



MORAY LOCAL REVIEW BODY

25 JUNE 2020

SUMMARY OF INFORMATION FOR CASE No LR238

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

Ward 3 – Buckie

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

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

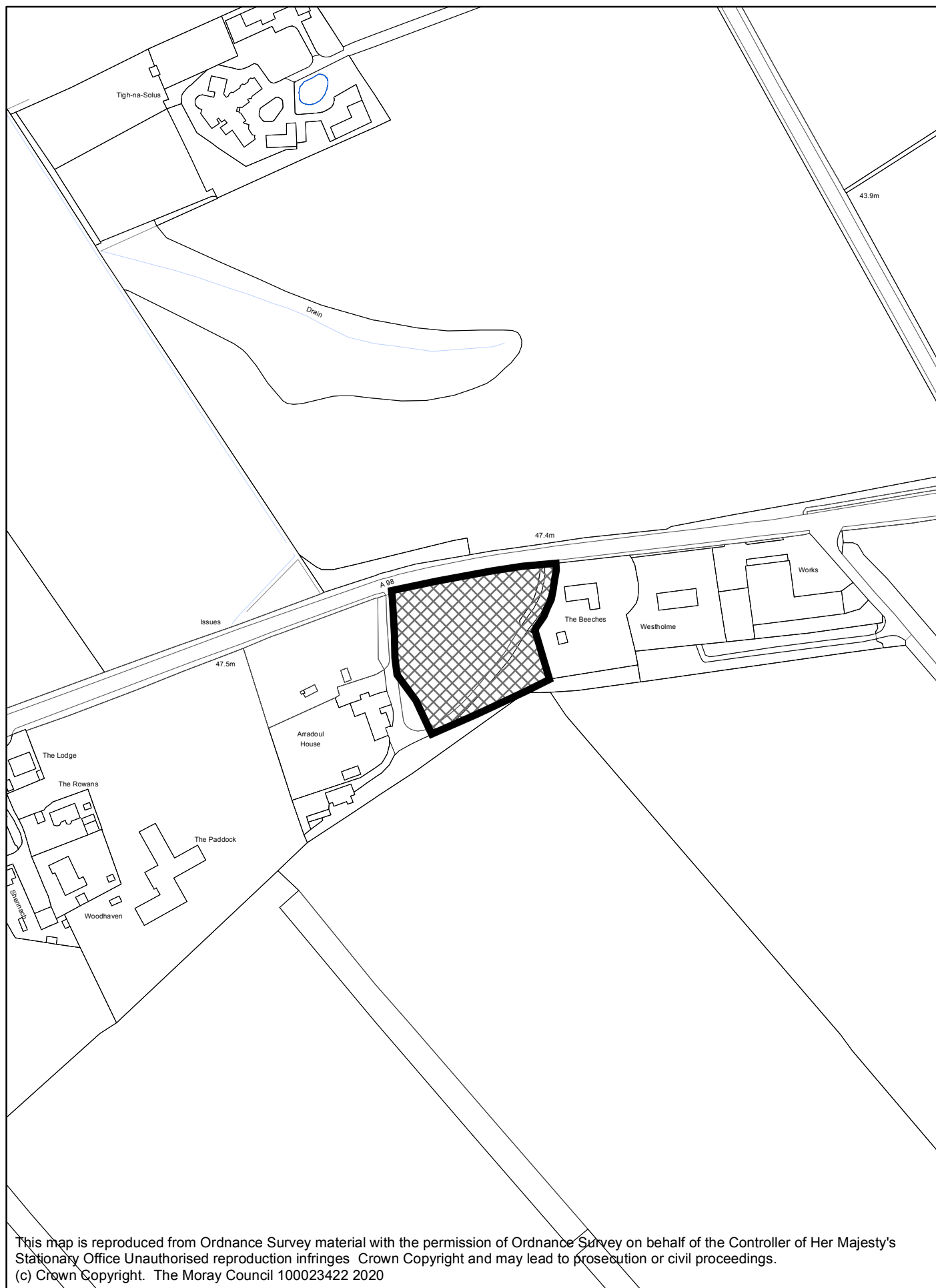
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

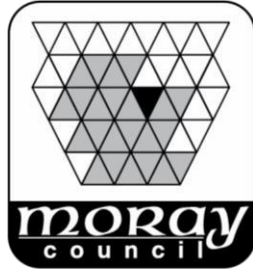
The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

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



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





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997

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

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

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

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

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

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

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

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

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

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

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

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

5. Description of the Proposal

Please describe the proposal including any change of use:

ELECT SINGLE DWELLING HOUSE

Is this a temporary permission?

Yes ☐ No ☒

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

—

Have the works already been started or completed?

Yes ☐ No ☒

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

Date started:

Date completed:

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

—

6. Pre-Application Discussion

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

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

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

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

Name: Date: Ref No.:

—

7. Site Area

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

Hectares (ha):

0.4

Square Metre (sq.m.)

8. Existing Use

Please describe the current or most recent use:

GARDEN Ground

9. Access and Parking

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

Yes ☐ No ☒

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

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

Yes ☐ No ☒

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

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

0

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

4

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

10. Water Supply and Drainage Arrangements

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

Yes ☒ No ☐

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

Yes, connecting to a public drainage network

No, proposing to make private drainage arrangements

Not applicable – only arrangement for water supply required

☐
☒
☐

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

Discharge to land via soakaway

Discharge to watercourse(s) (including partial soakaway)

Discharge to coastal waters

☒
☐
☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

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

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

☐
☐

Please show more details on your plans and supporting information.

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

Yes ☒ No ☐

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

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

Yes ☒ No ☐

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

11. Assessment of Flood Risk

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

Yes ☐ No ☒

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

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

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

12. Trees

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

Yes ☒ No ☐

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

13. Waste Storage and Collection

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

Yes ☒ No ☐

If yes, please provide details and illustrate on plans.

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

14. Residential Units Including Conversion

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

Yes ☒ No ☐

If yes how many units do you propose in total?

1

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

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

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☒

If yes, please provide details below:

Use type:

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

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

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

Yes ☐ No ☒ Don't Know ☐

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

17. Planning Service Employee/Elected Member Interest

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

Yes ☐ No ☒

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

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

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

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

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

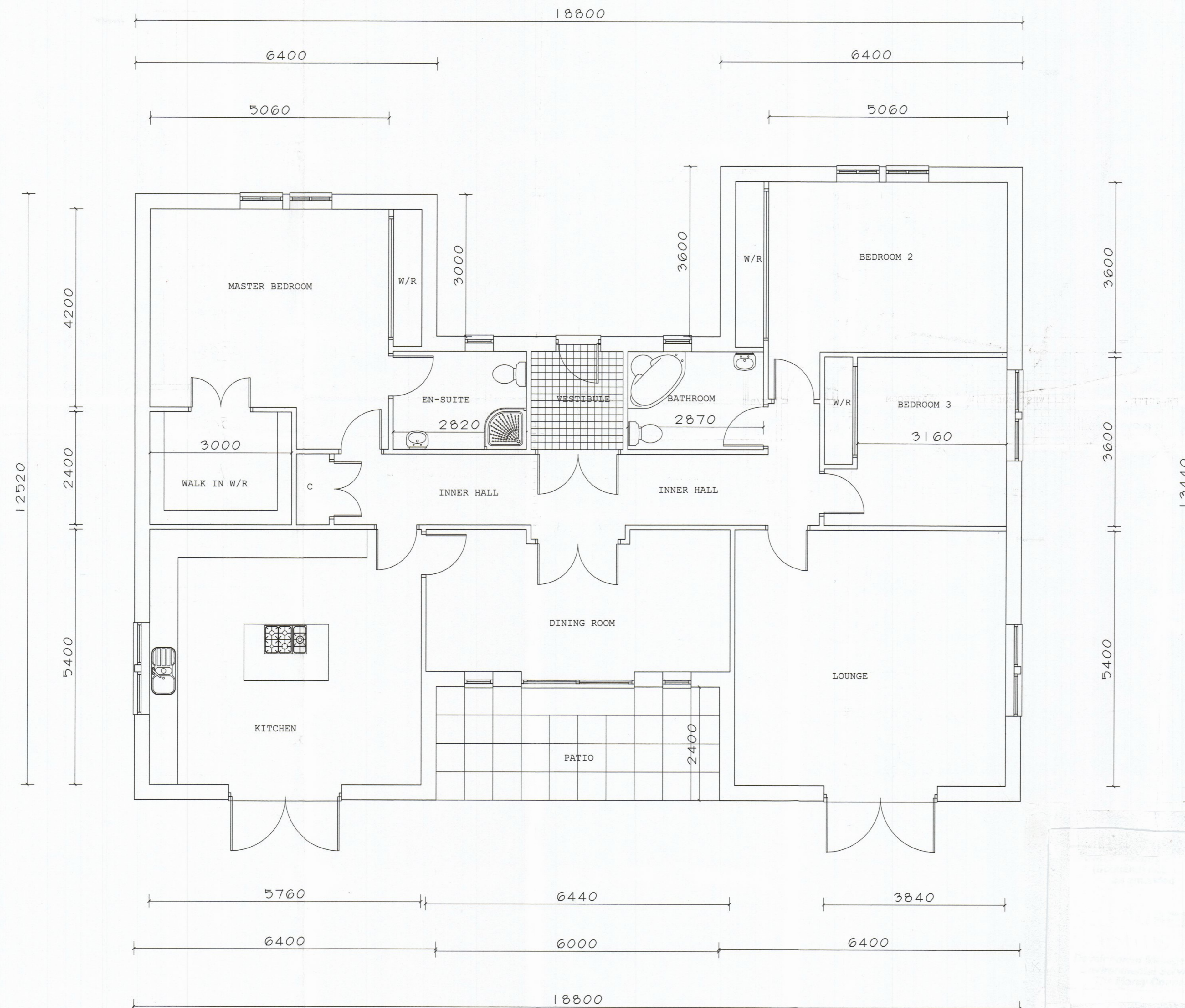
Yes ☐ No ☐ N/A ☒

Signature:

Name:

Date:

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



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

REFUSED

10 December 2019

Development Management
Environmental Services
The Moray Council

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

Crown copyright all rights reserved License No. 100041145.

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

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

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

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

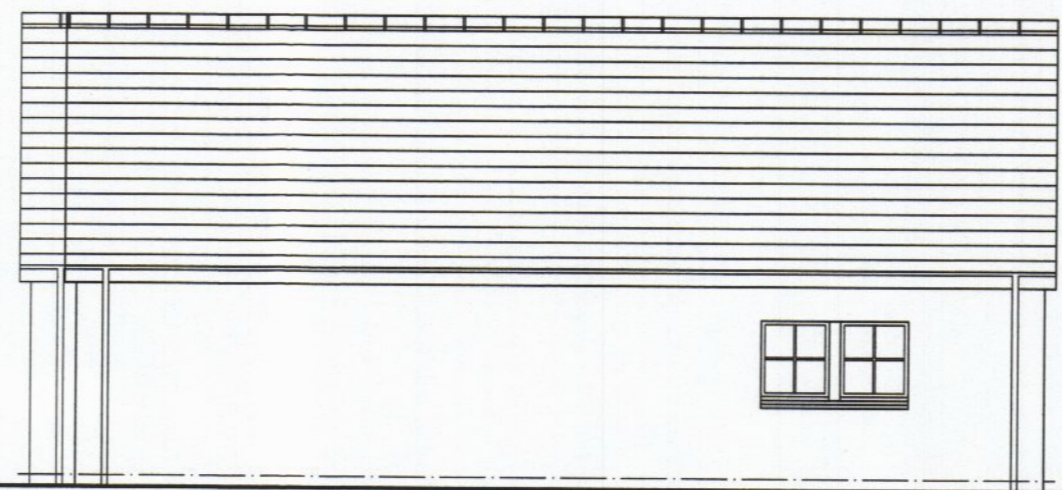
Any roof truss or timbers tying into an existing roof to be checked on site by the contractor to ensure heights and ridges meet correctly.

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

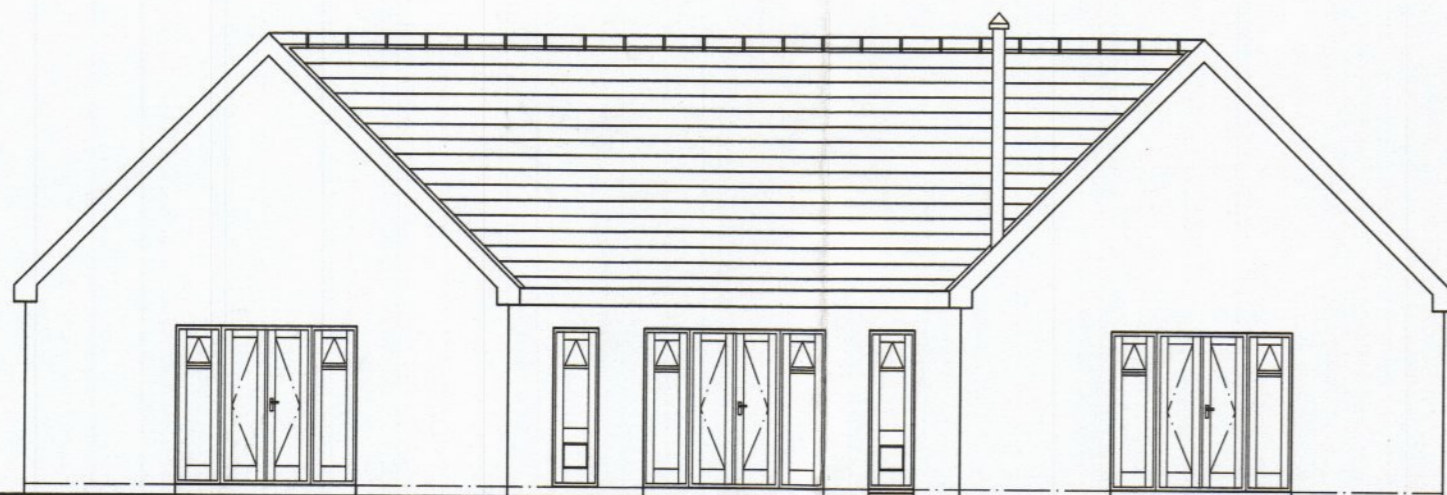
Project	PROPOSED NEW DWELLING HOUSE AT PLOT ADJACENT TO aRRADOUL HOUSE BUCKIE.	Project No.	16-97-D-1
Client	MR W BENSON	Drawn By	Colin T Keir
Scale	1-50		



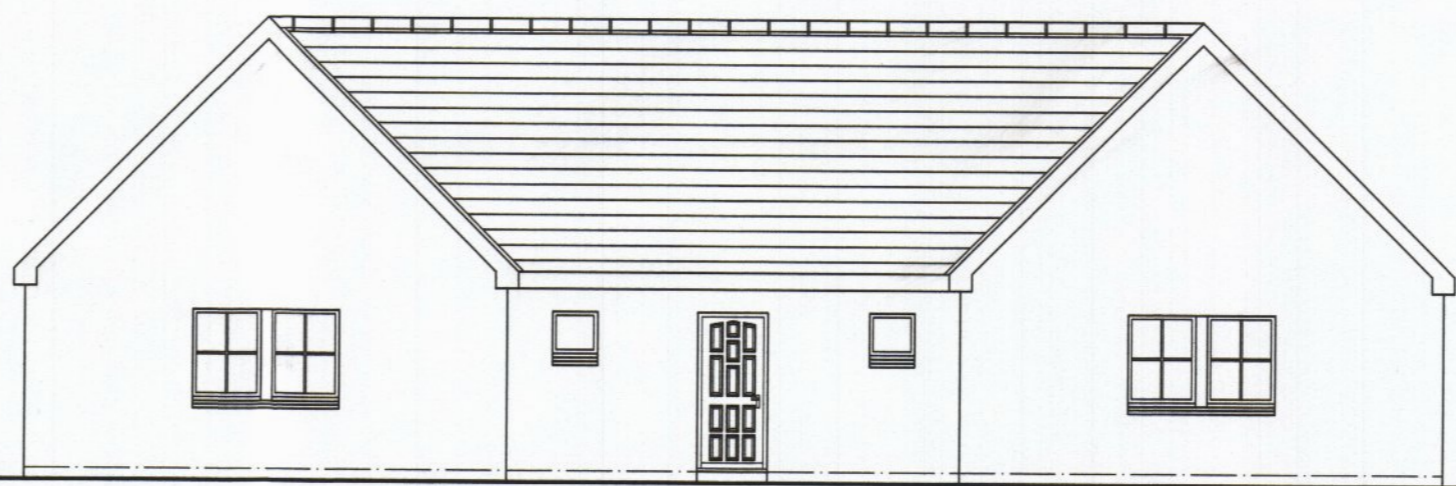
EASTERN ELEVATION SCALE 1-100.



WESTERN ELEVATION SCALE 1-100.



SOUTHERN ELEVATION SCALE 1-100.



NORTHERN ELEVATION SCALE 1-100.

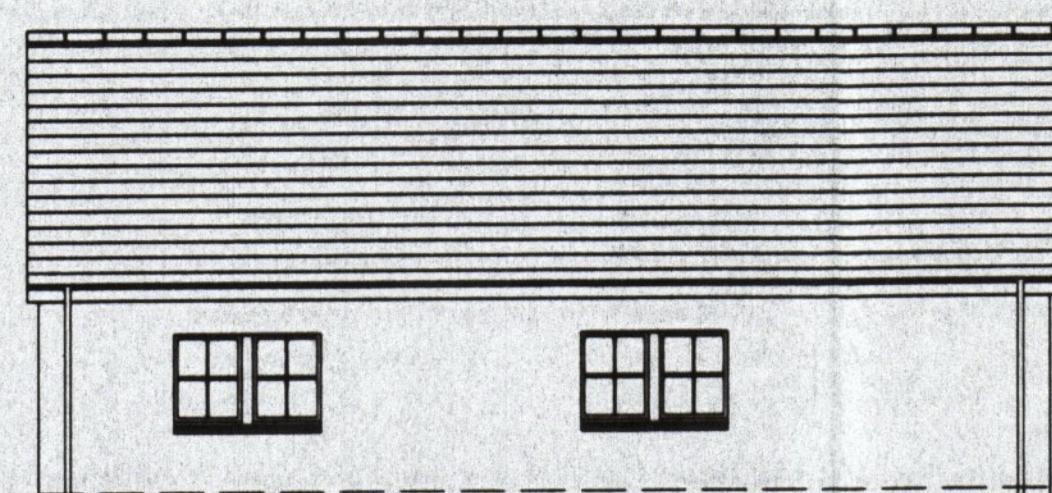
Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

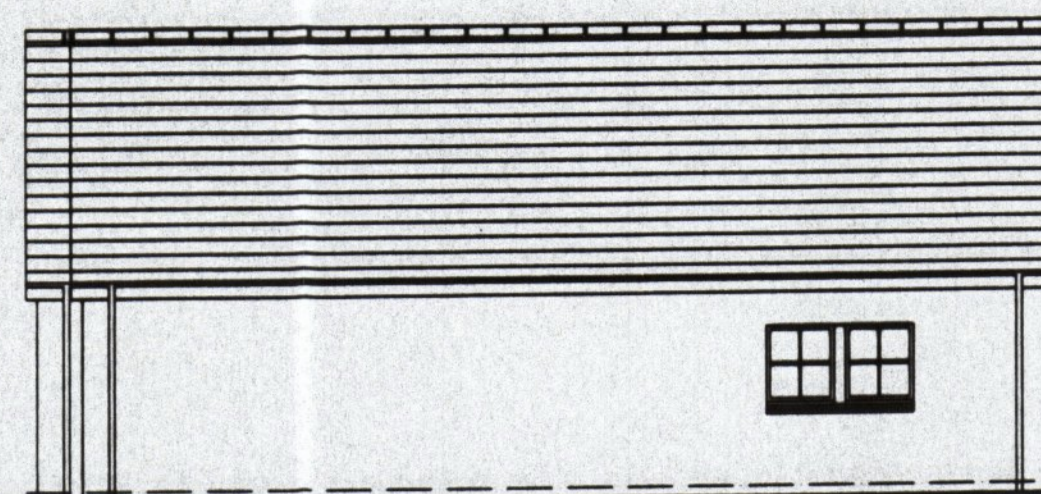
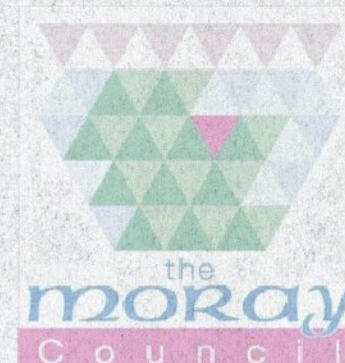
10 December 2019

Development Management
Environmental Services
The Moray Council

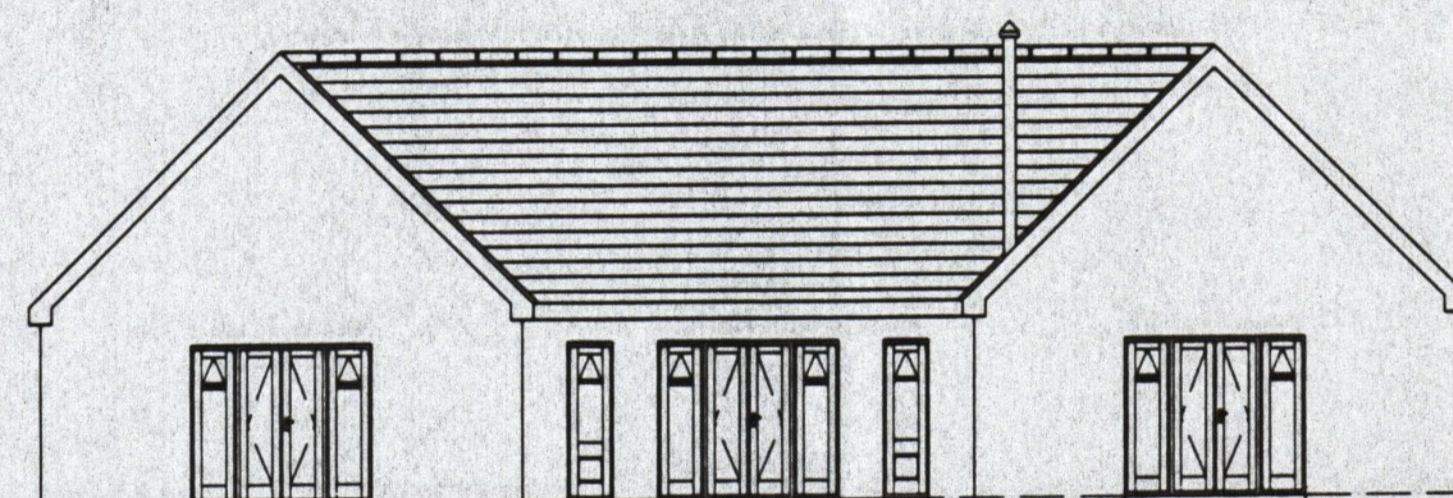
Planning Ref No.		
Building Warrant Ref No.		
Structural Engineer Ref No.		
Revisions and Distributions.		
Date	Revision.	Amended by.
Crown copyright all rights reserved License No. 100041145.		
No works to commence on site until all relevant Local Authority consents have been obtained. No responsibility taken for work commenced before all Local Authority consents have been issued.		
Contractors will have deemed to have visited the site to familiarise themselves with all aspects of the project prior to submitting any quotation for the building operations.		
Any deviation to the approved plans to be reported to this office. Contractors to check all dimensions on site prior to commencement of any building operations.		
Given dimensions only to be used. DO NOT SCALE DRAWINGS.		
Any roof truss or timbers tying into an existing roof to be checked on site by the contractor to ensure heights and ridges meet correctly.		
PLANS PLUS (URQUHART) ARCHITECTURAL DESIGN CONSULTANTS Main Street Offices, Urquhart, By Elgin IV30 8LG. Tel No 01343 642635 / 07766 315501 ctkplans aol.com		
Project	PROPOSED DWELLING HOUSE AT PLOT ADJACENT TO ARRADOUL HOUSE, BUCKIE.	Project No. 16-97-D-2
Client	Drawn By	Scale
MR BENSON.	Colin T Keir	1-100



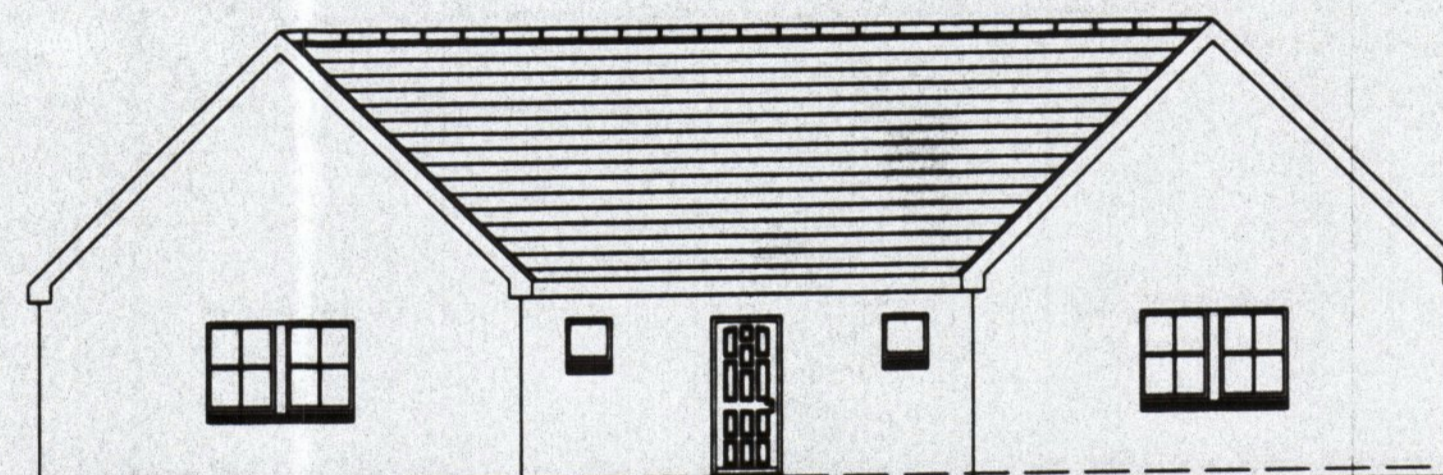
EASTERN ELEVATION SCALE 1-100.



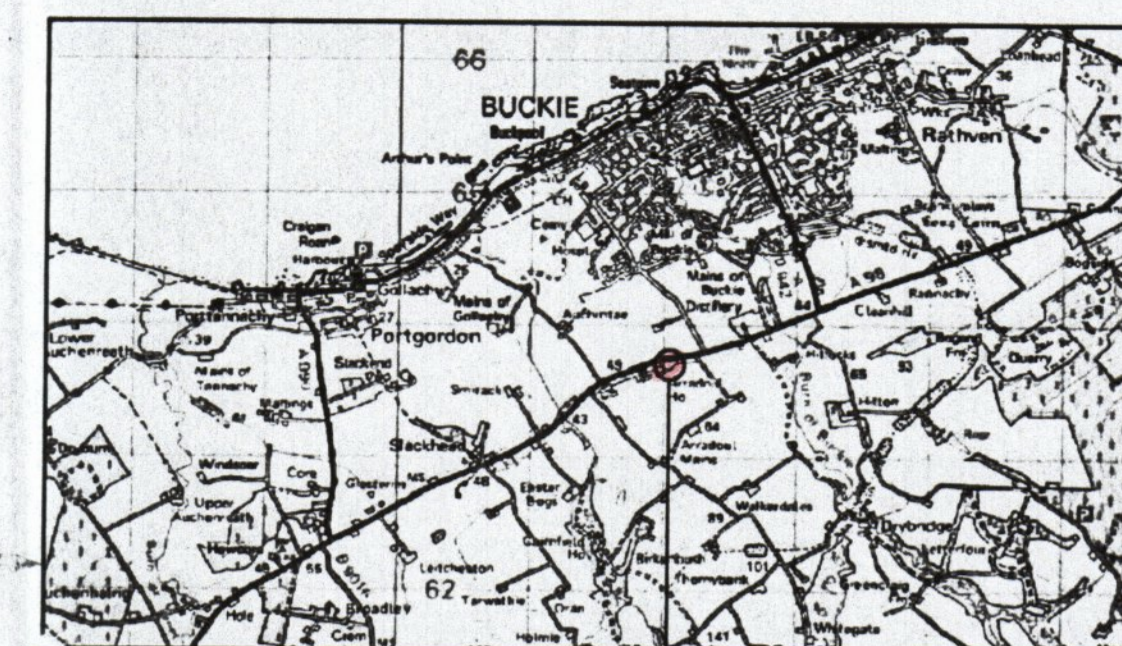
WESTERN ELEVATION SCALE 1-100.



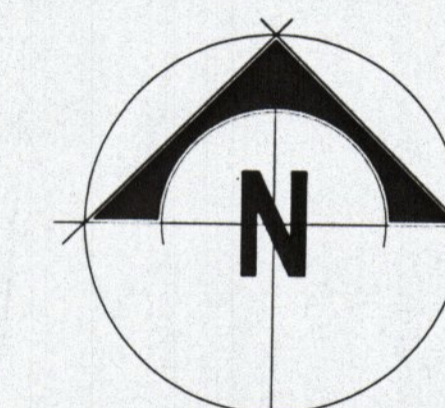
SOUTHERN ELEVATION SCALE 1-100.



NORTHERN ELEVATION SCALE 1-100.



Site referred to application NOT TO SCALE

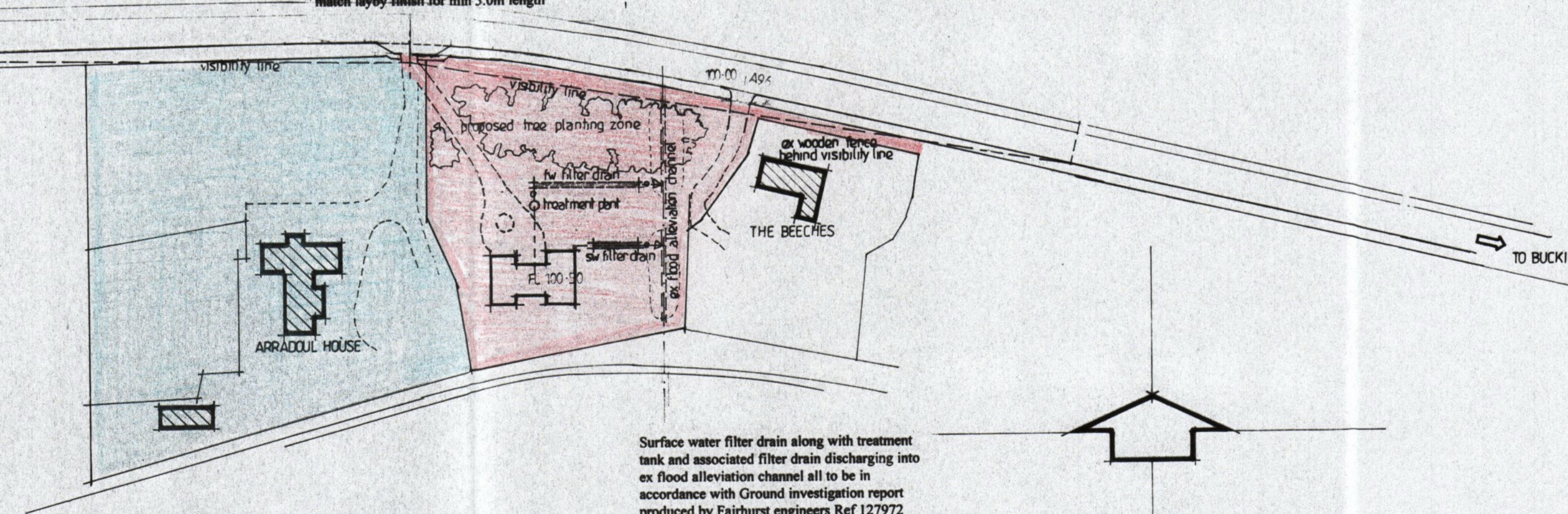


4.5m deep by 160m visibility splay provided Westwards, over roadside verge, and area of ground under applicants control. Area to be maintained and kept clear of any obstructions above 0.6m in height above level of carriageway

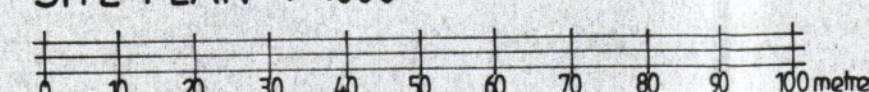
Vehicular access to lead off proposed new lay-by 8.0m long by 2.5m deep with 30° splayed ends, provided at road side and formed with 290 type 1 sub-base with 80mm Dense Bituminous Macadam road base topped with 40mm base course and 40mm wearing course. Min 1.0m wide verge provided around perimeter of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

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

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



SITE PLAN 1-1000



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

REFUSED

10 December 2019

Development Management
Environmental Services
The Moray Council

Planning Ref No.		
Building Warrant Ref No.		
Structural Engineer Ref No.		
Revisions and Distributions.		
Date	Revision.	Amended by
A 14/5/2018	Access onto A96 redesigned	
B 12/9/2018	Access onto A96 relocated to Arradoul house drive	
C 11/10/2019	Foul and rainwater drainage updated	

Crown copyright all rights reserved License No. 100041145.
No works to commence on site until all relevant Local Authority consents have been obtained. No responsibility taken for work commenced before all Local Authority consents have been issued.
Contractors will have deemed to have visited the site to familiarise themselves with all aspects of the project prior to submitting any quotation for the building operations.
Any deviation to the approved plans to be reported to this office. Contractors to check all dimensions on site prior to commencement of any building operations.
Given dimensions only to be used. DO NOT SCALE DRAWINGS.
Any roof truss or timbers tying into an existing roof to be checked on site by the contractor to ensure heights and ridges meet correctly.

PLANS PLUS (URQUHART) ARCHITECTURAL DESIGN CONSULTANTS Main Street Offices, Urquhart, By Elgin IV30 8LG. Tel No 01343 842635 / 07766 315501 ctkplans aol.com		
Project	PROPOSED DWELLING HOUSE AT PLOT ADJACENT TO ARRADOL HOUSE, BUCKIE.	Project No. 16-97-D-2C
Client	MR BENSON.	Scale 1-100
Drawn By	Colin T Keir	

Consultee Comments for Planning Application 19/01239/APP

Application Summary

Application Number: 19/01239/APP

Address: Site Adjacent To Arradoul House Arradoul Moray

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

Consultee Details

Name: Mr CL Consultations

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

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

Comments

Approved Unconditionally

Adrian Muscutt

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

Hi

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

Regards
Hilda

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



Developer Obligations: ASSESSMENT REPORT



MORAY
council

Date: 29/10/2019

Reference: 19/01239/APP

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

Applicant: Mr William Benson

Agent: Plans Plus

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

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

Summary of Obligations

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

Breakdown of Calculation

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

3 bed= 1 SRUE

This assessment is therefore based on 1 SRUE.

Developer Obligations Discount for Small Scale Development

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



Moray Council DEVELOPER OBLIGATIONS

INFRASTRUCTURE

Education

Primary Education

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

Contribution towards Primary Education = Nil

Secondary Education

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

Contribution towards Secondary Education = Nil

Transport

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

Contributions towards Transport = Nil

Healthcare

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

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

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

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

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

[REDACTED]

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

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

Contribution for Sports and Recreation Facilities = Nil



TERMS OF ASSESSMENT

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

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

PAYMENT OF CONTRIBUTIONS

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

INDEXATION

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

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



MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: The Moray Council, Flood Risk Management

Planning Application Ref. No: 19/01239/APP

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

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

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

Contact: James Ross

Date: 19th November 2019

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

Phone No: 01343 533762

Consultee: The Moray Council, Flood Risk Management

29th October 2019

Moray Council
Council Office High Street
Elgin
IV30 9BX



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

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

Dear Local Planner

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

Please quote our reference in all future correspondence

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

Water

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

Foul

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

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

Infrastructure within boundary

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

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

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

Scottish Water Disclaimer

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

Surface Water

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

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

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

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

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

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

Next Steps:

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

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

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

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

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

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

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

Yours sincerely

Angela Allison

Angela.Allison@scottishwater.co.uk

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	5th November 2019
Planning Authority Reference	19/01239/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site Adjacent To Arradoul House Arradoul Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133069297
Proposal Location Easting	342042
Proposal Location Northing	863713
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PYSLQBBG0D800
Previous Application	15/01898/PE 16/00392/PE 16/01910/APP
Date of Consultation	22nd October 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr William Benson
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Plans Plus
Agent Organisation Name	
Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 19/01239/APP

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

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

Please

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

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

Condition(s)

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

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

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

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

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

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

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

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

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

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

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

5. Parking provision shall be as follows:

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

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

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

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

Further comment(s) to be passed to applicant

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

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

boundary.

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

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

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

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

The formation of the required visibility splays will involve the removal of vegetation. The existing flood alleviation works enclosure fence may remain, along with the existing low boundary wall.

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

Date 06 November 2019

Return response to

consultation.planning@moray.gov.uk

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

Consultee Comments for Planning Application 19/01239/APP

Application Summary

Application Number: 19/01239/APP

Address: Site Adjacent To Arradoul House Arradoul Moray

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

Consultee Details

Name: Mr EH Consultations

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

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

Comments

Approved Unconditionally

Andrew Stewart

19/01239/APP

- 3 OCT 2019



design consultants

Phone: 01343 842635
Fax: 01343 842785
Mobile: 07766 315501
Email: ctkplans@aol.com
Web: <http://members.aol.com/ctkplans>

Main Street, Urquhart, Elgin, Moray, IV30 8LG

DRAINAGE STATEMENT

PROJECT :- ERECT NEW DWELLING HOUSE AT ARRADOUL BUCKIE

PROJECT NUMBER 16-97

This proposal is for a new dwelling house and porosity tests have been carried out. There is no Scottish Water sewer available therefore after testing, it was felt that a bio disc with filtration drain was required.

Soakaways are proposed for taking the rain water but the outlets from the soakaways will link into the pipe from the bio disc before being discharged into the adjacent ditch.

Fairhurst have calculated to ensure that the post run off rate does not exceed the pre run off rates for this site.





design consultants

Phone: 01343 842635
Fax: 01343 842785
Mobile: 07766 315501
Email: ctkplans@aol.com
Web: <http://members.aol.com/ctkplans>

Main Street, Urquhart, Elgin, Moray, IV30 8LG

PLANNING STATEMENT

PROJECT :- ERECT NEW DWELLING HOUSE AT ARRADOUL BUCKIE

PROJECT NUMBER 16-97

This proposal is for a new dwelling in an area of well defined garden ground with a stone wall to the North and fences on all 3 other boundaries. The house style has been designed so as to comply with housing in the countryside policies. It has been set back on the plot so that any vehicles travelling East to West will still see Arradoul House which is located next door and also owned by the applicant. Setting the house back also reduces the amount of trees to be removed to a minimum.

The applicant has full control of all the land to allow the visibility splay to be formed. There is a small area of land between the next door neighbour to the East's wooden fence and the back of the pavement which is owned by the applicant. This is shown on our coloured site plan. There are two stone decorative lions within the visibility splay which will be repositioned back and out of the visibility splay.

We feel that by having the house set back on the plot and by retaining the maximum amount of trees, this will ensure that the setting of Arradoul House will not be compromised.



REPORT OF HANDLING

Ref No:	19/01239/APP	Officer:	Shona Strachan
Proposal Description/ Address	Erect dwellinghouse on Site Adjacent To Arradoul House Arradoul Moray		
Date:	10/12/19	Typist Initials:	FJA

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Contaminated Land	23/10/19	No objection
Transportation Manager	06/11/19	No objection with conditions and informatives
Scottish Water	29/10/19	No objection but this does not guarantee connection to Scottish Water Infrastructure. Advisory information is provided for the applicant about Scottish Water infrastructure in the vicinity of the site.
Environmental Health Manager	23/10/19	No objection
Moray Flood Risk Management	19/11/19	No objection subject to an informative about the need for access provision to the flood alleviation channel to be maintained in line with the requirements of the minute of agreement between Moray Council and the applicant.
Planning And Development Obligations	29/10/19	Response confirms that an obligation is required towards healthcare provision.

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
Moray Local Development Plan 2015		
PP1: Sustainable Economic Growth		
PP3: Placemaking		
H5: Development Within Rural Groupings	Y	
Arradoul	Y	
E4: Trees and Development		
ER2: Development in Woodlands		
E5: Open Spaces	Y	
H3: Sub division for House Plots	Y	
EP9: Contaminated Land		
EP10: Foul Drainage		
BE2: Listed Buildings	Y	
T2: Provision of Access		
T5: Parking Standards		
IMP1: Developer Requirements	Y	
IMP3: Developer Obligations		
2020 Proposed Local Development Plan		
PP1 Placemaking		
PP3 Infrastructure & Services		
DP1 Development Principles		
EP10 Listed Buildings.		

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Legislative Requirements

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

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

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

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

In this case the proposal is not subject to a designated site.

The main issues are considered below.

Proposal

Application for planning permission to erect dwelling house on site adjacent to Arradoul House Arradoul, Buckie.

The proposed house has a compact single storey design with H-shaped plan form. The details of the external finishes have not been provided as part of the application; however, this could be dealt with by condition.

The proposed access would involve using the existing western access onto the A98. This would be a shared access with Arradoul House and would need to be upgraded to accommodate the proposed intensification of use.

The proposed drainage arrangements include: a bio disc with filtration drain and a surface water soakaway. The dwelling would connect to the public water supply.

This application has been the subject of previous refusals under application reference 16/01910/APP (as issued on 28 February 2017) and 17/01687/APP (as issued on 10 January 2018).

The main amendment to the current application compared with 17/01687/APP is the change in access proposed, with the dwelling now seeking to make use of the western access onto the A98 to be upgraded and shared with Arradoul House. The site layout plan also shows the existing Moray Council flood alleviation channel which is located through the site and would need to remain accessible to Moray Council for maintenance purposes.

Site Characteristics

An irregular shaped area of garden land which forms the eastern part of the curtilage of 'Arradoul House', currently mature trees, grass, tracks and an open drainage channel which forms part of a Moray Council flood alleviation scheme.

Neighbouring dwellings lie to the east, the A98 and open farmland to the north, Arradoul House to the west and an embankment and farmland to the south.

The site forms part of an amenity land designation within the village of Arradoul, as identified within the Rural Groupings Supplementary Guidance of the Moray Local Development Plan 2015.

Arradoul House is a Category C listed building.

Planning History

As noted, the site is the subject of two previous refusals. Application 16/01910/APP was refused because of the proposals unacceptable siting on 'Amenity Land' as defined in the Arradoul settlement statement, house design and access grounds.

Application 17/01687/APP proposed a change in house design and sought to re-position the dwelling on site. This proposal also changed the access arrangement to the eastern site access. This application was refused because of the proposals unacceptable siting on 'Amenity Land' as defined in the Arradoul settlement statement and access grounds.

Policy Assessment

Impact of development upon 'amenity land' designation

(MLDP 2015 - Arradoul Settlement Statement, Policies E5, H5, H3, BE2 and IMP1):

The application site forms part of an amenity land designation in Arradoul, which is identified within the Rural Groupings Supplementary Guidance of the Moray Local Development Plan (MLDP) 2015 as an established wooded area around 'Arradoul House' that contributes to the visual amenity of the village and where tree felling to provide development is not permitted.

For amenity land designations within rural groupings, the governing policy E5 Open Spaces states that development which would cause the loss of, or adversely impact on such areas will be refused unless;

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

The proposal for an individual private dwelling would not fall within any of the above categories of accepted development and would therefore be contrary to this Policy.

Policy H5: Development within Rural Groupings allows for new housing in such areas provided it has adequate road access, drainage infrastructure etc., fits the character of the area and does not adversely impact upon environmental amenity or areas specifically identified as "amenity land" which contribute to the environmental setting and character of the village concerned.

Policy H3 Sub Division for House Plots also permits plots to be formed through sub division in rural groupings provided the new plot is less than 50% of the original and is at least 400sqm. There is also a requirement for the proposal, including the house style to complement the character of the area and scale/architecture of the parent property/neighbouring properties whilst protecting residential amenity.

Policy BE2 Listed Buildings seeks to protect the character, integrity and setting of listed buildings and requires development proposals i.e. alterations/extensions to listed buildings or new development

within their curtilage to be of the highest quality and to respect the original structure in terms of setting, scale, materials and design.

Policy IMP1 Developer Requirements requires new development to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area and to comply with set criteria. This includes the requirement for development to be appropriate to the surrounding area in terms of scale, density and character.

As with the previous applications on this site, this proposal is unacceptable because in essence the proposal would result in the loss of part of an amenity land designation, an established wooded area around 'Arradoul House' which has been specifically protected under the terms of policy E5 of the MLDP to maintain the visual amenity of this part of the village. The introduction of the proposed dwelling and associated development on the subject site which sits between 'Arradoul House' and the neighbouring property, 'The Beeches' would consolidate the built form at this locality and lead to removal of trees, eroding the existing pleasant and attractive wooded character of the amenity land designation contrary to policies E5, H5, H3 and IMP1 of the MLDP 2015. The visual Impact of this consolidation of built form would be exacerbated further by the prominent roadside location of the development which although set back in the site would remain visible from the adjacent main road.

The supporting statement indicates that the proposed siting of the house onsite will limit the number of trees to be removed from the site and the site plan shows a proposed planting zone, seeking to minimise the impact of the development. Whilst this position is noted, the construction of the proposed dwelling together with formation of associated access drive, parking facilities and private drainage septic tank/soakaway arrangements in close proximity to the trees/root systems is likely to result in some felling. The creation of any garden areas with satisfactory light levels is also likely to lead to pressure for some trees to be removed both at construction stage and in the future. On this basis, it is reasonable to assume that some trees will be removed as part of the development. Furthermore, it is re-iterated here that the Arradoul Settlement Statement expressly advises that "tree felling to provide development is not permitted".

In terms of design, it is acknowledged that the design submitted is for a smaller, more sympathetic dwelling set further back in the site; however, this does not negate the loss of amenity land and the related removal of trees to provide a development site.

In relation to amenity, adequate separation distances between the proposed house and neighbouring properties and intervening vegetation/boundary screening would ensure that existing amenity and privacy levels are maintained at an acceptable level.

Water and Drainage (EP5 and EP10)

The proposed drainage arrangements include: a bio disc with filtration drain and a surface water soakaway. The dwelling would connect to the public water supply.

Scottish Water has raised no objection to the proposal but has provided advisory information to the applicant about Scottish Water infrastructure on site. A copy of the consultation response from Scottish Water will be issued alongside the decision for the applicant's attention. It is noted here that this is a separate matter from the planning process.

Moray Flood Risk Management has assessed the drainage assessment submitted as part of the application, subject to the required amendment to provide sufficient climate change allowance Moray Flood Risk Management has now accepted the drainage information and has provided an informative for the applicant on the need for access provision to the flood alleviation channel to be maintained in line with the requirements of the Minute of Agreement between Moray Council and the applicant.

It is also noted that the onsite drainage provision would be the subject of further assessment under Building Regulations. The information provided is acceptable in relation to the requirements of

Policies EP5 and EP10. However, this is separate from the main objection to this proposal in terms of its inappropriate siting/location.

Access and Parking (T2 and T5)

The Transportation Service has raised no objection to the proposal subject to conditions including requirements for upgrades to the existing access (to be shared with Arradoul House), measures to ensure that the existing eastern access is to be closed off, acceptable roads drainage measures and requirements for onsite parking and turning for the site and Arradoul House. Based on these requirements, the proposal would satisfy the requirements of Policies T2 and T5. However, it is noted here that compliance with transport policies is separate from the main objection to this proposal in terms of its inappropriate siting/location.

Developer Obligations (IMP3)

An assessment has been carried out in relation to Policy IMP3 Developer Obligations. The assessment identifies that an obligation towards healthcare provision is required. The agent has confirmed acceptance of the identified obligations adding that this would be settled up-front before the issue of any planning consent. This acceptance of the obligation does not over-ride the unacceptable nature of the proposal based upon its location/siting characteristics.

Conclusion and Recommendation:

The application is considered to represent an unacceptable form of development which fails to comply with the provisions of the Moray Local Development Plan 2015 and the application is therefore refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY				
Reference No.	Description			
15/01898/PE	Proposed new Georgian styled dwelling house at Site Adjacent To Arradoul House Buckie Moray Dummy Area			
	Decision	ID/PE Answered	Date Of Decision	02/11/15
16/00392/PE	Proposed dwellinghouse on Site Adjacent To Arradoul House Buckie Moray			
	Decision	ID/PE Answered	Date Of Decision	15/04/16
16/01910/APP	Erect dwellinghouse on Site Adjacent To Arradoul House Arradoul Moray			
	Decision	Refuse	Date Of Decision	28/02/17
17/01687/APP	Erect dwellinghouse on Site Adjacent To Arradoul House Arradoul Moray			
	Decision	Refuse	Date Of Decision	10/01/18

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Advertiser	No PremisesDeparture from development plan	18/11/19
PINS	No PremisesDeparture from development plan	18/11/19

DEVELOPER CONTRIBUTIONS (PGU)	
Status	

DOCUMENTS, ASSESSMENTS etc. *		
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Planning Statement	
Main Issues:	<p>Provides comments in support of the siting and design of the dwelling. Asserting that having the house set back on the site, retaining as many trees as possible will help ensure that the setting of Arradoul House will not be compromised.</p> <p>Drainage Statement and Ground Investigation Report</p> <p>Provides details of the onsite drainage provision including the required supporting calculations.</p>	

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

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



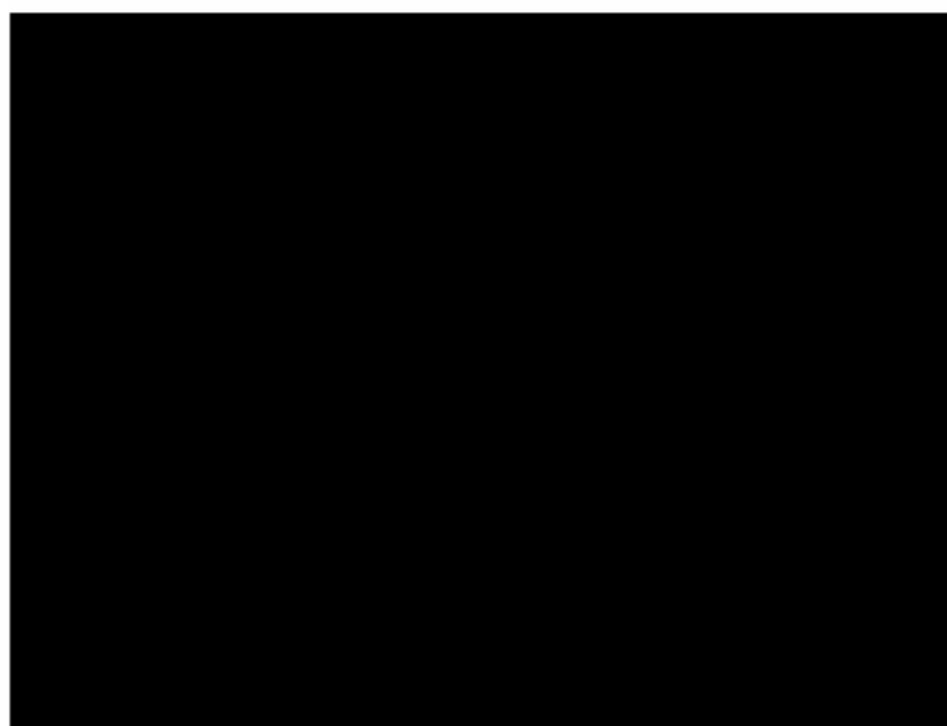
MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended

REFUSAL OF PLANNING PERMISSION

[Buckie]

Application for Planning Permission

TO

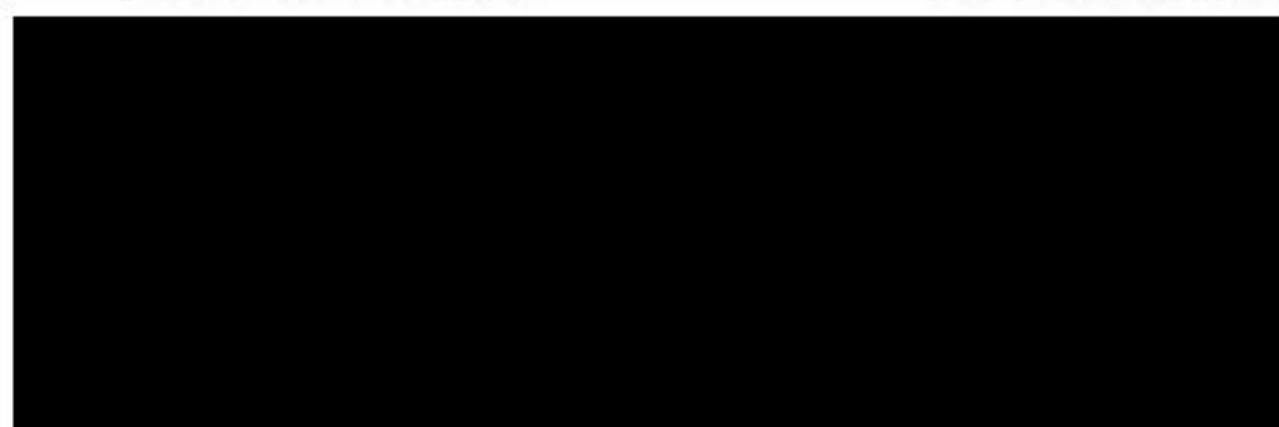


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Erect dwellinghouse on Site Adjacent To Arradoul House Arradoul Moray

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

Date of Notice: **10 December 2019**



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department

Moray Council

Council Office

High Street

ELGIN

Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

By this Notice, Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
16-97-D-1		Floor Plan
16-97-D-2		Elevations
16-97-D-2C		Elevations, site and location plan

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS

NOTICE OF REVIEW

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

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

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

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR.	Ref No.	16/97
Forename	WILLIAM	Forename	COLIN
Surname	BENSON	Surname	KEIR
Company Name	—	Company Name	PLANS PLUS
Building No./Name	ARRADOO	Building No./Name	MAIN STREET
Address Line 1	HOUSE	Address Line 1	OFFICES
Address Line 2	ARRADOO	Address Line 2	URQUHART
Town/City	BUCKIE	Town/City	BY ELGIN
Postcode	AB56 5BB	Postcode	IV30 8LG
Telephone	—	Telephone	01343 842635
Mobile	—	Mobile	07766 315501
Fax	—	Fax	—
Email	—	Email	ctoplans@aol.com
3. Application Details			
Planning authority	MORAY COUNCIL		
Planning authority's application reference number	19/01239/APP		
Site address	SITE ADJACENT TO ARRADOO HOUSE ARRADOO HOUSE, ARRADOO, BUCKIE AB56 5BB		
Description of proposed development	ERECT NEW DWELLING HOUSE		

Date of application

16/10/2019

Date of decision (if any)

12/12/2019

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

4. Nature of Application

Application for planning permission (including householder application)



Application for planning permission in principle



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



Application for approval of matters specified in conditions



5. Reasons for seeking review

Refusal of application by appointed officer



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



Conditions imposed on consent by appointed officer



6. Review procedure

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

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure



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

7. Site inspection

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

Can the site be viewed entirely from public land?



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



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

No

8. Statement

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

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

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

SEE SEPARATE SHEET.

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

Yes ☐ No ☒

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

9. List of Documents and Evidence

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

DRAWING,
REFUSAL NOTICE
REVIEW STATEMENT.

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

10. Checklist

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

Full completion of all parts of this form



Statement of your reasons for requesting a review



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



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

DECLARATION

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

Signature:

[Redacted Signature]

Name:

COUN KONG

Date:

19/2/2020

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



design consultants

Phone: 01343 842635
Fax: 01343 842785
Mobile: 07766 315501
Email: ctkplans@aol.com
Web: <http://members.aol.com/ctkplans>

Main Street, Urquhart, Elgin, Moray, IV30 8LG

REVIEW STATEMENT

PLOT ADJACENT TO ARRADOUL HOUSE, ARRADOUL, BUCKIE.

CLIENT :- MR WILLIAM BENSON.

This is a simple application to have a new house in a wooded area of Arradoul to the East of Arradoul House. Both the existing house and the proposed new house are in the ownership of the applicant. A previous application for a much larger house was considered inappropriate and it is noted that the proposed house was deemed acceptable in terms of design and size by the planner who dealt with the application.

Previously, access and visibility were a concern and again we note that Transportation offered no objections to the proposal (with conditions which can be met).

This leaves only one reason for refusal and that is amenity. With no real consultation with ourselves during the course of the application, we feel that the planner has made assumptions as to how many trees will need to be felled to accommodate the house. We estimate only 3 trees would be lost to achieve this. The applicant is prepared to plant numerous additional trees to the North of the proposed house as a buffer zone between the road and the house. The additional trees would provide screening from the road. Additional planting between the proposed house and the main house (Arradoul House) would also be provided to ensure that there was a density in terms of trees between Arradoul House and the road and proposed house.

From late autumn to well into spring time the trees in this area are devoid of leaves and Arradoul House can be quite prominent



without the leaves on the trees to screen it from the road. Despite a house being located to the back of the land (the South side of the plot) with the additional planting of trees and shrubs to the North and West of the proposed house, we feel that the setting of Arradoul House will not be compromised by this additional building. There is considerable land particularly to the North where the additional trees and shrubs could be easily be accommodated. Any new tree could be set as a minimum height of 1.8 meters high reducing the time it would take for the new planting to mature.

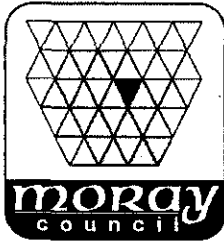
The proposed new dwelling house is 36 meters away from the nearest point of Arradoul House.

The proposed new house is set back 50 meters from the edge of the carriageway.

With these figures in mind, there is ample room to avoid this proposed house impacting on the setting and amenity of Arradoul House.

If one was to draw a line from the wooden fence to the East of the plot (The Beeches) and project this to the rear most point of Arradoul House you will see that the proposed house does not come in front of this line. It is set further back. This line represent the vision line any passer by would be likely to see. We have dotted this line on to the site plan in a broken red pen line for clarity. This clearly demonstrates that the house has little or no impact on Arradoul House itself.

With all the above in mind, we respectfully ask that the committee see this application for what it is and that with careful landscaping, the amenity surrounding Arradoul House will not be compromised by this new single dwelling house for the owner.



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

REFUSAL OF PLANNING PERMISSION

**[Buckie]
Application for Planning Permission**

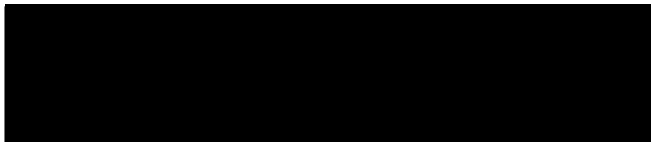
**TO Mr William Benson
 c/o Plans Plus
 Main Street
 URQUHART
 By Elgin
 Moray
 IV30 8LG**

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

Erect dwellinghouse on Site Adjacent To Arradoul House Arradoul Moray

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

Date of Notice: 10 December 2019



**HEAD OF DEVELOPMENT SERVICES
Environmental Services Department
Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX**

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

By this Notice, Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
16-97-D-1		Floor Plan
16-97-D-2		Elevations
16-97-D-3		Elevations, site and location plan

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

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

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