



Moray Local Review Body

Thursday, 30 January 2020

NOTICE IS HEREBY GIVEN that 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 January 2020** at **09:30**.

BUSINESS

- 1 **Sederunt**
- 2 **Declaration of Group Decisions and Members Interests ***
- 3 **Minute of Meeting dated 28 November 2019** 5 - 8
New Case
- 4 **LR232 - Ward 4 - Fochabers Lhanbryde** 9 - 134
Planning Application 19/00825/APP – Erect dwellinghouse, detached garage and all associated works at Plot on Station Road, Urquhart, 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 Taylor (Chair)
Councillor David Bremner (Depute Chair)
Councillor George Alexander (Member)
Councillor Paula Coy (Member)
Councillor Donald Gatt (Member)
Councillor Ray McLean (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

Thursday, 28 November 2019

Council Chambers, Council Office, High Street, Elgin, IV30 1BX

PRESENT

Councillor George Alexander, Councillor David Bremner, Councillor Donald Gatt, Councillor Derek Ross, Councillor Amy Taylor

APOLOGIES

Councillor Paula Coy, Councillor Ray McLean

IN ATTENDANCE

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

1 Chair

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

2 Declaration of Group Decisions and Members Interests

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

3 Minute of Meeting dated 31 October 2019

The Minute of the Meeting of the Moray Local Review Body dated 31 October 2019 was submitted and approved.

4 LR231 - Ward 8 - Forres

Planning Application 19/00452/APP – Erection of detached dwelling at Kahiwi Wood in relation to management of woodland

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 (MLDP) 2015 (Policies E4, ER2, H7 and IMP1) and, as a material consideration, the associated Supplementary Planning Guidance "Trees and Development" because:

The application would result in the unacceptable change in land use from woodland to residential use causing the loss of woodland resource in this existing woodland location which is part of the National Forest Inventory. The proposal is therefore contrary to the provisions of Policies E4 Trees and Development, ER2 Development in Woodlands, H7 Housing in the Countryside, IMP1 Development Requirements and associated Supplementary Guidance Trees and Development.

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, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

With regard to the unaccompanied site inspection carried out on 26 November 2019, the Chair stated that members and planning officers 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 Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review. In response, Councillor Alexander made reference to the Applicant's original planning application where it was noted that the Applicant had made a pre-application enquiry which had generated a letter and email and queried why this was not included in the case paperwork.

In response, Ms Webster, Planning Adviser advised that pre-application advice is treated as confidential material and does not form part of the case paperwork. She further advised that Applicants who seek pre-application advice are given this on the understanding that this advice does not guarantee an approved planning application.

Following this advice, the MLRB unanimously agreed that it had sufficient information to determine the case.

Councillor Bremner, having visited the site and considered the Applicant's grounds for review, noted that one of the reasons for refusal was that the application is contrary to policy ER2 Development in Woodlands as the development would result in the loss of woodlands, however when attending the site visit, he had observed that there were no trees in the area where the dwelling was proposed and therefore queried why this policy could be used as a reason for refusal. Councillor Bremner further noted that the purpose of the development was to maintain the woodland and that the Applicant had a Management Plan to do this and queried whether a Section 75 agreement could be used to ensure that the development is always used for forestry.

In response, Mr Henderson, Planning Adviser advised that the reason for refusal was because the proposal required a change in use of the land from woodland to residential as the proposal was for a dwelling house. He acknowledged that the Applicant had a Management Plan in place to maintain the woodland however, as

the proposal was for a dwelling house, it still required to comply with policies within the MLDP 2015 and this proposal had failed to comply with policies E4, ER2, H7 and IMP1 of the MLDP 2015.

In terms of the use of a Section 75 agreement to ensure that the property is always used for forestry, Mr Hoath, Legal Adviser advised that he would have to look into this matter further. Ms Webster, Planning adviser further advised that conditions and legal agreements have to meet 6 tests to make sure that they are enforceable and reasonable and that the Planning Authority advise against tying houses to specific land use as this is difficult to enforce.

Councillor Alexander, having viewed the site and considered the Applicant's grounds for review agreed with the decision of the Appointed Officer and moved that the MLRB refuse the appeal as the proposal is contrary to policies E4 (Trees and Development), ER2 (Development in Woodlands), H7 (Housing in the Countryside) and IMP1 (Development Requirements) of the MLDP 2015 and associated Supplementary Guidance Trees and Development. This was seconded by Councillor Ross.

There being no-one otherwise minded, the MLRB agreed to dismiss Case LR231 and uphold the original decision of the Appointed Officer to refuse Planning Application 19/00452/APP as the proposal is contrary to policies E4 (Trees and Development), ER2 (Development in Woodlands), H7 (Housing in the Countryside) and IMP1 (Development Requirements) of the MLDP 2015 and associated Supplementary Guidance Trees and Development.



MORAY LOCAL REVIEW BODY

30 JANUARY 2020

SUMMARY OF INFORMATION FOR CASE No LR232

Planning Application 19/00825/APP – Erect dwellinghouse, detached garage and all associated works at Plot on Station Road, Urquhart, Moray

Ward 4 – Fochabers/Lhanbryde

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 13 September 2019 on the grounds that:

The proposal is contrary to the provisions of the Moray Local Development Plan 2015 because:

1. It would be prominently and obtrusively sited in an open area of agricultural ground with no natural backdrop, nor any long established boundaries that would enable it to be adequately integrated without detriment to the rural character of the area. This is contrary to policies H7 (Housing in the Countryside) and IMP1 (Developer Requirements), as well as the Supplementary Guidance on Housing in the Countryside; and
2. Its close proximity to the settlement boundary of Urquhart, along with its inappropriate siting (as outlined above) would be detrimental to the clear distinction in place between Urquhart and its surrounding countryside, contrary to policy E9 (Settlement Boundaries).

Whilst minimal weighting is given to it, the proposal would be contrary to the provisions of the Proposed Moray Local Development Plan 2020 (policies DP1, DP4 and EP6).

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**.



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 & Mrs	Ref No.	
Forename	John & Isla	Forename	
Surname	Mitchell & Grant	Surname	
Company Name		Company Name	
Building No./Name	4	Building No./Name	
Address Line 1	Maisondieu Place	Address Line 1	
Address Line 2		Address Line 2	
Town/City	Elgin	Town/City	
Postcode	IV30 1RD	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Postal Address or Location of Proposed Development (<i>please include postcode</i>)			
Station Road Urquhart			
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:	
**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:

erect domestic dwellinghouse / detached garage and all associated works

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):

0.3154

Square Metre (sq.m.)

3154

8. Existing Use

Please describe the current or most recent use:

farm field

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?

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)

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

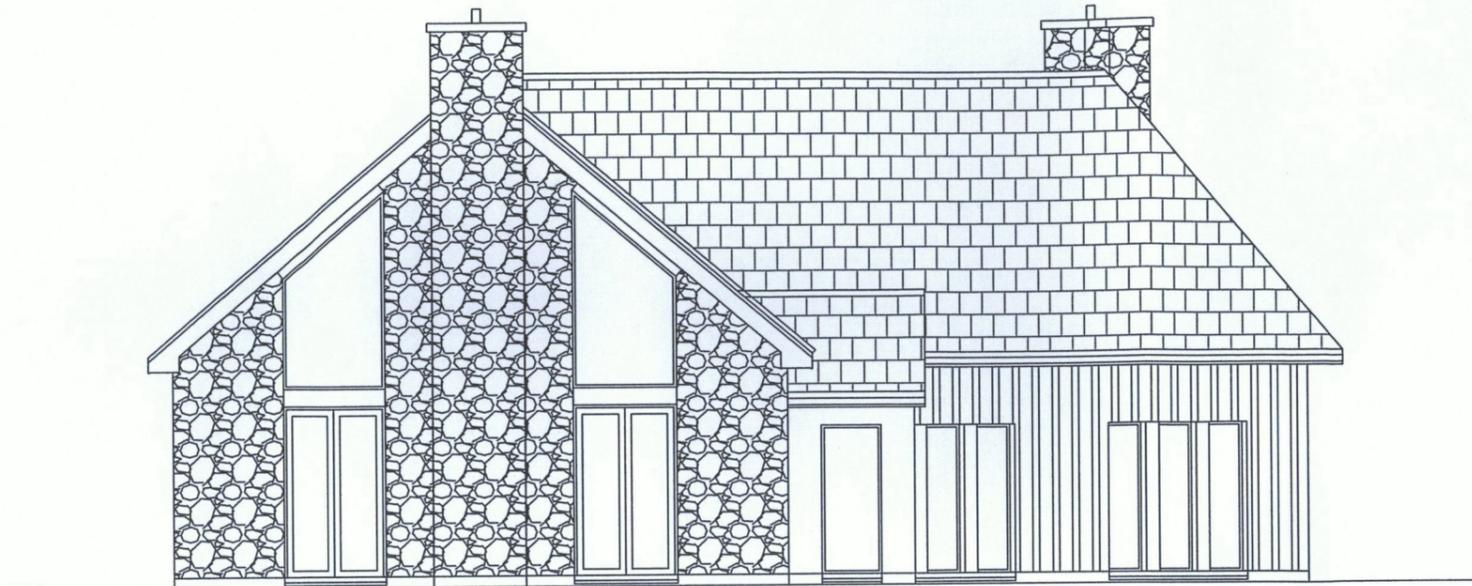
I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

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 Data Protection Legislation.

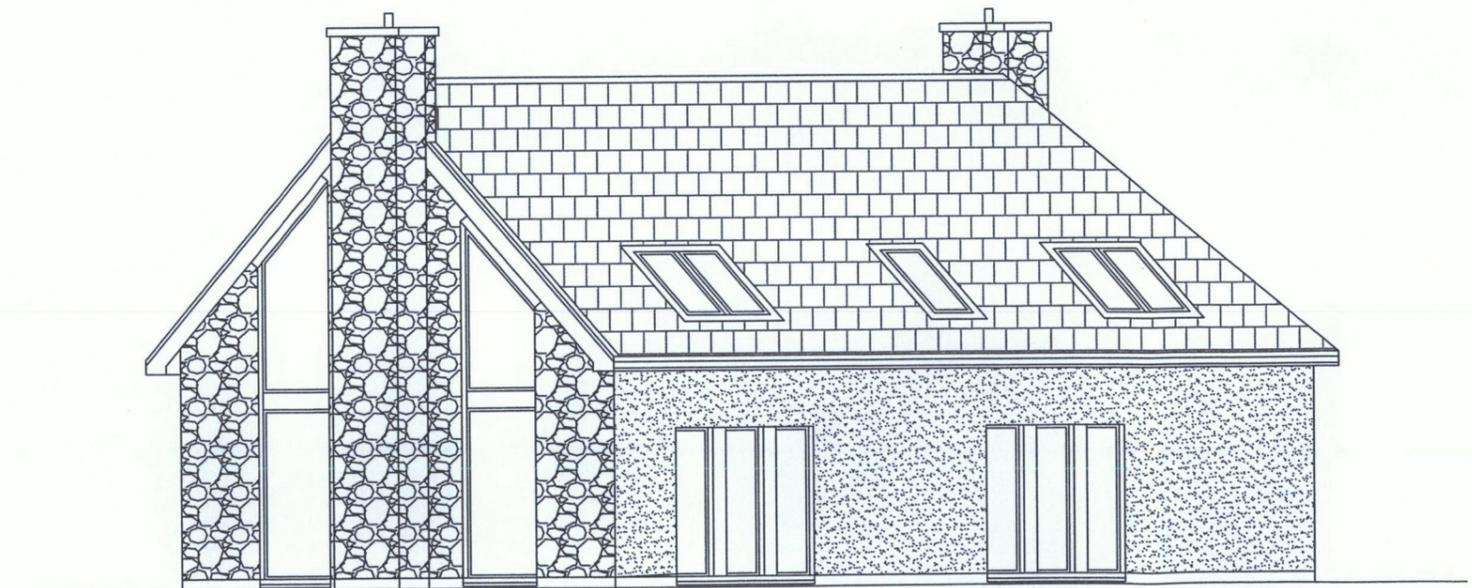


Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

13 September 2019

Development Management
Environmental Services
The Moray Council



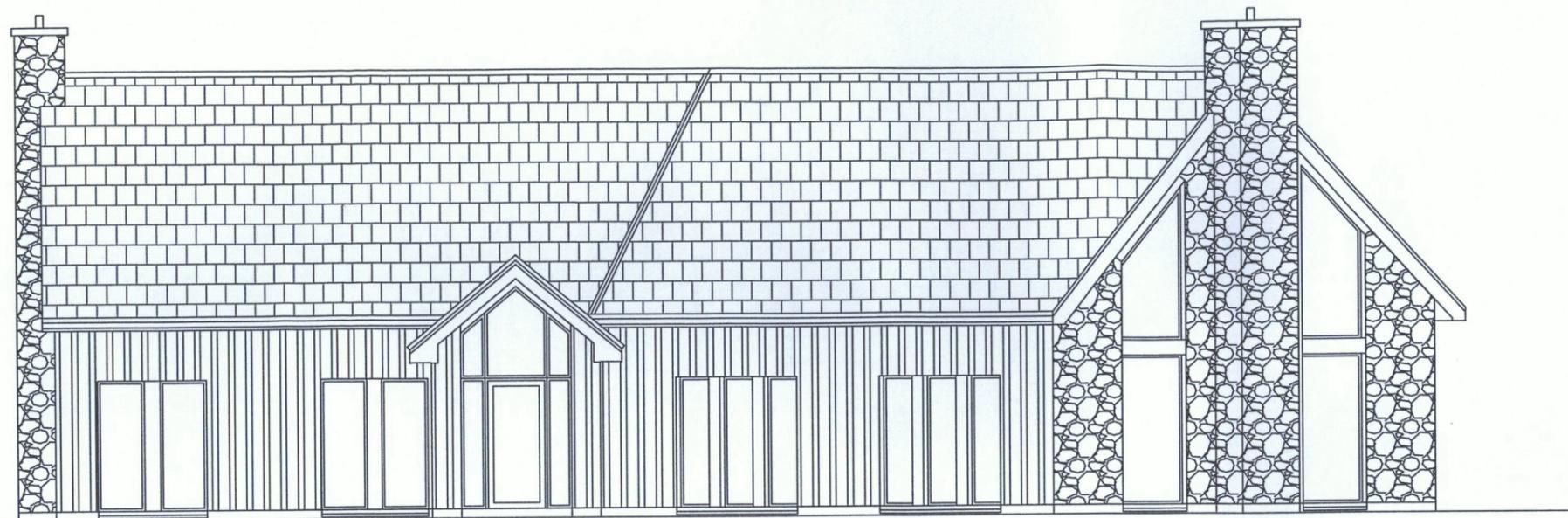
EXTERNAL FINISH
roughcast to rear elevation
natural stone to gable with
timber cladding to front elevation
concrete roof tiles - flat profile
upvc windows

No.	Revision/Issue	date

Client Name and Address
Mr J Mitchell
Ms I Grant

Project Name and Address
Proposed new dwellinghouse
with all associated works
at Station Road, Urquhart

Project Urq01	Sheet 3()
Date Jul 19	
Scale 1:100	

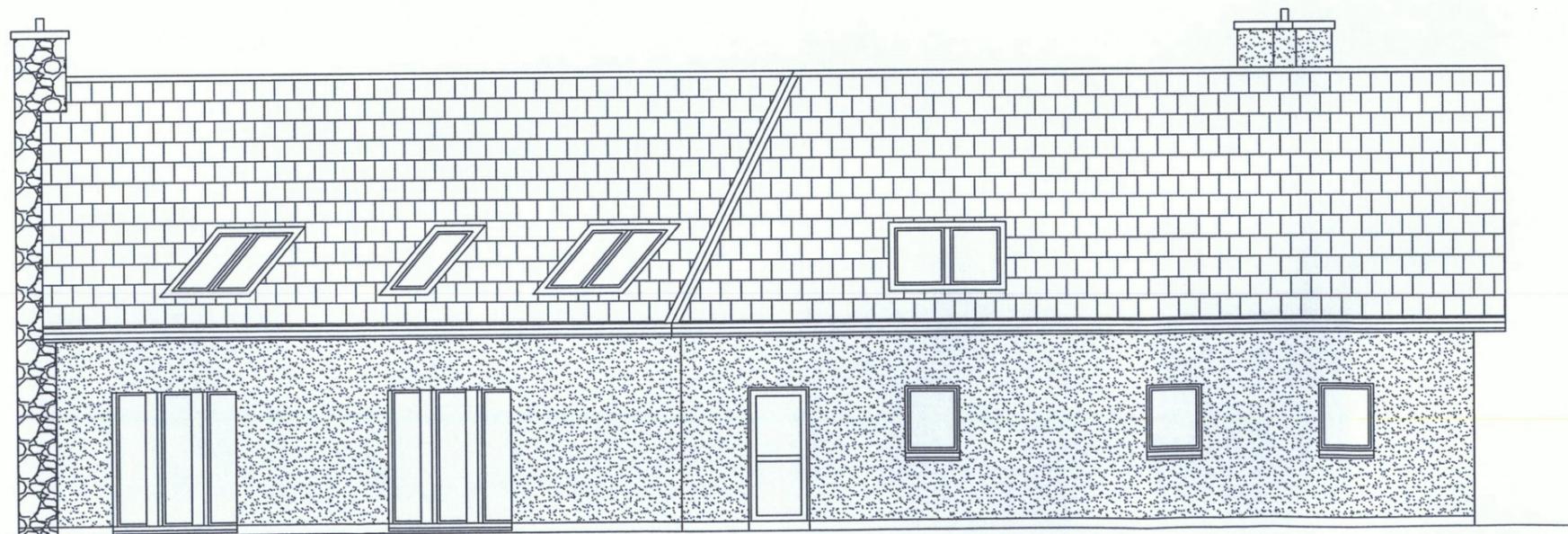


Town & Country Planning
(Scotland) Act, 1997
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The Moray Council



EXTERNAL FINISH
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timber cladding to front elevation
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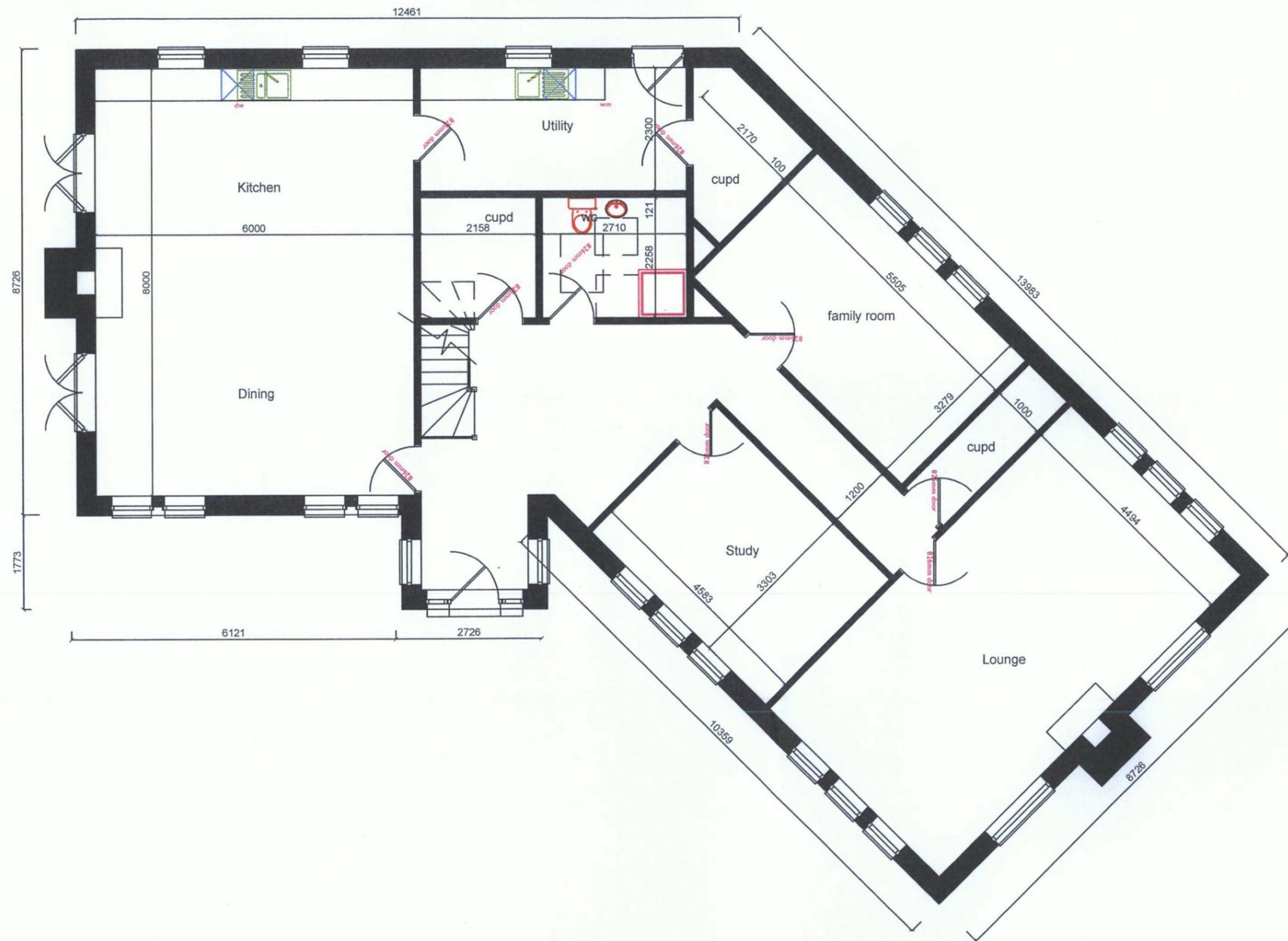
No.	Revision/Issue	date

Client Name and Address
Mr J Mitchell
Ms I Grant

Project Name and Address
Proposed new dwellinghouse
with all associated works
at Station Road, Urquhart

Project Urq01	Sheet 2()
Date Jul 19	
Scale 1:100	

- 8 JUL 2019



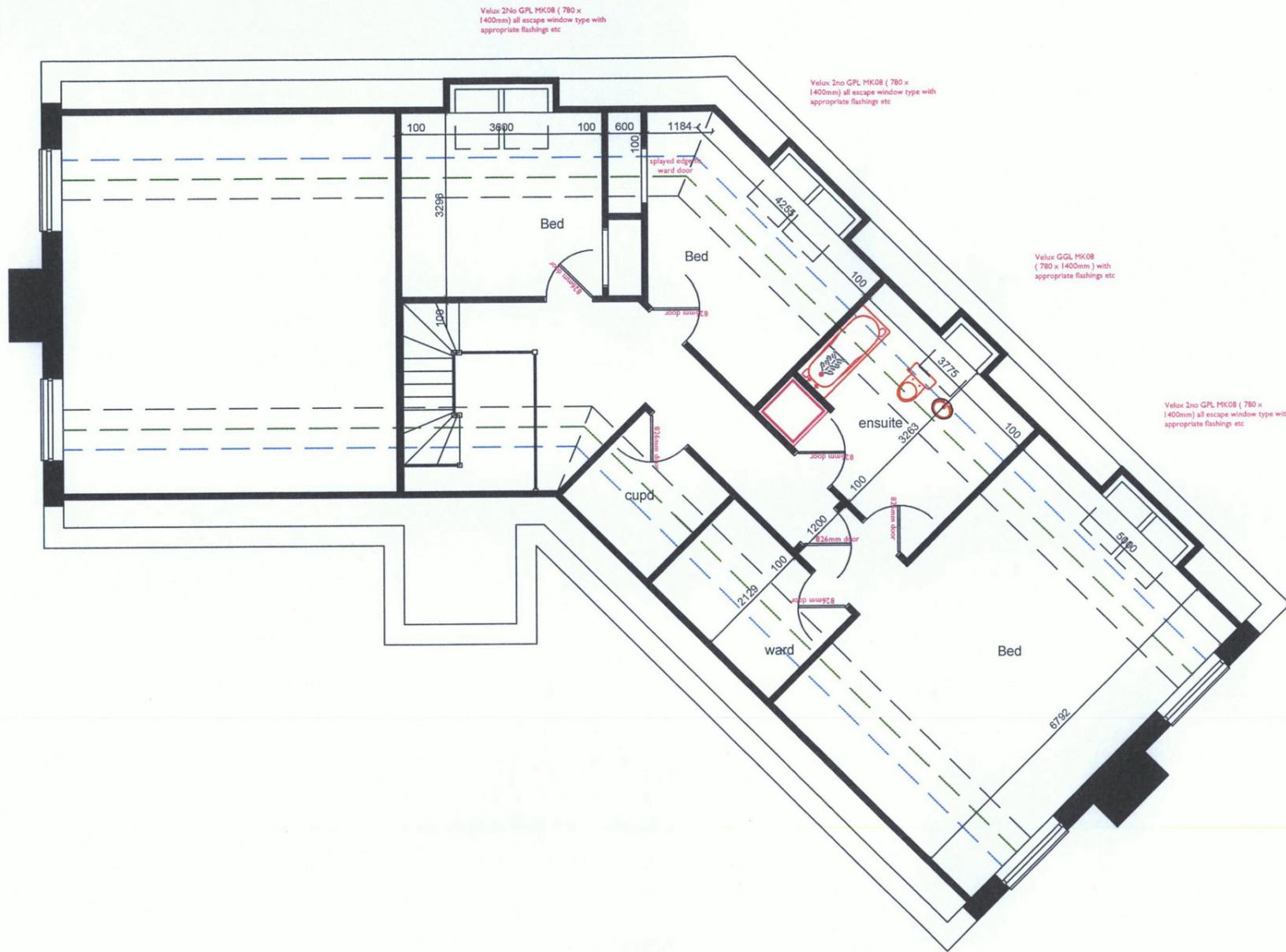
Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

13 September 2019

Development Management
Environmental Services
The Moray Council

General Notes		
No.	Revision/Issue	Date
Firm Name and Address		
Mr J Mitchell & Ms I Grant		
Project Name and Address		
Proposed new dwellinghouse with all associated works at Station Road, Urquhart		
Project	Sheet	
Urq 01	4()	
Date		
Jul 19		
Scale		
1:100		



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

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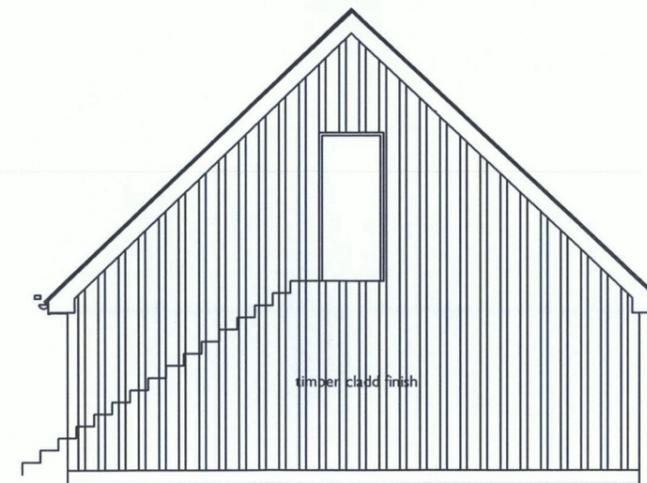
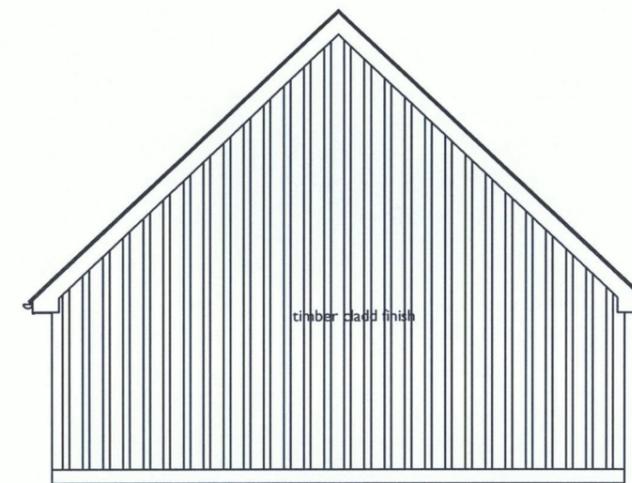
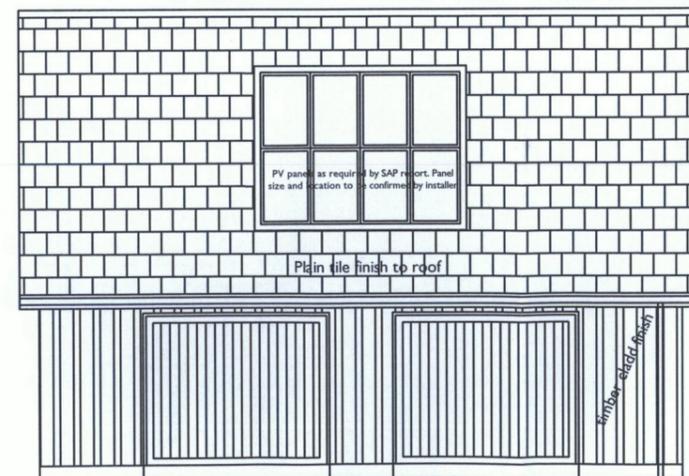
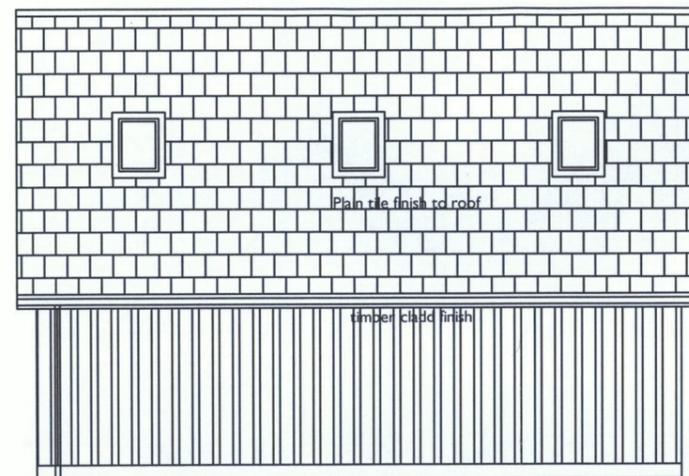
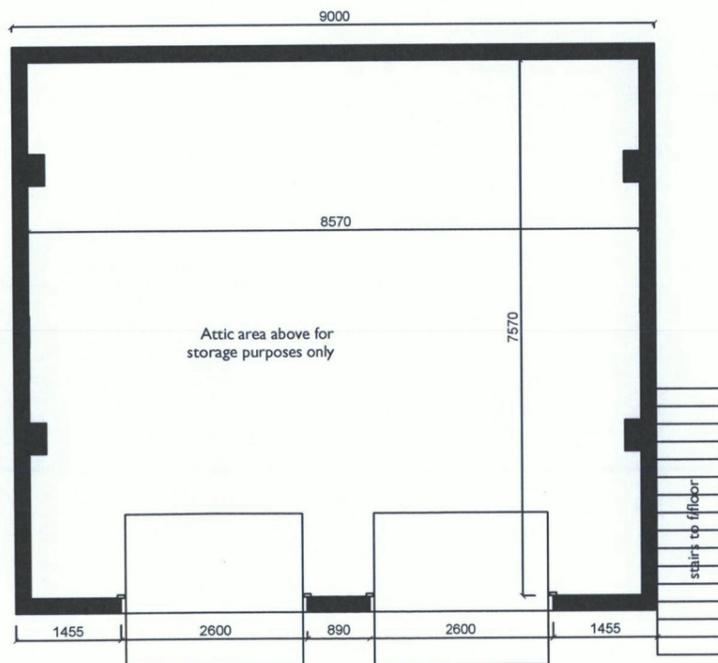
General Notes		
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Firm Name and Address		
Mr J Mitchell & Ms I Grant		
Project Name and Address		
Proposed new dwellinghouse with all associated works at Station Road, Urquhart		
Project	Sheet	
Urq 01	5()	
Date		
Jul 19		
Scale		
1:100		

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

REFUSED

13 September 2019

Development Management
Environmental Services
The Moray Council



EXTERNAL FINISH
timber cladding to elevation
concrete roof tiles - flat profile

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Project	Sheet	
Urq 01	6()	
Date		
Jul 19		
Scale		
1:100		

PLANNING PROPOSALS

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

The width of the vehicular access shall be a min 5.5m for the first 15m measured from the edge of the public carriageway and a minimum of 3.5m thereafter and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The first 15.0m 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

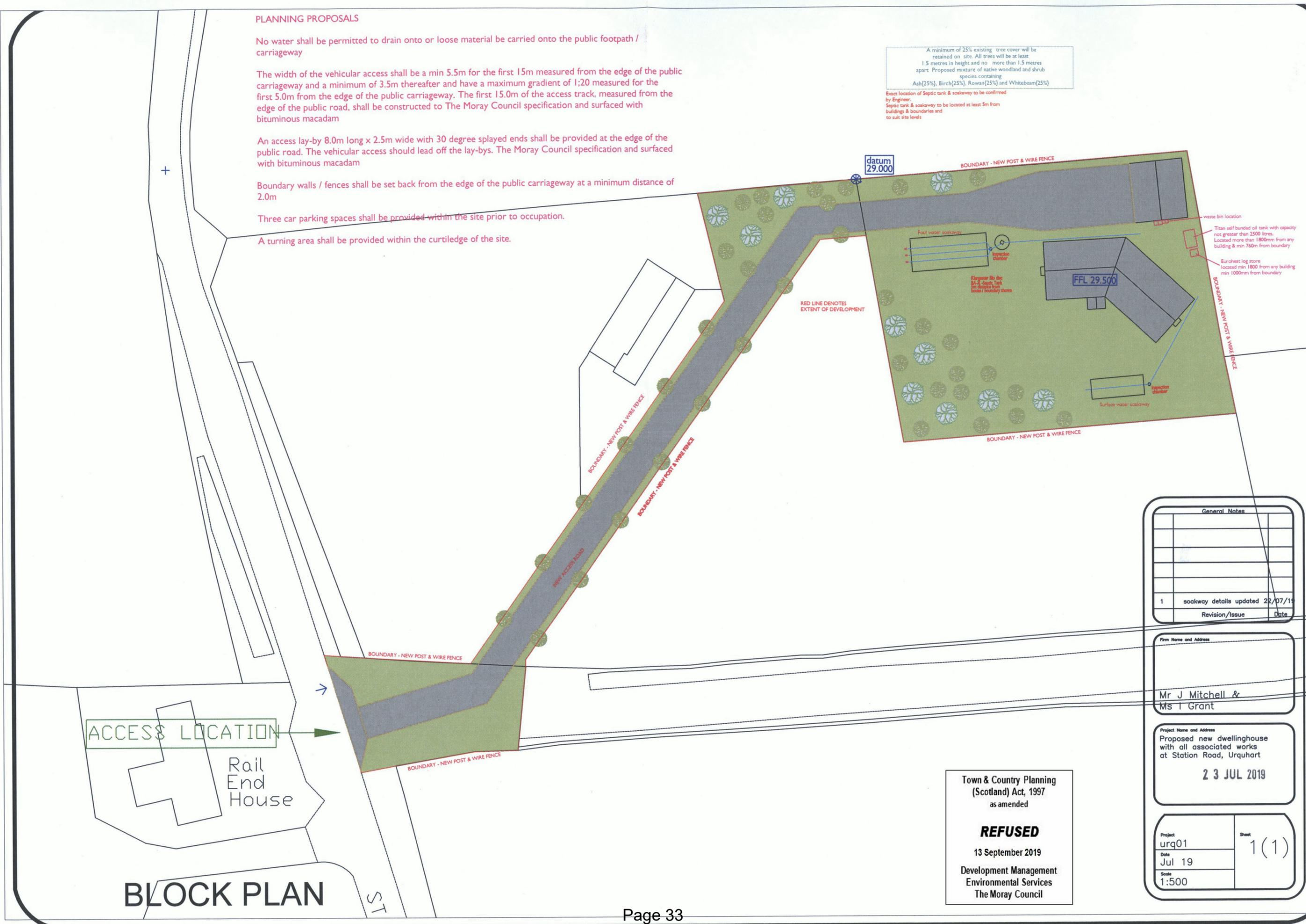
An access lay-by 8.0m long x 2.5m wide with 30 degree splayed ends shall be provided at the edge of the public road. The vehicular access should lead off the lay-bys. The Moray Council specification and surfaced with bituminous macadam

Boundary walls / fences shall be set back from the edge of the public carriageway at a minimum distance of 2.0m

Three car parking spaces shall be provided within the site prior to occupation.

A turning area shall be provided within the curtilage of the site.

A minimum of 25% existing tree cover will be retained on site. All trees will be at least 1.5 metres in height and no more than 1.5 metres apart. Proposed mixture of native woodland and shrub species containing Ash(25%), Birch(25%), Rowan(25%) and Whitebeam(25%)
 Exact location of Septic tank & soakway to be confirmed by Engineer.
 Septic tank & soakway to be located at least 5m from buildings & boundaries and to suit site levels



General Notes	
1	soakway details updated 22/07/19
Revision/Issue	Date

Firm Name and Address
 Mr J Mitchell &
 Ms I Grant

Project Name and Address
 Proposed new dwellinghouse
 with all associated works
 at Station Road, Urquhart
 23 JUL 2019

Project urq01	Sheet 1(1)
Date Jul 19	
Scale 1:500	

Town & Country Planning
 (Scotland) Act, 1997
 as amended
REFUSED
 13 September 2019
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 Environmental Services
 The Moray Council

BLOCK PLAN

PLANTING SPECIFICATION

The existing sub-soil base to be cultivated to a depth of 300mm. All grass lumps, weeds, roots, stones greater than 45mm, bricks and other deleterious material to be removed from site.
 Top-soil to be added and spread to depths of 150mm for grassed areas and 300mm for planted areas, graded as specified in accordance with British Standard BS 3382. The soil shall be friable and of sandy loam texture, with a PH of between 6.0 and 7.5.
 Planting holes to be dug 150mm wider than the root spread. Plants set out in the holes so that the soil level, after settlement, shall be at the original nursery mark on the stem of the plant.
 Tree pits to be dug not less than 1m cube and not smaller than 250mm larger than the overall root spread. Care to be taken to ensure that all sides are permeable and have not been "polished" and that all pits are free draining with 50mm of washed round pea gravel to the base of the tree pits. Backfill for the tree pits to be 20% Peat-free Compost, Fison's or similar approved.
 2 to 5litres of Fison's Peat-Free Planting Compost or similar approved (depending on pot size, 2L = 2L, 3L = 3L etc to a maximum of 5L) to be worked into the backfill. The backfill to be well firmed by treading.
 After planting a slow acting fertiliser will be forked into the top 50mm of soil around each plant, avoiding contact with the stem. The minimum formulation of the fertiliser to be 6:10:18, at a rate of 70gms/sq.m. Immediately after planting, the whole bed to be well watered in.
 All works to be carried out in accordance with appropriate British Standards and codes of practice.

Trees:

Trees have been chosen for their appropriateness to their individual location. Pruning, other than for health and safety reasons, should not be necessary. They should, however, be inspected by a suitably qualified arboriculturalist annually.

- h. An area 1m diameter at the base of the trees shall be kept clear of weed and grass either mechanically or by using an approved herbicide.
- i. Tree stakes and ties should be inspected 3 times per year (Autumn, Winter and Spring).
- j. All dead and diseased branches, or those broken due to malicious action or wind damage should be cleanly removed and the scar cleaned up.
- k. All trees which have been removed or which are found to be dying, severely diseased or damaged will be replaced by trees of similar size and species to those originally planted. These should be replaced as soon as seasonal weather conditions allow.

LANDSCAPE WORKS

A minimum of 25% of foliage / site cover will be retained in accordance with planning guidelines.

Proposed mixture of native woodland and shrub species containing ie Ash, Birch, Rowan, Whitebeam to be utilised in any new planting to replace if necessary

A minimum of 25% existing tree cover will be retained on site. All trees will be at least 1.5 metres in height and no more than 1.5 metres apart. Proposed mixture of native woodland and shrub species containing Ash(25%), Birch(25%), Rowan(25%) and Whitebeam(25%)



General Notes	
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 The Moray Council

Project urq01	Sheet 7()
Date Jul 19	
Scale 1:500	

BLOCK PLAN

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	12th August 2019
Planning Authority Reference	19/00825/APP
Nature of Proposal (Description)	Erect dwellinghouse detached garage and all associated works on
Site	Plot On Station Road Urquhart Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133072375
Proposal Location Easting	328906
Proposal Location Northing	863152
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=PUBS9BBG0D700
Previous Application	
Date of Consultation	29th July 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr John Mitchell And Mrs Isla Grant
Applicant Organisation Name	
Applicant Address	4 Maisondieu Place Elgin Moray IV30 1RD
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Contaminated Land

Planning Application Ref. No: 19/00825/APP

Erect dwellinghouse detached garage and all associated works on Plot On Station Road Urquhart Moray for Mr John Mitchell And Mrs Isla Grant

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

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

Condition(s)

This driveway of this development has been identified from the 1905-1959 Ordnance Survey maps as being located on a former railway. Moray Council does not have any further information as to whether the ground is contaminated. Safe development is the responsibility of the developer. You should consider investigating 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.

Contact:
email address:
Consultee:

Date.....
Phone No

Return response to	consultation.planning@moray.gov.uk
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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: 31 Jul 2019 15:33:54 +0100
To: Andrew Miller
Cc: DC-General Enquiries
Subject: 19/00825/APP Erect dwellinghouse, detached garage and all associated works on Plot on Station Road, Urquhart
Attachments: 19-00825-APP Erect dwellinghouse on Plot on Station Road, Urquhart.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 applicants.

Regards
Hilda

Hilda Puskas | Developer Obligations Officer (Development Planning & Facilitation) |
Development Services
hilda.puskas@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) |
[newsdesk](#)
01343 563265

MORAY
council



Developer Obligations: ASSESSMENT REPORT



MORAY
council

Date: 31/07/2019

Reference: 19/00825/APP

Description: Erect dwellinghouse, detached garage and all associated works on Plot on Station Road, Urquhart

Applicant: Mr John Mitchell and Mrs Isla Grant

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 a New Build Health Centre in Fochabers</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 Lhanbryde Primary School. The school is currently operating at 65% 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 Urquhart are zoned to Milne`s High School. The school is currently operating at 65% 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).

Fochabers Medical Practice is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Fochabers Medical Practice is working well beyond design capacity with no room for expansion on existing site. Contributions will be sought towards a New Build Health Centre in Fochabers.

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 Urquhart 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.



Consultee Comments for Planning Application 19/00825/APP

Application Summary

Application Number: 19/00825/APP

Address: Plot On Station Road Urquhart Moray

Proposal: Erect dwellinghouse detached garage and all associated works on

Case Officer: Andrew Miller

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 Objections

Allan Park

Consultation Request Notification – Development Plans

Planning Authority Name	Moray Council
Response Date	12th August 2019
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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: 19/00825/APP

Erect dwellinghouse detached garage and all associated works on Plot On Station Road Urquhart Moray for Mr John Mitchell And Mrs Isla Grant

Ward: 04_17 Fochabers Lhanbryde

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	<i>H7 New Housing in the Countryside</i>	X	
		43	<i>E9 Settlement Boundaries</i>	X	
		83	<i>IMP1 Developer Requirements</i>	X	
2	Further Discussion Required				

REASONING FOR THIS DECISION:

The proposal is to erect a dwellinghouse and detached garage on Plot on Station Road, Urquhart.

Urquhart Settlement Boundary (Policy E9)

The proposal is for a permanent dwelling immediately outwith the settlement boundary of Urquhart. The settlement boundary represents the limit to which the village can expand during the Local Development Plan period. The proposal comprises the aims of Policy E9 by eroding the distinction between the defined village and the surrounding open countryside which would have a detrimental impact on the rural character of the area. Therefore, the proposal is contrary to Policy E9.

Housing in the Countryside (Policy H7 and IMP1)

Policy H7 *New Housing in the Open Countryside* states that a proposal must be sensitively integrated within the surrounding landform using natural backdrops, particularly

where the sire is clearly visible in the landscape. 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 located on a rising landform which has no immediate backdrop and the dwelling would constitute a prominent feature in the landscape. As such, the development is considered an inappropriate, prominent location which would detrimentally alter the rural character of this area due to its landscape and visual impact. As such, the proposal is contrary to Policies H7 and IMP1.

Given that the proposal fails to meet the siting criteria of Policy H7, no assessment has been carried out against the design criteria.

Contact: Darren Westmacott

Date: 30/07/19

Email Address: darren.westmacott@moray.gov.uk

Phone No: 01343 563358

Consultee: Development Plans

Return response to

consultation.planning@moray.gov.uk

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**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management
Planning Application Ref. No: 19/00825/APP

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

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

Contact: Leigh Moreton Date 11/09/19
email address: Leigh.moreton@moray.gov.uk Phone No 01343 563773

Consultee: The Moray Council, Flood Risk Management

31st July 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

**IV30 Moray Station Road Plot On
PLANNING APPLICATION NUMBER: 19/00825/APP
OUR REFERENCE: 780560
PROPOSAL: Erect dwellinghouse detached garage and all associated works**

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** 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

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Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 19/00825/APP

Erect dwellinghouse detached garage and all associated works on Plot On Station Road Urquhart Moray for Mr John Mitchell And Mrs Isla Grant

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

- | | Please |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | x
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Condition(s)

1. No development shall commence until:
 - i) a visibility splay 2.4 metres by 90 metres to the North and 70 metres to the South, with all boundaries set back to a position behind the required visibility splay, has been provided in both directions at the access onto the public road; and
 - ii) 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 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.

2. Notwithstanding the submitted details prior to the 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 3.5 metres for the first 5.0 metres measured from the edge of the public carriageway, 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 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.

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

of road safety.

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 new access.

5. 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.

6. 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.

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.

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

**Contact:LL
email
address:transport.develop@moray.gov.uk
Consultee: Transportation**

Date 15.08.19

Return response to	consultation.planning@moray.gov.uk
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FAO of the Manager (Development Management)

Ref Application Number - 19/00825/APP

In regards to the above application we have no objection to the house proposed for this location. We would welcome more neighbours.

We are however concerned regards traffic and access problems.

The road in this area already has a high volume of traffic including large agricultural vehicles, lorries and very fast cars.

This area has no street lighting or pavements and with the increased traffic due to the development of Maverston we already have issues with safety on the road which has been repeatedly passed to the council and the police without any resolve.

With the addition of a house with access directly across from our property we feel our access area will be further used as a passing place and will mean we may have to do remedial work/resurfacing on our boundary.

As the road is frequently used and there is no safety measures in place an additional access area on the other side of the road would increase the risk for pedestrians who use that side of the road to ensure their safety. This road would have access roads in four directions instead of three increasing the risk of collision outside or into our property.

We would welcome a site visit to assess all of the issues highlighted and wonder if an additional access area and obvious increase in traffic both during the build and long term to access the proposed property would warrant road monitoring of speed and volume as part of the assessment.

We hope that the access to the proposed property will be wide enough that our ground will not be used by passing vehicles and would like pavements and lighting to be a serious consideration.

We have previously approached the council about a 20mile an hour zone in this location and wonder if an additional access point on a fast and busy road may be considered to enable access to safely be installed.

We would be happy to discuss this further if required.

Thanks



REPORT OF HANDLING

Ref No:	19/00825/APP	Officer:	Andrew Miller
Proposal Description/ Address	Erect dwellinghouse detached garage and all associated works on Plot On Station Road Urquhart Moray		
Date:	12.09.2019	Typist Initials:	LMC

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

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Moray Flood Risk Management	11/09/19	No objections.
Environmental Health Manager	30/07/19	No objections.
Contaminated Land	06/08/19	Informative note recommended in relation to potential contamination of land on which driveway would be sited (former railway).
Transportation Manager	15/08/19	No objections subject to conditions in relation to access and parking.
Scottish Water	31/07/19	No objections
Development Plans (Environment)	31/07/19	Proposal is contrary to Policies H7 and IMP1 (on basis of inappropriate of siting due to lack of backdrop and prominence in landscape) and Policy E9 (on basis of close proximity to Urquhart and subsequent erosion of distinction between settlement and surrounding countryside).
Planning And Development Obligations		Obligations sought towards healthcare (new build health centre in Fochabers).

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
H7: New Housing in the Open Countryside	Y	
E9: Settlement Boundaries	Y	
EP5: Sustainable Urban Drainage Systems	N	

EP10: Foul Drainage	N	
T2: Provision of Access	N	
T5: Parking Standards	N	
IMP1: Developer Requirements	Y	
IMP3: Developer Obligations	N	
PP3 Infrastructure & Services	N	
DP1 Development Principles	Y	
DP4 Rural Housing	Y	
EP6 Settlement Boundaries	Y	
EP12 Management and Enhancement of the	N	
EP13 Foul Drainage	N	

REPRESENTATIONS

Representations Received	YES	
Total number of representations received: ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: Concern regarding volume and speed of traffic on Station Road following development of housing at Maverston, and additional access and house as proposed will result in additional traffic. Subsequent increase in vehicular traffic results in vehicles using driveways of properties on Station Road as passing places, increasing their wear and tear. Pavements and lighting should be provided on the road.</p>		
<p>Comments (PO): The Transportation Manager has raised no objection to the proposal subject to conditions in relation to parking and access at the proposed house, and does not deem further upgrades to the nearby public road necessary.</p>		

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) 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 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 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.

On 25 June 2019 the Planning & Regulatory Services Committee agreed to give greater weight to sites within the proposed Plan which are not subject to the Examination process from 1 August 2019. In this case the proposal is not subject to a designated site.

The main planning issues are considered below.

Site

The site comprises an area of agricultural ground to the north east of Urquhart, along with a strip of land running south west of it and connecting with Station Road on the north eastern edge of Urquhart.

Proposal

Planning permission is sought for the erection of a one and a half storey house in a dog leg footprint, with detached garage, drainage, access and landscaping. The house would be finished in a mix of roughcast, timber cladding and natural stone to the walls, flat profiled roof tiles and PVCu windows and doors. The detached double garage would be timber clad, with tiles and PV panels to the roof. It would have an upper storage floor accessed via an external staircase to the side. Access would be created from Station Road, diagonally across the field towards the proposed house in the north western corner of the site.

Housing in the Countryside (H7)

As the site falls out with a defined settlement, policy H7 (Housing in the Countryside) is applicable. Policy H7 is supported by Supplementary Guidance - Housing in the Countryside Guidance (SG). In relation to its siting, H7 and the SG contain a number of requirements against which new houses in the countryside are assessed against. In this case, the proposal is considered to be prominently and obtrusively sited within the countryside on the basis the site is located in an open area of agricultural land with no natural backdrop, nor any long established boundaries that would enable it to be adequately integrated without detriment to the rural character of the area. This fails to comply with policy H7 in terms of siting. The application was advertised as a departure from policy H7 in this regard, and subsequently policy IMP1.

The design of the proposed house does comply with policy H7, noting that its roof pitch, proportions, vertical window openings and material finishes are suitable for the rural nature of the development, though a condition would be recommended in relation to samples (given the lack of specific information provided with the application). Nonetheless this does not overcome the siting issues outlined above.

Settlement Boundary (E9)

The settlement of Urquhart (as defined in the MLDP) lies to the south west of the site (directly opposite the access and approximately 90 metres from the proposed house). Policy E9 presumes against development adjacent to settlement boundaries in order to ensure a clear distinction remains between built up areas and the surrounding countryside. The proposal was advertised as a departure from policy E9.

In this case, the proposal is considered to fail to comply with policy E9 on the basis its close proximity to the settlement boundary of Urquhart, along with its inappropriate siting (as outlined under H7) would be detrimental to the clear distinction in place between the village of Urquhart and its

surrounding countryside.

Drainage (EP5, EP10)

Surface water would be treated via a surface water soakaway, in line with the requirements of policy EP5, whilst foul drainage would be treated via a septic tank and soakaway, in line with policy EP10.

Parking and Access (T2, T5)

Access to the site would be via a new access to Station Road. Details have been provided to demonstrate that the visibility can be provided. Subject to conditions as recommended, the proposed access arrangements are considered acceptable and would comply with policy T2. Sufficient parking has also been provided within the curtilage of the site, in line with policy T5.

Developer Obligations (IMP3)

In order to mitigate against any adverse impact a development may have upon existing infrastructure and facilities, policy IMP3 puts in place the provision to seek developer obligations appropriate to reduce, eliminate or compensate for the impact. Following assessment in accordance with the Council's Supplementary Guidance on Developer Obligations (adopted March 2018), obligations have been sought in this instance to mitigate the impact on healthcare. As this application has been recommended for refusal, these obligations were not pursued, however were this application to be approved, then obligations should be sought by means of an appropriate agreement.

Recommendation

Refusal is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description		
	Decision		Date Of Decision

ADVERT

Advert Fee paid?	No	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	Departure from development plan	29/08/19
PINS	Departure from development plan	29/08/19

DEVELOPER CONTRIBUTIONS (PGU)

Status	CONT SOUGHT
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DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?	YES	
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Summary of main issues raised in each statement/assessment/report

Document Name: Drainage Statement

Main Issues: Details the ground conditions on the site and the proposed drainage arrangements.

Document Name: Supporting Statement

Main Issues: Provides applicant's policy justification for proposal and examples of precedent.

S.75 AGREEMENT

Application subject to S.75 Agreement		NO
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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
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Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
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Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
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Summary of Direction(s)

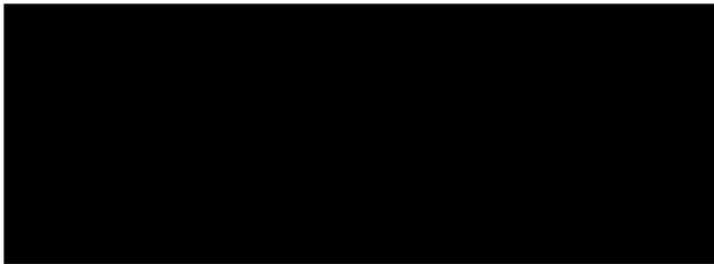


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Fochabers Lhanbryde]
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 detached garage and all associated works on Plot On Station Road Urquhart Moray

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

Date of Notice: **13 September 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 contrary to the provisions of the Moray Local Development Plan 2015 because:

1. it would be prominently and obtrusively sited in an open area of agricultural ground with no natural backdrop, nor any long established boundaries that would enable it to be adequately integrated without detriment to the rural character of the area. This is contrary to policies H7 (Housing in the Countryside) and IMP1 (Developer Requirements), as well as the Supplementary Guidance on Housing in the Countryside; and
2. its close proximity to the settlement boundary of Urquhart, along with its inappropriate siting (as outlined above) would be detrimental to the clear distinction in place between Urquhart and its surrounding countryside, contrary to policy E9 (Settlement Boundaries).

Whilst minimal weighting is given to it, the proposal would be contrary to the provisions of the Proposed Moray Local Development Plan 2020 (policies DP1, DP4 and EP6).

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
2		Elevations
3		Elevations
4		Ground floor plan
5		First floor plan
6		Garage elevations and floor plans
LP		Location plan
1(1)		Block plan
7		Landscaping plan
16()		Site sections

**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 County 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 & Ms	Ref No.	
Forename	John & Isla	Forename	
Surname	Mitchell And Grant	Surname	
Company Name		Company Name	
Building No./Name	4	Building No./Name	
Address Line 1	Maisondieu Place	Address Line 1	
Address Line 2		Address Line 2	
Town/City	Elgin	Town/City	
Postcode	IV30 1RD	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority	Moray Council		
Planning authority's application reference number	19/00825/APP		
Site address	Plot On Station Road Urquhart Moray		
Description of proposed development	Erect dwellinghouse detached garage and all associated works		

Date of application

08 Jul 2019

Date of decision (if any)

13 Sep 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.

LRB appeal statement based on officers handling report

7. Site inspection

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

Can the site be viewed entirely from public land?

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

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

8. Statement

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

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

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

refer to enclosed statement of appeal

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

- LRB statement
- planning supporting statement
- location plan, block plan, elevations, floor plans
- site section

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

10. Checklist

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

- Full completion of all parts of this form
- Statement of your reasons for requesting a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

DECLARATION

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

Signature: _____

Name: WJA GRANT

Date: 2nd Dec 2019

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.

CONTENTS

1.0	INTRODUCTION	PAGE 4
2.0	POLICY REVIEW	PAGE 5
3.0	CONCLUSION	PAGE 16

1.0 INTRODUCTION

1.1 This supporting Statement has been prepared to supplement the Planning application as submitted 8th July 2019 proposing a new dwellinghouse on an area of ground in the ward of Urquhart.

1.2 The Planning officer has noted that

In determining this application, the location close to the Urquhart settlement boundary requires this proposal to be assessed against policy E9 in the Moray Local Development Plan. Policy E9 presumes against development immediately outwith settlement boundaries, in order to ensure there is a clear distinction between settlements and their surrounding countryside. Given the sites close proximity to the Urquhart, the proposal would be contrary to policy E9.

As the house comprises a house in the countryside, policy H7 is also applicable. This has a number of siting requirements - any new houses must be sensitively sited within the surrounding landform using natural backdrops, whilst also ensuring at least 50% of the boundaries are long established (per the definitions in the associated supplementary guidance).

The also notes that this *"is located on a rising land form which has no immediate backdrop and the dwelling would constitute a prominent feature in the landscape"*

Due to the undulating nature of the adjacent fields and the levels of the site in question which are lower than the adjacent area, it would be appropriate that a site visit is undertaken.

When standing on the actual plot this provides a completely different perspective and could provide a differing view.

2.1 Planning policies E9 noted below

Policy E9 Settlement Boundaries

Settlement boundaries are drawn around each of the towns, villages and rural communities representing the limit to which these settlements can expand during the Local Development Plan period. Development proposals immediately outwith the boundaries of these settlements will not be acceptable, unless the proposal is a designated "LONG" term development site which is being released for development under the terms of Policy H2.

(In accordance with policy H11, for proposals involving Gypsy/Traveller sites, a distance of 1km will be applied as being "immediately outwith")

Justification

Settlement boundaries are defined on the Proposals Maps for the purpose of guiding development to the towns and villages, preventing ribbon development and maintaining a clear distinction between the built up area and the countryside.

The five main towns also have a Countryside Around Town (CAT) designation which further restricts development in the vicinity of the settlement boundary.

extract from Local Plan 2015



The site in question is some distance from the settlement boundary which is clear from the plan above and has no direct connection with the settlement. This would not have a detrimental effect on the distinction of the village to the Countryside.

Policy E9 is not overly prescriptive and is open to individual interpretations as there is no distinction of what is or what is not acceptable as a separating distance between the existing village.

The policy notes "proposals immediately outwith the boundaries will not be acceptable" This is not immediately to the village.

You could claim that physical features could provide an actual location of what the policy is aiming to indicate and propose in terms of the actual northern edge would have been more likely the line of the railway line which our site sits well outside this location.

It is our position that this site is not contrary to the policy.

When you review the various villages in & around Moray there is numerous similar examples that have been approved in close proximity, refer to item 2.4 below. As some examples we note, though could provide further evidence.

2.2 Planning policies H7 noted below

Policy H7 New Housing in the Open Countryside

This policy assumes in favour of an application for a new house in the open countryside provided all of the following requirements are met:

Siting

- 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)

Justification

The Plan aims to allow housing in the open countryside that can be easily absorbed into the landscape. New development should be low impact and reflect the character of the surrounding area in terms of the traditional pattern of settlement and the scale and design of housing. The introduction of suburban layouts and house styles and the incremental build up of new houses have the potential to alter the rural character and detrimentally impact on the area's high quality rural environment.

Proposals that add to an existing grouping, such as an established re-use or rehabilitation scheme, will be more satisfactorily integrated where they connect through built form, layout and landscape features. Development that adds to an existing suburban layout should be avoided. Infill development along a road or landscape feature may be appropriate where this does not detract from the character or setting of existing houses.

Innovative modern design and energy efficiency measures are encouraged to promote sustainable development.

From discussions with the Planner officer, the house design is in accordance with Policy H7

In terms of the house location

- The house is located in the lowest point within the overall field with a "hillock" between the house and the main road to the west of the plot.
- The settlement of Urquhart is at a much higher level than the site
- The fields to the North are at a higher level.

All these aspects provides a natural backdrop to the proposed dwellinghouse and would enable the house to be sensitively sited within its surroundings.

A cross section is enclosed to indicate same.



photo taken from the C18E looking East towards the site. This shows the "hillock" and an existing farm building which will provide cover to the proposed new house which the house is in a lower section of the field.



photo taken from the C18E looking East to site as you exit Urquhart. There is hedgerow along the full distance bar the area of the field gates. This shows the site in the distance and details the undulating nature of the adjacent fields.



photo taken from the site looking towards Urquhart. This shows that the site is at a lower level than the village.

More important this shows the distance separating the proposed site from the settlement.

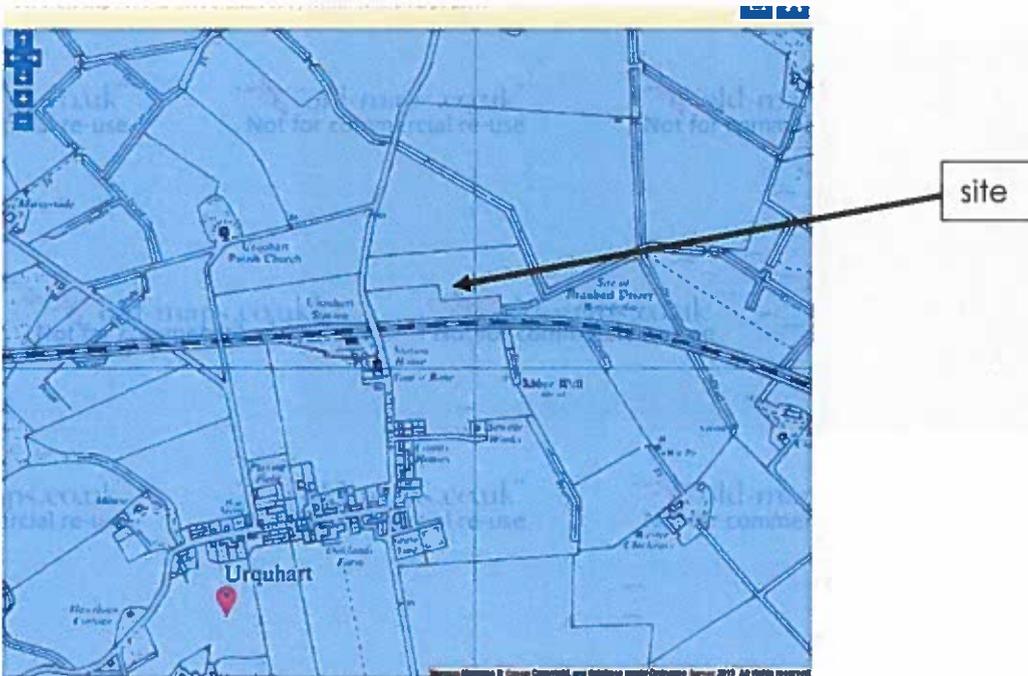


photo is taken from the house location facing West towards the C18E. This shows the farm building sitting upon the "hillock" which both will provide the backdrop to the site.

When you travel North along the C18E towards Urquhart the levels from the fields to the north and the farm building will block any views of the new house.

At least 50% of the boundaries are well established, in fact concrete posts are utilised in this section of the boundary fields.

The map from 1970 identifies that the field boundaries which are at least 50 years and this therefore provides evidence the "boundaries are long established and are capable of distinguishing the site from surrounding land"



2.3 Planning Policy IMP1

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

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) 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.
- h) 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.

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.

As noted by the Planning officer the house design is acceptable therefore item no a) is in compliance.

item b) as outlined above with the various photos shows the site sits well into the landscape and provides no visual intrusion to the views associated.

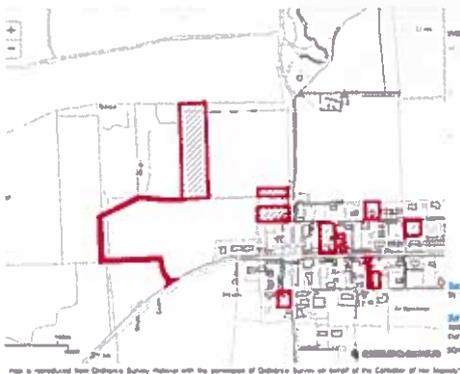
Item d), i) is in compliance as per submitted drainage statement and approved by Moray Council Flood team.

Item c), e), f), g), h) are not applicable to single house proposals

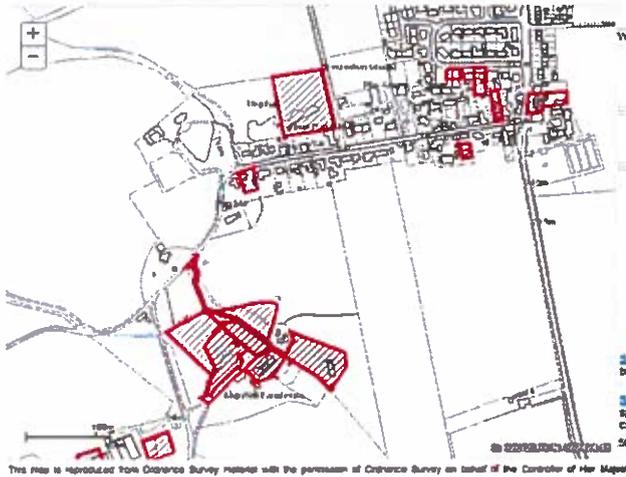
The siting and impact on surrounding property (IMP1) require new development to be sensitively sited, designed and serviced. In terms of scale, proportion, material and design, the proposal is in keeping with the character of the existing houses and it will not, in visual terms, have a significant adverse impact or the appearance and amenities of either the existing building or the surrounding area.

This is no different to many approved Houses in the Countryside throughout Moray and examples could be provided as comparisons. As noted earlier a site visit looking outwards from the site would provide a greater perspective of how sensitive this site.

2.4 Direct comparisons with approved houses adjacent to settlement



Planning approval 19/00280 notes that this is in close proximity to Archiestown and in fact is much closer to the settlement boundary than our application.



Although the redevelopment at Muiryhall is the removal of farm buildings, these extend beyond what was the original footprint.

The main point is that these houses are extremely close to the settlement boundary and this was not an issue on the officer handling report



These plots at Thomshill are in close proximity to the settlement boundary and the extended Amenity site and was approved.

2.5 No formal objection has been submitted from adjoining neighbours.

3.0 CONCLUSION

- 3.1 In concluding, based on all of the above, we believe that our proposal represents an acceptable form of development and, as such, respectfully asks that a positive recommendation can be provided.
- 3.2 To enable this aspect the applicant owns the adjacent farm fields and this property will enable them to function their farming of livestock in close proximity.

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APPENDIX

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1.0 INTRODUCTION

- 1.1 This Local Review Statement of Case has been prepared to support a recently refused detailed Planning Application, proposing a new dwellinghouse on an area of ground in the ward of Urquhart.
- 1.2 The planning application was registered on 8th July 2019 and was refused on 13th September 2019 under delegated powers. This Review has been prepared and lodged within the statutory 3 months period from the date of the decision notice.
- 1.3 The application was refused for the reason below and after due consideration, the appellant has decided to seek a Review of the decision by the Council Review Body and the following Statement of Case and attached appendix constitutes the appellant's submission

The proposal is contrary to the provisions of the Moray Local Development Plan 2015 because:

1. *It would be prominently and obtrusively sited in an open area of agricultural ground with no natural backdrop, nor any long established boundaries that would enable it to be adequately integrated without detriment to the rural character of the area. This is contrary to policies H7 (Housing in the Countryside) and IMP1 (Developer Requirements), as well as the Supplementary Guidance on Housing in the Countryside; and*
2. *its close proximity to the settlement boundary of Urquhart, along with its inappropriate siting (as outlined above) would be detrimental to the clear distinction in place between Urquhart and its surrounding countryside, contrary to Policy E9 (Settlement Boundaries)*

Whilst minimal weighting is given to, the proposal would be contrary to the provisions of the Proposed Moray Local Development Plan 2020 (policies DP1, DP4 and EP6)

2.0 THE APPLICATION SITE & PROPOSALS

- 2.1 The site is to the North of Urquhart and is currently an agricultural ground owned by the applicant.
The field between the proposed house plot and Station road along with the field to the East is owned by the applicant.
- 2.2 The proposal is to erect a new dwellinghouse in the furthest corner of the field to reflect the undulation and the character of the area.
- 2.3 The proposal would be a mixture of roughcast, timber cladding and natural stone to the external walls and flat profiled roof tiles.

3.0 POLICY REVIEW

3.1 Planning Policy H7

Policy H7 New Housing In the Open Countryside

This policy assumes in favour of an application for a new house in the open countryside provided all of the following requirements are met:

Siting

- 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);

Justification

The Plan aims to allow housing in the open countryside that can be easily absorbed into the landscape. New development should be low impact and reflect the character of the surrounding area in terms of the traditional pattern of settlement and the scale and design of housing. The introduction of suburban layouts and house styles and the incremental build up of new houses have the potential to alter the rural character and detrimentally impact on the area's high quality rural environment.

Proposals that add to an existing grouping, such as an established re-use or rehabilitation scheme, will be more satisfactorily integrated where they connect through built form, layout and landscape features. Development that adds to an existing suburban layout should be avoided. Infill development along a road or landscape feature may be appropriate where this does not detract from the character or setting of existing houses.

Innovative modern design and energy efficiency measures are encouraged to promote sustainable development.

The officer notes within the handling report that the design of the proposed house does comply with policy H7.

The officer notes within the Handling report that *"the proposal is considered to be prominently and obtrusively sited within the countryside on the basis the site is located in an open area of agricultural land with no natural backdrop..."*

Policy H7 notes "obtrusive development (i.e on a skyline, artificially elevated ground or in open settings such as the central area of a field"

Its is quite clear from the site and that of the undernoted photos that the items noted within the classification of the policy is not the case with this proposal and therefore conclude that this is not contrary to Policy H7.

In terms of the house location

- The house is located in the lowest point within the overall field with a "hillock" between the house and the main road to the west of the plot. Therefore not on the skyline, nor on artificially elevated ground.
- Plot is within the furthest corner of the field. Therefore not in open settings such as the central area of the field.
- The fields to the North are at a higher level.
- The undulating nature of the adjacent fields provides peaks and troughs and the proposed house location is at the lowest aspect of the surrounding area and provides sufficient coverage to the property.

All these aspects provides a natural backdrop to the proposed dwellinghouse and would enable the house to be sensitively sited within its surroundings.

Refer to appendix 3 which provides relevance of the cross section is enclosed to indicate how sensitively this sits within the field in question.



photo taken from the C18E looking East towards the site. This shows the "hillock" and an existing farm building which will provide cover to the proposed new house which the house is in a lower section of the field.



photo taken from the C18E looking East to site as you exit Urquhart. There is hedgerow along the full distance bar the area of the field gates. This shows the site in the distance and details the undulating nature of the adjacent fields.



photo is taken from the house location facing West towards the C18E. This shows the farm building sitting upon the "hillock" which both will provide the backdrop to the site.



When you travel South along the C18E towards Urquhart the levels from the fields to the north and the hedegrow block any views of the new house.

Policy H7 point b) notes that *"it does not detract from the Character or the setting of the existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development"*

Our proposal does not affect any of these policy requirements as stated earlier

Policy H7 point c) notes that *"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."*

Our proposal is not within the identified "hot spots" of multiple planning applications and therefore complies with this aspect of the policy.

3.2 Planning policies H7 point d)

At least 50% of the boundaries are well established, in fact concrete posts are utilised in this section of the boundary fields.

The map from 1970 identifies that the field boundaries which are at least 50 years old and this therefore provides evidence that *"boundaries are long established and are capable of distinguishing the site from surrounding land"*



Extract from 1970 Ordnance Survey map

3.3 Planning polices E9 noted below

Policy E9 Settlement Boundaries

Settlement boundaries are drawn around each of the towns, villages and rural communities representing the limit to which these settlements can expand during the Local Development Plan period. Development proposals immediately outwith the boundaries of these settlements will not be acceptable, unless the proposal is a designated "LONG" term development site which is being released for development under the terms of Policy H2.

(In accordance with policy H11, for proposals involving Gypsy/Traveller sites, a distance of 1km will be applied as being "immediately outwith")

Justification

Settlement boundaries are defined on the Proposals Maps for the purpose of guiding development to the towns and villages, preventing ribbon development and maintaining a clear distinction between the built up area and the countryside.

The five main towns also have a Countryside Around Town (CAT) designation which further restricts development in the vicinity of the settlement boundary.

extract from Local Plan 2015



The site in question is some distance from the settlement boundary which is clear from the plan above and has no direct connection with the settlement. This would not have a detrimental effect on the distinction of the village to the Countryside.

Policy E9 is not overly prescriptive and is open to individual interpretations as there is no distinction of what is or what is not acceptable as a separating distance between the existing village.

The policy notes "proposals immediately outwith the boundaries will not be acceptable" This is not immediately to the village and in fact some distance away.

You could claim that physical features could provide an actual location of what the policy is aiming to indicate and propose in terms of the actual northern edge would have been more likely the line of the railway line which our site sits well outside this location.

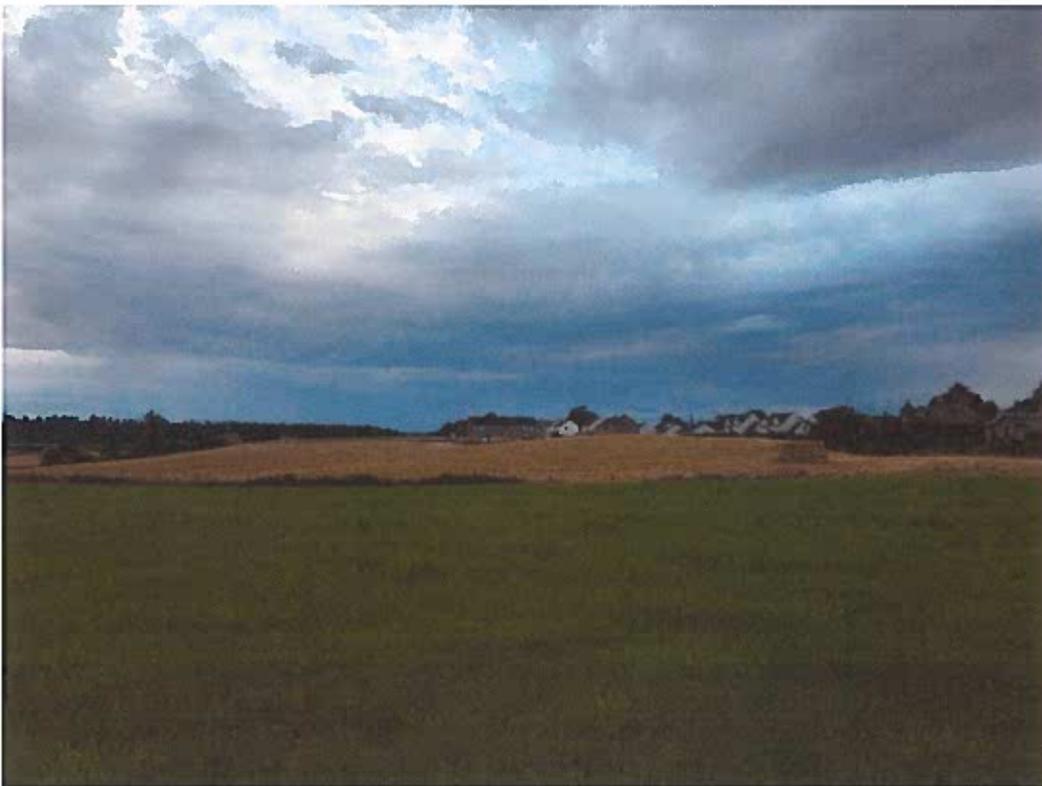
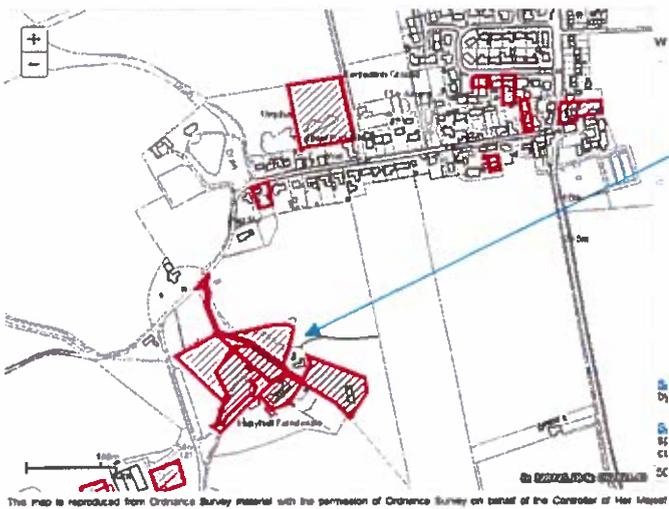


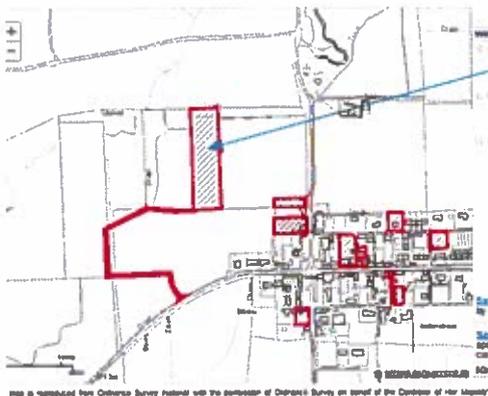
Photo taken from the site looking towards Urquhart, this shows the distance separating the proposed site from the settlement.

It is our position that this site is not contrary to the policy.

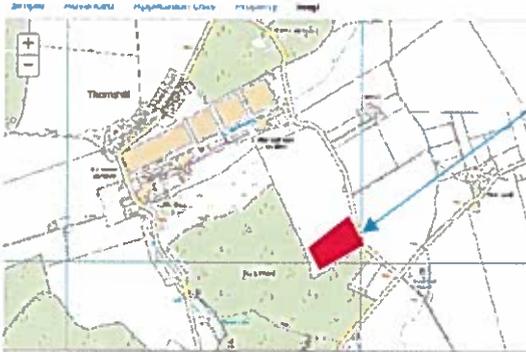
When you review the various villages in & around Moray there is numerous similar examples that have been approved in close proximity with direct comparisons with approved houses adjacent to settlement noted below. These are only a flavour with others that could be provided.



Although the redevelopment at Muirhall Urquhart is the removal of farm buildings, these extend beyond what was the original footprint. The main point is that these houses are extremely close to the settlement boundary and this was not an issue on the officer handling report



Planning approval 19/00280 notes that this is in close proximity to Archiestown and in fact is much closer to the settlement boundary than our application.



These plots at Thomshill are in close proximity to the settlement boundary and the extended Amenity site and was approved.

3.4 Planning Policy IMP1

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

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) 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.
- h) 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.

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.

As noted by the Planning officer the house design is acceptable therefore item no a) is in compliance.

item b) as outlined above with the various photos shows the site sits well into the landscape and provides no visual intrusion to the views associated.

Item d), i) is in compliance as per submitted drainage statement and approved by Moray Council Flood team.

Item c), e), f), g), h) are not applicable to single house proposals

The siting and impact on surrounding property (IMP1) require new development to be sensitively sited, designed and serviced. In terms of scale, proportion, material and design, the proposal is in keeping with the character of the existing houses and it will not, in visual terms, have a significant adverse impact on the appearance and amenities of either the existing building or the surrounding area.

This is no different to many approved Houses in the Countryside throughout Moray and examples could be provided as comparisons.

3.5 In terms of the note relative to the MLDP 2020.

The committee report notes " It is therefore proposed that sites which are not subject to Examination are given greater weight as a material consideration in the Development Management process as of 1 August 2019, but none of the policies in the Proposed Plan are given greater weight at this time. Many of the policies will be subject to Examination and as the Plan should be read as a whole, to give policies greater weight at this stage would significantly increase the risk of legal challenge."

Therefore MLDP 2020 is not a material consideration for this proposal.

3.6 In terms Statutory Authority Consultee

- Moray Flood Risk Management – No objections
- Contaminated Land – Informative note
- Transportation Manager – no objection subject to conditions
- Development Plans – These cover the earlier comments on policy

4.0 CONCLUSION

- 3.1 In concluding, based on all of the above, we believe that our proposal represents an acceptable form of development and, as such, respectfully asks that a positive recommendation can be provided.
- 3.2 To enable this aspect the applicant owns the adjacent farm fields and this property will enable them to function their farming of livestock in close proximity.

General Notes

No.	Revision/Issue	Date

Firm Name and Address

Mr J Mitchell &
Ms I Grant

Project Name and Address

Proposed new dwellinghouse &
garage with all associated
works
at Station Road, Urquhart

Project
Urq01

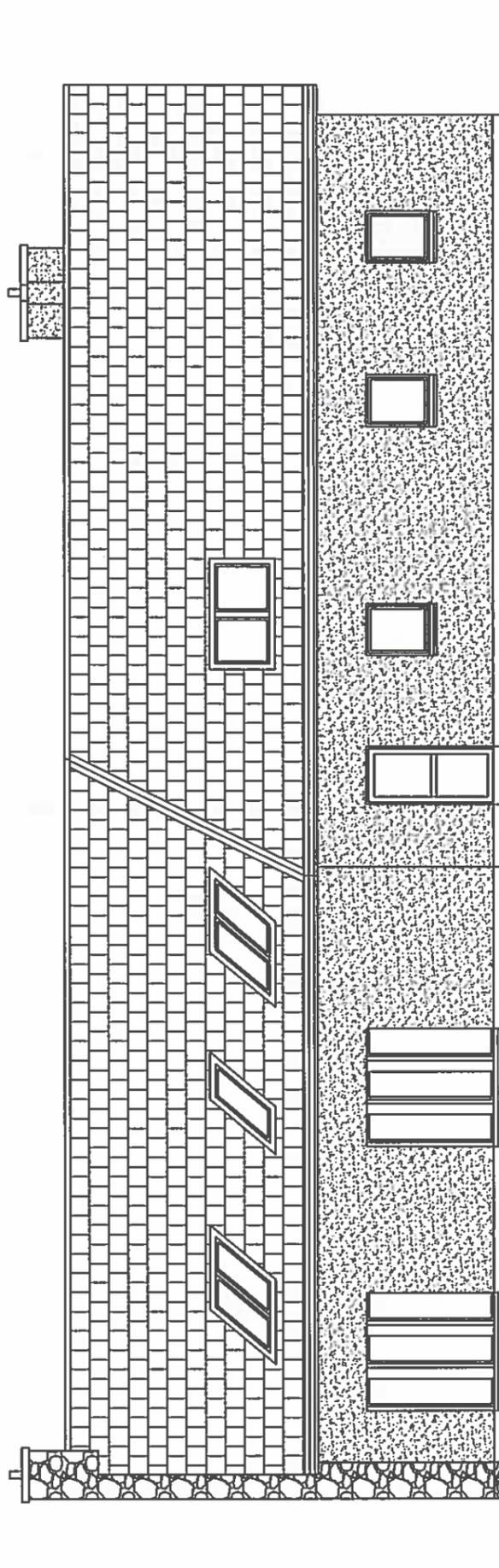
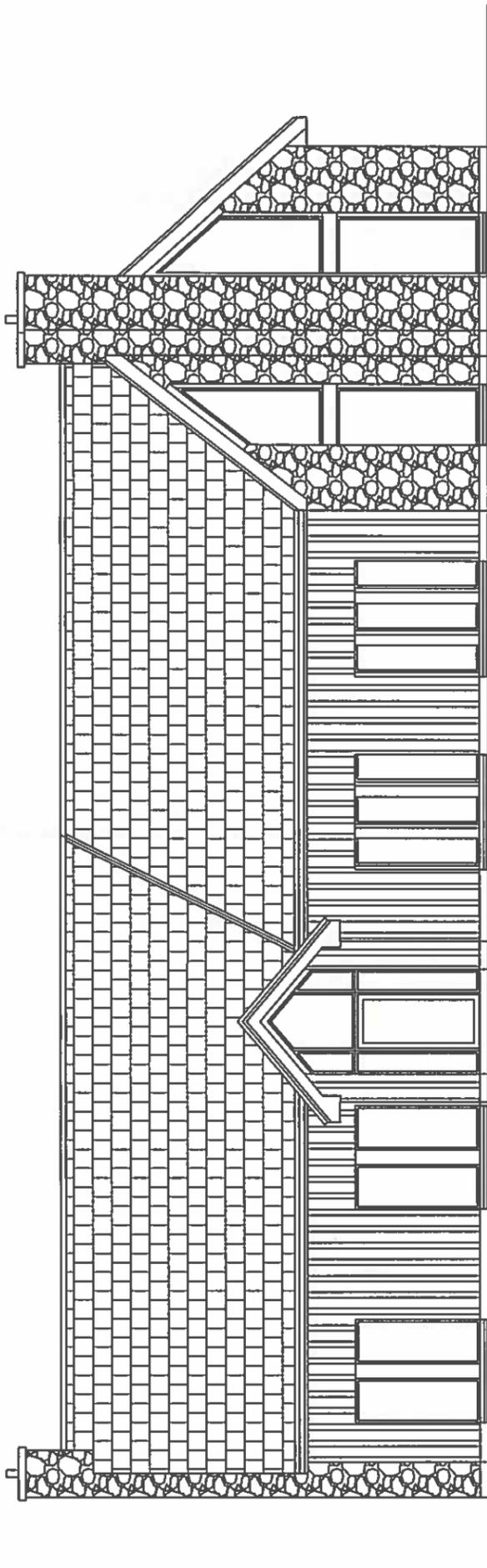
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Jul 19

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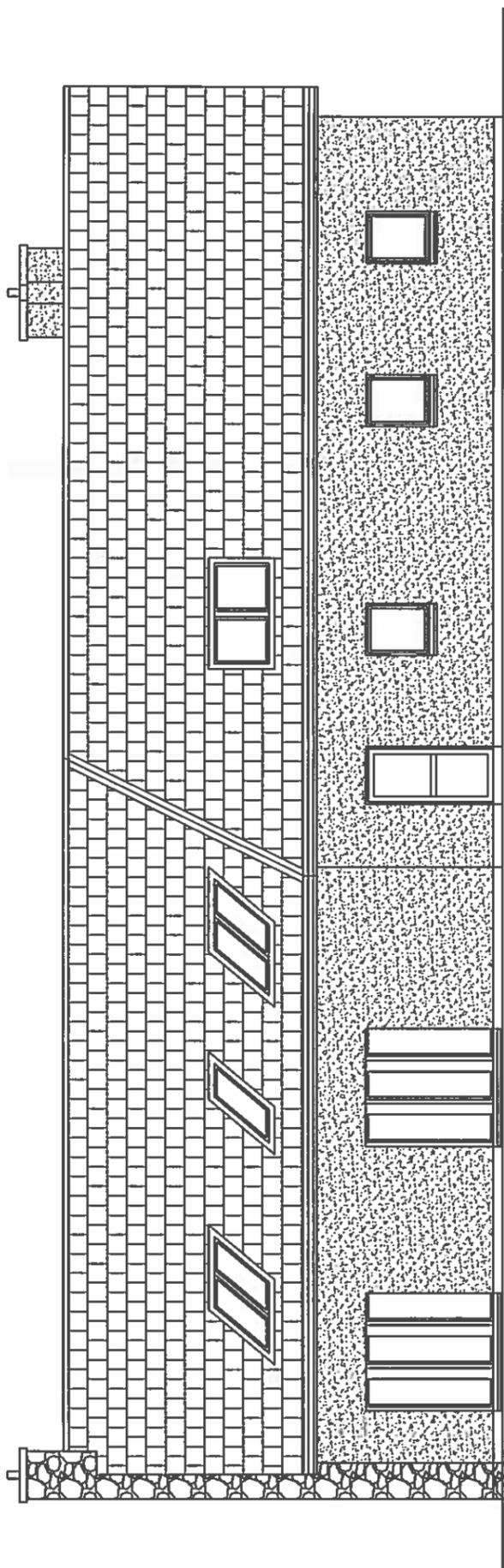
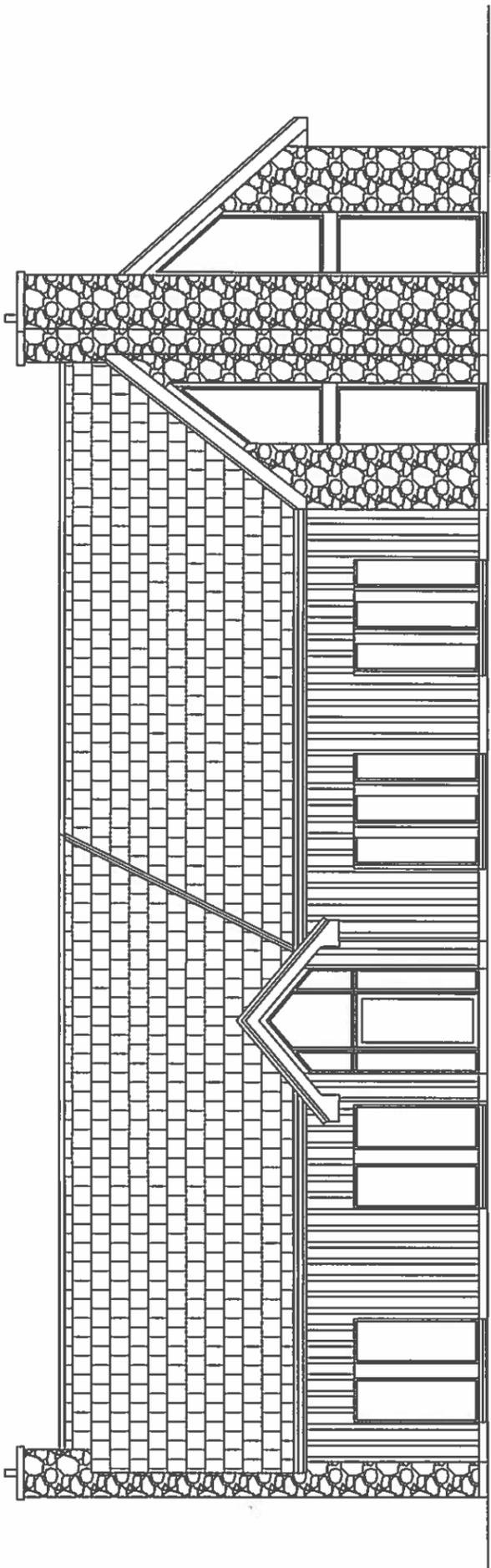
EXTERNAL FINISH
 roughcast to rear elevation
 natural stone to gable with
 timber cladding to front elevation
 concrete roof tiles - flat profile
 upvc windows

No.	Revision/Date

Drawn Name and Address
 Mr J Mitchell
 Ms I Grant

Project Name and Address
 Proposed new d/w
 with all associates
 at Station Road.

Project
 Urq01
 Date
 Jul 19
 Scale
 1:100



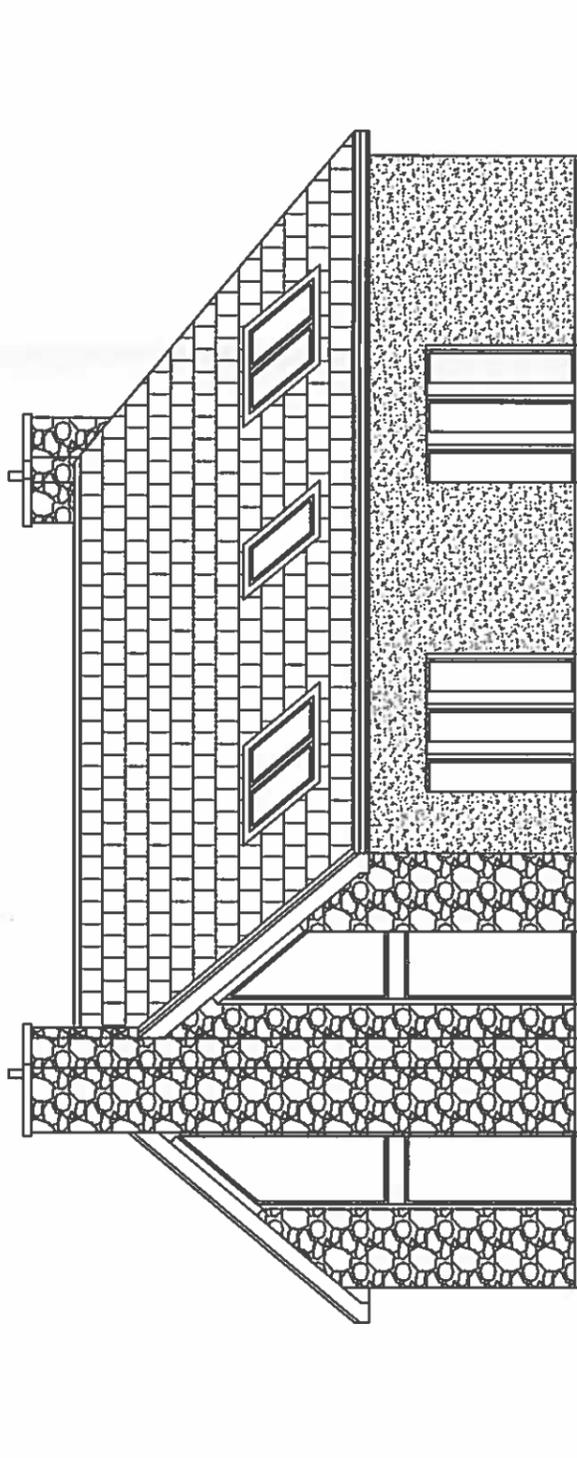
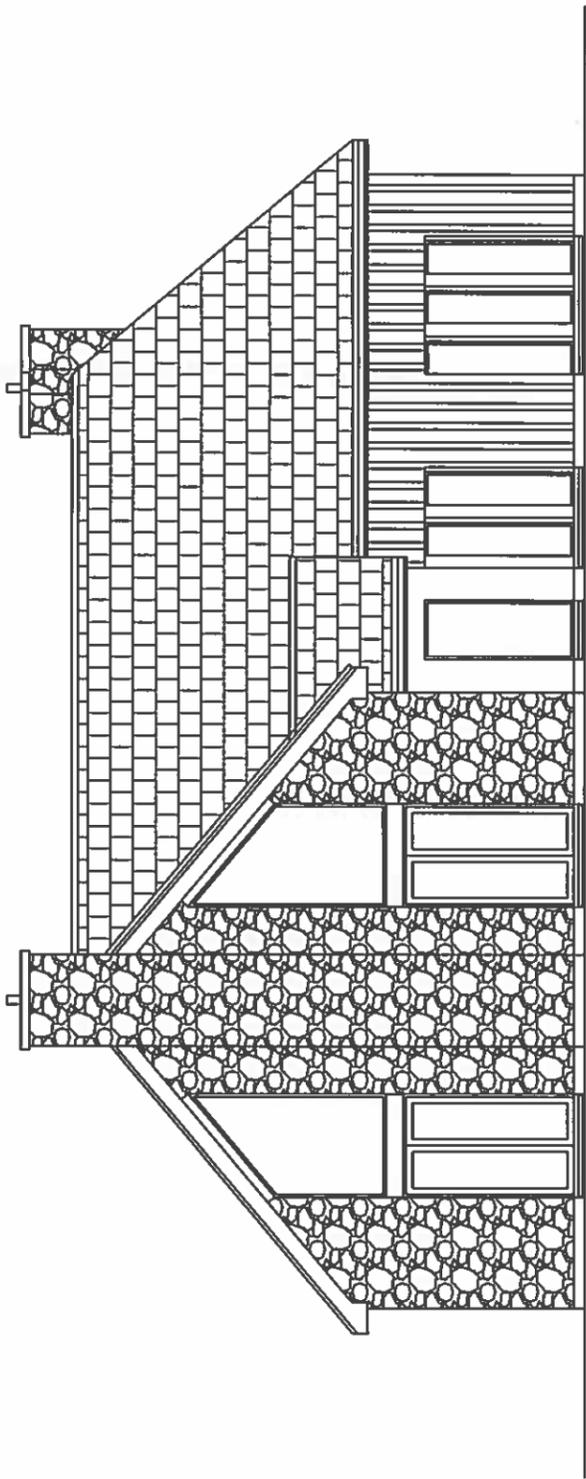
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 Ms I Grant

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