Moray Local Review Body

Thursday, 28 February 2019

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, 28 February 2019** at **09:30.**

BUSINESS

1	**Sederunt**	
2	**Declaration of Group Decisions and Members Interests ***	
3	**Minute of Meeting dated 31 January 2019**	**5 - 8**
	New Case	
4	**LR219 - Ward 2 - Keith & Cullen**	**9 - 94**
	Planning Application 18/01280/APP – Proposed 3 Apt Dwelling House at the rear of 96 Moss Street, Keith, AB56 5HE (off “Sodgers Lane”, Keith)	

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

GUIDANCE NOTES

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

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

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

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

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

Clerk Name: Lissa Rowan
Clerk Telephone: 01343 563015
Clerk Email: lissa.rowan@moray.gov.uk

THE MORAY COUNCIL

Moray Local Review Body

SEDERUNT

Councillor Amy Patience (Chair)
Councillor David Bremner (Depute Chair)
Councillor George Alexander (Member)
Councillor Paula Coy (Member)
Councillor Donald Gatt (Member)
Councillor Ray McLean (Member)
Councillor Derek Ross (Member)

Clerk Name: Lissa Rowan
Clerk Telephone: 01343 563015
Clerk Email: lissa.rowan@moray.gov.uk

MORAY COUNCIL

Minute of Meeting of the Moray Local Review Body

Thursday, 31 January 2019

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

PRESENT

Councillor George Alexander, Councillor David Bremner, Councillor Paula Coy, Councillor Donald Gatt, Councillor Ray McLean, Councillor Amy Patience, Councillor Derek Ross

APOLOGIES

IN ATTENDANCE

The Senior Planning Officer (Development Planning and Facilitation) and Mrs E Gordon, Planning Officer as Planning Advisers, Legal Services Manager as Legal Adviser and Mrs L Rowan, Committee Services Officer as Clerk to the Moray Local Review Body.

1. Chair

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

2. Declaration of Group Decisions and Members Interests

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

3. Minute of Meeting dated 20 December 2018

The Minute of the Meeting of the Moray Local Review Body dated 20 December 2018 was submitted and approved.

4. LR218 - Ward 5 - Heldon and Laich

Planning Application 18/01207/APP – Erect extension at 13 Bishops Court, Lossiemouth, IV31 6TL

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 Moray Local Development Plan 2015 policies IMP1 and H4 for the following reasons:-

The proposed two storey side extension of the form and size submitted, positioned immediately to the south of neighbouring housing (in this case 11 Bishops Court) would represent an inappropriate form of development for this location which would be detrimental to the amenity of neighbouring occupiers.

The proposed extension would cause an unacceptable loss of daylight and sunlight, and an increased sense of enclosure/overbearing impact to the garden of this adjacent property, by reason its bulk, height and close proximity to the site (side) boundary. It would therefore cause a material loss of residential amenity, contrary to policies IMP1 and H4.

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 24 January 2019, the Chair stated that all present members of the Moray Local Review Body (MLRB) were shown the site where the proposed development would take place and had before them papers which set out both the reasons for refusal and the Applicant's grounds for review.

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

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

Councillor Bremner, having had the opportunity to visit the site and consider the Applicant's grounds for review noted the Appointed Officer's comments in relation to policy H4 in terms of badly designed extensions and alterations however stated that he was of the view that the design of the extension was acceptable.

Councillor Gatt, also having had the opportunity to visit the site and consider the Applicant's grounds for review agreed with Councillor Bremner and also noted that the Appointed Officer's Report of Handling stated that the proposal would cause an unacceptable loss of daylight and sunlight, and an increased sense of enclosure/overbearing impact to the garden of the adjacent property. On reviewing the paperwork provided, Councillor Gatt stated that he could not find any report detailing the amount of sunlight that currently falls on the neighbouring property compared with the expected loss of sunlight once the extension is built to support this claim.

In response to Councillor Bremner's statement, the Planning Adviser advised that the proposal had not been refused on its design but due to the detrimental impact it would have on neighbouring occupiers in terms of the loss of sunlight/daylight due to the scale of the proposed extension. With regard to the sunlight/daylight assessment raised by Councillor Gatt, the Planning Adviser advised that a detailed assessment of sunlight and daylight had been

carried out however was not included in the papers submitted by Development Management.

Given this further information from the Planning Adviser, Councillor Gatt moved that consideration of Case LR218 be deferred until the next possible meeting of the MLRB so that further information could be provided from Development Management in respect of the sunlight/daylight assessment that was undertaken by the Appointed Officer at the time of determination. This was seconded by Councillor Ross.

Councillor Bremner, on hearing the advice from the Planning Adviser in terms of the proposed design not being the reason the application had been refused, queried why policy H4 had been cited as a reason for refusal.

In response, the Planning Adviser advised that policy H4 was the overriding policy in terms of extensions which also takes into consideration the size and scale of the proposal which was deemed to be inappropriate.

Councillor Bremner, being of a different view from the Appointed Officer in terms of policy H4, moved that the Appeal be upheld and planning permission granted as he was of the opinion that policy H4 did not apply to the proposal.

The Legal Adviser, on hearing Councillor Bremner's motion to approve the planning application, advised that Councillor Bremner would require to provide further reasons if he was minded to overturn the decision of the Appointed Officer as the application had been refused in terms of the scale of the proposal and the unacceptable loss of daylight and sunlight on the neighbouring property.

On hearing the advice from the Legal Adviser, Councillor Bremner agreed to withdraw his motion so that the sunlight/daylight assessment could be provided to the Committee.

There being no-one otherwise minded, the MLRB agreed to defer Case LR218 to the next possible meeting of the MLRB, so that further information could be provided from Development Management in respect of the sunlight/daylight assessment that was undertaken by the Appointed Officer at the time of determination.

MORAY LOCAL REVIEW BODY

28 FEBRUARY 2019

SUMMARY OF INFORMATION FOR CASE No LR219

Planning Application 18/01280/APP – Proposed 3 Apt Dwelling House at the rear of 96 Moss Street, Keith, AB56 5HE (off "Sodgers Lane", Keith)

Ward 2: Keith and Cullen

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 29 November 2018 on the grounds that:

The proposal is contrary to policies H3, IMP1 and H1 of the Moray Local Development Plan 2015 because both the proposed site and the site of the parent property fall significantly below the required 400sqm minimum plot size required by Policy H3. Therefore in this instance, the proposed parcel of land which measures 255.45 sq m is too small to be considered as a suitable house plot and would result in a cramped, over developed site which would fail to achieve an adequate level of amenity for both the proposed site and parent property. As a result, the proposal would have an intrusive impact on the site and surrounding area, including neighbouring properties and Sodgers Lane with the network of lanes in Keith providing an important element of the accessibility and permeability of the town. As such the proposal is contrary to the provisions of the Moray Local Development Plan 2015.

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

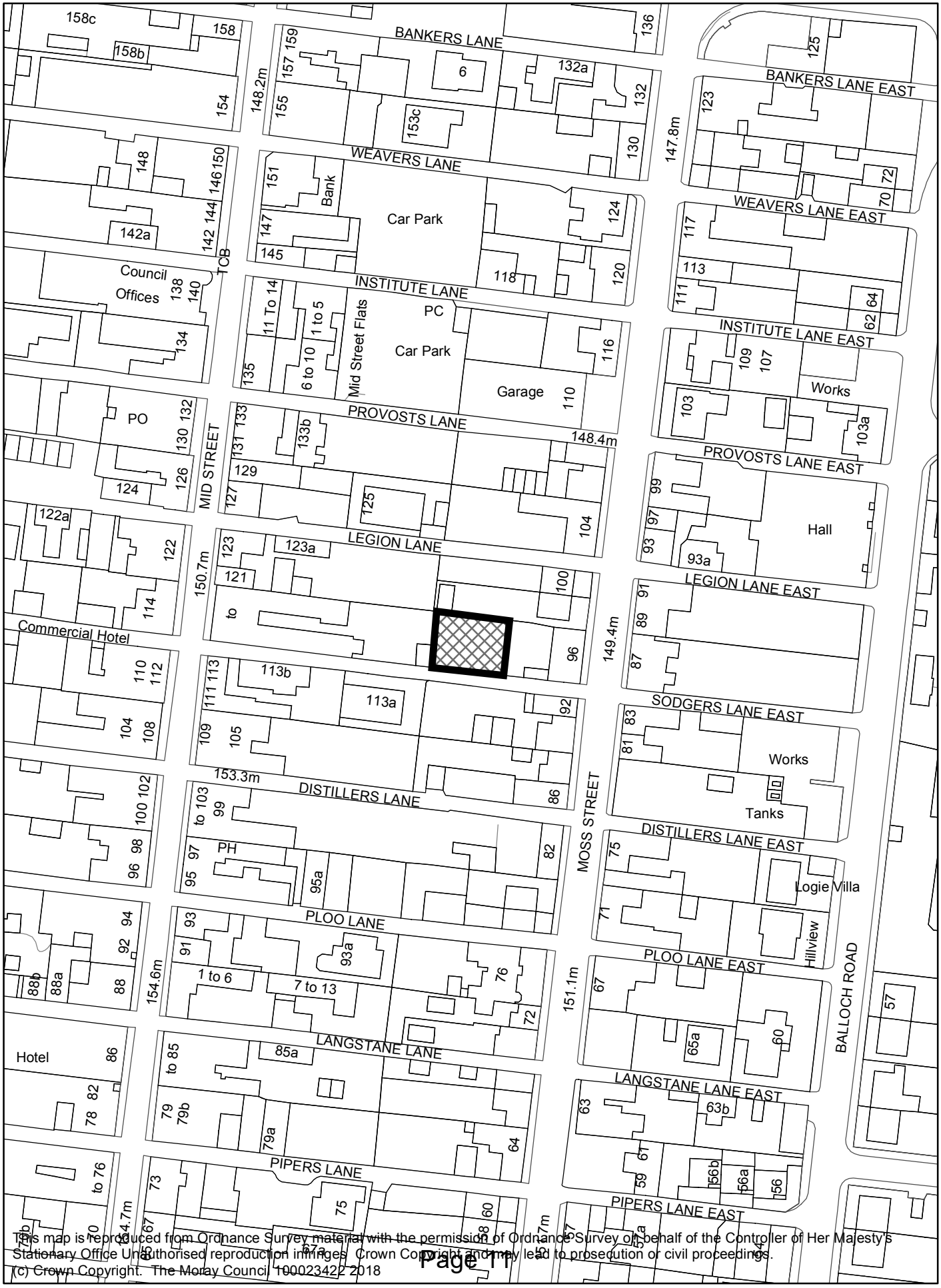
The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

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

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

Planning Application Reference Number:

18/01280/APP



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APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100138510-001

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

Type of Application

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

☒ Application for planning permission (including changes of use and surface mineral working).

☐ Application for planning permission in principle.

☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)

☐ Application for Approval of Matters specified in conditions.

Description of Proposal

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

Proposed 3 Apt Detached Dwelling House at the Rear of 96 Moss Street Keith and Off Sogers Lane

Is this a temporary permission? * ☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) * ☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

Agent Details

Please enter Agent details

Company/Organisation:	GP Waypoint Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Gordon	Building Name:	
Last Name: *	Philip	Building Number:	6
Telephone Number: *	07717523463	Address 1 (Street): *	Fleurs Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	ELGIN
Fax Number:		Country: *	Moray
		Postcode: *	IV30 1ST
Email Address: *	gordonphilip6@pobroadband.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Newton of Letterfourie
First Name: *	John	Building Number:	
Last Name: *	Robertson	Address 1 (Street): *	Letterfourie
Company/Organisation	John Robertson [North] Ltd	Address 2:	
Telephone Number: *	01542 850 462	Town/City: *	BUCKIE
Extension Number:		Country: *	Moray
Mobile Number:	[redacted]	Postcode: *	AB56 5LB
Fax Number:	01542 850 467		
Email Address: *	John@jrnorth.co.uk		

Site Address Details

Planning Authority: Moray Council

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

Address 1: 96 MOSS STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement: KEITH

Post Code: AB55 5HE

Please identify/describe the location of the site or sites

Northing 850417 Easting 343315

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☒ Telephone ☐ Letter ☒ Email

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

The proposals are a significant inprovement than the original scheme and far more likely to gain support should a formal application be submitted

Title: Mr Other title:

First Name: Iain Last Name: Drummond

Correspondence Reference Number: 18/00818/PE Date (dd/mm/yyyy): 27/09/2018

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

Site Area

Please state the site area: 255.45

Please state the measurement type used: ☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Vacant Garden Ground

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? * ☒ Yes ☐ No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ☐ Yes ☒ No

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? 0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? * 2

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * ☒ Yes ☐ No

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

☒ Yes – connecting to public drainage network

☐ No – proposing to make private drainage arrangements

☐ Not Applicable – only arrangements for water supply required

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

☒ Yes

☐ No, using a private water supply

☐ No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * ☐ Yes ☒ No ☐ Don't Know

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

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

Trees

Are there any trees on or adjacent to the application site? * ☐ Yes ☒ No

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

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * ☒ Yes ☐ No

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

Waste and Recycling Bins will be stored on-site and taken to "Sogers Lane" on collection days

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * ☒ Yes ☐ No

How many units do you propose in total? * 1

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

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * ☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * ☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * ☒ Yes ☐ No

Is any of the land part of an agricultural holding? * ☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: Gordon Philip

On behalf of: Mr John Robertson

Date: 27/09/2018

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.
☒ Elevations.
☒ Floor plans.
☒ Cross sections.
☐ Roof plan.
☐ Master Plan/Framework Plan.
☐ Landscape plan.
☐ Photographs and/or photomontages.
☐ Other.

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

Provide copies of the following documents if applicable:

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

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

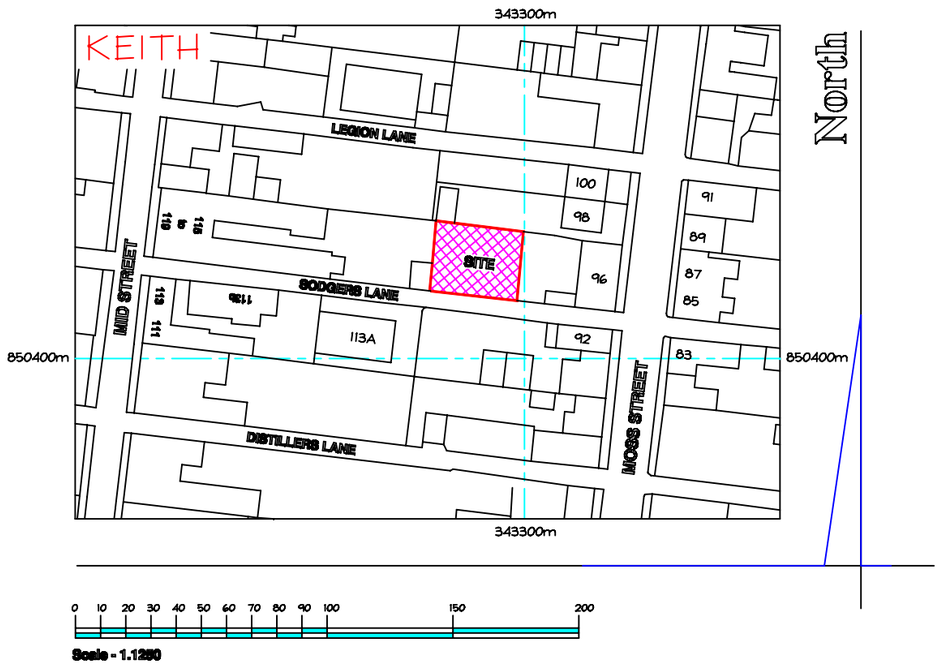
N/A

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Gordon Philip

Declaration Date: 27/09/2018



GORDON J PHILIP

PROPOSED 3 APT HOUSE
AT REAR OF
96 MOSS STREET
KEITH
AB55 5HE
OFF "SODGERS LANE"
KEITH
FOR
JOHN ROBERTSON
[NORTH] LTD

JOB

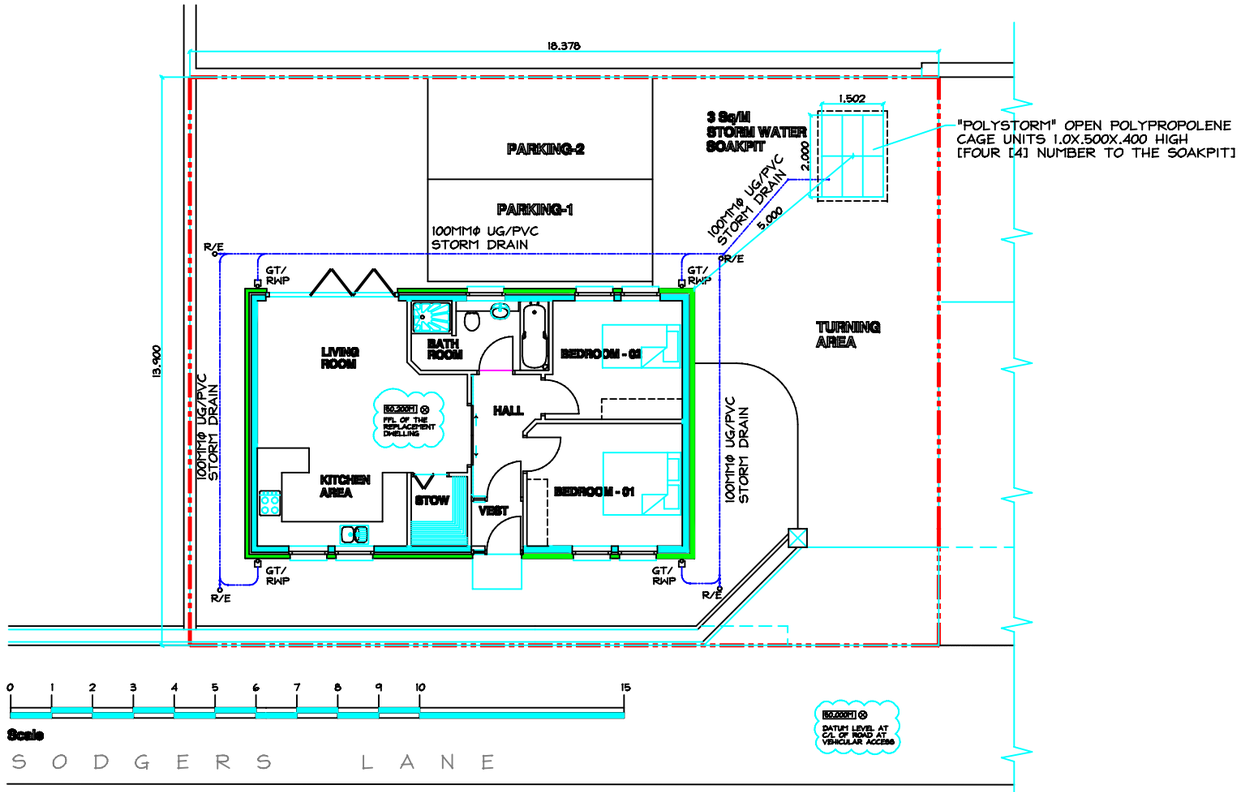
General Arrangement
[Site / Location / Plan]

DRAWING

SCALE	1:1250
DATE	SEPTEMBER 2018
DRAWN BY	G J PHILIP

DRAWING No ND/914-03 REV Site

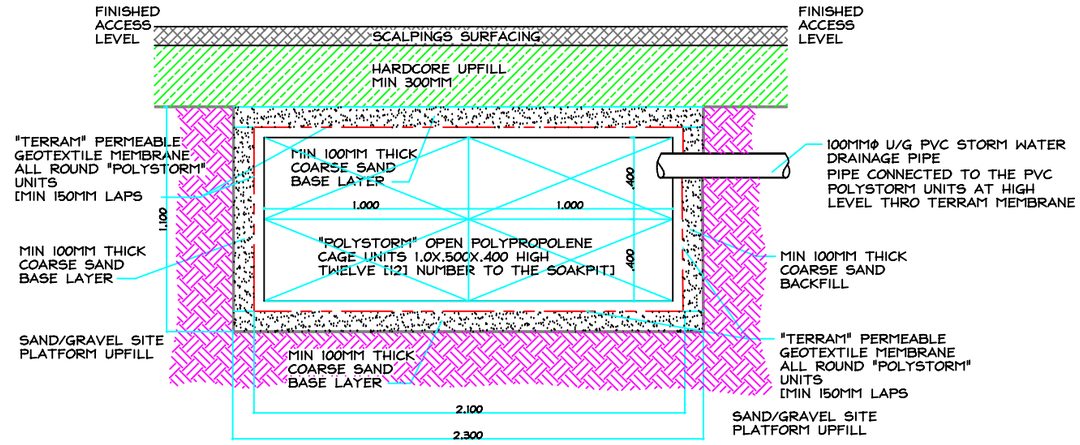
GORDON J PHILIP
[G P WAYPOINT DESIGN]
6 FLEURS PLACE
ELGIN IV30 1ST
MOB - 07717 523 463



Storm Water Disposal Plan Layout [nts]

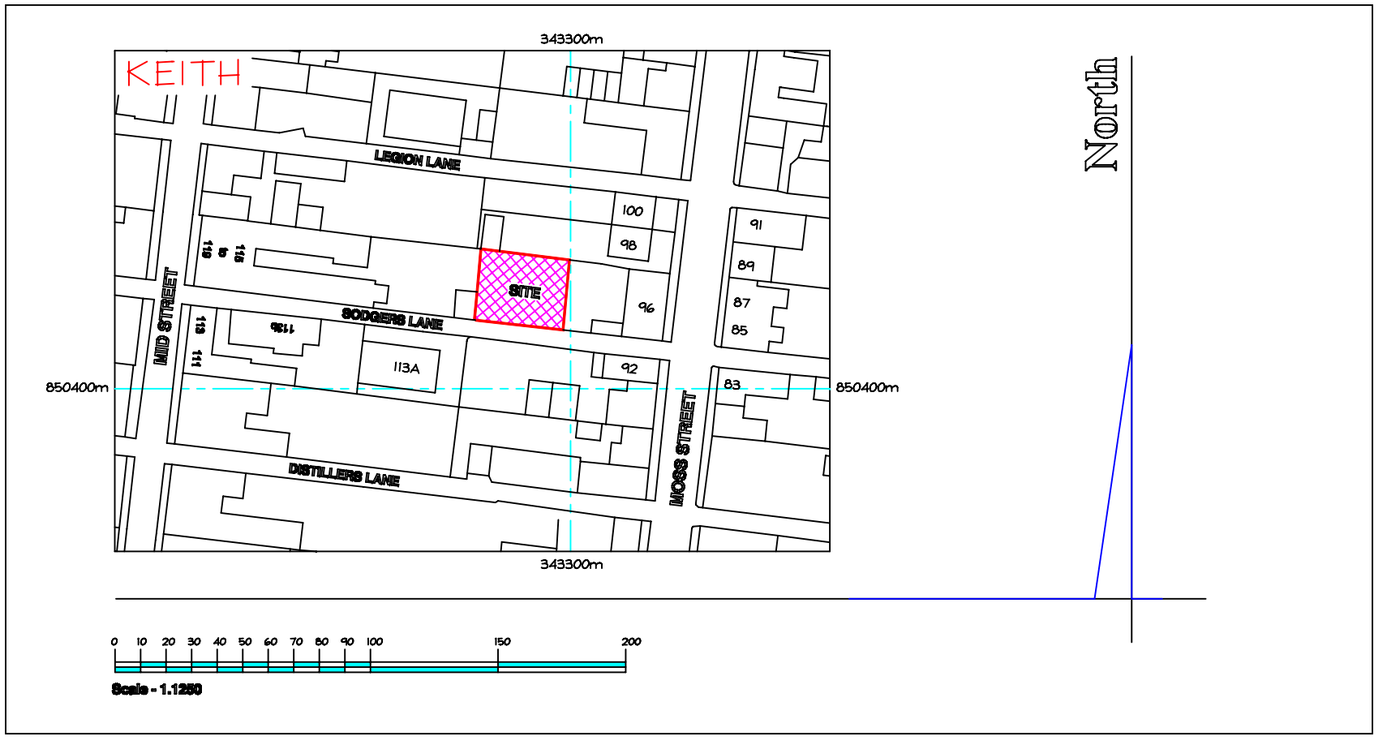
S-W SOAKPIT CONSTRUCTION

PIT EXCAVATED 2.300X1.200X1.800 DEEP
PLACE AND COMPACT 100MM LAYER OF
COARSE SAND IN BASE OF PIT
COVER BASE AND LINE SIDES WITH "TERRAM"
PERMEABLE GEOTEXTILE MEMBRANE3 WITH
MIN 150MM OVERLAPS
PLACE "POLYSTORM" MODULAR POLYPROPOLENE
UNITS IN PIT - TWELVE [12] NUMBER
ENCLOSE THE COMPLETE "POLYSTORM" STRUCTURE
WITH THE "TERRAM" MEMBRANE
BACKFILL ROUND SIDES OF STRUCTURE WITH
COARSE SAND MIN 100MM THICK
TOP LAYER OF COURSE SAND MIN 100MM THICK
GRANULAR UPFILL AND SCALPINGS MIN 300MM
THICK TO MATCH EXISTING SOLUM LEVELS
100MMΦ INLET PIPEWORK TO BE CONNECTED
THRO "TERRAM" TO "POLYSTORM" ADAPTOR



TYPICAL SECTION THRO STORM / WATER SOAKPIT - 3 SQ/M

Storm Water Soakpit



Location Plan 1:1250

REVISIONS

B [I] DATUM LEVEL NOTED AT C/L OF ROADWAY AT VEHICULAR ACCESS AND FFL NOTED ON PROPOSED DWELLING FLOOR PLAN

[II] STORM WATER DISCHARGE TO BE TAKEN TO A SOAKPIT WITHIN THE SITE BOUNDARIES TOP COMPLY WITH THE "SUDS" REQUIREMENTS

GORDON J PHILIP

PROPOSED 3 APT HOUSE
AT REAR OF
96 MOSS STREET
KEITH
AB55 5HE
OFF "SODGERS LANE"
KEITH
FOR
JOHN ROBERTSON
[NORTH] LTD

JOB

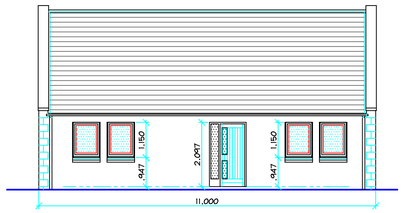
General Arrangement
[Site / Location / Plan]

DRAWING

SCALE	1:1250
DATE	SEPTEMBER 2018
DRAWN BY	G J PHILIP

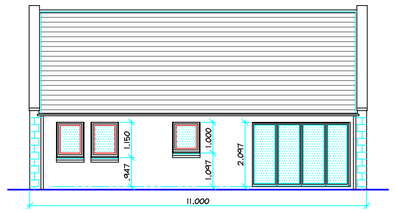
DRAWING No ND/914-03 REV Site-B

GORDON J PHILIP
[G P WAYPOINT DESIGN]
6 FLEURS PLACE
ELGIN IV30 1ST
MOB - 07717 523 463

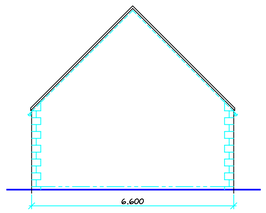


South Elev 1:100

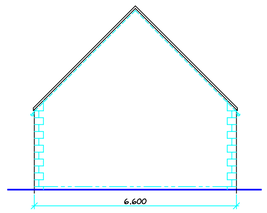
[FACING SODJERS LANE]



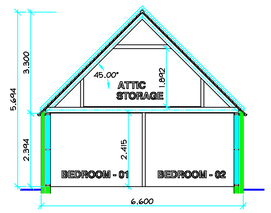
North Elev 1:100



West Elev 1:100



East Elev 1:100



Section 1:100

INDICATIVE 3 APT SINGLE STOREY DWELLING HOUSE

[72.600 Sq/M Footprint]

SUGGESTED DWELLING FINISHES

ROOF
"CUPA" OR SIMILAR NATURAL SLATES
[GREY]

WALLING
"DECAROC" DRY DASH RENDER - [SMALL CHIP]
[WHITE]

FEATURE CORNER RYBANDS
EXPOSED AGGREGATE PRECAST BLOCKS
[GREY GRANITE CHIP]

GABLE SKEWS
EXPOSED AGGREGATE PRECAST BLOCKS
[GREY GRANITE CHIP]

WINDOWS
PVC FRAMED & DOUBLE GLAZED
[DARK GREY]

DOORS
PVC VERTICAL LINING FEATURES
[DARK GREY]

GUTTERS / DOWNPIPES
PVC [BLACK]

SITE AREA
255.454 SQ/M
0.025 HA
[OR THEREBY]

DWELLING FOOTPRINT
72.600 SQ/M
[OR THEREBY]

VEHICULAR AREA
[INCLUDING 50% OF LAY-BY]
101.565 SQ/M
[OR THEREBY]

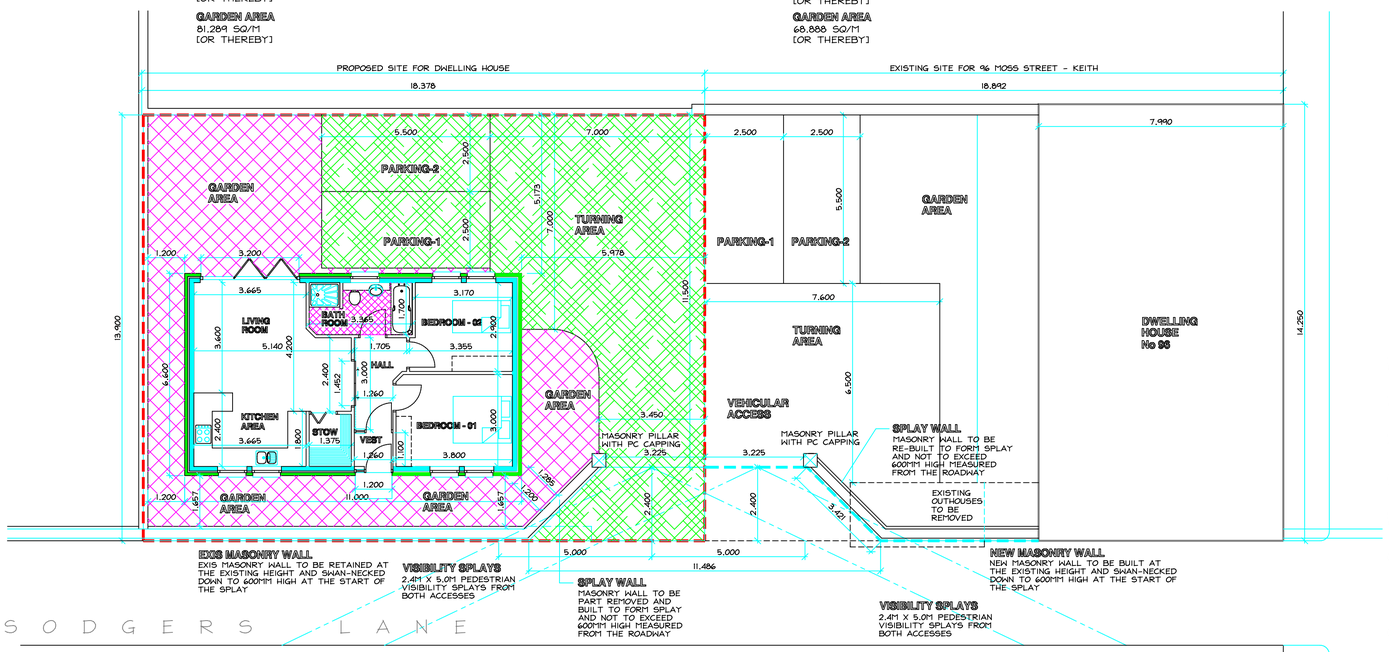
GARDEN AREA
81.289 SQ/M
[OR THEREBY]

SITE AREA
269.211SQ/M
0.026 HA
[OR THEREBY]

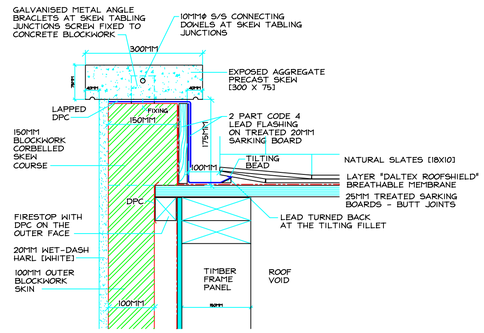
DWELLING FOOTPRINT
113.857 SQ/M
[OR THEREBY]

VEHICULAR AREA
[INCLUDING 50% OF LAY-BY]
86.466 SQ/M
[OR THEREBY]

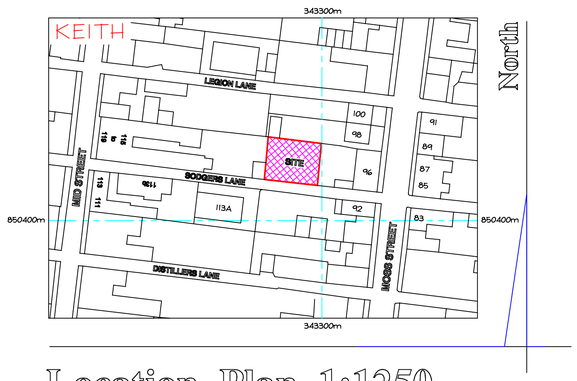
GARDEN AREA
68.888 SQ/M
[OR THEREBY]



G.F. Plan / Site Plan Layout 1:100



Skew Tabling Detail



Location Plan 1:250

REVISIONS

GORDON J PHILIP

PROPOSED 3 APT HOUSE
AT REAR OF
96 MOSS STREET
KEITH
AB55 5HE
OFF "SODGERS LANE"
KEITH
FOR
JOHN ROBERTSON
[NORTH] LTD

JOB

General Arrangement
[Site / Location / Plans]

DRAWING

SCALE	1:100
DATE	SEPTEMBER 2018
DRAWN BY	G J PHILIP

DRAWING No ND/914-03 REV 06

GORDON J PHILIP
[G P WAYPOINT DESIGN]
6 FLEURS PLACE
ELGIN IV30 1ST
MOB - 07717 523 463

Consultee Comments for Planning Application 18/01280/APP

Application Summary
Application Number: 18/01280/APP
Address: Site To Rear Of 96 Moss Street Keith Moray
Proposal: Erect dwellinghouse on
Case Officer: Shona Strachan

Consultee Details
Name: Mr CL Consultations
Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX
Email: clconsultations@moray.gov.uk
On Behalf Of: Contaminated Land

Comments
No comments.

Adrian Muscutt

From: DeveloperObligations
Sent: 9 Oct 2018 15:02:01 +0100
To: Shona Strachan
Cc: DC-General Enquiries
Subject: 18/01280/APP Erect dwellinghouse on Site to Rear of 96 Moss Street, Keith
Attachments: 18-01280-APP Erect dwellinghouse on Site to Rear of 96 Moss Street, Keith.pdf

Hi

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

Regards
Hilda

Find us on
Moray Council Planning

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

moray council

Moray Growth Deal
Innovation from Tradition

Developer Obligations: ASSESSMENT REPORT

Date: 09/10/2018

Reference: 18/01280/APP

Description: Erect dwellinghouse on Site to Rear of 96 Moss Street, Keith

Applicant: John Robertson (North) Ltd

Agent: GP Waypoint Design

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

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

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare *(Contribution towards Replacement Health Centre in Keith)*	[redacted]
Sports and Recreation	Nil
Total Developer Obligations	[redacted]

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:

2 bed = 0.8 SRUE

This assessment is therefore based on 0.8 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 Keith Primary School. The school is currently operating at 83% functional capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Primary Education = Nil

Secondary Education

Pupils generated by this development are zoned to Keith Grammar School. The school is currently operating at 69% 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 271m^2.

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).

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

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

[redacted]

Contribution towards Healthcare= [redacted]

Sports and Recreational Facilities

Sports and Recreation Facilities

Existing sports provision within Keith 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.

10th October 2018

Moray Council
Council Office
High Street
Elgin
IV30 9BX

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

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

Dear Sir/Madam

SITE: AB55 Keith 96 Moss Street Site To Rear Of
PLANNING REF: 18/01280/APP
OUR REF: 767810
PROPOSAL: Erect dwellinghouse on

Please quote our reference in all future correspondence

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

Water

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

Foul

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

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

<u>Surface Water</u>

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

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

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

General notes:

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

  Site Investigation Services (UK) Ltd
  Tel: 0333 123 1223
  Email: sw@sisplan.co.uk
  www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

- **If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.**

- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

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

Next Steps:

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

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

- **10 or more domestic dwellings:**

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

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

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

- **Trade Effluent Discharge from Non Dom Property:**
  Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
  If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h
  Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
  For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
  The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for

separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

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

Yours sincerely
Lisa Lennox
Development Operations Analyst
Lisa.lennox2@scottishwater.co.uk

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	23rd October 2018
Planning Authority Reference	18/01280/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site To Rear Of 96 Moss Street Keith Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133002140
Proposal Location Easting	343315
Proposal Location Northing	850417
Area of application site (Ha)	255 m^2
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PFR4QCBGG2Y00
Previous Application	18/00818/PE 18/00176/APP 13/00472/APP
Date of Consultation	9th October 2018
Is this a re-consultation of an existing application?	No
Applicant Name	John Robertson [North] Ltd
Applicant Organisation Name	
Applicant Address	Newton of Letterfourie Letterfourie BUCKIE Moray AB56 5LB
Agent Name	GP Waypoint Design
Agent Organisation Name	
Agent Address	6 Fleurs Place ELGIN Moray IV30 1ST
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:
If you do not respond by the response date, it will be assumed that you have no

comment to make.

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

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.
For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 18/01280/APP
Erect dwellinghouse on Site To Rear Of 96 Moss Street Keith Moray for John Robertson [North] Ltd

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

		Please
(a)	I OBJECT to the application for the reason(s) as stated below	❑
(b)	I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal	❑
(c)	I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below	**x**
(d)	Further information is required in order to consider the application as set out below	❑

Note: This proposal is for the erection of a new dwelling within the garden grounds of 96 Moss Street Keith. The proposal includes the widening of the existing access to provide access to both the original and proposed dwellings. Access to each dwelling has been shown via the same access but via a separate side by side arrangement with no 'physical' separation and includes alterations to both sides of the access, including lowering/ removal/ setting back of the existing boundary walls.

It is highlighted that the red line site boundary does not include the section of boundary wall to be altered at the eastern side of the access.

Condition(s)

1. Prior to the first occupation of the new dwelling a pedestrian visibility splay 2.4m x 5.0m shall be provided in both directions at both sides of the shared access onto the U180E Sodgers Lane (taken from the back of the carriageway) as shown on submitted drawing ND/914-03 Rev 06; and thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6m 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 the existing backing kerbs shall be extended along the back of the existing carriageway across the full width of the extended access (to delineate and protect the edge of the carriageway following the removal of the existing boundary wall). The width of the access shall be as shown on submitted drawing ND/914-03 Rev 06.

Reason: To ensure acceptable infrastructure at the development access

3. Parking provision shall be as follows:

- 2 spaces for the new dwelling
- 2 spaces retained for the existing dwelling

The car parking spaces shall be provided within the site prior to the occupation of the new dwelling. 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.

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

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

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

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

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.

The formation of the required visibility splay(s) will involve works to remove/ lower/ alter the existing boundary wall fronting onto Sodgers Lane. The existing street lighting column appears to be located outwith the extents of the widened access, but within the visibility splay. For the benefit of clarity the street lighting column may remain within the visibility splay.

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

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

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

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

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

Contact: DA/AG **Date 22 October 2018**
email address: transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

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

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

Transport Scotland

Trunk Road and Bus Operations (TRBO)
Network Operations - Development Management

TRANSPORT SCOTLAND

Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 S.I.2013 No 155 (S.25)

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Moray Council Elgin	Council Reference:-	18/01280/APP
	TS TRBO Reference:-	NE/334/2018

Application made by John Robertson [North] Ltd per GP Waypoint Design, 6 Fleurs Place,ELGIN,Moray,IV30 1ST and received by Transport Scotland on 09 October 2018 for planning permission for erect dwellinghouse located at Site To Rear Of 96 Moss Street,Keith,Moray affecting the A96 Trunk Road.

Director, Trunk Roads Network Management Advice

1. The Director does not propose to advise against the granting of permission ☑
2. The Director advises that planning permission be refused (see overleaf for reasons). ☐
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons). ☐

To obtain permission to work within the trunk road boundary, contact the Route Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-	Route Manager (A96) 0141 272 7100 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Operating Company:-	NORTH EAST
Address:-	Bear House, Inveralmond Road, Inveralmond Industrial Estate, PERTH, PH1 3TW
Telephone Number:-	01738 448600
e-mail address:-	NEplanningapplications@bearscotland.co.uk

Transport Scotland Response Date:- 17-Oct-2018

Transport Scotland Contact:- Fred Abercrombie

Transport Scotland Contact Details:-
Trunk Road and Bus Operations, Network Operations - Development Management
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Telephone Number: 0141 272 7382
e-mail: development_management@transport.gov.scot

NB - Planning etc. (Scotland) Act 2006
Planning Authorities are requested to provide Transport Scotland, Trunk Road and Bus Operations, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

Consultee Comments for Planning Application 18/01280/APP

Application Summary

Application Number: 18/01280/APP
Address: Site To Rear Of 96 Moss Street Keith Moray
Proposal: Erect dwellinghouse on
Case Officer: Shona Strachan

Consultee Details

Name: Mr EH Consultations
Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX
Email: ehplanning.consultations@moray.gov.uk
On Behalf Of: Environmental Health C12

Comments

Approved unconditionally
Kevin Boyle

REPORT OF HANDLING

Ref No:	18/01280/APP	**Officer:**	Shona Strachan
Proposal Description/ Address	Erect dwellinghouse on Site To Rear Of 96 Moss Street Keith Moray		
Date:	23/11/18	**Typist Initials:**	FJA

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

CONSULTATIONS		
Consultee	**Date Returned**	**Summary of Response**
Planning And Development Obligations	09/10/18	Obligation required towards Healthcare facilities
Environmental Health Manager	22/10/18	No objection
Transportation Manager	22/10/18	No objection subject to conditions and informatives
Contaminated Land	09/10/18	No objection
Scottish Water	10/10/18	No objection but this does not guarantee connection to Scottish water infrastructure
Transport Scotland	17/10/18	Do not advise against the grant of planning permission

DEVELOPMENT PLAN POLICY		
Policies	**Dep**	**Any Comments (or refer to Observations below)**
PP1: Sustainable Economic Growth	N	
PP3: Placemaking	N	
H1: Housing Land	Y	
H3: Sub division for House Plots	N	
EP5: Sustainable Urban Drainage Systems	N	
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
T2: Provision of Access	N	

T5: Parking Standards	N	
IMP1: Developer Requirements	Y	
IMP3: Developer Obligations	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received TWO		
Names/Addresses of parties submitting representations Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
Issue: The proposal is contrary to Policy H3 of the local development plan with the proposal failing to meet the specified requirements of this policy. Although the site for the proposed dwelling is less than 50% of the original plot, both sites are considerably less than the recommended minimum of 400 square metres excluding access. The proposed site is only 255 square metres including access (lay-by) and the original plot is now only 269 square metres including access (lay-by). The contributor asserts that the proposal is an over-development of the site. **Comments (PO):** The site does fall short of the required minimum plot size of 400 sqm with the proposal representing an over-development of the site. The proposal will be recommended for refusal on this basis.		
Issue: The proposal is contrary to Policy H3 as it will result in backland and tandem development. **Comments (PO):** The access for the proposed site and the existing building is via Sodgers Lane which means that the proposal is more reflective of tandem development a form of development which is discouraged by policy H3.		
Issue: Concern about small area of designated garden ground for the new dwelling which is confirmed as approximately 81 sq m on the site plan given the constraints of the site and the requirements for on-site parking provision the contributor is concerned that only 25 sq m of the site could be used as 'useable' garden ground. **Comments (PO):** Policy H3 specifies a minimum plot size rather than identify a specific garden area size, however, it is apparent that the small areas identified by the contributor reflect the small site size particularly given the on-site requirements for access, parking and drainage.		
Issue: There is a minimum requirement for surface water drainage soakaway to be more than 5m away from the building and boundary of the site. The drawing has a dimension of 5m from the proposed building to the centre of the soakaway, not the edge. It is also only approximately 1m from the boundary of the adjacent property at No.98 Moss Street, with concern noted that this short distance could undermine the boundary wall. **Comments (PO):** Whilst the comments are noted and reflect the small constrained size, this is a building standards requirement rather than a specific planning policy requirement.		
Issue: This proposal differs from the previously approved application 18/00176/APP for the change of use of the building at 96 Moss Street from an office to a dwelling house and included proposals for a garage to the rear of the property. Concern that the change to this proposal had not been notified and query as to whether the permission under 18/00176/APP would need a new application. **Comments (PO):** This current application for the erection of a dwelling house would address the change of use issue for the current site (if approved). A new application would not be needed for the resultant changes to the permission granted under 18/00176/APP.		
Issue: The application if approved would set a precedence to allow "edifices" to be built where garages and sheds are located bring overdevelopment and pressures on privacy and access. **Comments (PO):** Each application is judged on its own individual merits as is the case with this application.		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Legislative Requirements
Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require applications for planning permission to be determined in accordance with the development plan (i.e. the Moray Local Development Plan 2015 (MLDP)) unless material considerations indicate otherwise. The main planning issues are considered below.

Proposal
Planning permission is sought for the erection of a dwellinghouse on Site To Rear Of 96 Moss Street, Keith.

The total site area for the proposed house plot is 255.45sqm. The proposed house is a small traditionally proportioned two bedroom dwelling which measures 6.6m x 11.0m resulting in a footprint of 72.6 sq m with a ridge height of 5.69m. The proposed material finishes are: grey natural slate, white drydash render for the walls with corner features to be made from exposed aggregate pre-cast blocks in grey granite chip with dark grey PVC windows and doors.

The site will be accessed via Sodgers Lane with a shared access proposed with the 'parent property' at 96 Moss Street, the site plan shows provision for two parking spaces and an onsite turning area with the storm water soakpit located on the turning area. The dwelling would seek a connection to the public mains water supply.

The site plan identifies that the site area for the parent property will be 269.2 sq m and details of the shared access, the on-site parking requirements and garden area are shown. It is noted no formal boundary is proposed to the east adjoining the parent property.

Site Characteristics
The site is located to the rear of 96 Moss Street and has its frontage onto Sodgers Lane. The parent property at 96 Moss Street is located to the east of the site. The site is separated from neighbouring properties to the north and west by existing boundary walls and to the south the existing boundary wall has been altered to provide an access opening. There are neighbouring properties to the south of the site on the opposite side of Sodgers Lane.

The character of the surrounding area is defined by a tight settlement pattern with examples of previous sub-divided plots in the vicinity of the site. The surrounding land uses are predominately residential with commercial uses nearby at Mid Street which is to the west of the site.

The lanes in Keith are an important part of the permeability of the town.

Planning History
In terms of recent planning history, the application site was included as garden ground accommodating a garage under application 18/00176/APP which permitted the change of use of 96 Moss Street from an office to a dwelling as approved on 12 April 2018.

Thereafter, pre-application planning advice was given on a proposal for a dwelling at the rear of 96 Moss Street with the drawings showing an indicative 7.1m high dwelling with accommodation provided over two stories. The response outlined the policy requirements of Policy H3, identifying that the proposed site was considerably short of the required 400 sqm threshold for both the parent and proposed plot. It was also highlighted that the proposed house design would not be acceptable and that a smaller single storey dwelling might be more appropriate.

Subsequently, an email exchange took place wherein revised drawings were provided to show the siting and design arrangement as provided in this current planning application. The advice given was

that the revised proposal was a significant improvement on the original scheme and would be far more likely to gain support. It was also noted that, the proposal would still represent a departure from policy in terms of site size and overall compliance but that this would be weighed against the character of the surrounding area.

However, it is noted here that all preliminary planning advice is provided on the basis that it is without prejudice to the consideration and determination of any future planning application with a full disclaimer provided on the preliminary enquiry response.

Policy Assessment
Principle of Development (H3, IMP1 and H1)
Policy H3 Sub division of House Plots is the most pertinent policy in the assessment of this application. Policy H3 advises that the subdivision of house plots will be acceptable where the subdivision is less than 50% of the original plot, the proposed site is at least 400sqm excluding access, the house style compliments the character of the surrounding area and the scale and character of the parent and neighbouring properties. It is also advised that the development should avoid overlooking and amenity impact on the surrounding properties. Sufficient parking must be provided for the parent and proposed house. Advice is also given on "backland" and "tandem" development both of which are discouraged. Looking at site as applied for is does show all the characteristics of a tandem development where it effectively shares the same access as the parent property and would sit in sits former garden area.

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

Policy H1 advises that new housing on land not designated for residential development within settlement boundaries will be acceptable provided the proposal does not adversely impact upon the surrounding area and the requirements of policy IMP1 are met.

In the assessment of this planning application consideration has been given to all the preliminary enquiry advice provided as well as the character of the surrounding area which includes examples of other subdivided sites. However, for the reasons outlined below, these factors do not provide enough of a justification to support a proposal which fails to meet current policy requirements.

The proposed site measures 255.45sqm which is less than 50% of the original plot size (total area of approximately 524.67sqm) and would leave a site area of 269.2sqm for the parent property as required by Policy H3. It is also acknowledged that the house design proposed is proportionate to the site in plan form. However, both the proposed site and the site of the parent property fall significantly below the required 400sqm minimum plot size required by Policy H3. Therefore in this instance, the proposed parcel of land which measures 255.45 sq m is too small to be considered as a suitable house plot and would result in a cramped, over developed site which would fail to achieve an adequate level of amenity for both the proposed site and parent property. As a result the proposal would have an intrusive impact on the site and surrounding area, including neighbouring properties and Sodgers Lane with the network of lanes in Keith providing an important element of the accessibility and permeability of the town. The confines of the site and the need for communal parking have contributed to the absence of hard boundary on the eastern side of the plot adjacent to the parent property. While this is not grounds for refusal the intimate size of the parent and proposed plots will not be aided by the absence of formal boundary between the properties.

Consideration was given to other similar sub-divisions in the wider area. These were predominantly approved under previous local development plans, and under differing policies. Several local development plans ago, the sub-division policy was altered to increase the minimum size of site acceptable up from 300sqm to 400sqm. This was in part due to address the development pressure in Keith where lanes were under increasing pressure to host property sub-divisions. Following a public

inquiry into the emerging policy the reporter agreed that the restriction would help to maintain the residential amenity and built character of Keith.

On this basis the proposal would be contrary to the provisions of Policies H3, IMP1 and H1.

Water and Drainage (EP5, EP10 and IMP1)
The proposed house is to connect to the public sewer and water supply, with provision on site for surface water drainage via a storm water soakpit. Scottish Water has raised no objection but this does not guarantee connection to Scottish water infrastructure and any connection would be the subject of separate liaison between the applicant and Scottish Water at the appropriate juncture.

It is also noted here, that the detailed arrangements and location of the proposed surface water drainage would be assessed under Building Standards regulations but the level of information provided is sufficient for the requirements of Policy EP5.

However, these matters are separate to the main policy objection to the proposal on siting grounds.

Access and Parking (T2 and T5)
Given the sites proximity to the Trunk Road Network, Transport Scotland was consulted on the proposal, it is confirmed in their response that they do not advise against the grant of planning permission.

The Moray Council Transportation Manger has raised no objection to the proposal subject to a number of planning conditions which would cover, the provision and maintenance of the required visibility splay, requirement for an extension to the existing backing kerbs, onsite parking and turning requirements for the new dwelling and the original dwelling as well as acceptable roads drainage measures.

Subject to compliance with the required conditions the proposal would be acceptable in relation to Policies T2 and T5.

However, these matters are separate to the main policy objection to the proposal on siting grounds.

Developer Obligations (IMP3)
An assessment has been carried out in relation to Policy IMP3 Developer Obligations and associated Supplementary Guidance on Developer Obligations. The assessment has identified that developer obligations are required towards healthcare facilities within Keith.

The agent has confirmed acceptance of the identified obligation adding that the required obligation would be settled 'up-front' before the issue of any planning consent. This acceptance of developer obligations does not over-ride the unacceptable nature of the proposal based upon its location/siting characteristics.

Conclusion and recommendation
The proposal is considered to result in a development which by virtue of the small physical size of the site would result in a form of development which does comply with the provision of the MLDP 2015 and is therefore recommended for refusal.

Recommendation
Refuse

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
18/00818/PE	Proposed dwellinghouse on Site To Rear Of 96 Moss Street Keith Moray			
	Decision	ID/PE Answered	**Date Of Decision**	17/08/18
18/00176/APP	Change of use of office to domestic dwelling at 96 Moss Street Keith Moray AB55 5HE			
	Decision	Permitted	**Date Of Decision**	12/04/18
13/00472/APP	Conversion of office to house at 96 Moss Street Keith Moray AB55 5HE			
	Decision	Permitted	**Date Of Decision**	09/05/13

ADVERT

Advert Fee paid?	**Yes**	
Local Newspaper	**Reason for Advert**	**Date of expiry**
Banffshire Herald	Departure from development plan	08/11/18
PINS	Departure from development plan	08/11/18

DEVELOPER CONTRIBUTIONS (PGU)

Status	**CONT SOUGHT**

DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?		NO

Summary of main issues raised in each statement/assessment/report

Document Name:

Main Issues:

S.75 AGREEMENT

Application subject to S.75 Agreement		NO

Summary of terms of agreement:

Location where terms or summary of terms can be inspected:

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

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

REFUSAL OF PLANNING PERMISSION

[Keith And Cullen]
Application for Planning Permission

TO John Robertson [North] Ltd
c/o GP Waypoint Design
6 Fleurs Place
ELGIN
Moray
IV30 1ST

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

Erect dwellinghouse on Site To Rear Of 96 Moss Street Keith Moray

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

Date of Notice: **29 November 2018**

[redacted]

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 policies H3, IMP1 and H1 of the Moray Local Development Plan 2015 because both the proposed site and the site of the parent property fall significantly below the required 400sqm minimum plot size required by Policy H3. Therefore in this instance, the proposed parcel of land which measures 255.45 sq m is too small to be considered as a suitable house plot and would result in a cramped, over developed site which would fail to achieve an adequate level of amenity for both the proposed site and parent property. As a result, the proposal would have an intrusive impact on the site and surrounding area, including neighbouring properties and Sodgers Lane with the network of lanes in Keith providing an important element of the accessibility and permeability of the town. As such the proposal is contrary to the provisions of the Moray Local Development Plan 2015.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
ND/914-03/SITE		Location plan
ND/914-03/SITE	B	Site plan
ND/914-03/06		Elevations and floor plan

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

N/A

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

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

also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

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

APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100146699-001

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

Applicant or Agent Details

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

Agent Details

Please enter Agent details

Company/Organisation:	GP Waypoint Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Gordon	Building Name:	
Last Name: *	Philip	Building Number:	6
Telephone Number: *	07717523463	Address 1 (Street): *	Fleurs Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	ELGIN
Fax Number:		Country: *	Moray
		Postcode: *	IV30 1ST
Email Address: *	gordonphilip6@pobroadband.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	John	Building Number:	96
Last Name: *	Robertson	Address 1 (Street): *	Moss Street
Company/Organisation	John Robertson [North] Ltd	Address 2:	
Telephone Number: *		Town/City: *	KEITH
Extension Number:		Country: *	Moray
Mobile Number:	07825760676	Postcode: *	AB56 5HE
Fax Number:			
Email Address: *	john@jrnorth.co.uk		

Site Address Details

Planning Authority: Moray Council

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

Address 1:	
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	
Post Code:	

Please identify/describe the location of the site or sites

Northing	850419	Easting	343311

Description of Proposal

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

Proposed 3 Apt Dwelling House at the Rear of 96 Moss Street - Keith - AB56 5HE Off "Sodgers Lane" - Keith

Type of Application

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

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

☐ Application for planning permission in principle.

☐ Further application.

☐ Application for approval of matters specified in conditions.

What does your review relate to? *

☒ Refusal Notice.

☐ Grant of permission with Conditions imposed.

☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

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

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

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

Appeal against the Refusal of Planning Approval although a positive response was given thro the Pre Application Planning Enquiry Process and the recommendation in the subsequent report to submit a Detailed Planning Submission for the proposal

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * ☐ Yes ☒ No

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

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

Copy of the e-mail sent to the Planning Officer on 13th Nov 2018 after being informed of the intention to Refuse the Application Copy of the Refusal Notice Copy of the Planning Pre Application Response Copies of the relevant Drawings

Application Details

Please provide details of the application and decision.

What is the application reference number? *	18/01280/APP
What date was the application submitted to the planning authority? *	03/10/2018
What date was the decision issued by the planning authority? *	29/11/2018

Review Procedure

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

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

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? *	☒ Yes ☐ No
Is it possible for the site to be accessed safely and without barriers to entry? *	☒ Yes ☐ No

Checklist – Application for Notice of Review

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

Have you provided the name and address of the applicant?. *	☒ Yes ☐ No
Have you provided the date and reference number of the application which is the subject of this review? *	☒ Yes ☐ No
If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *	☒ Yes ☐ No ☐ N/A
Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *	☒ Yes ☐ No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *	☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Gordon Philip

Declaration Date: 12/12/2018

Gordon J Philip

From: "gordonphilip6" <gordonphilip6@pobroadband.co.uk>
To: "gordonphilip6" <gordonphilip6@pobroadband.co.uk>
Sent: 13 November 2018 19:30
Subject: Fwd: 18/01280/APP - SITE TO REAR OF 96 MOSS STREET - KEITH

Sent from Samsung tablet.

-------- Original message --------
From: gordonphilip6 <gordonphilip6@pobroadband.co.uk>
Date: 13/11/2018 18:02 (GMT+00:00)
To: Shona.Strachan@moray.gov.uk
Cc: John Robertson <john@jrnorth.co.uk>
Subject: 18/01280/APP - SITE TO REAR OF 96 MOSS STREET - KEITH

Dear Shona Strachan,

With reference to your e-mail dated 09 November 18 where you indicate that it is your intention to recommend my Clients Planning Submission for Refusal

I must indicate that we are extremely shocked dissapointed with this outcome after all the preliminary communications we have had with the Planning Department

We went thro the Pre Application Planning Enquiry Process and had discussions and submitted prelim and amended plan proposals with Mr Ian Drummond where it was confirmed in his report that we meet the requirements regarding parking and access

The Report indicates that as the site has a frontage onto Sodgers Lane it "Does Not" constitute Backland or Tandem Development which the Objectors refer to in their submissions

Even due to the Site Area being Less than the requires 400Sq/M the Report confirms that this form of development has occured within the Rear Garden Areas of Numerous Houses within Keith fronting on to Lanes and with this in mind the Development could Potentially be Supported as a Departure from Policy on the basis that the proposal would be in keeping with the established character of the surrounding streetscape
Such a departure could only be supported where it could be established that the house would not have an adverse impact on the amenity of the surrounding houses and would be in keeping with the traditional house designs in the area

Taking on-board the positive content of the Pre Application Report we decided to submit our Detailed Planning Submission especially with the following comment on the e-mail from Ian Drummond dated 27 Sept 18
(The proposals are a significant improvement on the original scheme and are far more likely to gain support should a Formal Application be Submitted)

With regard to Site Areas perhaps you could look at No 113A Sodgers Lane as a precedent where a fairly recent dwelling house has been constructed which is fairly large of non traditional construction and on an extremely small site
Our Site supports a reasonably small dwelling with all the possible overshadowing of neighbours dealt with

Another Neighbour Objection revolves round the Storm Water Soakpit
The soakpit in not just a dug hole backfilled with stones and rubble but a detailed construction using Polystorm Cages within an enclosure (see detail on the submitted drawing)
With this type of construction there would be no problems with adjoining walls also the Geometry of the Soakpit can be altered and would be an issue that Technical Standards would address should we be able to submit for a Building Warrant

On the original Planning Approval 18/00176/APP for No 96 Moss Street there was a fairly large (7.00x4.50) Garage to be constructed on the site
Subject to obtaining Planning Approval this erection would therefore not take place and an Amendment to the Approval would be submitted for the removal of the Garage and Amendment to the Site Boundary

Hopefully you will re-consider your intention to Refuse but failing so we fully intend to Appeal especially when your own Planning Department advised us to make a Detailed Submission and my Client has settled All the LA Costs involved including confirmation of acceptance of the Developer Contributions

Should you require any further information Please do not hesitate to contact me

Yours sincerely

Gordon J Philip
(G P Waypoint Design)

Sent from Samsung tablet.

PRE-APPLICATION ADVICE
RESPONSE FOR LOCAL DEVELOPMENT PROPOSAL
The Moray Council
Po Box 6760
Elgin
Moray
IV30 9BX
Telephone: 03001234561 Fax: 01343 563169

RESPONSE FROM DEVELOPMENT MANAGEMENT

1. Reference No
18/00818/PE

2. Site Description and Address
Proposed dwellinghouse on Site To Rear Of 96 Moss Street Keith Moray

3. Planning History
Is there any relevant planning history? Yes ☐ No ☒
N/A

4. Planning Policy
Moray Local Plan (Adopted 2015) PP1: Sustainable Economic Growth H1: Housing Land H3: Sub division for House Plots EP5: Sustainable Urban Drainage Systems EP9: Contaminated Land EP10: Foul Drainage T2: Provision of Access T5: Parking Standards IMP1: Developer Requirements IMP3: Developer Obligations
Cairngorms National Park Local Plan
Adopted Moray Council Supplementary Planning Guidance Accessible Housing Affordable Housing Climate Change Developer Obligations Housing in the Countryside Rural Groupings Trees & Development

Urban Design Onshore Wind Energy Guidance
Material Considerations Scottish Planning Policy and Guidance Scottish Planning Policy (June 2014) Circulars Planning Advice Notes (see update publication list) - http://www.scotland.gov.uk/Topics/Built-Environment/planning/Roles/Scottish-Government/Guidance
Further Information
Copies of our local plans and supplementary planning guidance documents can be found at: www.moray.gov.uk Copies of the Scottish Government's national planning policies and guidance can be found at: http://www.scotland.gov.uk/planning

5. Site Constraints	
Constraint	Name
ASG Area	Keith Grammar School
Community Council	Keith
Enforcement Application	04/00138/ENF
LDP 2015 Settlement	Keith
LDP 2015 Settlement Designations	TC
Minerals Tiers	Tier3
MOD Wind Farm Planning	Safeguarding MOD - Wind-turbine apps ONLY
Safeguarding of NATS	Safeguarding NATS - Wind-turbine apps ONLY
Planning Application	05/00759/FUL
Planning Application	04/02391/ID
Planning Application	05/00963/LBC
Planning Application	18/00176/APP
Planning Application	18/00818/PE
Planning Application	01/00308/ID

Planning Application	03/02400/FUL
Planning Application	13/00472/APP

6. Siting and Design

The policies appended to this response form the basis on which any formal application would be assessed.

The most pertinent policy in terms of the assessment of the principle of the development is policy H3, which requires that subdivision of house plots will be acceptable where the subdivision is less than 50% of the original plot, the proposed site is at least 400sqm excluding access the house style compliments the character of the surrounding area and the scale and character of the parent and neighbouring properties. The development should avoid overlooking and amenity impact on the surrounding properties. Sufficient parking must be provided for the parent and proposed house and the site can constitute backland where it meets the above requirements, however, must not constitute tandem development.

As the site has frontage onto Sodgers Lane it does not constitute backland or tandem development. With the parent site measuring approx. 270sqm and the proposed site 255sqm the proposal is considerably short of the required 400sqm threshold in policy for both the parent and proposed plot. With this in mind careful consideration needs to be given as to whether or not the proposal represents overdevelopment and may result on an adverse impact on the amenity of the neighbouring properties.

In terms of the size of the plot and the impact that this could have on the character of the surrounding streetscape, this form of development has occurred within the rear garden areas of numerous houses within Keith fronting onto the lanes and with this in mind the development could potentially be supported as a departure from policy on the basis that the proposal would be in keeping with the established character of the surrounding streetscape. Such a departure could only be supported where it could be established that the house would not have an adverse impact on the amenity of the surrounding houses and would be in keeping with the traditional house designs in the area.

To this end the proposed one and a half storey house would not be acceptable as it would result in overlooking and overshadowing of neighbouring houses and gardens that surround the site on all sides. A small scale single storey house could potentially be accommodated within the site, with sufficient boundary enclosures provided around the site to mitigate any overlooking impact.

With regard to the form and finish of the house, influence should be taken from the surrounding traditional properties and the design should tie in with these properties. The use of natural slate on the roof would be encouraged in order to tie in with the parent property.

In addition to achieving compliance with the points outlined above, careful consideration should be given to the servicing of the site as detailed in the following section of this response.

7. Access and Parking

Transportation have confirmed the following in relation to the proposal,
• a pedestrian visibility splay of 2.4m x 5.0m shall be provided and maintained at the access in both directions, clear of any obstruction above 0.6m in height (measured from the level of the carriageway)
 	
• parking provision to be as follows:
  ○ 2 spaces for the existing dwelling house (96 Moss St)
  ○ 2 spaces for the proposed new dwelling house
The car parking spaces shall be provided within the site prior to the occupation or completion of the dwellinghouse, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.
 	
• A turning area to be provided within the curtilage of the site to allow vehicles to enter and exit in forward gear
 	
• No water shall be permitted to drain or loose material to be carried onto the public footway / carriageway.
 	
• The width of the access will be as shown on the submitted dwg and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The first 2m 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.

More information on servicing, access and parking can be found at: http://www.moray.gov.uk/moray_standard/page_65633.html

8. Drainage and Water
It is assumed that the house would be connected to both a public water supply and foul sewerage connection. Surface water should be disposed of via a separate SUDs system within the site.
Contact Scottish Water for guidance on connections to the public water/drainage network: 0845 601 8855 You can find more information on SUDS at: http://www.susdrain.org/ You can view SEPA's small-scale development and other guidance here: http://www.sepa.org.uk/planning.aspx

9. Flood Risk
N/A
You can view SEPA's flood risk map here at: http://www.sepa.org.uk/environment/water/flooding/flood-maps/

10. Listed Buildings, Conservation Areas and the Historic Environment
N/A
Check if your building, or any building close by, is/are listed or falls within an historic designation at: http://data.historic-scotland.gov.uk/pls/htmldb/f?p=2200:10:0 General advise on development affecting historic designations can be found at: http://www.historic-scotland.gov.uk/heritage.htm General Advise on Archaeology can be found at: http://www.historic-scotland.gov.uk/archaeology

11. Protected Species, Habitats and Natural Heritage
If any protected species are known to utilise the site or it is established during the course of an application that the they are using the site then a protected species/habitat survey would be required to investigate this issue further.
More information on Scotland's protected species and areas can be found at: http://www.snh.gov.uk/protecting-scotlands-nature/protected-species http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas

12. Developer Obligations
As from 14 October 2016, the Council has adopted Supplementary Guidance on developer obligations as a material consideration in the determination of planning applications. Your proposal will be subject to assessment for developer obligations. Should you wish to proceed with your proposal you should contact the Council Developer Obligations Unit at DeveloperObligations@moray.go.uk to ascertain the likely obligations that will be sought and their anticipated level (Appendix 2 and Section 6 of the Supplementary Guidance refers).

13. Other Material Considerations
N/A.

14. Consultees for any future Application
The following will likely be consulted on any application submitted for this proposal. You may wish to contact consultees for additional pre-application advice prior to the formal submission of an application. Please note that on occasion it may be necessary to involve consultees who are not listed below as a formal application progresses.
Internal Consultees (The Moray Council)
Contaminated Land
Environmental Health/Private Water Supplies
Roads
Developer obligations
External consultees
Scottish Water

Transport Scotland

15. Additional Information Required for any future Application
Based on the information provided, you are advised to submit the following additional information with any future application for formal permission. If you choose not to follow our advice and do not submit one or more of the documents, then you should provide a clear justification for doing so.

16. Environmental Impact Assessment
N/A

17. Other Consents Required			
You are advised that the following consent(s) will be required for the proposed development:			
Planning Permission	Y	Advertisement Consent	
Listed Building Consent		Conservation Area Consent	

18. Case officer and Contact Details
Name – Iain Drummond Phone No. – 01343 563607 Email – iain.drummond@moray.gov.uk

Making a Formal Application
Planning Applications can be made using the online application and appeal service or you can download forms, which should be completed and returned to this office, together with plans specified, drawn to scale, and appropriate fee, both are available at www.eplanning.scotland.gov.uk

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

Disclaimer

While we make every effort to ensure that the pre-application advice is accurate and comprehensive as possible, any advice given by officers in response to a pre-application advice request does not constitute a formal decision of The Moray Council as Planning Authority and, whilst it may be a material consideration, cannot be held to bind us in terms of the validation or determination of a subsequent statutory application.

In particular, any advice provided under this service constitutes the professional opinion of the officer(s) concerned and is based on the information provided by the applicant and the planning policies and site constraints prevailing at the time. While every effort will be made to identify all relevant policies and all issues material to the proposal, pre-application advice issued by us in relation to local developments will not normally include input from external organisations or consultees, such as SEPA or SNH, or from local residents, neighbours or community groups.

Such input during the assessment of any formal application may raise new issues or areas of concern and therefore the ultimate determination of any future statutory application could differ from the conclusions reached in this preliminary assessment. We will, however, endeavour to highlight any consultees, external bodies or parties that may be involved in any future application so that applicants can make contact themselves to discuss their proposals.

There may be other consents that are required before you implement this consent from either this council or other bodies but these are not covered by this advice.

Policies

Primary Policy PP1: Sustainable Economic Growth

The Local Development Plan identifies employment land designations to support requirements identified in the Moray Economic Strategy. Development proposals which support the Strategy and will contribute towards the delivery of sustainable economic growth and the transition of Moray towards a low carbon economy will be supported where the quality of the natural and built environment is safeguarded and the relevant policies and site requirements are met.

Policy H1: Housing Land

Designated sites

Land has been designated to meet the strategic housing land requirements 2013-2025 in the settlement statements as set out in Table 1. Proposals for development on all designated housing sites must include or be supported by information regarding the comprehensive layout and development of the whole site. This allows consideration of all servicing, infrastructure and landscaping provision to be taken into account at the outset. It will also allow an assessment of any contribution or affordable housing needs to be made. Proposals must comply with the site development requirements within the settlement plans and policies and the Council's policy on Place- making and Supplementary Guidance, "People and Places".

Windfall sites within settlements

New housing on land not designated for residential development within settlement boundaries will be acceptable if;

a) The proposal does not adversely impact upon the surrounding environment, and

b) Adequate servicing and infrastructure is available, or can be made available

c) The site is not designated for an alternative use

d) The requirements of policies PP2,PP3 and IMP1are met.

Housing Density

Capacity figures indicated within site designations are indicative and proposed capacities will be considered against the characteristics of the site, conformity with policies PP3, H8 and IMP1.

Policy H3: Sub Division for House Plots

Proposals for the subdivision for housing plots in those settlements and rural groupings where there is no specific embargo will be acceptable if the plot subdivision is less than 50% of the original plot, if the site provided is at least 400 square metres excluding access, if the house style complements the character of the area and the scale and architecture of the parent and neighbouring properties. The built up area of the application site should avoid overlooking and maintain the amenity of the parent and surrounding properties.

Acceptable provision must be made for on-plot parking for both the new and parent properties.

Backland development will be acceptable where it meets these conditions but proposals for tandem development will only be permitted in exceptional circumstances because of the impact upon the amenity of the parent property.

Specific embargoes on sub-division exist at Craigellachie, Dallas, Kingston and Urquhart. In Newmill sub division is encouraged as a way of promoting development and tidying up derelict land.

Policy EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development should be dealt with in a sustainable manner that has a neutral effect on the risk of flooding or which reduces the risk of flooding. The method of dealing with surface water should also avoid pollution and promote habitat enhancement and amenity. All sites should be drained by a sustainable drainage system (SUDS). Drainage systems should contribute to enhancing existing "blue" and "green" networks while contributing to place-making, biodiversity, recreational, flood risk and climate change objectives.

Specific arrangements should be made to avoid the issue of permanent SUD features becoming silted-up with construction phase runoff. Care must be taken to avoid the introduction of invasive non-native species during the construction of all SUD features.

Applicants must agree provisions for long term maintenance of the SUDS scheme to the satisfaction of the Council in consultation with SEPA and Scottish Water as appropriate.

A Drainage Assessment (DA) will be required for developments of 10 houses or more, industrial uses, and non-residential proposals of 500 sq metres and above.

The Council's Flood Team will prepare Supplementary Guidance on surface water drainage and flooding.

Policy EP9: Contaminated Land

Development proposals on potentially contaminated land will be approved provided that:

a) The applicant can demonstrate through site investigations and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment; and

b) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/or treatment of any hazardous material.

The Council recommends early contact with the Environmental Health Section, which can advise what level of information will need to be supplied.

Policy EP10: Foul Drainage

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population equivalent will require to connect to the public sewerage

system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been specifically allocated within its current Quality Standards Investment Programme and the following requirements apply:

- Systems shall not have an adverse impact on the water environment;
- Systems must be designed and built to a standard which will allow adoption by Scottish Water.
- Systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as identified in the Local Development Plan) of less than 2000 population equivalent will require to connect to public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area. Consultation with Scottish Environment Protection Agency will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with Technical Handbooks (which sets out guidance on how proposals may meet the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

Policy T2: Provision of Access

The Council will require that new development proposals are designed to provide the highest level of access for end users including residents, visitors, and deliveries appropriate to the type of development and location. Development must meet the following criteria:

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.
- Provide access to public transport services and bus stop infrastructure where appropriate.
- Provide appropriate vehicle connections to the development, including appropriate number and type of junctions.
- Provide safe entry and exit from the development for all road users including ensuring appropriate visibility for vehicles at junctions and bends.
- Provide appropriate mitigation/modification to existing transport networks where required to address the impacts of new development on the safety and efficiency of

the transport network. This may include but would not be limited to, the following measures, passing places, road widening, junction enhancement, bus stop infrastructure and drainage infrastructure. A number of potential road improvements have been identified in association with the development of sites the most significant of these have been shown on the Settlement Map as TSPs.

- Proposals must avoid or mitigate against any unacceptable adverse landscape or environmental impacts.

Developers should give consideration to aspirational core paths (under Policy 2 of the Core Paths Plan) and active travel audits when preparing proposals.

New development proposals should enhance permeability and connectivity, and ensure that opportunities for sustainable and active travel are protected and improved.

The practicality of use of public transport in more remote rural areas will be taken into account however applicants should consider innovative solutions for access to public transport.

When considered appropriate by the planning authority developers will be asked to submit a Transport Assessment and Travel Plan.

Significant travel generating proposals will only be supported where:

- Direct links to walking and cycling networks are available;
- Access to public transport networks would involve walking no more than 400m;
- It would not have a detrimental effect on the capacity of the strategic road and/or rail network; and
- A Transport Assessment identifies satisfactory mechanisms for meeting sustainable transport requirements and no detrimental impact to the performance of the overall network.

Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

Policy T5: Parking Standards

Proposals for development must conform with the Council's current policy on parking standards.

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.

j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.

k) Address and sufficiently mitigate any contaminated land issues

l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.

m) Make acceptable arrangements for waste management.

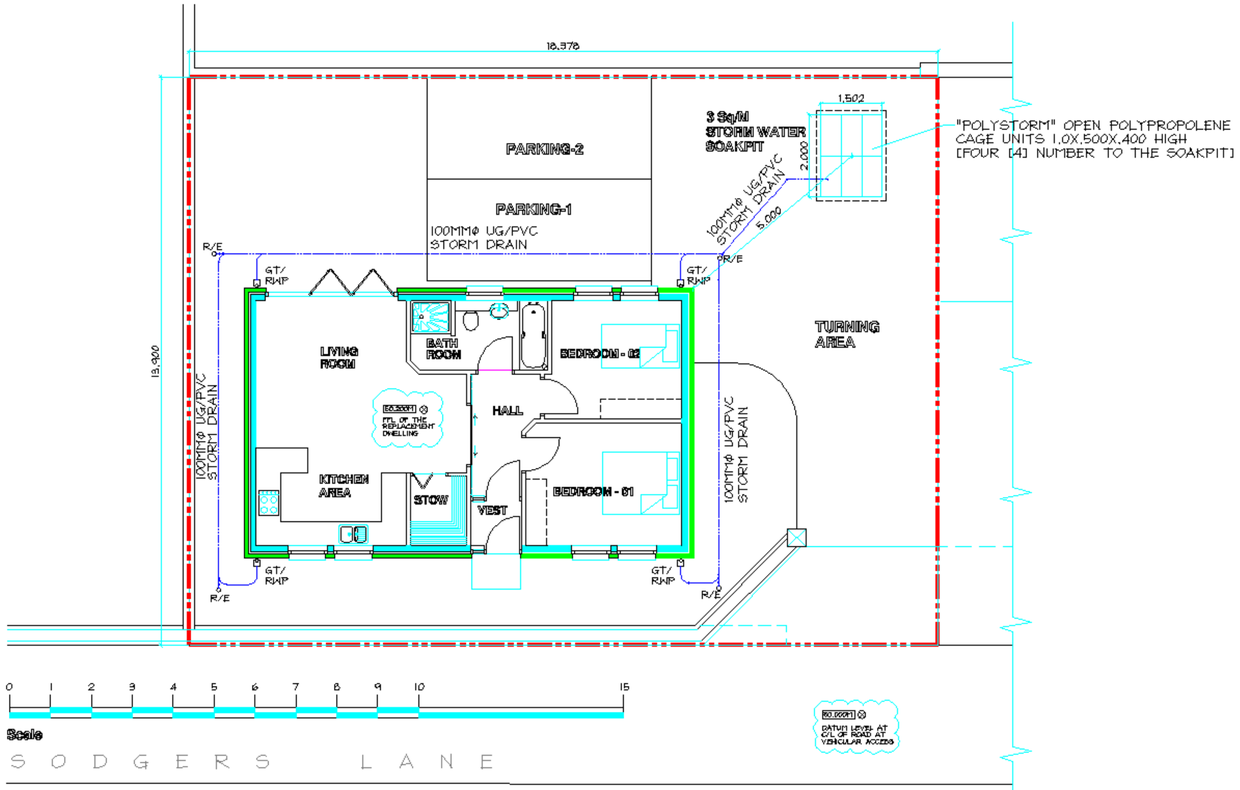
Policy IMP3: Developer Obligations

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity, and such contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

The Council will prepare supplementary guidance to explain how the approach will be implemented in accordance with Circular 3/2012 on Planning Obligations. This will detail the necessary facilities and infrastructure and the scale of contributions likely to be required.

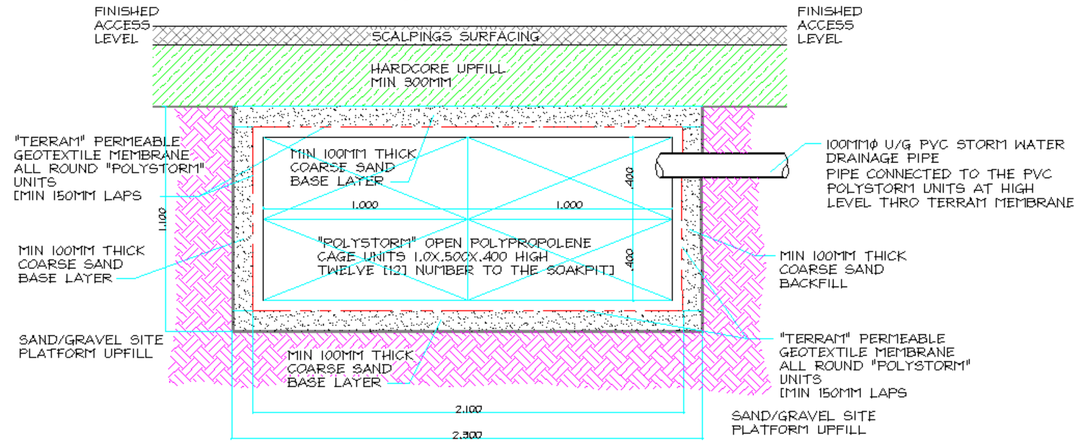
In terms of affordable housing, developments of 4 or more units will be expected to make a 25% contribution, as outlined in policy H8.



Storm Water Disposal Plan Layout [nts]

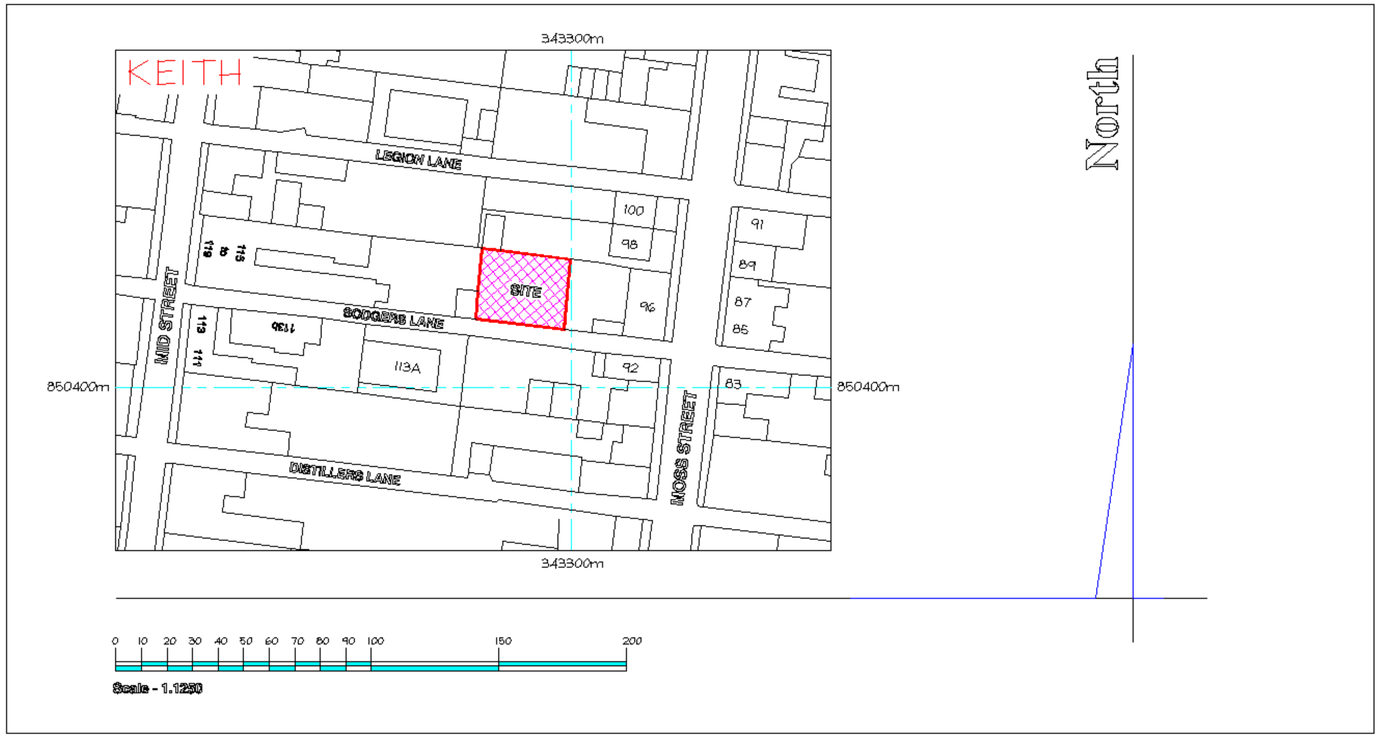
S-W SOAKPIT CONSTRUCTION

PIT EXCAVATED 2.300X1.200X1.800 DEEP
PLACE AND COMPACT 100MM LAYER OF COARSE SAND IN BASE OF PIT
COVER BASE AND LINE SIDES WITH "TERRAM" PERMEABLE GEOTEXTILE MEMBRANES WITH MIN 150MM OVERLAPS
PLACE "POLYSTORM" MODULAR POLYPROPOLENE UNITS IN PIT - TWELVE [12] NUMBER
ENCLOSE THE COMPLETE "POLYSTORM" STRUCTURE WITH THE "TERRAM" MEMBRANE
BACKFILL ROUND SIDES OF STRUCTURE WITH COARSE SAND MIN 100MM THICK
TOP LAYER OF COURSE SAND MIN 100MM THICK
GRANULAR UPFILL AND SCALPINGS MIN 300MM THICK TO MATCH EXISTING SOLUM LEVELS
100MMΦ INLET PIPEWORK TO BE CONNECTED THRO "TERRAM" TO "POLYSTORM" ADAPTOR



TYPICAL SECTION THRO STORM / WATER SOAKPIT - 3 SQ/M

Storm Water Soakpit



Location Plan 1:1250

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

REFUSED

29 November 2018

Development Management
Environmental Services
The Moray Council

REVISIONS

B [I] DATUM LEVEL NOTED AT C/L OF ROADWAY AT VEHICULAR ACCESS AND FFL NOTED ON PROPOSED DWELLING FLOOR PLAN

[II] STORM WATER DISCHARGE TO BE TAKEN TO A SOAKPIT WITHIN THE SITE BOUNDARIES TOP COMPLY WITH THE "SUDS" REQUIREMENTS

GORDON J PHILIP

PROPOSED 3 APT HOUSE
AT REAR OF
96 MOSS STREET
KEITH
AB55 5HE
OFF "SODGERS LANE"
KEITH
FOR
JOHN ROBERTSON
[NORTH] LTD

JOB

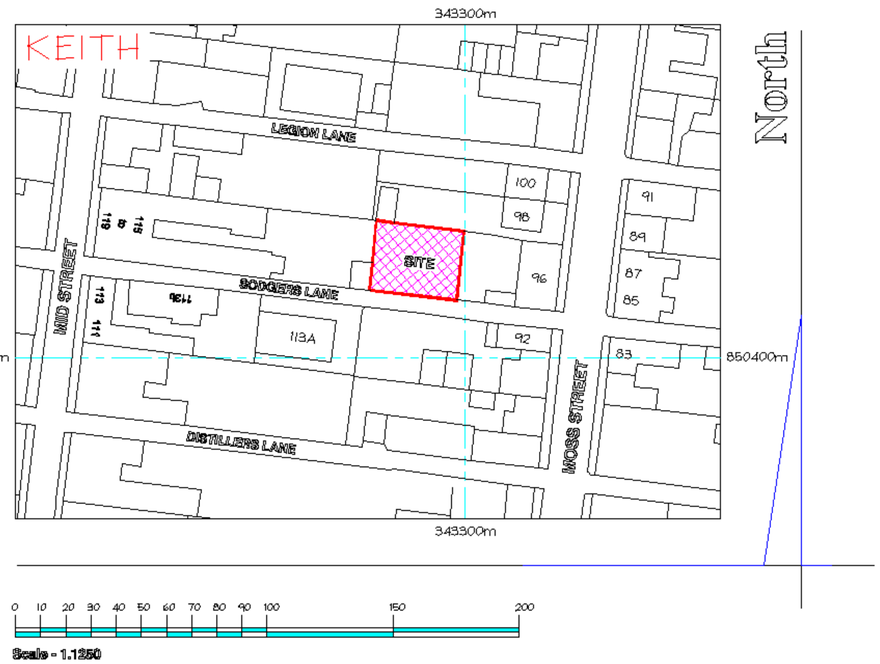
General Arrangement [Site / Location / Plan]

DRAWING

SCALE	1:1250
DATE	SEPTEMBER 2016
DRAWN BY	G J PHILIP

DRAWING No ND/914-03 REV Site-B

GORDON J PHILIP
[G P WAYPOINT DESIGN]
8 FLEURS PLACE
ELGIN IV30 1ST
MOB - 07717 523 463



GORDON J PHILIP

PROPOSED 3 APT HOUSE
AT REAR OF
96 MOSS STREET
KEITH
AB55 5HE
OFF "SODGERS LANE"
KEITH
FOR
JOHN ROBERTSON
[NORTH] LTD

JOB

General Arrangement
[Site / Location / Plan]

DRAWING

SCALE	1:1250
DATE	SEPTEMBER 2018
DRAWN BY	G J PHILIP

DRAWING No ND/914-03 REV Site

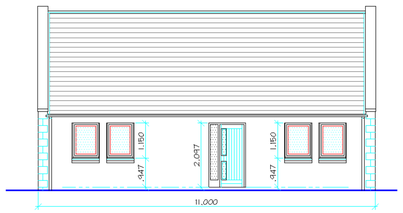
GORDON J PHILIP
[G P WAYPOINT DESIGN]
6 FLEURS PLACE
ELGIN IV30 1ST
MOB - 07717 523 463

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

REFUSED

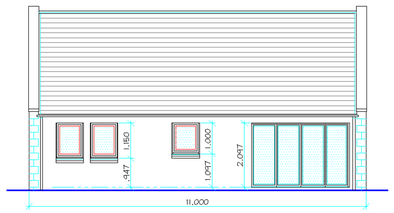
29 November 2018

Development Management
Environmental Services
The Moray Council

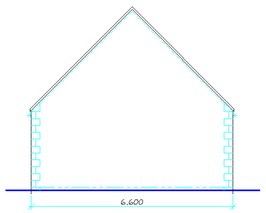


South Elev 1:100

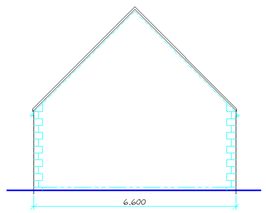
[FACING SODJERS LANE]



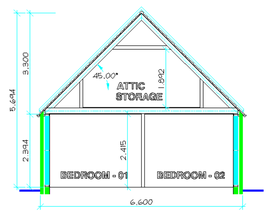
North Elev 1:100



West Elev 1:100



East Elev 1:100



Section 1:100

INDICATIVE 3 APT SINGLE STOREY DWELLING HOUSE

[72.600 Sq/M Footprint]

SUGGESTED DWELLING FINISHES

ROOF
"CUPA" OR SIMILAR NATURAL SLATES
[GREY]

WALLING
"DECAROC" DRY DASH RENDER - [SMALL CHIP]
[WHITE]

FEATURE CORNER RYBANDS
EXPOSED AGGREGATE PRECAST BLOCKS
[GREY GRANITE CHIP]

GABLE SKEWS
EXPOSED AGGREGATE PRECAST BLOCKS
[GREY GRANITE CHIP]

WINDOWS
PVC FRAMED & DOUBLE GLAZED
[DARK GREY]

DOORS
PVC VERTICAL LINING FEATURES
[DARK GREY]

GUTTERS / DOWNPIPES
PVC [BLACK]

SITE AREA
255.454 SQ/M
0.025 HA
[OR THEREBY]

DWELLING FOOTPRINT
72.600 SQ/M
[OR THEREBY]

VEHICULAR AREA
[INCLUDING 50% OF LAY-BY]
101.565 SQ/M
[OR THEREBY]

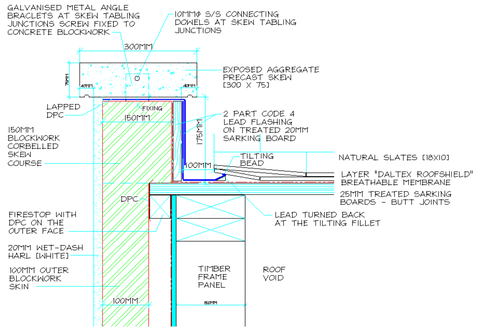
GARDEN AREA
81.289 SQ/M
[OR THEREBY]

SITE AREA
269.211SQ/M
0.026 HA
[OR THEREBY]

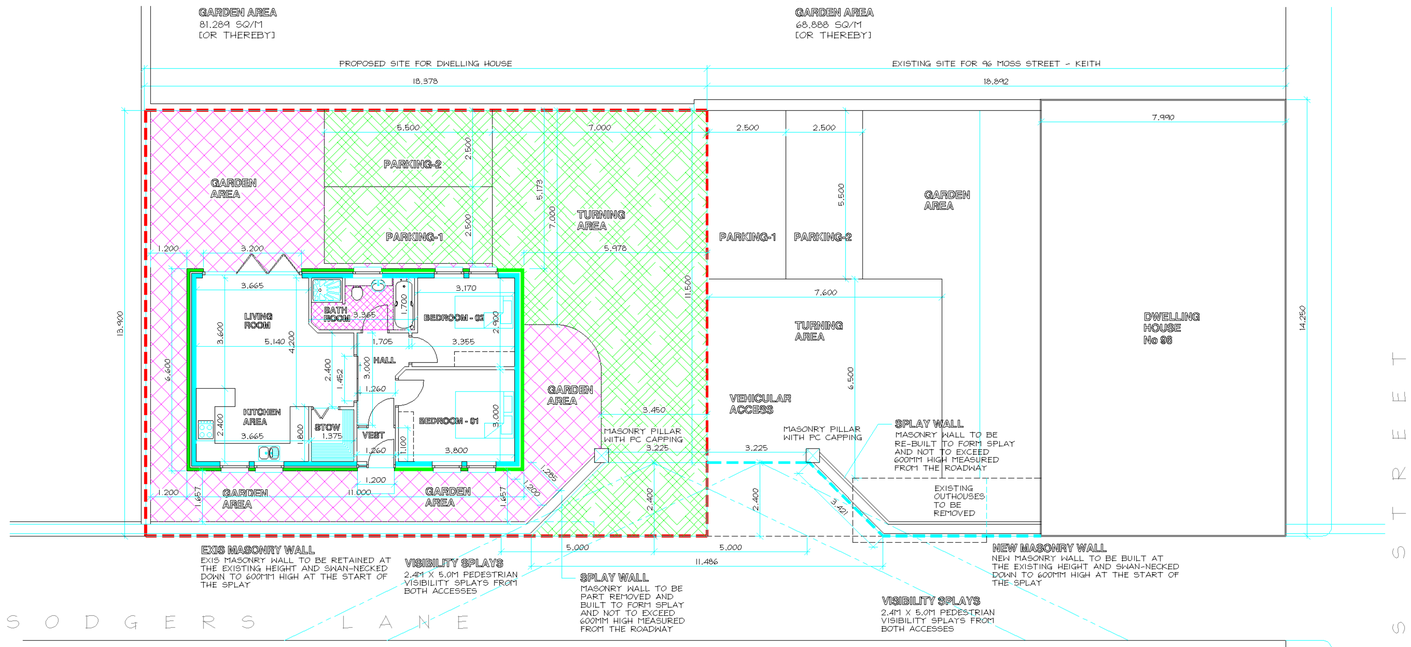
DWELLING FOOTPRINT
113.857 SQ/M
[OR THEREBY]

VEHICULAR AREA
[INCLUDING 50% OF LAY-BY]
86.466 SQ/M
[OR THEREBY]

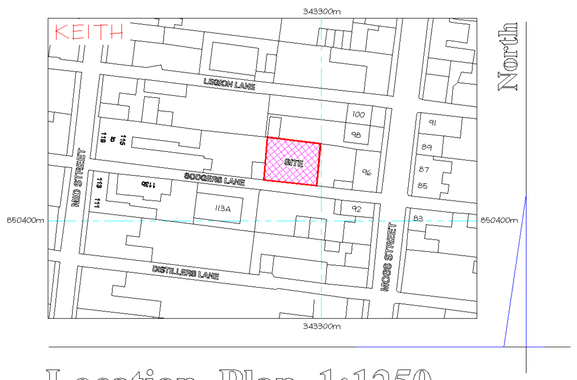
GARDEN AREA
68.888 SQ/M
[OR THEREBY]



Skew Tabling Detail



G.F. Plan / Site Plan Layout 1:100



Location Plan 1:250

REVISIONS

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

REFUSED

29 November 2018

Development Management
Environmental Services
The Moray Council

GORDON J PHILIP

PROPOSED 3 APT HOUSE
AT REAR OF
96 MOSS STREET
KEITH
AB55 5HE
OFF "SODGERS LANE"
KEITH
FOR
JOHN ROBERTSON
[NORTH] LTD

JOB

General Arrangement
[Site / Location / Plans]

DRAWING

SCALE	1:100
DATE	SEPTEMBER 2018
DRAWN BY	G J PHILIP

DRAWING No ND/914-03 REV 06

GORDON J PHILIP
[G P WAYPOINT DESIGN]
6 FLEURS PLACE
ELGIN IV30 1ST
MOB - 07717 523 463

APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

Lissa Rowan

From: [redacted]
Sent: 06 January 2019 19:29
To: Lissa Rowan
Subject: Notice of Review: Planning Application 18/01280/APP – Proposed 3 Apt Dwelling House at the rear of 96 Moss Street, Keith, AB56 5HE (off "Sodgers Lane", Keith)

Importance: High

Dear Lissa,

I refer to the above and your letter dated 19th December 2018 (ref LR/LR219) advising that a Notice of Review (NOR) has been served on the Moray Local Review Body (MLRB).

Having viewed the NOR and associated documents online I note the Applicants displeasure that consent has been refused, especially given the positive feedback given to them by the planning department during the Pre-Application Enquiry Process. I must say that I find it strange for the planning authority to encourage departures from their own policy, stating the precedents have been set elsewhere, however, I also note that the report does have the following disclaimer which may have been overlooked by the applicant.

> **Disclaimer**
>
> While we make every effort to ensure that the pre-application advice is accurate and comprehensive as possible, any advice given by officers in response to a pre-application advice request does not constitute a formal decision of The Moray Council as Planning Authority and, whilst it may be a material consideration, cannot be held to bind us in terms of the validation or determination of a subsequent statutory application.
>
> In particular, any advice provided under this service constitutes the professional opinion of the officer(s) concerned and is based on the information provided by the applicant and the planning policies and site constraints prevailing at the time. While every effort will be made to identify all relevant policies and all issues material to the proposal, pre-application advice issued by us in relation to local developments will not normally include input from external organisations or consultees, such as SEPA or SNH, or from local residents, neighbours or community groups.
>
> Such input during the assessment of any formal application may raise new issues or areas of concern and therefore the ultimate determination of any future statutory application could differ from the conclusions reached in this preliminary assessment. We will, however, endeavour to highlight any consultees, external bodies or parties that may be involved in any future application so that applicants can make contact themselves to discuss their proposals.
>
> There may be other consents that are required before you implement this consent from either this council or other bodies but these are not covered by this advice.

Policy H3 was introduced to discourage the very overdevelopment that has occurred in Keith, and in particular the lanes, in the years prior to its introduction. I would also reiterate that this is by no means an insignificant departure from policy as the proposed site is some 36% smaller than the minimum area required and the parent plot is approx. 33% below the minimum area. If this is approved we will have not one but two properties failing to meet the requirements of Policy H3.

I also note in the Applicants response that he has asked the Planning Authority to " look at 113A Sodgers Lane as a precedent where a fairly recent dwelling house has been constructed which is fairly large, of non-traditional construction and on an extremely small site". To clarify, the postal address is actually 113A Mid Street and not Sodgers Lane. The dwelling house also has a footprint of approx. 112m2 and sits within a site measuring 510m2 and is therefore not a large house on an extremely small site as incorrectly claimed by the applicant.

I note that the MLRB will take all previous representations made by myself and others into consideration. I also trust that the MLRB will adhere to Policy H3 and uphold its original decision to refuse planning consent.

Yours faithfully

[redacted]