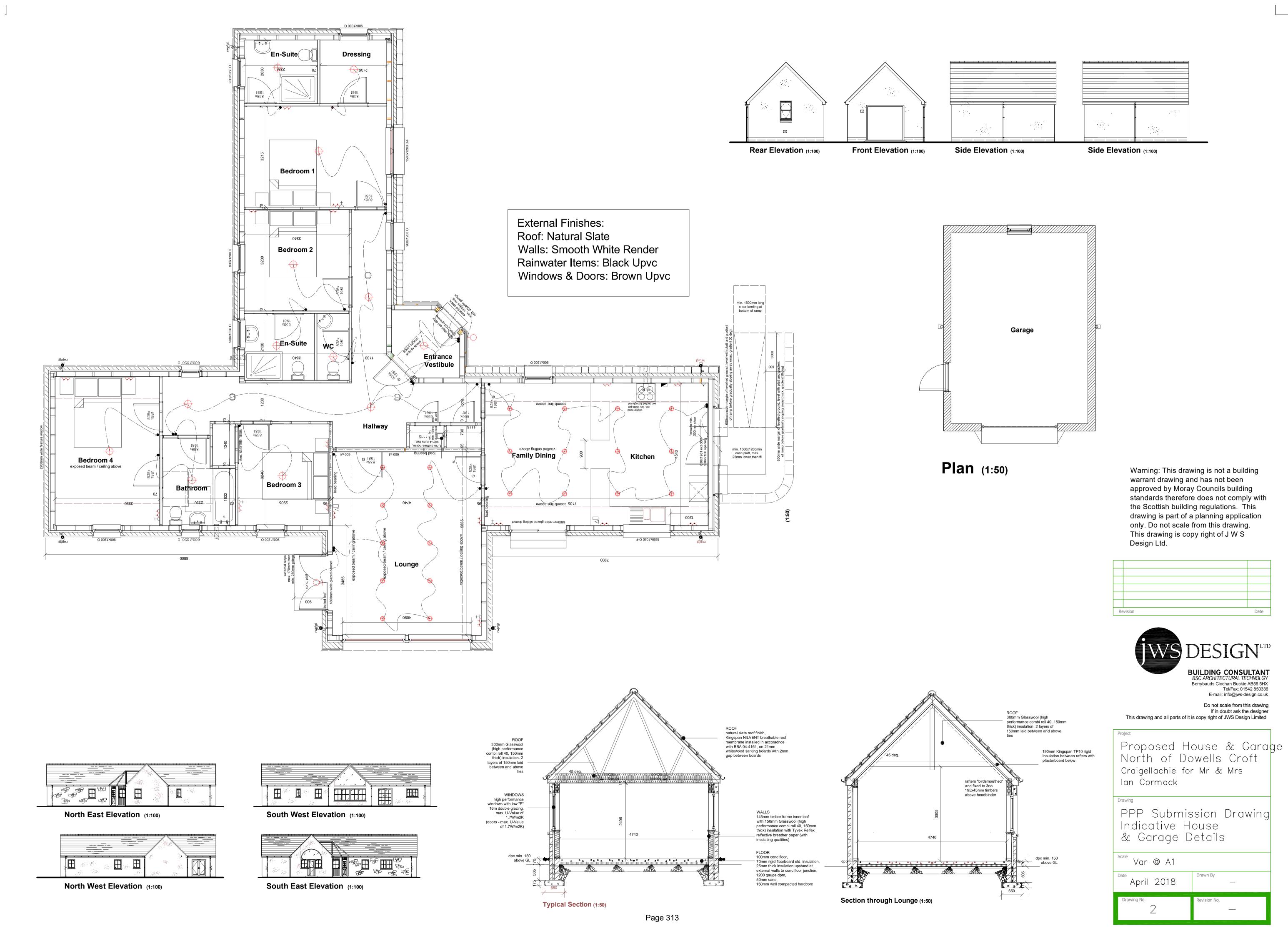
Do not scale from this drawing If in doubt ask the designer This drawing and all parts of it is copy right of JWS Design Limited


Proposed House & Garage North of Dowells Croft Craigellachie for Mr & Mrs Ian Cormack

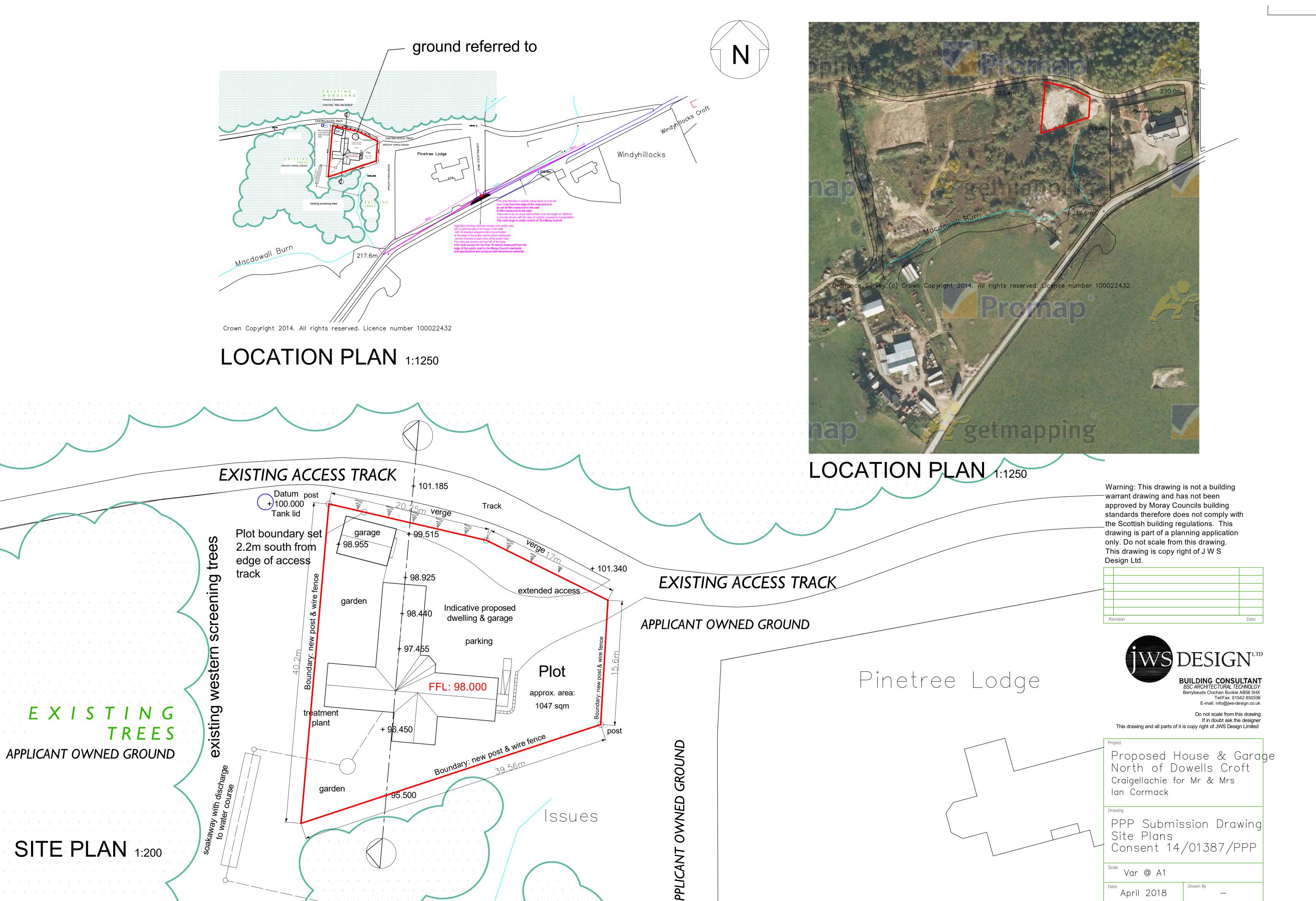
PPP Submission Drawing Site Plans

Var @ A1 June 2014 Revision No.

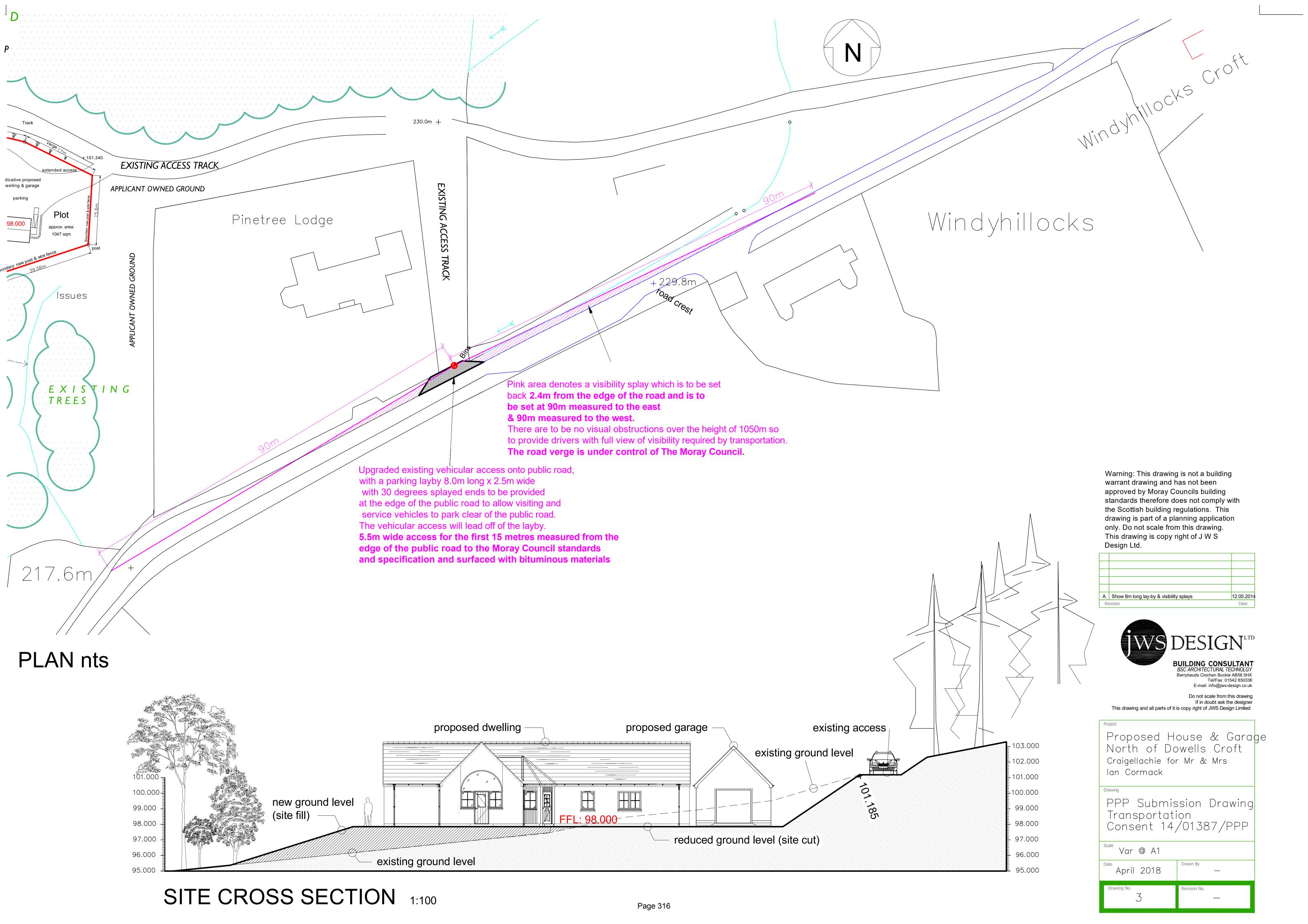








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MORAY LOCAL REVIEW BODY

30 AUGUST 2018

SUMMARY OF INFORMATION FOR CASE No LR211

Planning Application 18/00417/APP – Proposed dwelling house and garage, Plot CP1, Adjacent to Muir of Ruthrie, Aberlour, Moray

Ward 1: Speyside Glenlivet

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 10 May 2018 on the grounds that:

The proposal is contrary to policies E9, H7 and IMP1 of the Moray Local Development Plan (MLDP) 2015 for the following reasons:

- 1. The proposal located on the edge of Aberlour immediately outwith the settlement boundary as defined in the MLDP and would erode the distinction between the built up area and countryside contrary to the objectives of policy E9:
- 2. Development on the edge of the settlement would detract from the setting of the existing houses on the edge of the settlement contrary to policy H7;
- 3. Development on the edge of the settlement would increase development sprawl into the countryside and would not be part of the planned expansion of the settlement therefore would not be readily integrated into the surrounding landscape contrary to policy IMP1.

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

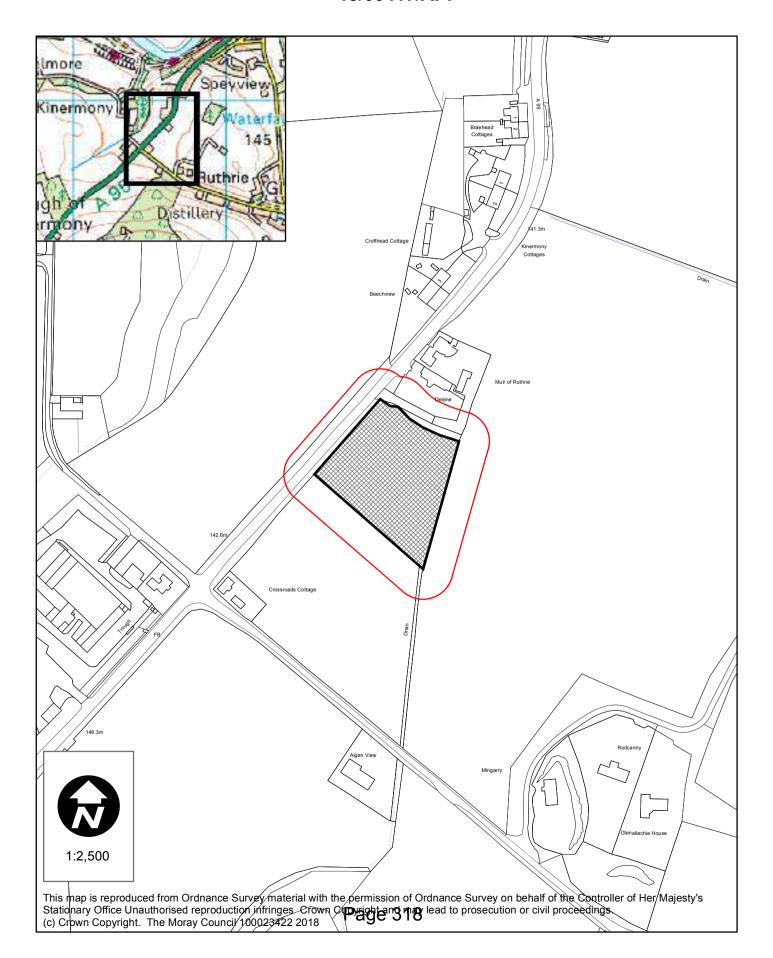
Molecuy molecuy

Town and Country Planning

(Development Management Procedure)(Scotland) Regulations 2008

Planning Application Reference Number:

18/00417/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

100088168-001

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 Application for Approval of Matters specified in conditions.	al of a planning condition etc)
Description of Proposal	
Please describe the proposal including any change of use: * (Max 500 characters)	
Proposed dwelling house and garage	
Is this a temporary permission? *	☐ Yes ☒ No
If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) *	☐ Yes ☒ No
Has the work already been started and/or completed? *	
No □ Yes – Started □ Yes - Completed	
Applicant or Agent Details	
Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)	☐ Applicant ☒ Agent

Agent Details	;				
Please enter Agent detail	ls				
Company/Organisation:	Ashley Bartlam Partnership	р			
Ref. Number:		You must enter a Bu	You must enter a Building Name or Number, or both: *		
First Name: *	Alistair	Building Name:	Wards House		
Last Name: *	Murdoch	Building Number:			
Telephone Number: *	01343 543287	Address 1 (Street): *	Wards Road		
Extension Number:		Address 2:			
Mobile Number:		Town/City: *	Elgin		
Fax Number:		Country: *	Moray		
		Postcode: *	IV30 1NL		
Email Address: * enquiries@ashleybartlam.co.uk					
	anisation/Corporate entity				
Please enter Applicant de					
Title:	Mr	You must enter a Bu	uilding Name or Number, or both: *		
Other Title:		Building Name:	Delene		
First Name: *	Eric	Building Number:			
Last Name: *	Forsyth	Address 1 (Street): *	Muir of Ruthrie		
Company/Organisation		Address 2:			
Telephone Number: *		Town/City: *	Aberlour		
Extension Number:		Country: *	Scotland		
Mobile Number:		Postcode: *	AB38 9LT		
Fax Number:					
Email Address: *					

Site Address	Details				
Planning Authority:	Moray Council				
Full postal address of the	site (including postcode whe	re available):			_
Address 1:					
Address 2:					
Address 3:					
Address 4:					
Address 5:					
Town/City/Settlement:					
Post Code:					
Please identify/describe th	ne location of the site or sites	i			
Northing	341794		Easting		325585
Pre-Application	on Discussion				
Have you discussed your	proposal with the planning a	uthority? *			☐ Yes ☒ No
Site Area					
Please state the site area	58	872.00			
Please state the measure	ment type used:	Hectares (h	a) 🛛 Square M	letres (sq.r	m)
Existing Use					
Please describe the curre	nt or most recent use: * (Max	x 500 charac	ters)		
Garden area to Delene					
Access and P	arking				
	altered vehicle access to or f			ed or new	Yes No No access points, highlighting the changes
you propose to make. You	should also show existing for	position of a potpaths and	note if there will	be any im	pact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of acces	s?*			
If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.				
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	0			
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	3			
Please show on your drawings the position of existing and proposed parking spaces and identify if thes types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	e are for the use of particular			
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 ar	nd supporting information: *			
Proposed new septic tank and traditional soakaway				
Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *	ĭ 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 A determined. You may wish to contact your Planning Authority or SEPA for advice on what it	Assessment before your application can be 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)	? *			
If Yes or No, please provide further details: * (Max 500 characters)				
Normal domestic waste and recycling bins.				
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 informatiatement.	ation may be provided in a supporting			
All Types of Non Housing Development – Propos	sed 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 Cou Planning (Development Management Procedure (Scotland) Regulations 2013 *	untry 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? *			
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? *			
Is any of the land part of an agricultural holding? *			
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: Alistair Murdoch			
On behalf of: Mr Eric Forsyth			
Date: 22/03/2018			
Please tick here to certify this Certificate. *			

Checklist – Application for Planning Permission

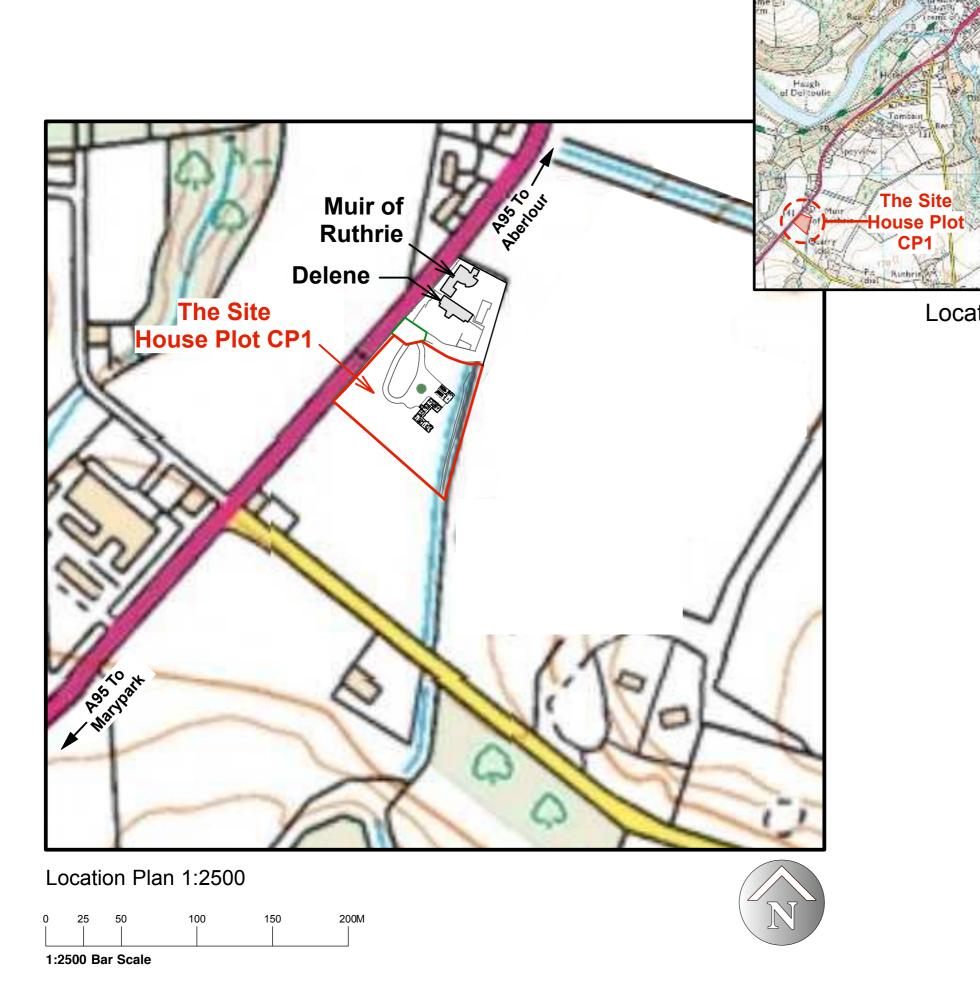
Town and Country Planning (Scotland) Act 1997

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 principal 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 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 X 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)	1
	-[

Provide copies of the following	ng documents if applicable:	
A copy of an Environmental S	Statement. *	☐ Yes ☒ N/A
A Design Statement or Desig	n and Access Statement. *	☐ Yes ☒ N/A
A Flood Risk Assessment. *		☐ Yes ☒ N/A
A Drainage Impact Assessme	ent (including proposals for Sustainable Drainage Systems). *	☐ Yes ☒ N/A
Drainage/SUDS layout. *		☐ Yes ☒ N/A
A Transport Assessment or T	ravel Plan	Yes X N/A
Contaminated Land Assessm	nent. *	Yes X N/A
Habitat Survey. *		☐ Yes ☒ N/A
A Processing Agreement. *		Yes X N/A
Other Statements (please spe	ecify). (Max 500 characters)	
Declare - For A	pplication to Planning Authority	
	hat this is an application to the planning authority as described in this form. The al information are provided as a part of this application.	e accompanying
Declaration Name:	Mr Alistair Murdoch	
Declaration Date:	22/03/2018	
Payment Details	S	
Online payment: 616700		
Payment date: 22/03/2018 15	5:26:13	Created: 22/03/2018 15:26



DO NOT SCALE DRAWINGS

Contractor / Manufacturers to check all site measurements and profiles prior to ordering and/or manufacturing components. Any discrepancies must be brought to the attention of the Architect. Do not scale dimensions from drawings.

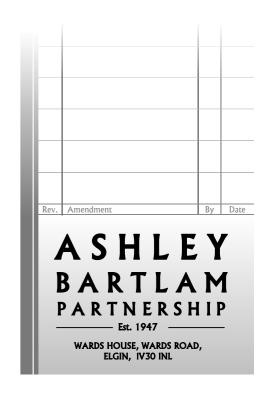
If any deviations from the approved Building Warrant drawings take place on site further Architectural services may be required. In the first instance the contractor should check with Building Standards if an Amendment of Building Warrant is required and thereafter, the matter referred back to the Architect for re-submission.

CHARLESTOWN OF ABERLOUR

Cairn

Birkenbus

Location Plan 1:20000

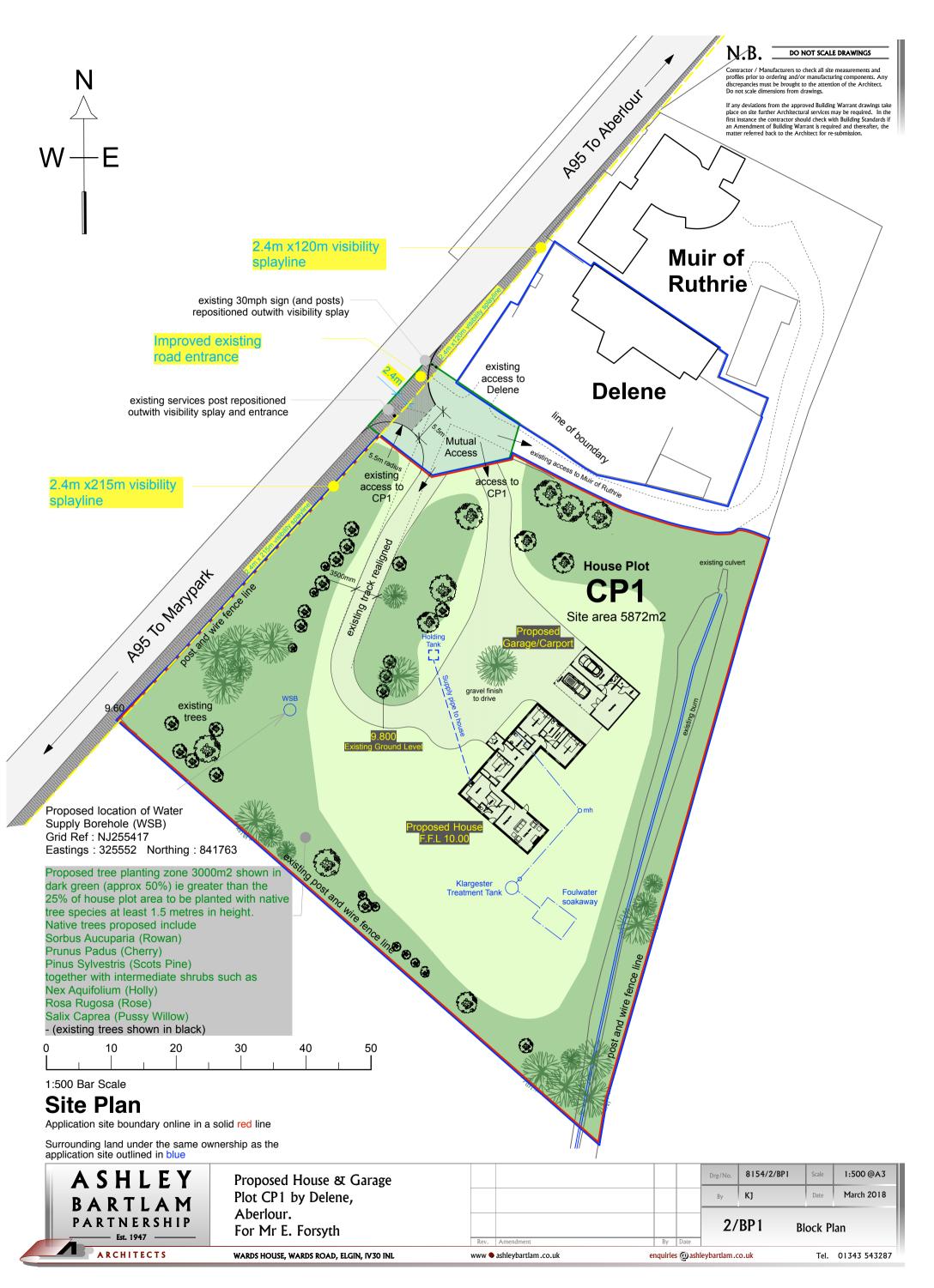


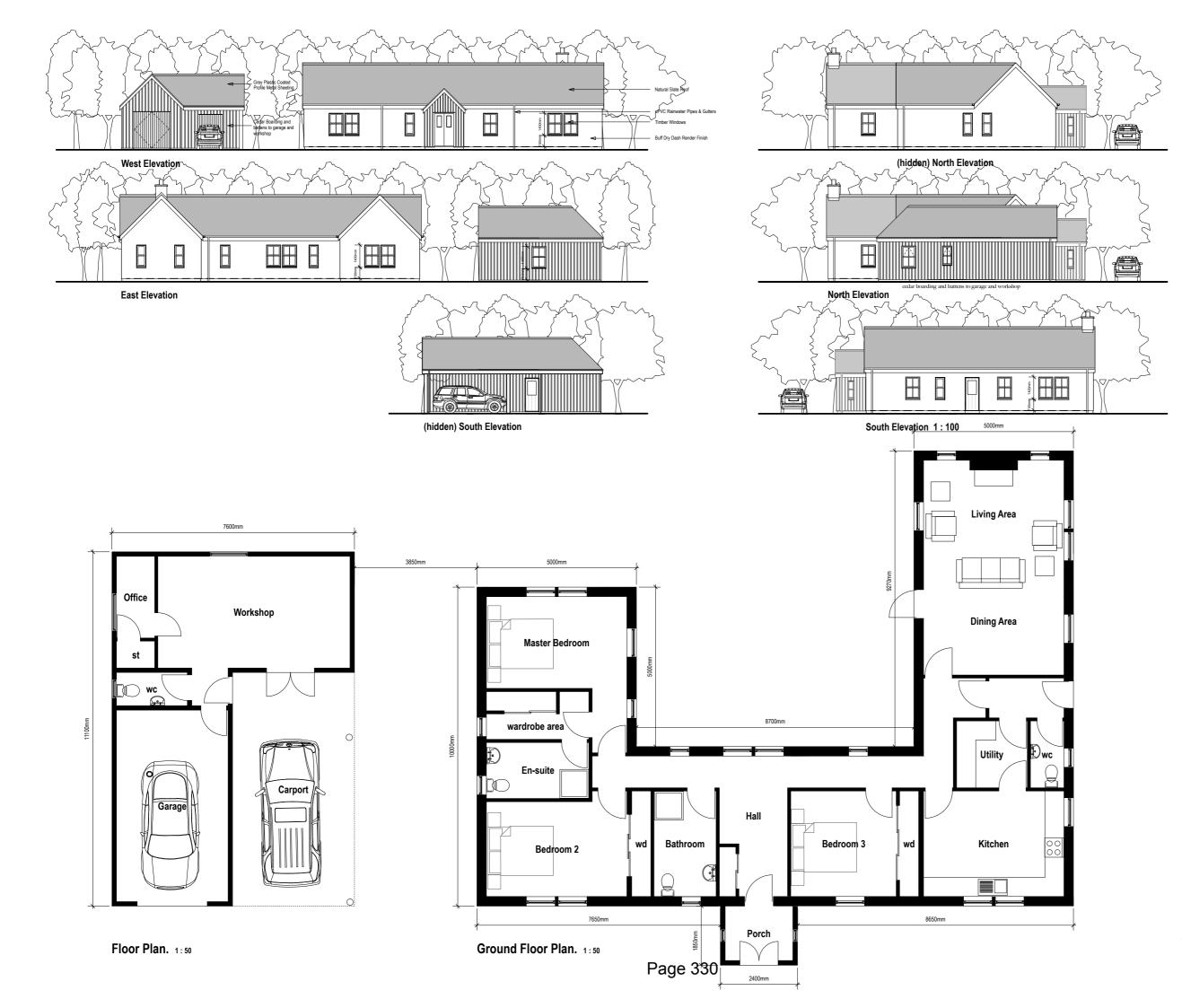
Proposed House & Garage Plot CP1 by Delene, Aberlour. For Mr E. Forsyth

	Locati	ion Plan	
1	Drg/No.	8154/LP1/1	LP1/1
	Date	March 2018	LF I / I
	Scale	1:2500/20000@A3	
	Ву	KJ	
	Checked	AIM	

Tel. 01343 543287 enquiries @ashleybartlam.co.uk



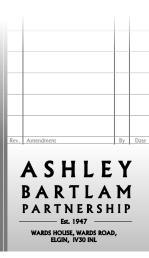




N.B. DO NOT SCALE DRAWINGS

Contractor / Manufacturers to check all site measurements and profiles prior to ordering and/or manufacturing components. Any discrepancies must be brought to the attention of the Architect. Do not scale dimensions from drawings.

If any deviations from the approved Building Warrant drawitake place on site further Architectural services may be required. In the first instance the contractor should check with Building Standards if an Amendment of Building Warra is required and thereafter, the matter referred back to the Architect for requipilisition.



Proposed House & Garage Plot CP2 by Delene, Aberlour. For Mr E. Forsyth

1/1
1/1



www • ashleybartlam .co.uk

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	10th April 2018
Planning Authority Reference	18/00417/APP
Nature of Proposal	Proposed dwelling house and garage
(Description)	
Site	Plot CP1 Adjacent To Muir Of Ruthrie
	Aberlour
	Moray
Site Postcode	N/A
Site Fosicode Site Gazetteer UPRN	000133058895
Proposal Location Easting	325605
Proposal Location Northing	841785
Area of application site (Ha)	5872 m ²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation	http://public.moray.gov.uk/eplanning/centralDis
URL	tribution.do?caseType=Application&keyVal=P
OKE	617I3BGL2C00
Previous Application	08/02006/FUL
1 revieus Application	00/02000/1 02
Date of Consultation	27th March 2018
Is this a re-consultation of an	No
existing application?	
Applicant Name	Mr Eric Forsyth
Applicant Organisation Name	
Applicant Address	Delene
	Muir of Ruthrie
	Aberlour
	Scotland
	AB38 9LT
Agent Name	Ashley Bartlam Partnership
Agent Organisation Name	
	Wards House
	Wards Road
Agent Address	Elgin
Agent Address	Moray
	IV30 1NL
A I Di Ni	
Agent Phone Number	NIA
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: 18/00417/APP
Proposed dwelling house and garage Plot CP1 Adjacent To Muir Of Ruthrie Aberlour Moray for Mr Eric Forsyth

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 I have NO OBJECTIONS to the application and have no condition(s) and/or (b) comment(s) to make on the proposal (c) I have NO OBJECTIONS to the application subject to condition(s) and/or X comment(s) about the proposal as set out below (d) Further information is required in order to consider the application as set out below

Informative

This development has been identified from site observations and published historical photographs as being located on a site that has been raised by deposition of imported materials. Moray Council does not have any further information as to whether these materials may have been contaminated. Safe development is the responsibility of the developer. The developer should investigate this matter further prior to proceeding with the proposed works. Should contamination be encountered, contact the Environmental Health section immediately (email contaminated.land@moray.gov.uk, tel 0300 1234561) to agree an appropriate course of action.

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.

Developer Obligations: ASSESSMENT REPORT



Date: 05/04/2018

Reference: 18/00417/APP

Description: Proposed dwelling house and garage on Plot CP1 Adjacent to Muir of

Ruthrie, Aberlour

Applicant: Mr Eric Forsyth

Agent: Ashley Bartlam Partnership

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 updated 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 (Contribution towards reconfiguration of Aberlour Health Centre and 1 Additional Dental Chair)	
Sports and Recreation	Nil
Total Developer Obligations	

Breakdown of Calculation

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

3 bed = 1 SRUE

This assessment is therefore based on 1 SRUE.

Developer Obligations Discount for Small Scale Development

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



Moray Council DEVELOPER OBLIGATIONS

INFRASTRUCTURE

Education

Primary Education

Pupils generated by this development are zoned to Aberlour Primary School. The school is currently operating at 77% 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 Aberlour are zoned to Speyside High School. The school is currently operating at 75% 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).

Aberlour Health Centre is the nearest GP
Practice within which healthcare facilities can
be accessed by the proposed development.
NHS Grampian has confirmed that Aberlour
Health Centre is working beyond design
capacity and existing space will be required to
be reconfigured and that 1 Additional Dental
Chair will be required.

Contributions are calculated based on a proportional contribution of per SRUE for the reconfiguration of the health centre and per SRUE for the additional dental chair.



Contribution towards Healthcare=

Sports and Recreational Facilities

Sports and Recreation Facilities

Existing sports provision within Aberlour is considered to be adequate to serve the needs of the residents anticipated to be generated



Moray Council DEVELOPER OBLIGATIONS

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 reassessment 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	10th April 2018
Planning Authority Reference	18/00417/APP
Nature of Proposal	Proposed dwelling house and garage
(Description)	
Site	Plot CP1 Adjacent To Muir Of Ruthrie
	Aberlour
	Moray
Site Postcode	N/A
Site Fosicode Site Gazetteer UPRN	000133058895
Proposal Location Easting	325605
Proposal Location Northing	841785
Area of application site (Ha)	5872 m ²
Additional Comment	3072 111
Development Hierarchy Level	LOCAL
Supporting Documentation	http://public.moray.gov.uk/eplanning/centralDis
URL	tribution.do?caseType=Application&keyVal=P
OKE	617I3BGL2C00
Previous Application	08/02006/FUL
Previous Application	00/02000/1 GE
Date of Consultation	27th March 2018
Is this a re-consultation of an	No
existing application?	
Applicant Name	Mr Eric Forsyth
Applicant Organisation Name	
Applicant Address	Delene
	Muir of Ruthrie
	Aberlour
	Scotland
	AB38 9LT
Agent Name	Ashley Bartlam Partnership
Agent Organisation Name	The state of the s
i gam angamasanan nama	Wards House
	Wards Road
A A . I	Elgin
Agent Address	Moray
	IV30 1NL
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
Case Officer email address PA Response To	maurice.booth@moray.gov.uk 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: 18/00417/APP Proposed dwelling house and garage Plot CP1 Adjacent To Muir Of Ruthrie Aberlour Moray for Mr Eric Forsyth

I hav	e the following comments to make on the applic	cation:-	Please
(a)	I OBJECT to the application for the reason(s)	as stated below	X
(b)	I have NO OBJECTIONS to the application comment(s) to make on the proposal	and have no condition(s) and/or	X
(c)	I have NO OBJECTIONS to the application comment(s) about the proposal as set out below		
(d)	Further information is required in order to cobelow	onsider the application as set out	
Reas	son(s) for objection		
Con	dition(s)		
Furt	her comment(s) to be passed to applicar	nt	
Furt	her information required to consider the	application	
emai	act: Kevin Boyle I address: sultee:	Date4/4/18 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.

Consultation Request Notification - Private Water Supplies

Planning Authority Name	The Moray Council
Response Date	10th April 2018
Planning Authority Reference	18/00417/APP
Nature of Proposal	Proposed dwelling house and garage
(Description)	
Site	Plot CP1 Adjacent To Muir Of Ruthrie
	Aberlour
	Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133058895
Proposal Location Easting	325605
Proposal Location Northing	841785
Area of application site (Ha)	5872 m2
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation	http://public.moray.gov.uk/eplanning/centralDis
URL	tribution.do?caseType=Application&keyVal=P
	617I3BGL2C00
Previous Application	08/02006/FUL
Date of Consultation	274h March 2040
Date of Consultation	27th March 2018 Yes
Is this a re-consultation of an existing application?	res
Applicant Name	Mr Eric Forsyth
Applicant Organisation Name	
Applicant Address	Delene
	Muir of Ruthrie
	Aberlour
	Scotland
	AB38 9LT
	Mobile Telephone : 07817189471
Agent Name	Ashley Bartlam Partnership
Agent Organisation Name	r
	Wards House
	Wards Road
Agent Address	Elgin
Agent Address	Moray
	IV30 1NL
Agent Phone Number	Work Telephone : 01343 543287
, tgent i none rannon	Work Telephone : 01343 543287
Agent Email Address	N/A
Case Officer	Maurice Booth
Case Officer Phone number	01343 563274
Case Officer email address	maurice.booth@moray.gov.uk
	<u> </u>

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 - Private Water Supplies

Planning Application Ref. No: 18/00417/APP

Proposed dwelling house and garage Plot CP1 Adjacent To Muir Of Ruthrie Aberlour Moray for Mr Eric Forsyth

I have the following comments to make on the		Please x
(a) I OBJECT to the application for the rea	ason(s) as stated below	
(b) I have NO OBJECTIONS to the apparent (s) to make on the pro-	` '	
(c) I have NO OBJECTIONS to the applic comment(s) about the proposal as set	• • • • • • • • • • • • • • • • • • • •	X
		_
HOLDING COMMENTS		
(d) Further information in relation to the phas been requested from the applica not be approved nor submitted to conthe final consultation response cle received from Environmental Health (F	nt and the application should nmittee for determination until aring the supply has been	
Condition(s) An Adequate and wholesome supply of wat	er must be provided prior to any occup:	ation of
the proposed dwelling.	or must be provided prior to arry decupe	20011 01
Contact: Ewan McNeil email address: Consultee: Environmental Health – Priva	Date29/5/18 Phone Note Water Supplies	
Return response to consultation	.planning@moray.gov.uk	

Please note that information about the application including consultation responses and

representations (whether in support or objection) received on the proposal will be published on the Council's website at http://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.

28th March 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

AB38 Moray Aberlour To Muir Ruthrie Plot CP1 Adj PLANNING APPLICATION NUMBER: 18/00417/APP

OUR REFERENCE: 758984

PROPOSAL: Proposed dwelling house and garage

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 Badentinan Water Treatment Works.
 However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

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

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

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

Hannah Ashby
Development Operations
Hannah.Ashby2@scottishwater.co.uk

Transport Scotland

Trunk Road and Bus Operations (TRBO)
Network Operations - Development Management



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

T T N O "			1
To The Moray Council Elgin		Council Reference:-	18/00417/APP
9			
		TS TRBO Reference:	NE/51/2018
	29 March 2018 for plans	ning permission for propose	ards Road Elgin Moray IV30 1NL and ed dwelling house and garage located at
Director, Trunk Roads Network Ma	anagement Advice		
1. The Director does not prop	oose to advise against th	e granting of permission	
2. The Director advises that	planning permission be r	efused (see overleaf for rea	asons).
3. The Director advises that to (see overleaf for reasons).		erleaf be attached to any pe	ermission the council may give
below. The Operating Company I	has responsibility for co- ractor's responsibility to I	ordination and supervision of	ager through the general contact number of works and after permission has been mpany during the construction period to
TS Contact:-	Route Manager (A95)		
	0141 272 7100		
	Buchanan House, 58	Port Dundas Road, Glasgov	w, G4 0HF
Operating Company:-	NORTH EAST		
Address:-	Bear House, Inveralm	ond Road, Inveralmond Ind	lustrial Estate, PERTH, PH1 3TW
Telephone Number:-	01738 448600		
e-mail address:-	NEplanningapplicatio	ns@bearscotland.co.uk	
DET	AILS of works necessa	ary within the trunk road b	ooundary:-
Access improvements			

CONDITIONS to be attached to any permission the council may give:-

- No works shall commence on site until visibility splays have been provided (and will be maintained) on each side of the new access to the satisfaction of the local Planning Authority. These splays are the triangles of ground bounded on 2 sides by the first 2.4m metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) to the south and 120m to the north from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.
- The proposed access shall join the trunk road at an upgraded junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with Layout 3. The junction shall be constructed in accordance with details that shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, before any part of the development is commenced.
- The width of the access shall be at least 5.5 metres wide for a distance of 5 metres from the nearest edge of the trunk road carriageway
- The gradient of the access road shall not exceed 1 in 40 for a distance of 5 metres from the nearside edge of the trunk road carriageway, and the first 5 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.
- 5 There shall be no drainage connections to the trunk road drainage system.

REASON(S) for Conditions (numbered as above):-

- 1 To maintain safety for both the trunk road traffic and the traffic moving to and from the development
- 1 & 2 To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished
- 1 & 4 To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road
- 1, 2 & 3 To minimise interference with the safety and free flow of the traffic on the trunk road.
 - 3 To ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict
 - 4 To ensure water run-off from the site does not enter the trunk road.
 - 5 To ensure that the efficiency of the existing drainage network is not affected

ADVISORY NOTES (to be passed to applicant):-

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges

Transport Scotland Response Date:- 11-Apr-2018

Transport Scotland Contact:- Fred Abercrombie

Transport Scotland Contact Details:-

Trunk Road and Bus Operations, Network Operations - Development Management

Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Telephone Number: 0141 272 7382

e-mail: development_management@transport.gov.scot

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Trunk Road and Bus Operations, 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	The Moray Council
Response Date	10th April 2018
Planning Authority Reference	18/00417/APP
Nature of Proposal	Proposed dwelling house and garage
(Description)	
Site	Plot CP1 Adjacent To Muir Of Ruthrie
	Aberlour
	Moray
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Proposal Location Northing	841785
Area of application site (Ha)	5872 m ²
Additional Comment	VOI 2
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Supporting Documentation	http://public.moray.gov.uk/eplanning/centralDis
URL	tribution.do?caseType=Application&keyVal=P
OT L	617I3BGL2C00
Previous Application	08/02006/FUL
Trevious Application	00/02000/1 GE
Date of Consultation	27th March 2018
Is this a re-consultation of an	No
existing application?	
Applicant Name	Mr Eric Forsyth
Applicant Organisation Name	
Applicant Address	Delene
	Muir of Ruthrie
	Aberlour
	Scotland
	AB38 9LT
Agent Name	Ashley Bartlam Partnership
Agent Organisation Name	
J - 2 J - 2	Wards House
	Wards Road
Agent Address	Elgin
Agent Address	Moray
	IV30 1NL
Agent Phone Number	N/A
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: 18/00417/APP
Proposed dwelling house and garage Plot CP1 Adjacent To Muir Of Ruthrie Aberlour Moray for Mr Eric Forsyth

I have the following comments to make on the application:-**Please** (a) I OBJECT to the application for the reason(s) as stated below I have NO OBJECTIONS to the application and have no condition(s) and/or (b) comment(s) to make on the proposal (c) I have NO OBJECTIONS to the application subject to condition(s) and/or X comment(s) about the proposal as set out below (d) Further information is required in order to consider the application as set out below

Note: Access to this development is via an existing private access onto the A95 Trunk road which falls under the remit of Transport Scotland as Trunk road Authority. Transport Scotland should therefore be consulted regarding the suitability and design requirements of the proposed access.

Condition(s)

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

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

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

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

Further comment(s) to be passed to applicant

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.

Contact: DA/AG Date 05 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.

REPORT OF HANDLING

Ref No:	18/00417/APP	Officer:	Maurice Booth
Proposal Description/ Address	Proposed dwelling house and garage Plantage Moray	ot CP1 Adjacent To	Muir Of Ruthrie Aberlour
Date:	10/05/18	Typist Initials:	FJA

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

CONSULTATIONS				
Consultee	Date Returned	Summary of Response		
Transport Scotland	11/04/18	No objection subject to standard conditions on visibility, junction improvements and standards		
Planning And Development Obligations	05/04/18	Yes – healthcare		
Scottish Water	28/03/18	No objection		
Environmental Health Manager	04/04/18	No objection		
Contaminated Land	27/03/18	No objection subject to an informative		
Private Water Supplies		Agent has change the proposal to being served by a public supply		
Transportation Manager	05/04/18	No objection subject to a condition on parking.		

DEVELOPMENT PLAN POLICY			
Policies	Dep	Any Comments (or refer to Observations below)	
PP1: Sustainable Economic Growth			
PP2: Climate Change			
PP3: Placemaking			
H7: New Housing in the Open Countryside	Υ		
EP4: Private Water Supplies			
EP5: Sustainable Urban Drainage Systems			
EP9: Contaminated Land			

EP10: Foul Drainage		
T2: Provision of Access		
T5: Parking Standards		
E9: Settlement Boundaries	Υ	
IMP1: Developer Requirements	Υ	
E7: AGLV and impacts on wider landscape	Υ	
IMP3: Developer Obligations		

REPRESENTATIONS	
Representations Received	NO
Total number of representations received	
Names/Addresses of parties submitting representations	
Summary and Assessment of main issues raised by representations	
Issue:	
Comments (PO):	

OBSERVATIONS - ASSESSMENT OF PROPOSAL

History

08/02006/FUL (northern part of current proposal site) Erect single storey dwellinghouse and workshop/garage on Plot CP2 Adjacent To Muir Of Ruthrie. Refused. An appeal against this was upheld by the Scottish Reporter on the grounds that the site was then a substantial distance from the settlement boundary (600m) and that the proposal did not breach the relevant policies in terms of visual impact. This approval has now lapsed.

It is noted that this consideration was under a now superseded development plan and that the current adopted local plan involves an extended settlement boundary (now adjoining with the northern boundary of the site) and a significant new housing proposal to the east (R4).

17/01460/APP Proposed dwellinghouse and garage Plot CP2 Adjacent To Muir Of Ruthrie Aberlour. Refused. (southern part of current proposal site). An appeal against this refusal was rejected at LRB.

Note: The issues in relation to the current proposal remain substantially the same as those assessed under application 17/01460/APP, despite this application covering the area taken by the two previous applications referred to above.

The Proposal

This application seeks planning permission for a single house with detached garage, septic tank and soakaway. Access will be by means of an existing access from the A95(T).

The Site

The site is scrub land next to the trunk road to the south east of Aberlour. There are existing trees and bushes across the site and along the roadside north western boundary. There A95 (T) runs along the north western boundary of the site and there is an existing access to the north east of the site. The south eastern boundary of the site is conterminous with the Aberlour Settlement Boundary as identified in the Moray Local Development Plan (MLDP) 2015. The land on the other side of the boundary is identified as Aberlour R4 which has an indicative capacity of 100 houses. There is a strip

of houses to the north east of the site which represent the current built extent of Aberlour.

Siting (H7, E9 & IMP1)

The application site is in the open countryside but is immediately outwith the settlement boundary of Aberlour as identified in the MLDP. The south eastern boundary of the site abuts the boundary of the Aberlour R4 designation which has an indicative capacity of 100 houses.

Policy H7 is supportive of new developments in the open countryside provided that development follows the traditional settlement pattern and is sensitively integrated into the surrounding landform, does not detract from the character or setting of existing buildings or their surroundings, does not contribute to a build-up of development that would alter the rural character of the area and at least 50% of the site boundaries are well established. The site benefits from 50% well established boundaries in the form the road to the north west and the existing fence line to the south west. The proposal fails to comply with policy H7 in that it would represent an expansion of the development that currently forms the southern edge of Aberlour and would detract from the setting of the existing houses that form a clear and natural edge of the settlement.

Policy E9 makes clear that settlement boundaries identified in the MLDP represent the limit to which these settlements can expand during the plan period and developments immediately outwith the boundaries of these settlements will not be acceptable. The proposal is contrary to policy E9 in that it is immediately outwith the settlement boundary of Aberlour as identified in the MLDP. Development on this site would erode the important distinction between the settlement and the countryside and would lead to development sprawl beyond the identified boundaries of the settlement.

This application would also undermine the development of the Aberlour R4 site in that it would remove the opportunity to create a strong sense of place at the southern edge of the settlement as part of a coherent and comprehensive development of the R4 site. The development would not be part of the planned expansion of the settlement and as such would not be readily integrated into the surrounding landscape. The siting is not sensitive to the current or projected development of Aberlour and is considered to be contrary to policies H7, E9 and IMP1.

Design and Materials (H7)

The proposed house is a single storey 'u' shaped building with a small front porch. The house has been designed in a traditional style with simple detailing, narrow gables and low eaves. The proportions comply with policy H7. The windows have a vertical emphasis and a traditional appearance. Windows and other openings will be arranged in a uniform manner. The house will be rendered with a timber clad porch. The roof will be covered in natural slate. The use of traditional materials is welcomed. The house is a modest and simple building that reflects local architectural traditions and complies with the design requirements set out in policy H7.

The garage is a simple building designed in a manner that will complement the house. The garage is will be timber clad with a metal roof. These materials are appropriate for an ancillary building of this Page 4 of 6 nature.

The development meets the design requirements set out in policy H7.

Amenity (H7 & IMP1)

The development is sufficiently separate from the nearest neighbours and will not give rise to any loss of privacy or overlooking issues.

There is some existing planting across the site and particularly along the boundary with the trunk road. The site plan notes that four existing trees are identified for removal. The plan indicates that additional planting could be provided. This could be sought by condition in order to ensure compliance with the landscaping requirements set out in policy H7.

The proposed outbuilding contains a garage and car port along with garage and office. A condition could be attached clarifying that this building should only be used for purposes ancillary to the use of the house as such. This would ensure that the building was not used for any other purpose which would require additional consideration

.

Drainage and Water Supply (EP5 & EP10)

A treatment plant and soakaway are proposed. These arrangements are sufficient to ensure that the site will be satisfactorily drained in accordance with policy EP10.

No details of the proposals for the management of surface water have been provided. In accordance with policy EP5 a condition could be used to ensure that details are provided to ensure surface water is adequately dealt with and the development would not increase the risk of surface water flooding on site or elsewhere.

A private water supply was originally proposed but this was then altered to a connection to the public supply. Scottish Water advised in relation to the previous application that they had no objection to this in principle but the nearest Scottish Water infrastructure is 600m from the development. As before, it is considered that the cost of such a connection would be a matter for the developer.

Access and Parking (T2 & T5)

The site is accessed from a private road to the north east of the site that joins the A95 (T) to the north east. The Trunk Roads Authority has no objection to the increased use of the access subject to conditions requiring sufficient visibility, the access to be upgraded to an acceptable standard, the access to be a minimum of 5.5m wide for 5m from the edge of the trunk road, a gradient of 1 in 40 for a distance of 5m from the nearside of the trunk road and the access to be surfaced for 5m from the edge of the trunk road. A condition preventing drainage connection to the trunk road drainage system is also recommended. The recommended conditions would ensure safe entry and exit to the site in accordance with policy T2.

There is sufficient space within the site to provide adequate parking and turning. The Council's Transportation Section has recommended that these matters are dealt with by condition in order to ensure that these facilities are timeously provided and that policy T5 is complied with.

Developer Obligations (IMP3)

In line with policy IMP3 developer obligations are sought towards healthcare provision in Aberlour and an additional dental chair. The applicant has confirmed that they would be willing to pay the obligations.

Contaminated Land (EP9)

The Contaminated Land Section has advised that the site appears to have been raised using imported material and it is not known if this was contaminated or not. It is the responsibility of the developer to investigate this. An informative note on this matter would have been added to any Page 5 of 6 approval.

Recommendation

The proposal is contrary to policies E9, H7, and IMP1 of the Moray Local Development Plan (MLDP) 2015 the following reasons. The proposal located on the edge of Aberlour immediately outwith the settlement boundary as defined in the MLDP would erode the distinction between the built up area and countryside contrary to the objectives of policy E9. Development on the edge of the settlement would detract from the setting of the existing houses on the edge of the settlement contrary to policy H7. Development on the edge of the settlement would increase development sprawl into the countryside. It would not be part of the planned expansion of the settlement and as such would not be readily integrated into the surrounding landscape contrary to policy IMP1. Planning Permission should be refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY				
Reference No.	Description			
	Erect single storey dwellinghouse and workshop/garage on Plot CP1 / To Muir Of Ruthrie Aberlour Moray			e on Plot CP1 Adjacent
08/02006/FUL	Decision	Refuse	Date Of Decision	10/12/08

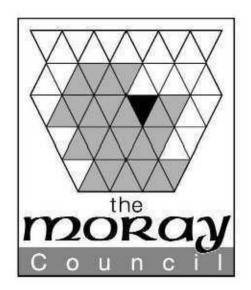
ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	Departure from development planNo Premises	26/04/18
PINS	Departure from development planNo Premises	26/04/18

DEVELOPER CONTRIBUTIONS (PGU)		
Status	Yes – healthcare (note this has not been progressed owing to the application being refused.	

DOCUMENTS, ASSESSMENTS etc. * * Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and TA, NIA, FRA etc	Access State	ement, RIA,
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

NO

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
NO			



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

REFUSAL OF PLANNING PERMISSION

[Speyside Glenlivet] Application for Planning Permission



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:-

Proposed dwelling house and garage Plot CP1 Adjacent To Muir Of Ruthrie Aberlour Moray

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

Date of Notice: 10 May 2018



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

(Page 1 of 3) Ref: 18/00417/APP

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 policies E9, H7, and IMP1 of the Moray Local Development Plan (MLDP) 2015 the following reasons:

- 1. The proposal located on the edge of Aberlour immediately outwith the settlement boundary as defined in the MLDP and would erode the distinction between the built up area and countryside contrary to the objectives of policy E9
- 2. Development on the edge of the settlement would detract from the setting of the existing houses on the edge of the settlement contrary to policy H7
- Development on the edge of the settlement would increase development sprawl into the countryside and would not be part of the planned expansion of the settlement therefore would not be readily integrated into the surrounding landscape contrary to policy IMP1.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
LP/1		Location plan
2/BP1		Site plan
1/1		Elevations and floor plans

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

N/A

(Page 2 of 3) Ref: 18/00417/APP

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.

(Page 3 of 3) Ref: 18/00417/APP



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

100088168-002

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.

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)				
Agent Details				
Please enter Agent details	S			
Company/Organisation:	Ashley Bartlam Partnership			
Ref. Number:		You must enter a B	uilding Name or Number, or both: *	
First Name: *	Alistair	Building Name:	Wards House	
Last Name: *	Murdoch	Building Number:		
Telephone Number: *	01343 543287	Address 1 (Street): *	Wards Road	
Extension Number:		Address 2:		
Mobile Number:		Town/City: *	Elgin	
Fax Number:		Country: *	Moray	
		Postcode: *	IV30 1NL	
Email Address: *	enquiries@ashleybartlam.co.uk			
Is the applicant an individual or an organisation/corporate entity? *				
☑ Individual ☐ Organ	nisation/Corporate entity			

Applicant De	tails		
Please enter Applicant	details		
Title:	Mr	You must enter a Buil	ding Name or Number, or both: *
Other Title:		Building Name:	
First Name: *	Eric	Building Number:	
Last Name: *	Forsyth	Address 1 (Street): *	
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			
Site Address	Details		
Planning Authority:	Moray Council		
Full postal address of th	e site (including postcode where availab	le):	
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	841794	Easting	325585

Description of Proposal
Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: * (Max 500 characters)
Proposed dwelling house and 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 a 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 unl kely 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.
See attached statement.
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
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 to rely on in support of your review. You can attach these documents electronically later in the		
8154-1-1 Floor Plans & Elevations, 8154-2-BP1 Block Plan, 8154-LP1-1 Location Plan & F	Review Statement.	
Application Details		
Please provide details of the application and decision.		
What is the application reference number? *	18/00417/APP	
What date was the application submitted to the planning authority? *	22/03/2018	
What date was the decision issued by the planning authority? *	10/05/2018	
Review Procedure		
The Local Review Body will decide on the procedure to be used to determine your review an process require that further information or representations be made to enable them to determ required by one or a combination of procedures, such as: written submissions; the holding of inspecting the land which is the subject of the review case.	nine the review. Further	information may be
Can this review continue to a conclusion, in your opinion, based on a review of the relevant in parties only, without any further procedures? For example, written submission, hearing sess of the second sec		yourself and other
In the event that the Local Review Body appointed to consider your application decides to install	spect the site, in your op	inion:
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? *	X	Yes No
Checklist – Application for Notice of Review		
Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid.	nformation in support of	your appeal. Failure
Have you provided the name and address of the applicant?. *	🛛 Yes 🗌 N	lo
Have you provided the date and reference number of the application which is the subject of treview? *	his X Yes 1	No
If you are the agent, acting on behalf of the applicant, have you provided details of your nam and address and indicated whether any notice or correspondence required in connection with review should be sent to you or the applicant? *		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 □ N	No
Note: You must state, in full, why you are seeking a review on your application. Your statemer require to be taken into account in determining your review. You may not have a further opport at a later date. It is therefore essential that you submit with your notice of review, all necessary on and wish the Local Review Body to consider as part of your review.	ortunity to add to your st iry information and evide	atement of review ence that you rely
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 🗌 N	lo
Note: Where the review relates to a further application e.g. renewal of planning permission o planning condition or where it relates to an application for approval of matters specified in co application reference number, approved plans and decision notice (if any) from the earlier co	nditions, it is advisable t	

Declare - Notice of Review

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

Declaration Name: Mr Alistair Murdoch

Declaration Date: 27/07/2018

<u>Statement of Reasons for seeking Review in respect of</u> 'Refusal of Planning Permission' Ref. No. 18/00417/APP

Proposed dwellinghouse and garage - plot CP1, adjacent to Delene Muir of Ruthrie, Aberlour, Moray

There are Planning concerns over the impact the proposed house and garage will have on the edge of Aberlour.

There are no concerns that the proposed house and garage will have any impact in respect of its design, which is considered to be of "a modest and simple building that reflects local architectural traditions and complies with the design requirements set out in policy H7". Nor are there any concerns in respect of transportation with satisfactory access and visibility splay provisions.

We consider the overall site area of 5,872m2 (1.45 acres) allows for the proposed single storey house and garage to be easily absorbed into the landscape, with the scale, density and character appropriate to the surrounding countryside and A95 road entrance to Aberlour from the West.

Therefore, we wish to seek a Review of the Planning Authority's decision to refuse Planning Permission for the house and garage.

We would like the following to be considered as part of the review:

Planning Permission for plot CP1 was granted by Appeal to the Scottish Government ref P/PPA/300/322 dated 24 August 2009. This Planning Permission lapsed on 24 August 2012. The Moray Council's Local Development Plan Policies currently applicable are similar to the policies considered by the Scottish Minister's Reporter in 2009.

However, the settlement boundary of Aberlour has changed significantly with 'Delene' and the group of houses to the North of the A95 being included within the settlement boundary. Unfortunately, the scrub land adjoining Delene was not included in this settlement boundary realignment.

Also within the current Local Plan the neighbouring field is now zoned for a new housing development – R4:Speyview comprising of 100 houses. We understand that a major local housing developer will shortly be submitted proposals to the local authority for progressing housing development on this land in 2019.

It will be a challenge for this R4, 100 house development to be readily incorporated within the surrounding landscape. Refusing permission for this single house for the reason that it would increase development sprawl into the countryside appears inequitable.

We would therefore request a site visit be arranged so that the Review Body members can assess the impact this major housing development will have on the field and area adjoining CP1 and the impact the proposal for a single dwellinghouse and garage would have in the scrub land adjoining Delene.

There is an opportunity at this time if this application was to be approved for the proposed substantial tree planting to be carried out securing an attractive approach from the West into Aberlour for the future.

Site Plan for Neighbour Notification purposes only

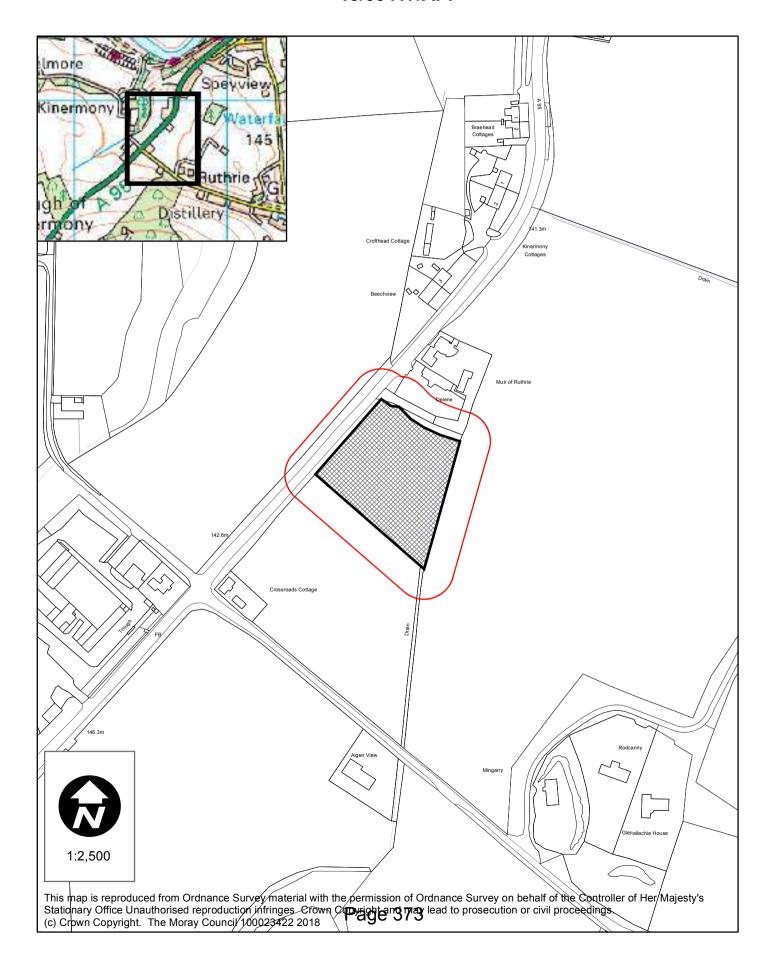
noikay

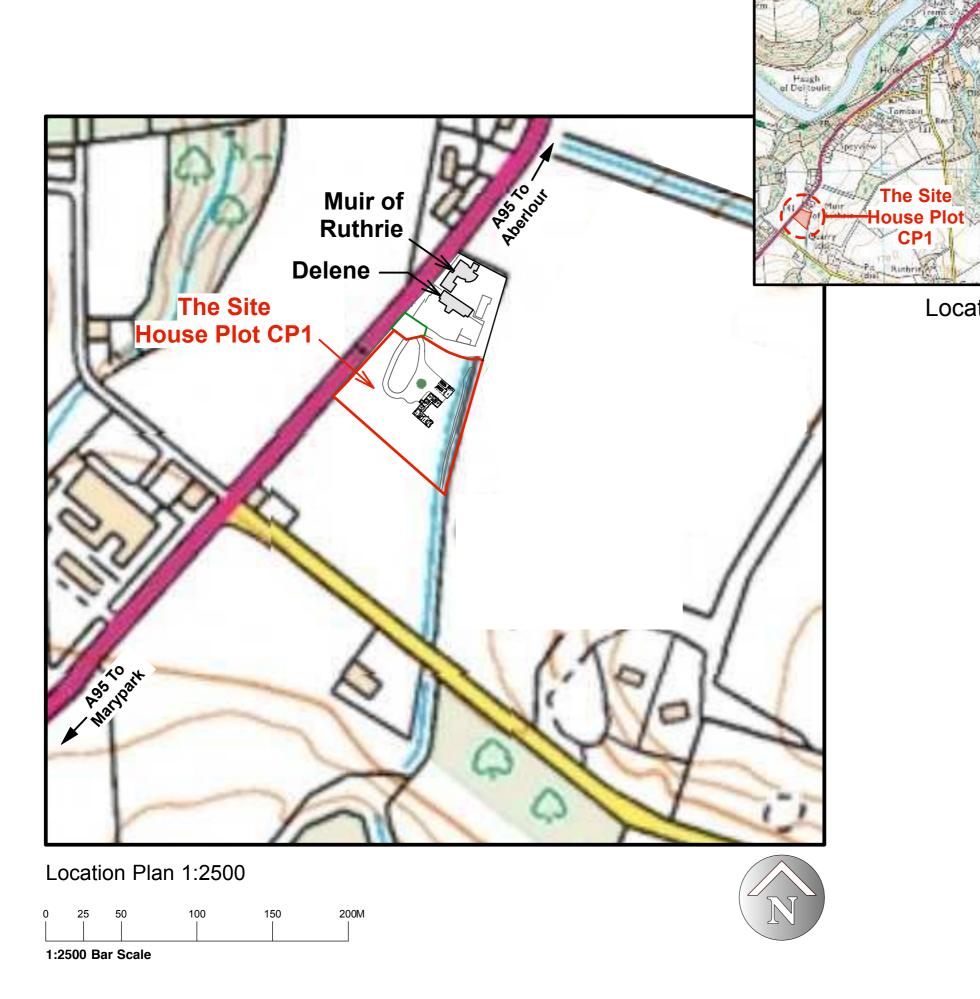
Town and Country Planning

(Development Management Procedure)(Scotland) Regulations 2008

Planning Application Reference Number:

18/00417/APP





DO NOT SCALE DRAWINGS

Contractor / Manufacturers to check all site measurements and profiles prior to ordering and/or manufacturing components. Any discrepancies must be brought to the attention of the Architect. Do not scale dimensions from drawings.

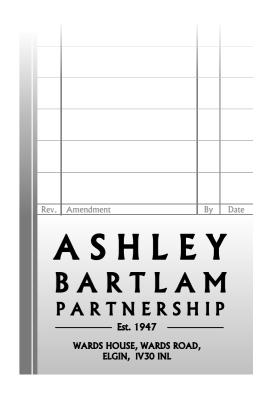
If any deviations from the approved Building Warrant drawings take place on site further Architectural services may be required. In the first instance the contractor should check with Building Standards if an Amendment of Building Warrant is required and thereafter, the matter referred back to the Architect for re-submission.

CHARLESTOWN OF ABERLOUR

Cairn

Birkenbus

Location Plan 1:20000

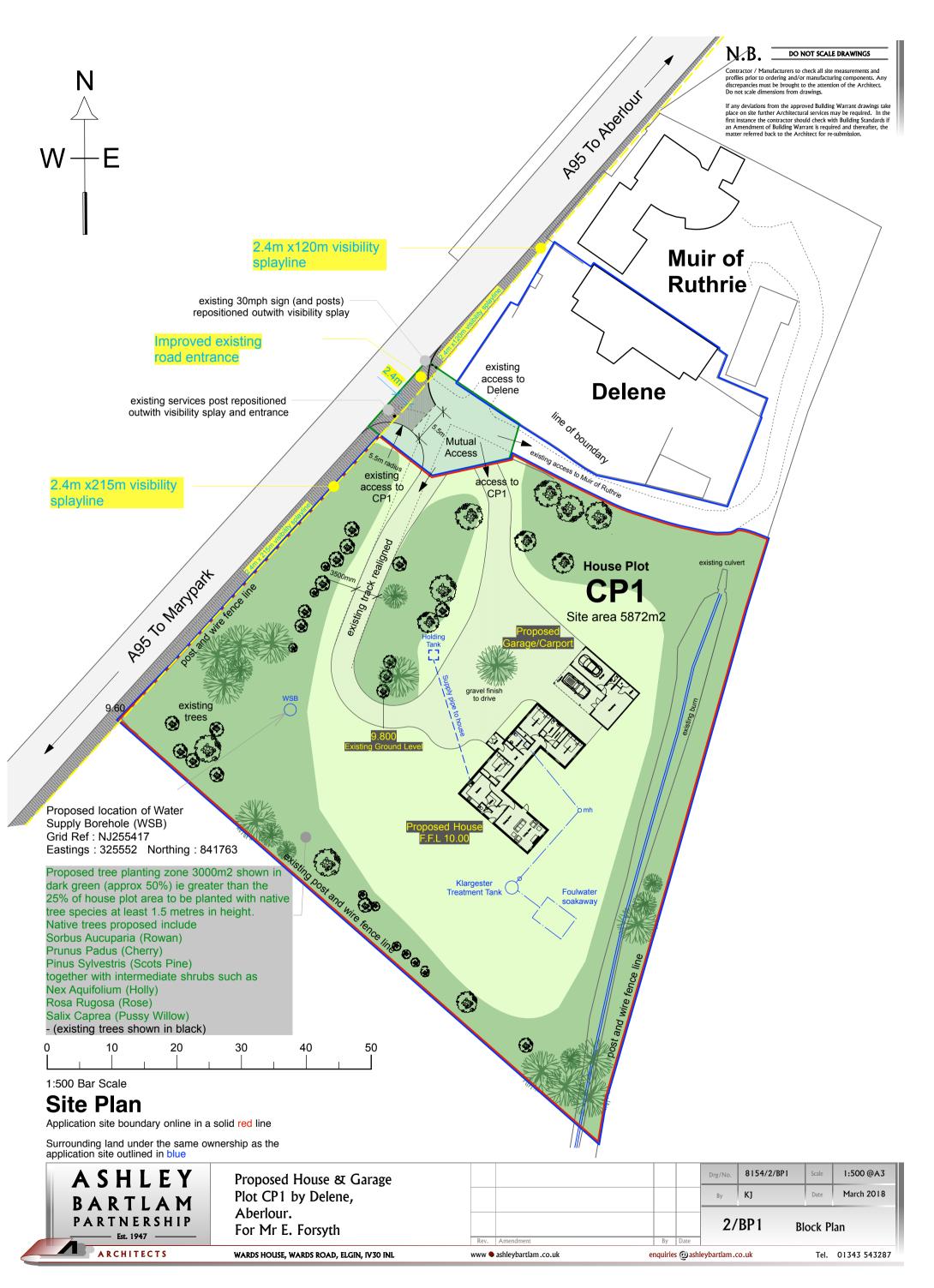


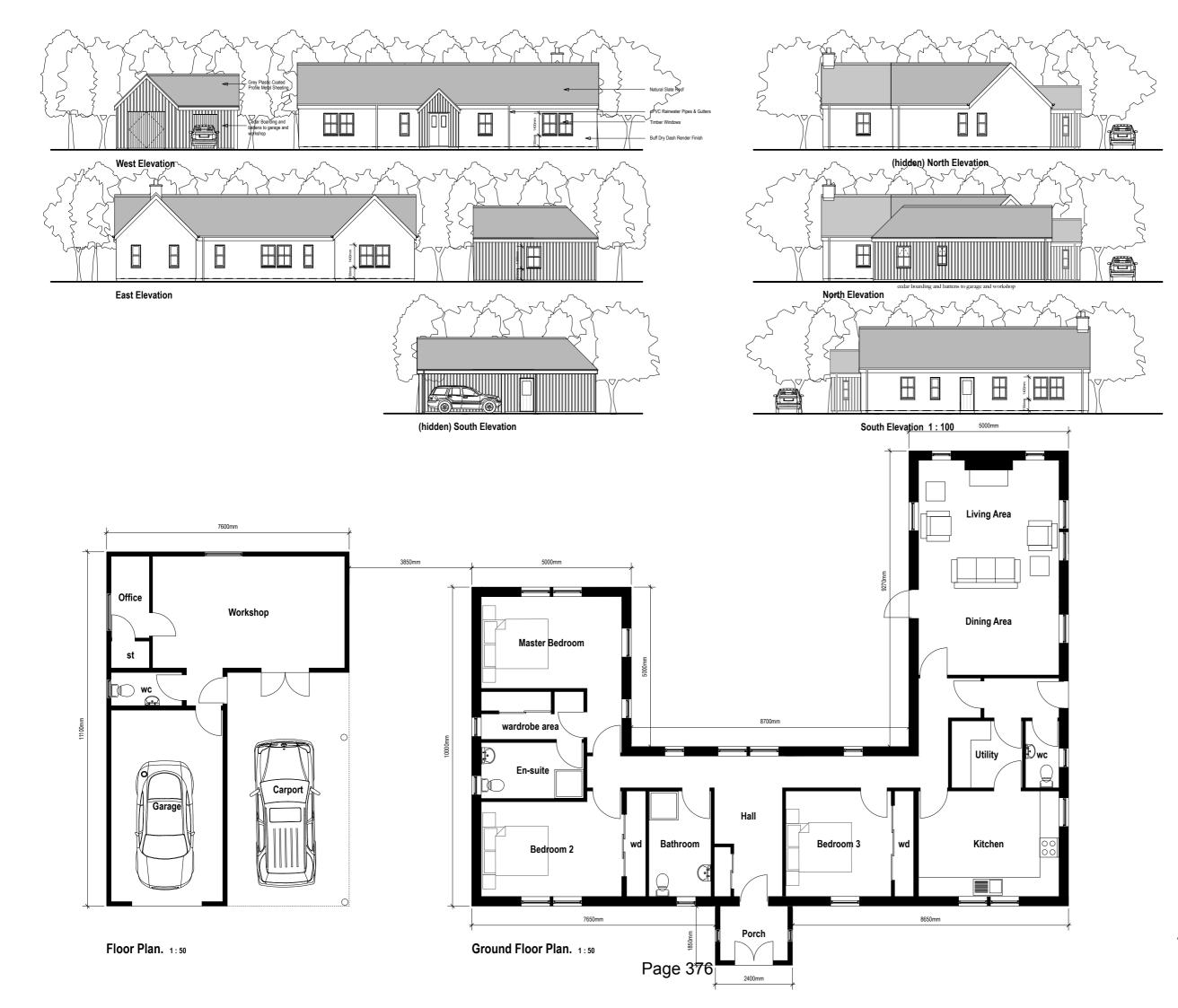
Proposed House & Garage Plot CP1 by Delene, Aberlour. For Mr E. Forsyth

Loc	Location Plan			
Drg/N	No.	8154/LP1/1	LP1/1	
D	ate	March 2018	LF I / I	
Sc	cale	1:2500/20000@A3		
	Ву	KJ		
Check	ked	AIM		

Tel. 01343 543287 enquiries @ashleybartlam.co.uk



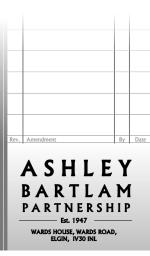




N.B. DO NOT SCALE DRAWINGS

Contractor / Manufacturers to check all site measurements and profiles prior to ordering and/or manufacturing components. Any discrepancies must be brought to the attention of the Architect. Do not scale dimensions from drawings.

If any deviations from the approved Building Warrant drawing take place on site further Architectural services may be required. In the first instance the contractor should check with Building Standards if an Amendment of Building Warrant is required and thereafter, the matter referred back to the Architect for re-submission.



Proposed House & Garage Plot CP2 by Delene, Aberlour. For Mr E. Forsyth





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