



MORAY LOCAL REVIEW BODY

29 AUGUST 2019

SUMMARY OF INFORMATION FOR CASE No LR227

Planning Application Planning Application 19/00318/APP – Erection of dwellinghouse and garage at The Maltings, Adjacent to Cairn vonie Farm, Archiestown

Ward 1 – Speyside Glenlivet

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 10 May 2019 on the grounds that:

The proposal is contrary to the provisions of the Moray Local Development Plan 2015 because the proposal would contribute to an inappropriate build-up of development that would be detrimental to the rural character of the surrounding area, contrary to policies H7 (Housing in the Countryside) and IMP1 (Developer Requirements), as well as the Supplementary Guidance on Housing in the Countryside.

This is further supported by the Moray Local Development Plan supplementary Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside, whereby the site is located in an area where a build-up of housing (built and consented) is considered to have an adverse impact on the character of the surrounding rural area. The development of a house on this site would further exacerbate this.

Whilst limited weighting is given to it, the proposal is also contrary to the Proposed Moray Local Development Plan 2020 (policies DP1 (Developer Requirements) and DP4 (Rural Housing)).

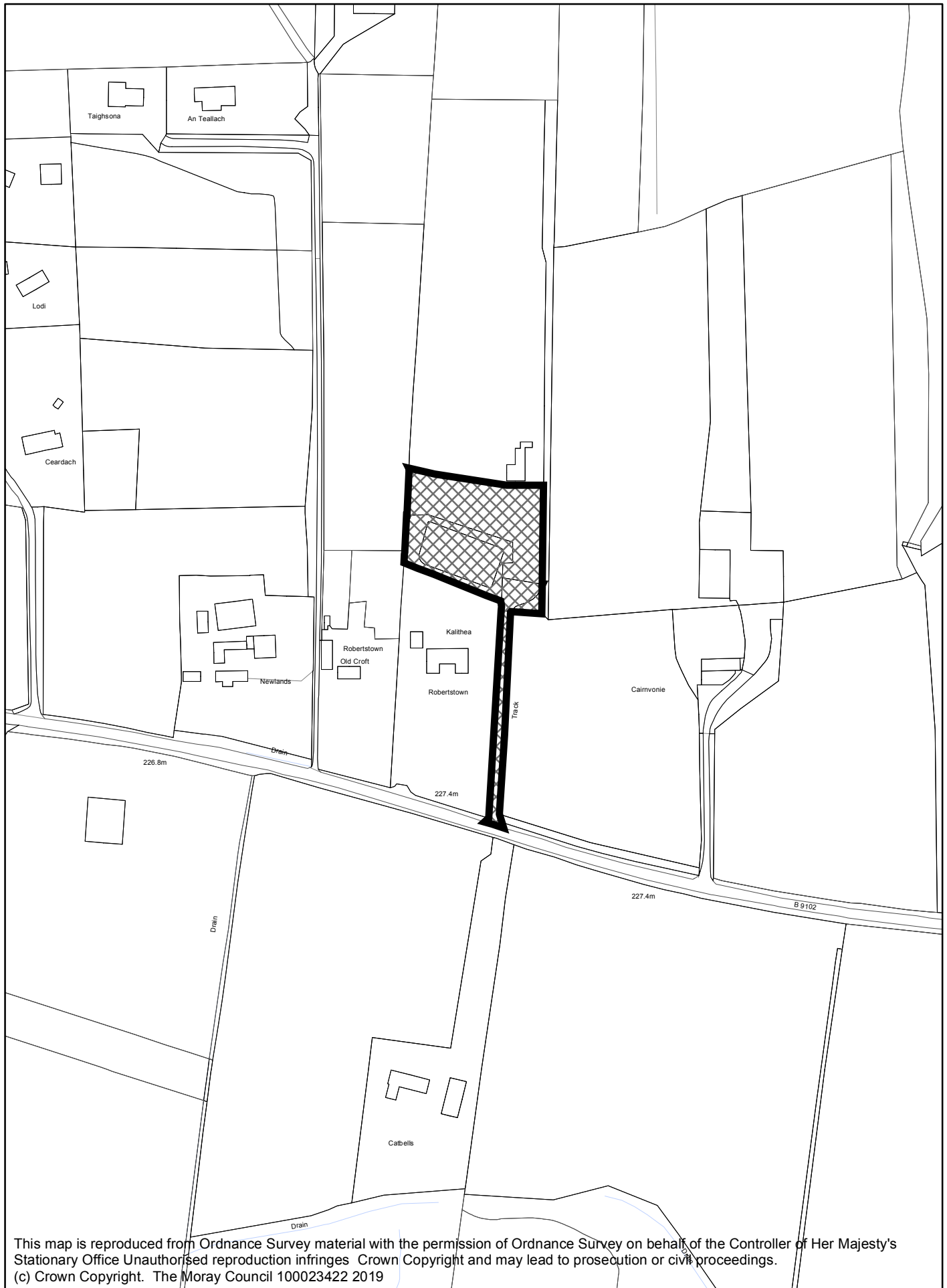
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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

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



Location plan for Planning Application Reference Number : 19/00318APP



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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 100158210-001

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)

Dwelling House & Garage

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ken Mathieson Architectural Design Ltd		
Ref. Number:	IW	You must enter a Building Name or Number, or both: *	
First Name: *	Stuart	Building Name:	Mansard House
Last Name: *	Mathieson	Building Number:	15
Telephone Number: *	01224 710357	Address 1 (Street): *	Oldmeldrum Road
Extension Number:		Address 2:	Bucksburn
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB21 9AD
Email Address: *	stuart@kenmathieson.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	C/O AGENT
First Name: *	Iain	Building Number:	
Last Name: *	Whitecross	Address 1 (Street): *	Oldmeldrum Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:	07500 902 824	Postcode: *	AB21 9AD
Fax Number:			
Email Address: *			

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

844263

Easting

323834

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

4355.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

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

ground for horse grazing / training

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? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<div style="border: 1px solid black; padding: 2px; width: 100px;">4</div>
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)? *	<div style="border: 1px solid black; padding: 2px; width: 100px;">7</div>
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).	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *	
<input type="checkbox"/> Yes – connecting to public drainage network <input checked="" type="checkbox"/> No – proposing to make private drainage arrangements <input type="checkbox"/> Not Applicable – only arrangements for water supply required	
As you have indicated that you are proposing to make private drainage arrangements, please provide further details. What private arrangements are you proposing? *	
<input checked="" type="checkbox"/> New/Altered septic tank. <input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed). <input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).	
What private arrangements are you proposing for the New/Altered septic tank? *	
<input checked="" type="checkbox"/> Discharge to land via soakaway. <input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway). <input type="checkbox"/> Discharge to coastal waters.	
Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *	
<div style="border: 1px solid black; padding: 5px;">see drainage impact assessment</div>	
Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *	
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)

bin store noted on site plan

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

Do you have any agricultural tenants? * ☐ Yes ☒ No

Certificate Required

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

Certificate E

Land Ownership Certificate

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

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: *

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and *have/has been unable to do so –

--

Signed: Stuart Mathieson

On behalf of: Mr Iain Whitecross

Date: 21/03/2019

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

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

Declare – For Application to Planning Authority

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

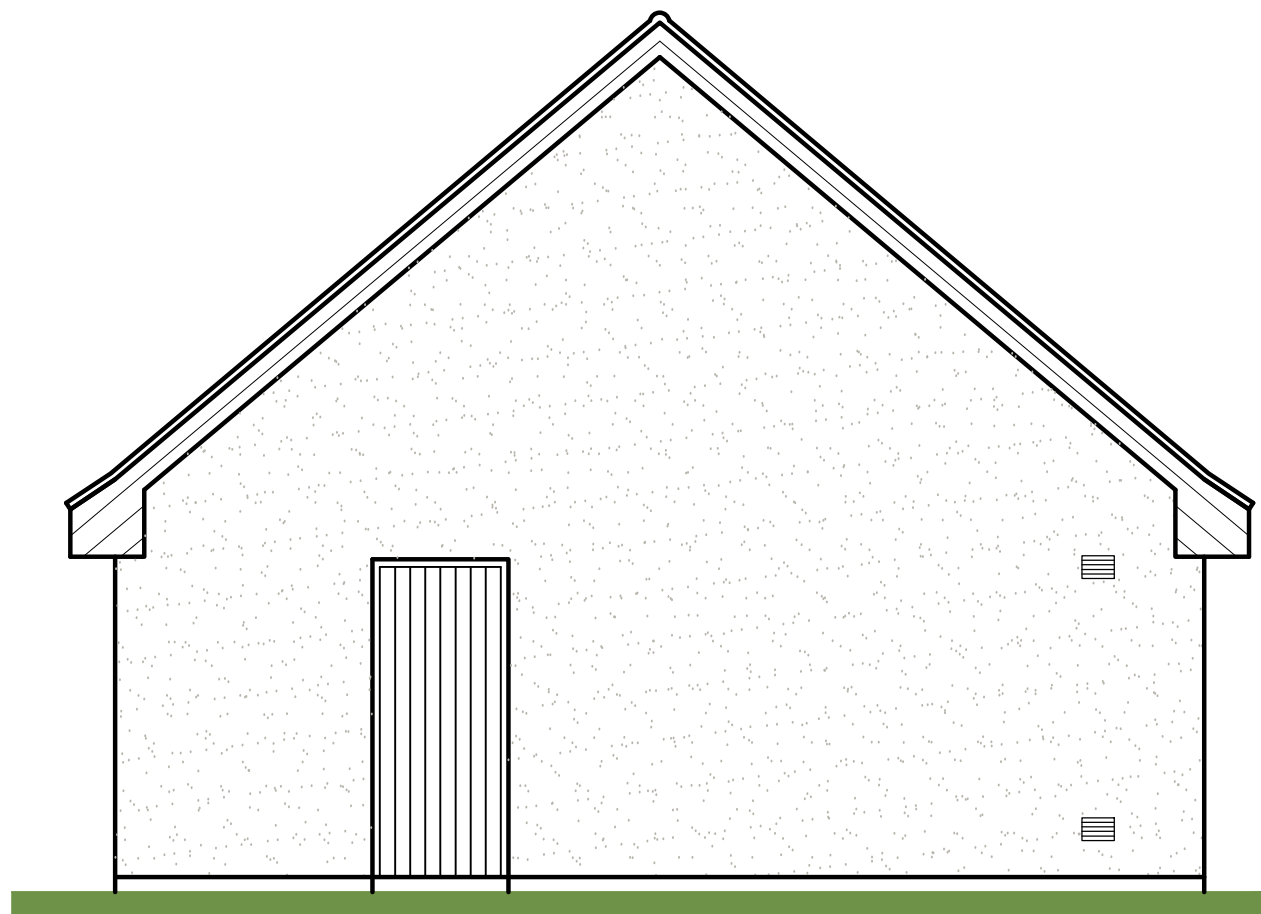
Declaration Name: Mr Stuart Mathieson

Declaration Date: 21/03/2019

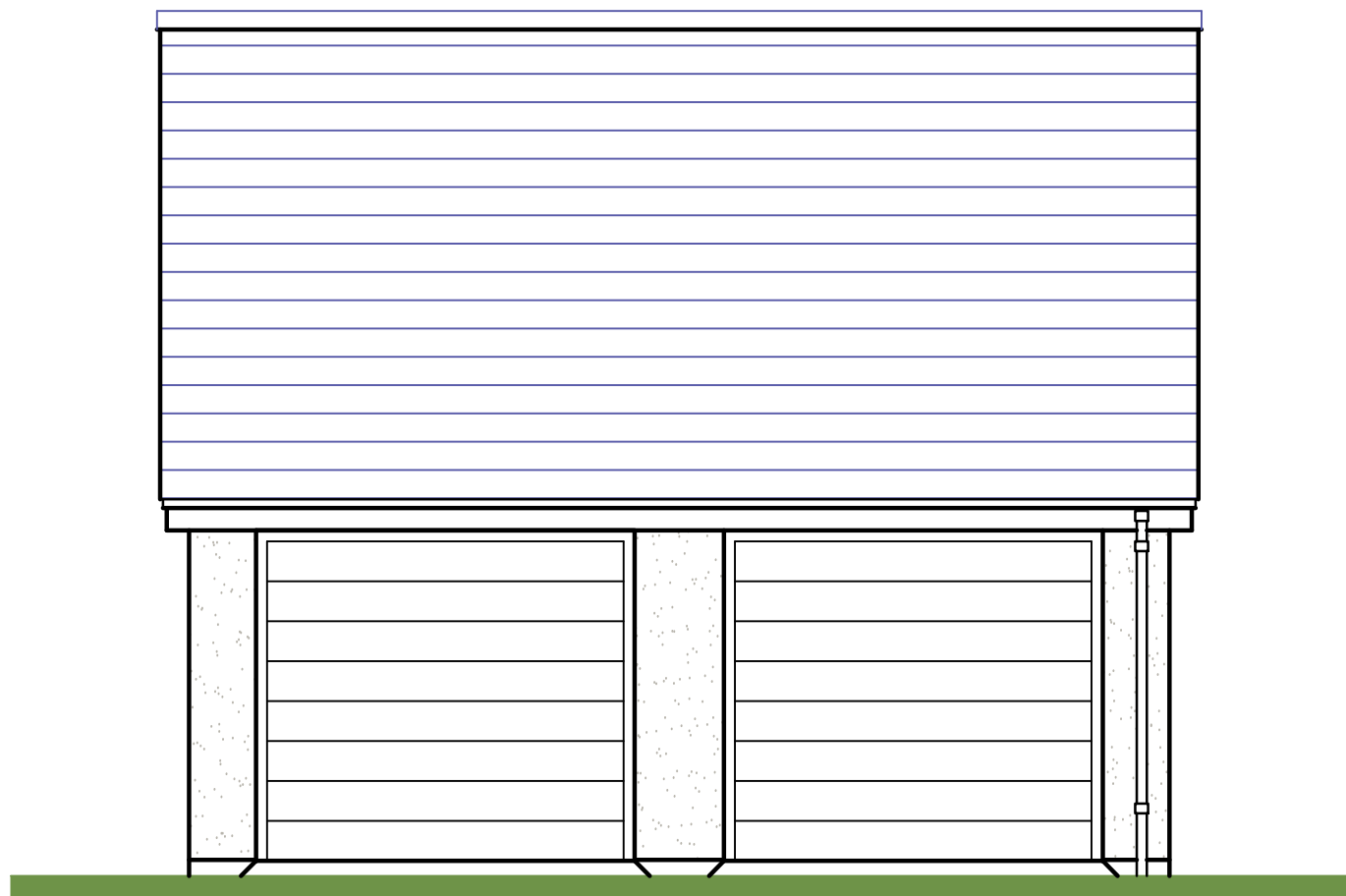
Payment Details

Cheque: Applicant to pay fee direct, 0

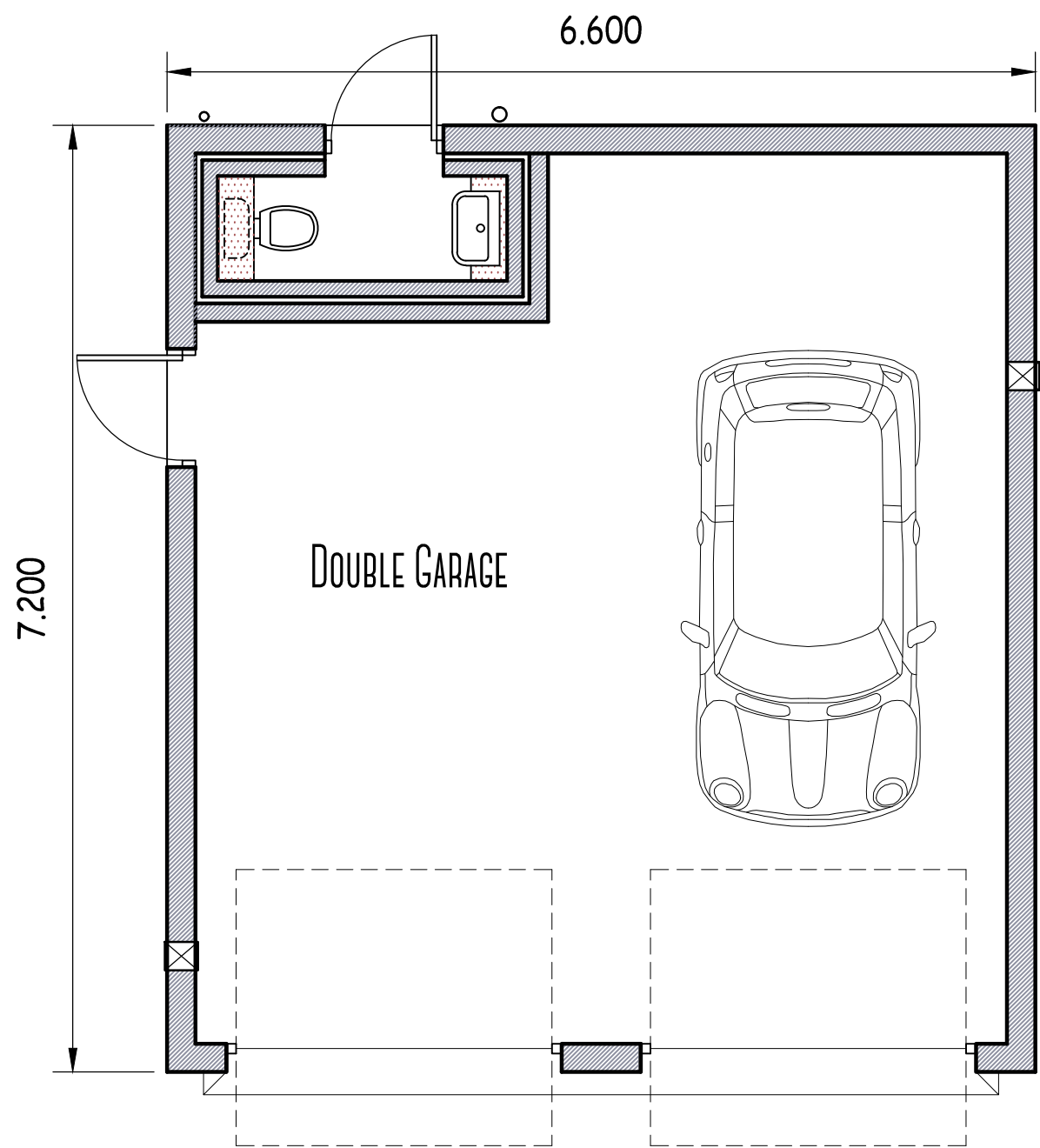
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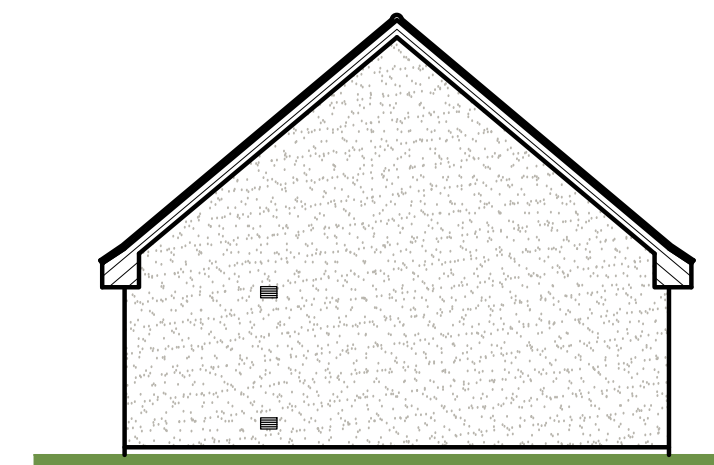
PROPOSED SIDE ELEVATION (WEST FACING)
Scale 1:50 @ A1



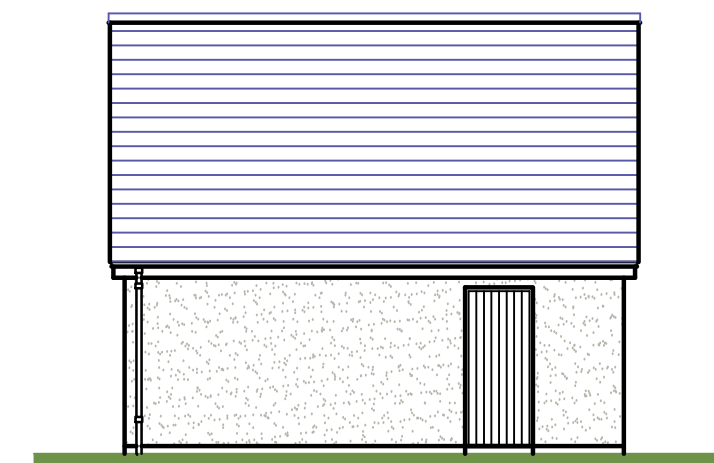
PROPOSED FRONT ELEVATION (SOUTH FACING)
Scale 1:50 @ A1



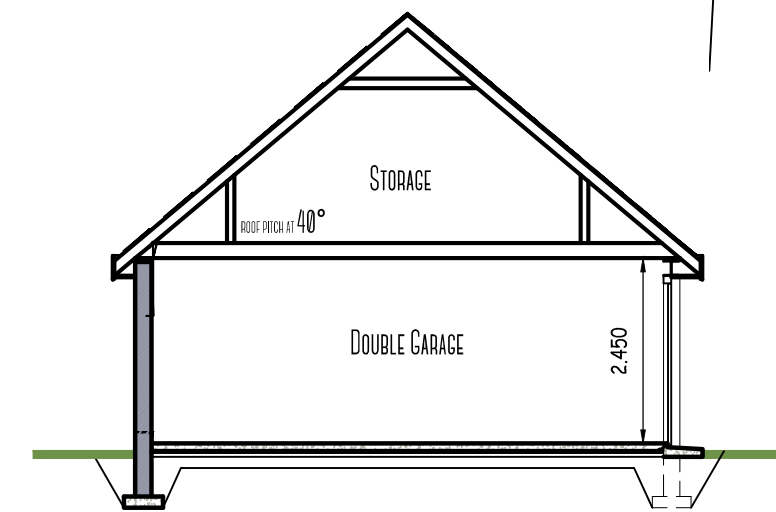
PROPOSED GARAGE PLAN
Scale 1:50 @ A1



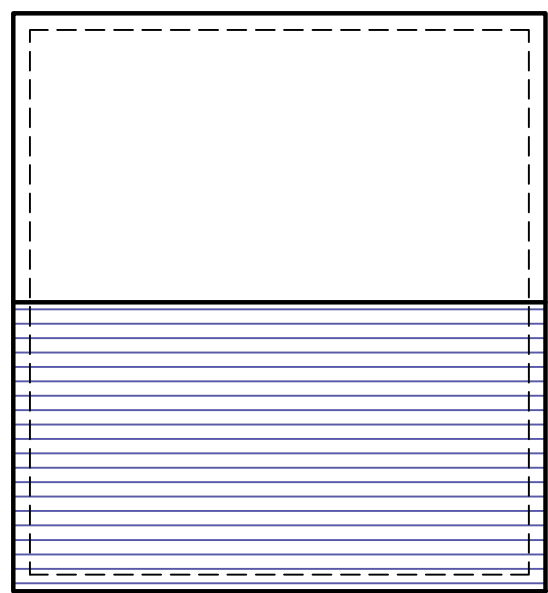
PROPOSED SIDE ELEVATION
Scale 1:100 @ A1



PROPOSED REAR ELEVATION
Scale 1:100 @ A1



CROSS SECTION
Scale 1:100 @ A1

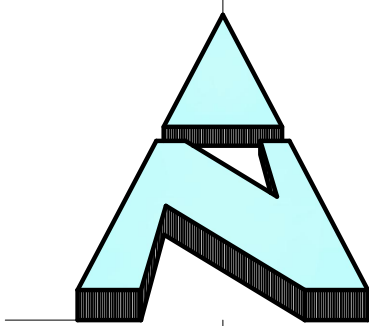


ROOF PLAN
Scale 1:100 @ A1



PROPOSED PART SITE LAYOUT PLAN
Scale 1:200 @ A1

Amendments		Date
A	First Issue	Oct. 18
B	Updated Layout	Jan. 19
C	Updated Layout	Feb. 19
D	Updated Layout	Mar. 19



EXISTING BOUNDARY
PLANTING TO BE RETAINED

3M x 5.4M x 1.5M SURFACE
WATER SOAKAWAY

FOUL TREATMENT PLANT

7.2M x 10M FOUL
WATER SOAKAWAY

GRASS GARDEN GROUND

FINISHES:-

- ROOF: NATURAL SLATE
- WALLS: ROUGHCAST BLOCKWORK
- BASECOURSE: SMOOTH CEMENT PLASTER RENDER
- GARAGE DOOR: GREY STEEL
- RAINWATER GOODS: BLACK UPVC DEEP FLOW
- FASCIA & SOFFIT: WHITE PVC

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ARCHITECTURAL DESIGN
& DEVELOPMENT CONSULTANT
LTD.
MANSARD HOUSE
15 OLD MELDRUM ROAD
BUCKSBURN
ABERDEEN
AB21 9AD
TEL: 01224 710357
FAX: 01224 710358
E-MAIL: info@kenmathieson.com

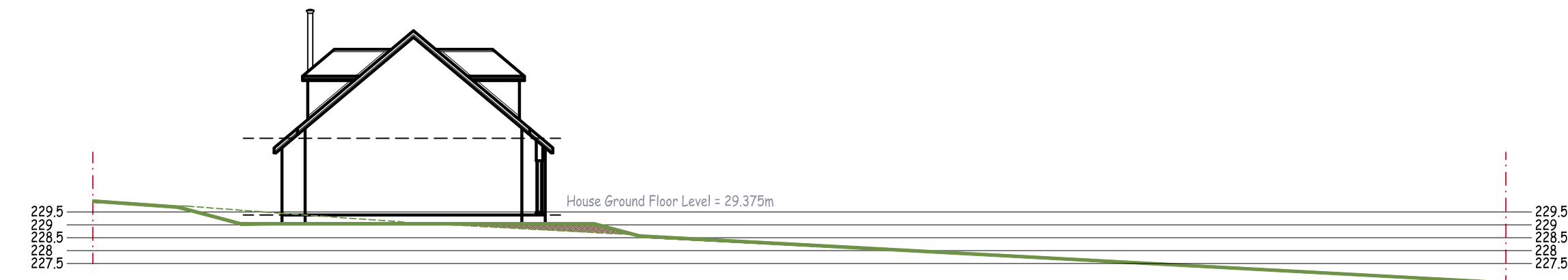
DOMESTIC, COMMERCIAL & INDUSTRIAL

Client: Mr & Mrs Iain Whitecross

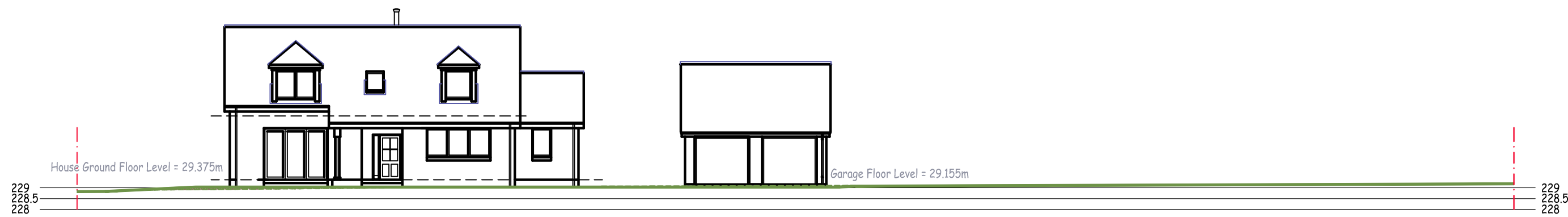
Project: Proposed Dwelling House & Garage
at Site "The Maltings" at Cairnville Farm,
Archiestown, Moray

Title: Proposed Garage & Part Site Plan

Scale	Drawn	Date	Drawn by	Check
As Shown	There	Oct. 18	DM	KM
IW	Dgk	002	Issue	D



Proposed Site Section Through 'Y' - 'Y' Scale 1:200 @ A1



Proposed Site Section Through 'X' - 'X' Scale 1:200 @ A1

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Proposed Site Location Plan Scale 1:1250 @ A1




Proposed Site Location Plan N.T.S

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Proposed Site Location Plan Scale 1:5000 @ A1

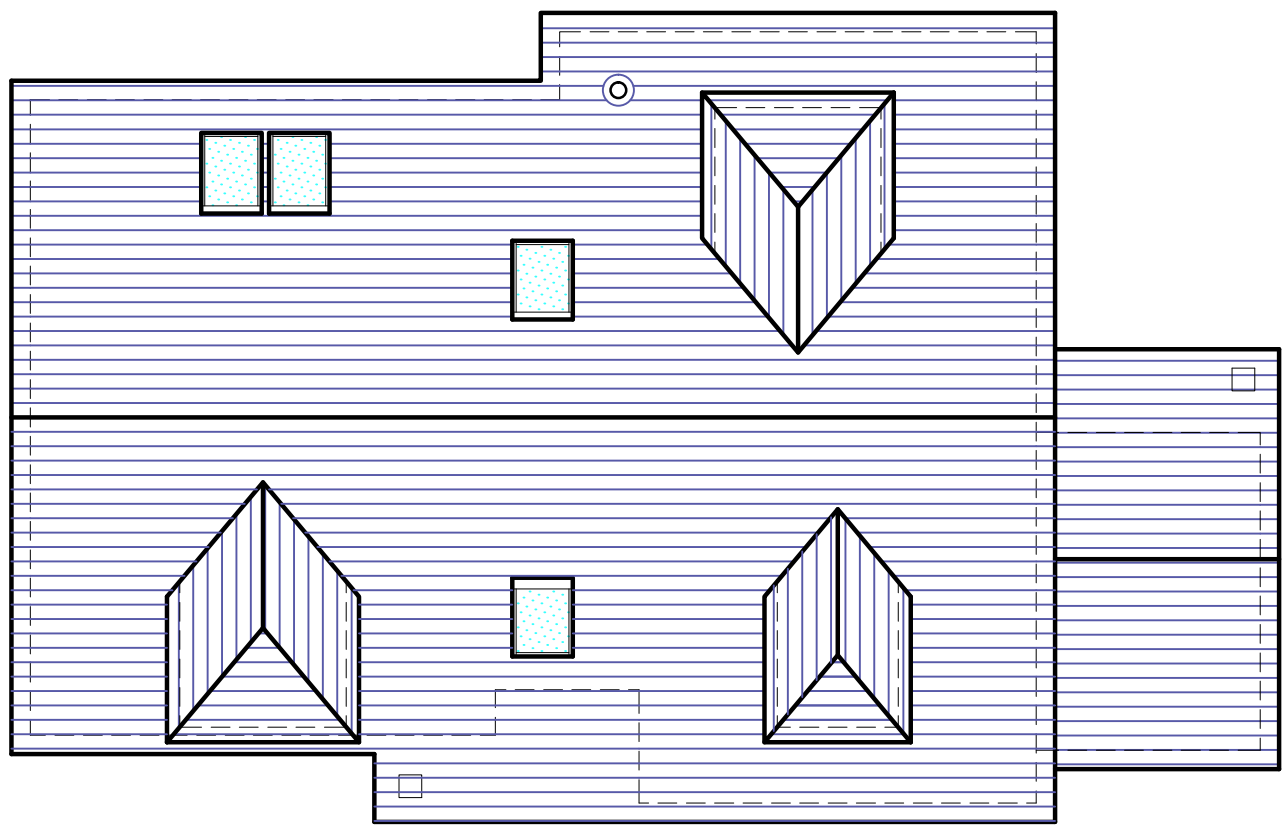
Amendments		Date
A	First Issue	Oct. 18

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BUCKSBURN
ABERDEEN
AB21 9AD
TEL: 01224 710357
FAX: 01224 710358
E-MAIL: info@kenmathieson.com

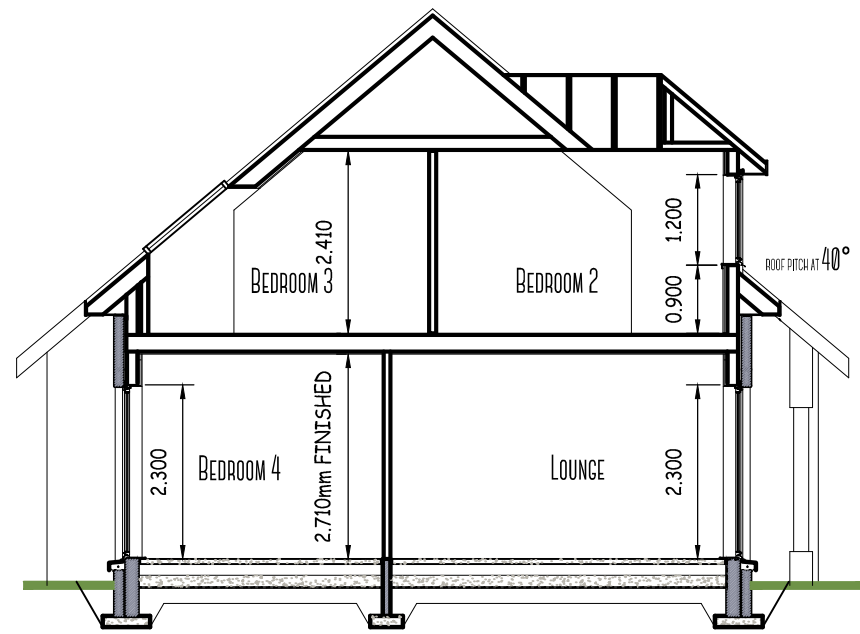
DOMESTIC, COMMERCIAL & INDUSTRIAL

Client	Mr & Mrs Iain Whitecross				
Project	Proposed Dwelling House & Garage at Site "The Maltings" at Cairnvonie Farm, Archiestown, Moray				
Title	Proposed Site Plan & Site Sections				
Scale	As Shown	Date	Oct. 18	Drawn by	KM
Job No	IW	Dwg No	003	Issue	A

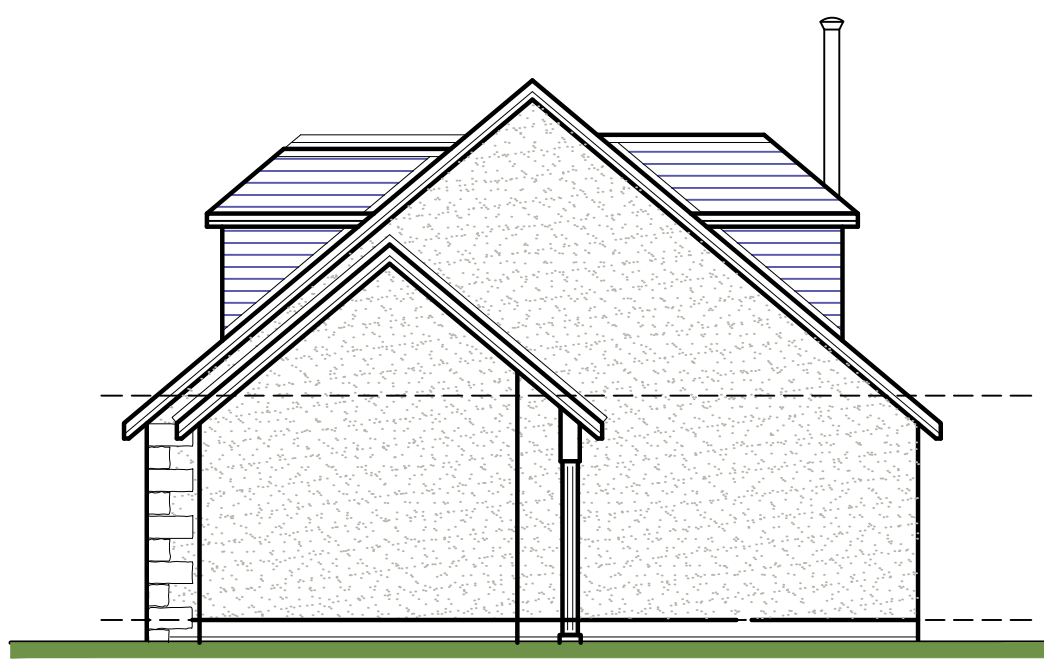
Limited Company Registered in Scotland No.229653



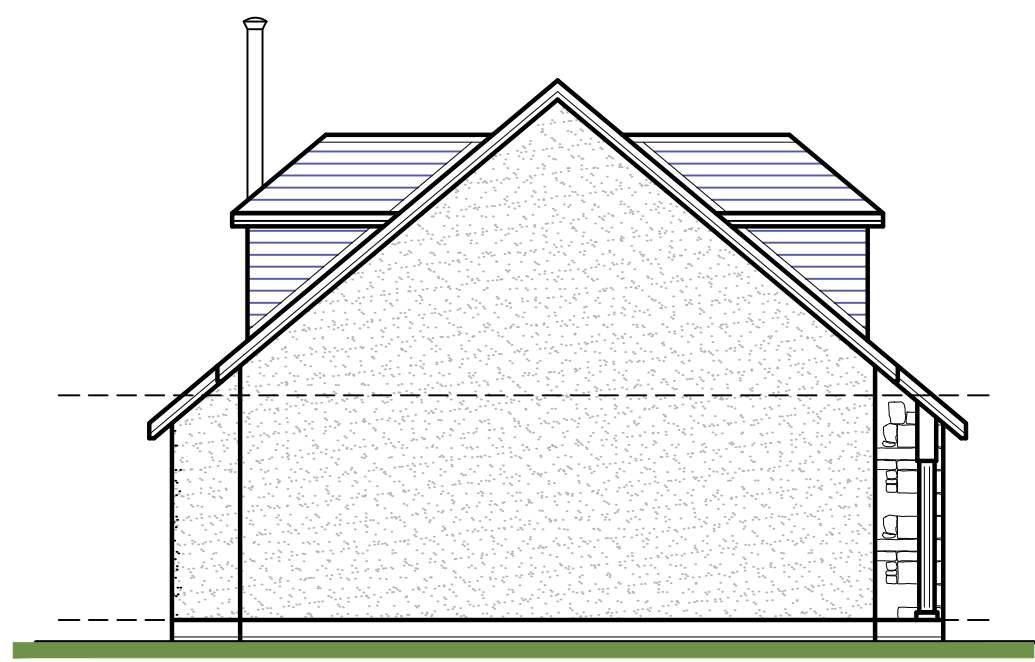
Roof Plan Scale 1:100 @ A1



Cross Section Scale 1:100 @ A1



Proposed Side Elevations (East & West Facing) Scale 1:100 @ A1



Amendments		Date
A	First Issue	Oct. 18
B	Updated Layout	Jan. 19
C	Updated Layout	Feb. 19

FINISHES:-

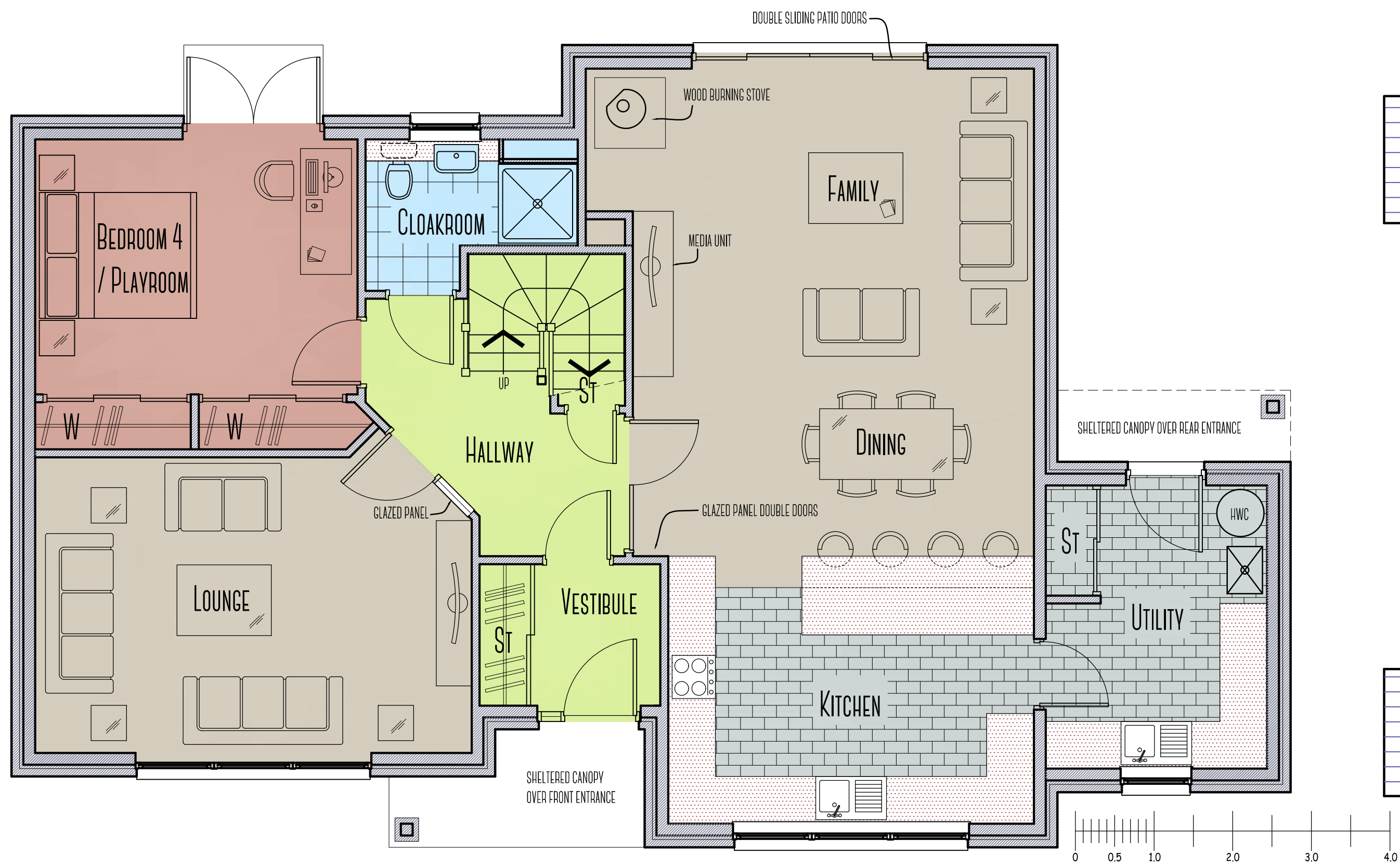
- Roof: Natural Slate
- Walls: Reclaimed Cut & Cleaned Sand Stone
- Walls: Larch Timber Linings
- Walls: Roughcast Blockwork
- Basecourse: Smooth Cement Plaster Render
- Windows: White PVC Frames
- Rainwater Rods: Black UPVC Deep Flow
- Fascia & Soffit: White PVC



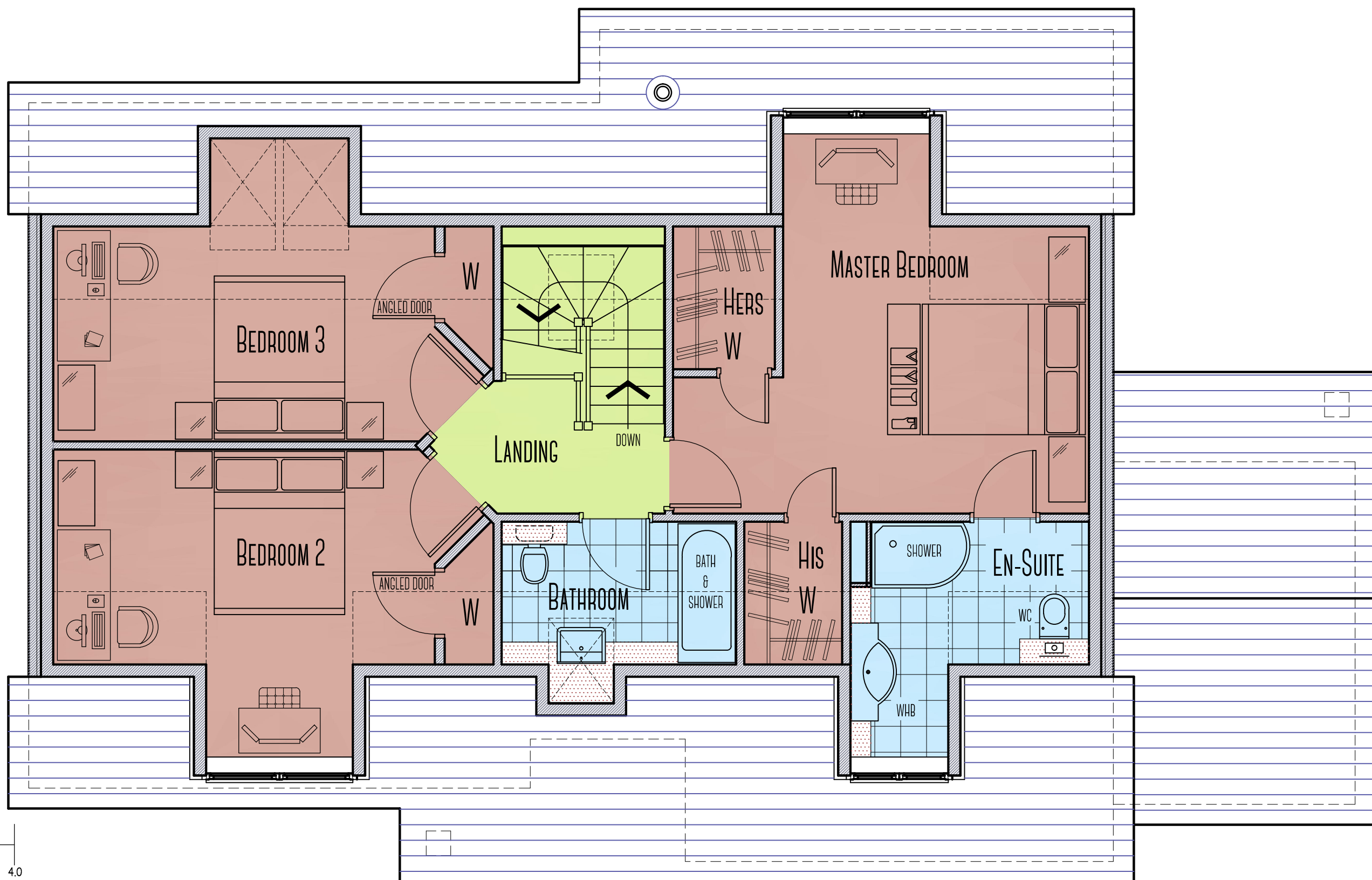
Proposed Front Elevation (South Facing) Scale 1:50 @ A1



Proposed Rear Elevation (North Facing) Scale 1:50 @ A1



Proposed Ground Floor Layout Plan Scale 1:50 @ A1 Ground Floor G.I.A = 117.5m/sq or thereby



Proposed First Floor Layout Plan Scale 1:50 @ A1 First Floor G.I.A = 72m/sq or thereby

TOTAL GROSS INTERNAL FLOOR AREA:-

Ground Floor G.I.A = 117.5m/sq or thereby

First Floor G.I.A = 72m/sq or thereby

TOTAL = 189.5m/sq or thereby

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DOMESTIC, COMMERCIAL & INDUSTRIAL				
Client	Mr & Mrs Iain Whitecross			
Project	Proposed Dwelling House & Garage at Site "The Maltings" at Cairnville Farm, Archiestown, Moray			
Title	Proposed Plans & Elevations			
Scale	As Shown	Date	Oct. 18	Drawn by KM
Issue	IW	Drawn by	001	Issue C

28th March 2019

Moray Council
Council Office High Street
Elgin
IV30 9BX



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

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

Dear Local Planner

AB38 Archiestown Cairn vonie Farm The Maltings
PLANNING APPLICATION NUMBER: 19/00318/APP
OUR REFERENCE: 775050
PROPOSAL: Erect dwellinghouse and garage

Please quote our reference in all future correspondence

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

Water

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

Foul

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

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

Surface Water

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

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

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

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

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

Next Steps:

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

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

[services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h](#)

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

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

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

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

Yours sincerely

Angela Allison

Angela.Allison@scottishwater.co.uk

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	9th April 2019
Planning Authority Reference	19/00318/APP
Nature of Proposal (Description)	Erect dwellinghouse and garage at
Site	The Maltings Cairn vonie Farm Archiestown Moray
Site Postcode	N/A
Site Gazetteer UPRN	999999999999
Proposal Location Easting	323834
Proposal Location Northing	844263
Area of application site (M²)	4355
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PORAAXBGKQJ00
Previous Application	
Date of Consultation	26th March 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Iain Whitecross
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Ken Mathieson Architectural Design Ltd
Agent Organisation Name	
Agent Address	Mansard House 15 Oldmeldrum Road Bucksburn Aberdeen Scotland AB21 9AD
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 19/00318/APP

Erect dwellinghouse and garage at The Maltings Cairnvonie Farm Archiestown Moray for Mr Iain Whitecross

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

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

Condition(s)

1. No development shall commence until:

- i) a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 2.4 metres by 215 metres in both directions with all boundaries set back to a position behind the required visibility splay, and a schedule of maintenance for the splay area has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and
- ii) thereafter the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
- iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

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

2. Prior to the occupation of the dwellinghouse, the first 10m of the access track, measured from the edge of the public carriageway, shall be constructed to the Moray Council specification and surfaced with bituminous macadam. The width of the vehicular access shall be minimum 3.0 metres for the first 5.0 metres measured from the edge of the public carriageway, and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway.

Reason: To ensure acceptable infrastructure at the development access.

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

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

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 new access.

6. Three car parking spaces shall be provided within the site prior to the occupation or completion of the dwellinghouse, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

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

7. A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear. prior to the first occupation of the building/dwelling.

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

Further comment(s) to be passed to applicant

The visibility splay proposed on the submitted details does not at present include the required maintenance regime. The visibility splay is required to be kept clear of obstruction above 0.6m in height, measured from the level of the carriageway, with all boundaries set back to a position behind the splay. All works required to form and maintain the splay in accordance with this should be detailed on any subsequent drawing submitted to discharge planning conditions.

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

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

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

at the expense of the developer.

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

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

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

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

Date 29.03.19

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://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.

From: DeveloperObligations
Sent: 8 Apr 2019 16:16:29 +0100
To: Andrew Miller
Cc: DC-General Enquiries
Subject: 19/00318/APP Erect dwellinghouse and garage at The Maltings, Cairnvonie Farm, Archiestown
Attachments: 19-00318-APP Erect dwellinghouse and garage at The Maltings, Cairnvonie Farm, Archiestown.pdf

Hi

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

Regards
Hilda

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

moray
council



Developer Obligations: ASSESSMENT REPORT



MORAY
council

Date: 08/04/2019

Reference: 19/00318/APP

Description: Erect dwellinghouse and garage at The Maltings, Cairn vonie Farm, Archiestown

Applicant: Mr Iain Whitecross

Agent: Ken Mathieson Architectural Design Ltd.

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

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

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare (<i>Contribution towards reconfiguration at Aberlour Health Centre and 1 Additional Dental Chair</i>)	
Sports and Recreation	Nil
Total Developer Obligations	

Breakdown of Calculation

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

1 x 4-bed= 1.2 SRUE

This assessment is therefore based on 1.2 SRUE.

Developer Obligations Discount for Small Scale Development

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



Moray Council **DEVELOPER OBLIGATIONS**

INFRASTRUCTURE

Education

Primary Education

Pupils generated by this development are zoned to Knockando Primary School. The school is currently operating at 67% functional capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Primary Education = Nil

Secondary Education

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

Contribution towards Secondary Education = Nil

Transport

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

Contributions towards Transport = Nil

Healthcare

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

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

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

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

Contributions are calculated based on a proportional contribution of [REDACTED] per SRUE for the healthcentre and [REDACTED] per SRUE for the additional dental chair.

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

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



this instance, no contribution will be required.

**Contribution for Sports and Recreation
Facilities = Nil**



TERMS OF ASSESSMENT

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

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

PAYMENT OF CONTRIBUTIONS

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

INDEXATION

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

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



Consultee Comments for Planning Application 19/00318/APP

Application Summary

Application Number: 19/00318/APP

Address: The Maltings Cairnvonie Farm Archiestown Moray

Proposal: Erect dwellinghouse and garage at

Case Officer: Andrew Miller

Consultee Details

Name: Mr CL Consultations

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

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

Comments

Approved Unconditionally - Adrian Muscutt

Consultee Comments for Planning Application 19/00318/APP

Application Summary

Application Number: 19/00318/APP

Address: The Maltings Cairn vonie Farm Archiestown Moray

Proposal: Erect dwellinghouse and garage at

Case Officer: Andrew Miller

Consultee Details

Name: Mr EH Consultations

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

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

Comments

No objections

Kevin Boyle, Principal EHO

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	9th April 2019
Planning Authority Reference	19/00318/APP
Nature of Proposal (Description)	Erect dwellinghouse and garage at
Site	The Maltings Cairn vonie Farm Archiestown Moray
Site Postcode	N/A
Site Gazetteer UPRN	999999999999
Proposal Location Easting	323834
Proposal Location Northing	844263
Area of application site (M²)	4355
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PORAAXBGKQJ00
Previous Application	
Date of Consultation	26th March 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Iain Whitecross
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Ken Mathieson Architectural Design Ltd
Agent Organisation Name	
Agent Address	Mansard House 15 Oldmeldrum Road Bucksburn Aberdeen Scotland AB21 9AD
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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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: Moray Flood Risk Management

Planning Application Ref. No: 19/00318/APP

Erect dwellinghouse and garage at The Maltings Cairnvonie Farm Archiestown Moray for Mr Iain Whitecross

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

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

Contact: Leigh Moreton

email address: leigh.moreton@moray.gov.uk

Consultee:

Date: 02/04/2019

Phone No: 01343 563773

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.

S.A. MCGREGOR



GROUND ASSESSMENT & DRAINAGE RECOMMENDATION REPORT

PROPOSED NEW DWELLINGHOUSE LAND TO NORTHWEST OF CAIRNVONIE ARCHIESTOWN MORAY

<i>Client & Applicant:</i>	Mr I. Whitecross
<i>Agent:</i>	Ken Mathieson Architectural Design Ltd. Bucksburn
<i>Contract No.:</i>	2235/18
<i>Report Issued:</i>	08 November 2018

CONTENTS

Introduction

Site Location & Brief Description

Site Work

Trial Pits

Percolation Testing

Infiltration Testing

Ground Assessment

Published Geology

Encountered Ground Conditions

Ground Water Observations

Discussion

Sub-Soils

Sewerage Treatment

Foul Water Discharge

SuDS

Surface Water Disposal

Drainage Recommendations

Foul Water Discharge

SEPA

Surface Water Disposal

Indicative Drainage Layout

System Maintenance

Sewage Treatment System

Soakaways

Regulations

Foundation Recommendations

Safe Bearing Capacity

Excavations

Settlement

De-watering

APPENDIX A

Site Plans	Fig. 1. General & Site Location Plans
	Fig. 2. Test Location Plan
Drainage	Fig. 3. Indicative Drainage Layout
	Fig. 4. Indicative Sub-Surface Soakaway Construction
Certificates	Foul Water Soakaway
	Surface Water Soakaway

**GROUND ASSESSMENT &
DRAINAGE RECOMMENDATION REPORT**
PROPOSED NEW DWELLINGHOUSE
LAND TO NORTHWEST OF CAIRNVONIE
ARCHIESTOWN
MORAY

INTRODUCTION

At the request of Mr Iain Whitecross a ground assessment investigation was undertaken on land to the north-west of Cairnvornie east of Archiestown in Moray.

It is proposed to erect a new dwellinghouse on the site.

The purpose of the visit was to carry out a ground investigation to determine the nature of the materials underlying the area of the site and to undertake the following: -

- to carry out percolation testing to assess the suitability of the underground strata for the disposal of effluent from a sewage treatment system
- to carry out infiltration testing for the disposal design for surface waters from the proposed development
- to assess safe bearing capacity for foundation design

SITE LOCATION & BRIEF DESCRIPTION

The site is located on land to the north-west of Cairnvornie with access from off the B9102 on land all under the ownership of the applicant, OS Grid Ref NJ 23842 44247 (approx. centre of site), see Fig. 1. General & Site Location Plans.

The site is unoccupied and overlain by grass. The boundaries are defined by a post and wire fence.

The site is un-serviced however mains water, electricity and telephone are nearby; there is no mains drainage available.

There are no known wells supplying potable water within 50m of the site.

There are no surface watercourses within 50m of the site.

SITE WORK

Trial Pits

On the 27th September 2018, a tracked excavator with 1.0m and 0.50m buckets excavated trial pits to assess the underlying ground conditions and to carry out percolation and infiltration testing in the areas of the potential foul and surface water sub-surface soakaways.

The locations of the trial pits were decided on site taking into account the proposed house location and site topography and are indicated on Fig. 2. Indicative Test Location Plan in Appendix A.

Percolation Testing

Percolation testing was carried out in test holes adjacent to observation trial pits FW1 in accordance with Section 3.9.2 of the Scottish Building Standards Technical Handbook (Domestic); the test results are shown on the following table: -

Date of Testing 27 th September 2018	FW1
Average time taken for water to drain 3 times in each sump hole (middle 150mm)	8875
Depth of Water Table below Ground Level (m)	>2.70m
Soil Percolation Values, Vp, s/mm	60

Infiltration Testing

Infiltration tests were carried out in trial pit SW1 in accordance with BRE Digest 365; the test results are tabulated below: -

Trial Pit No.	Pit Dimensions (W x L)m	Test Zone (mbegl)	In-Fill	Soil Infiltration Rate, f(m/s)
SW1	0.50 x 1.10	1.30-2.30	Open	5.55×10^{-6}

GROUND ASSESSMENT

Published Geology

The British Geological Survey 1:50,000 Superficial and Solid maps indicate that the site may be overlain by Devensian Till Deposits (Diamicton – clay, silt, sand and gravels) formed up to 2 million years ago during the Quaternary Period. The site is underlain by the Archiestown Pluton (Monzogranite) igneous bedrock formed approximately 419 to 444 million years ago during the Silurian Period.

Encountered Ground Conditions

Topsoil: The site is overlain by 300-350mm of topsoil.

Natural Sub-Soils: The natural underlying sub-soils have an upper mantle of well consolidated stiff light orange brown silty sandy gravelly clay to depths in the range 1.30-1.70m below existing ground levels. Below the clay are medium dense light brown coarse sands (completely weathered rock) proved to a maximum investigated depth of 2.70m.

Bedrock: In-tact bedrock was not encountered during this investigation.

Groundwater Observations

Groundwater was not encountered during the investigation nor observed during the monitoring period. No visual (no seepages or discoloration) indication of the seasonally high or fluctuating ground water table was seen in the strata above the encountered depths of 2.70m.

DISCUSSION

Sub-Soils

The sandy gravelly nature of the underlying soils and the results from the percolation and infiltration testing confirmed the moderate to well-draining properties of the sub-soils.

Sewage Treatment

The soil percolation value, $V_p = 60$ s/mm and therefore a septic tank is suitable for the proposed development, However, due to the proximity of nearby dwellings to to further protect the environment it is recommended to install a package sewage treatment plant (PSTP) with a minimum 3,750-litre capacity for up to a 4-bedroom house, a population equivalent, $PE = 6$.

Foul Water Discharge

A sub-surface stone-filled soakaway (infiltration system) is considered suitable for the discharge of foul waters from a septic tank directly to the ground. The soakaway should comply with the Domestic Technical Handbook (para. 3.9.2) which sets out guidance on design in accordance with the requirements of SEPA Regulatory Method (WAT-RM-04) Indirect Sewage Discharges to Groundwater.

SuDS

The disposal of surface waters from the development needs to be assessed in terms of both the quantity and the quality of the discharge for Building Regulations and SEPA. Using the SIA tool, the land use run-off quality has been determined, see summary below: -

Land Use Type	Residential Roofing	Residential Parking & Driveway
Pollution Hazard Level	Very Low	Low
Pollution Hazard Indices		
TSS	0.2	0.5
Metals	0.2	0.4
Hydrocarbons	0.05	0.4
SuDS Component Proposed Component 1	None (not discharging to watercourse)	
SuDS Pollution Mitigation Indices		
TSS	0.4	0.4
Metals	0.4	0.4
Hydrocarbons	0.4	0.4
Groundwater Protection Type	Infiltration Trench	Silt Trap for TSS Minimum 300mm permeable gravel finish
Combined Pollution Mitigation Indices		
TSS	0.4	0.4
Metals	0.4	0.4
Hydrocarbons	0.4	0.4
Acceptability of Pollution Mitigation		
TSS	Sufficient	Sufficient
Metals	Sufficient	Sufficient
Hydrocarbons	Sufficient	Sufficient

Surface Water Disposal

The investigation carried out concludes that the underlying strata are considered suitable for the construction of an infiltration trench for the surface water run-off from the roof areas and permeable driveways/parking areas for the proposed development prior to disposal to the ground.

DRAINAGE RECOMMENDATIONS

Foul Water Discharge via a Sub-Surface Stone-filled Soakaway

To comply with the Domestic Technical Handbook (para. 3.9.2) which sets out guidance on how proposals may meet the Building Standards set out in the Building (Scotland) Regulations 2004, an infiltration system must be designed and constructed in accordance with the requirements of SEPA.

Using the average soil percolation value, **$Vp = 60s/mm$** and in accordance with the regulations the minimum base area, A, is derived from **$A = Vp \times PE \times 0.25$** , see the following table: -

Proposed Development	Population Equivalent, PE (as defined in BW COP:18.11/13)	Min. Base Area (m ²)	
		Septic Tank	PSTP
New Dwellinghouse	6 (4-bedroom)	90	72

Full details of the proposed sewage treatment system will be made available to the Building Standards Officer once it has been determined after consultation with suppliers which models are the most suitable for the proposed development and the potential population equivalent of the dwellinghouse.

SEPA

The final installed sewage treatment system and discharge will require to be registered with SEPA under CAR.

Surface Water Disposal

The size of the proposed surface water soakaway is based on the impermeable surface areas of the development.

Using the soil infiltration rate, **$f = 5.55 \times 10^{-6} m/s$** the optimum dimensions for the surface water infiltration trench (soakaway) are shown on the following table: -

Impermeable Area (m ²)	Width (m)	Length (m)	Storage depth (m)	Half Empty Time (hrs)
New House	1.00	15.90	1.50	7.06
Roof Areas	2.00	8.10		12.04
Up to 200m²	3.00	5.40		14.49
	4.00	4.00		15.11

These dimensions are based on a 30-year return period of storm duration of 60 minutes.
 Calculations have been carried out in accordance with BRE Digest 365.

Indicative Drainage Layout

The indicative drainage layout is shown on Fig 3. with indicative soakaway construction shown on Fig. 4. along with the certificates all in Appendix A.

SYSTEM MAINTENANCE

Sewage Treatment System

All servicing and maintenance should be undertaken in full accordance with the manufacturer's literature or by a responsible qualified person. The septic tank should be regularly inspected and 'desludged' (emptied) when appropriate to ensure solids and silts do not 'clog' the soakaway or make their way to the discharge outlet.

Soakaways

The soakaways are designed for the life time of the proposed development if they are not allowed to silt up nor the pipework to be blocked.

If a soakaway fails to due blockages or silting it should be excavated and reconstructed with fresh clean stone, new pipework and renewed terram.

During the development of the site, and the excavation of the soakaways, should any field drains be found within 10m of the soakaway they should be realigned or relocated accordingly.

REGULATIONS

SEPA and Building Regulations require that infiltration systems (soakaways) are located at least:

-

- 50m from any spring, well or borehole used as drinking water supply
- 10m horizontally from any water course (including any inland or coastal waters), permeable drain (including culvert), road or railway
- 5m from all buildings
- 5m from boundaries (*reduced distance to boundaries may also be subject to agreement from adjacent land owners where the soakaway is considered not to be detrimental to the adjacent property*)

FOUNDATION RECOMMENDATIONS

Safe Bearing Capacity

It is recommended that the foundations should be taken down through the topsoil and rest on the underlying stiff clays at a minimum depth of below 0.60m below existing ground levels.

A safe bearing capacity of 200kN/m² may be applied for the design of the foundations for standard strip footings.

Excavations

Due to the clayey nature of the upper sub-soils, if left exposed, all foundations excavations should be protected from rain and run-off water to maintain the soils strength.

Settlement

It is considered that the generally stiff, sandy and gravelly nature of the clayey sub-soils will have settlement within tolerable design limits.

Dewatering

It is not anticipated that de-watering measures will be required during excavations.

APPENDIX A

Site Plans	Fig. 1. General & Site Location Plans Fig. 2. Test Location Plan
Trial Pit Logs	FW1 & SW1
Drainage	Fig. 3. Indicative Drainage Layout Fig. 4. Indicative Sub-Surface Soakaway Construction
Certificates	Foul Water Soakaway Surface Water Soakaway

Fig. 1. GENERAL & SITE LOCATION PLANS

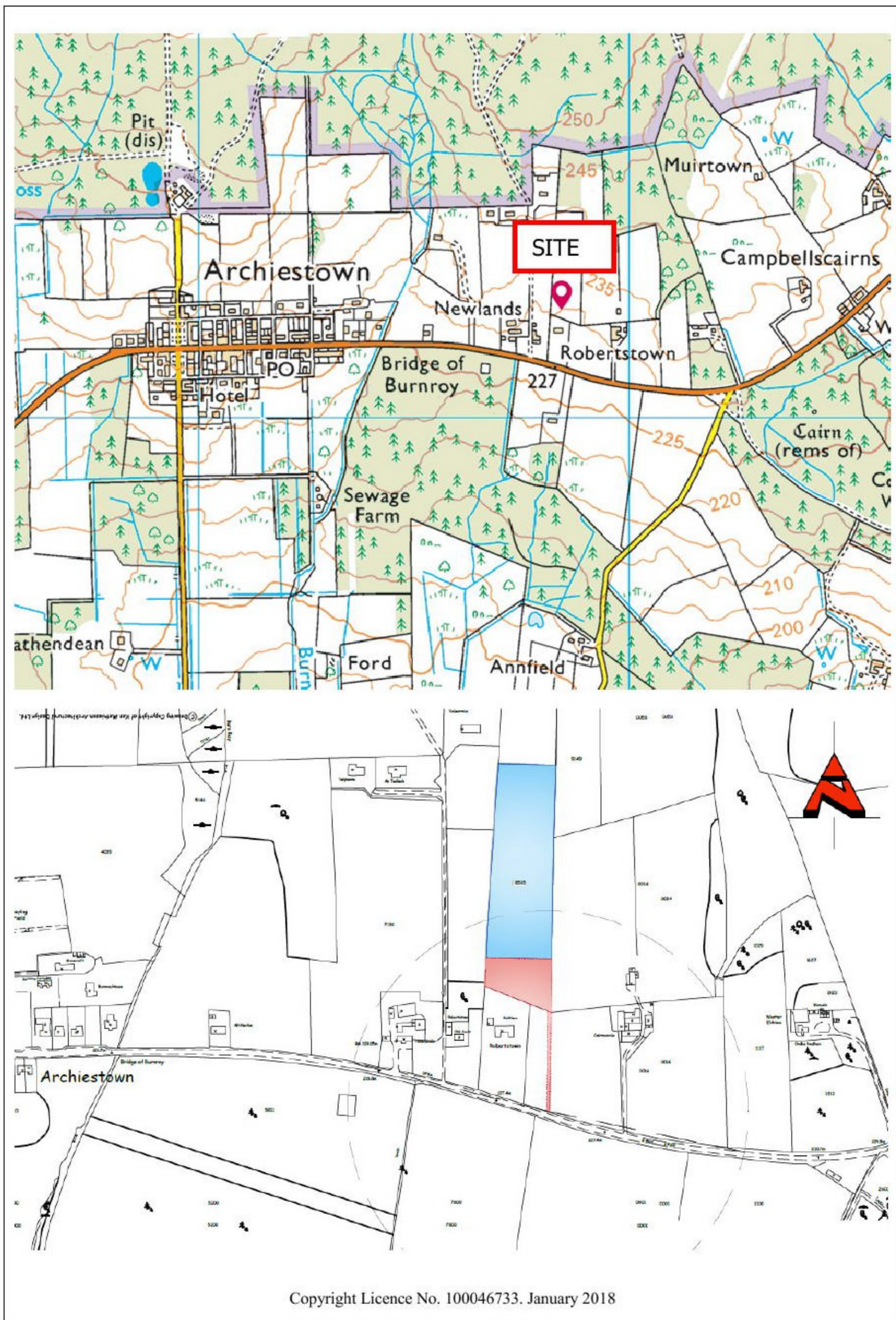
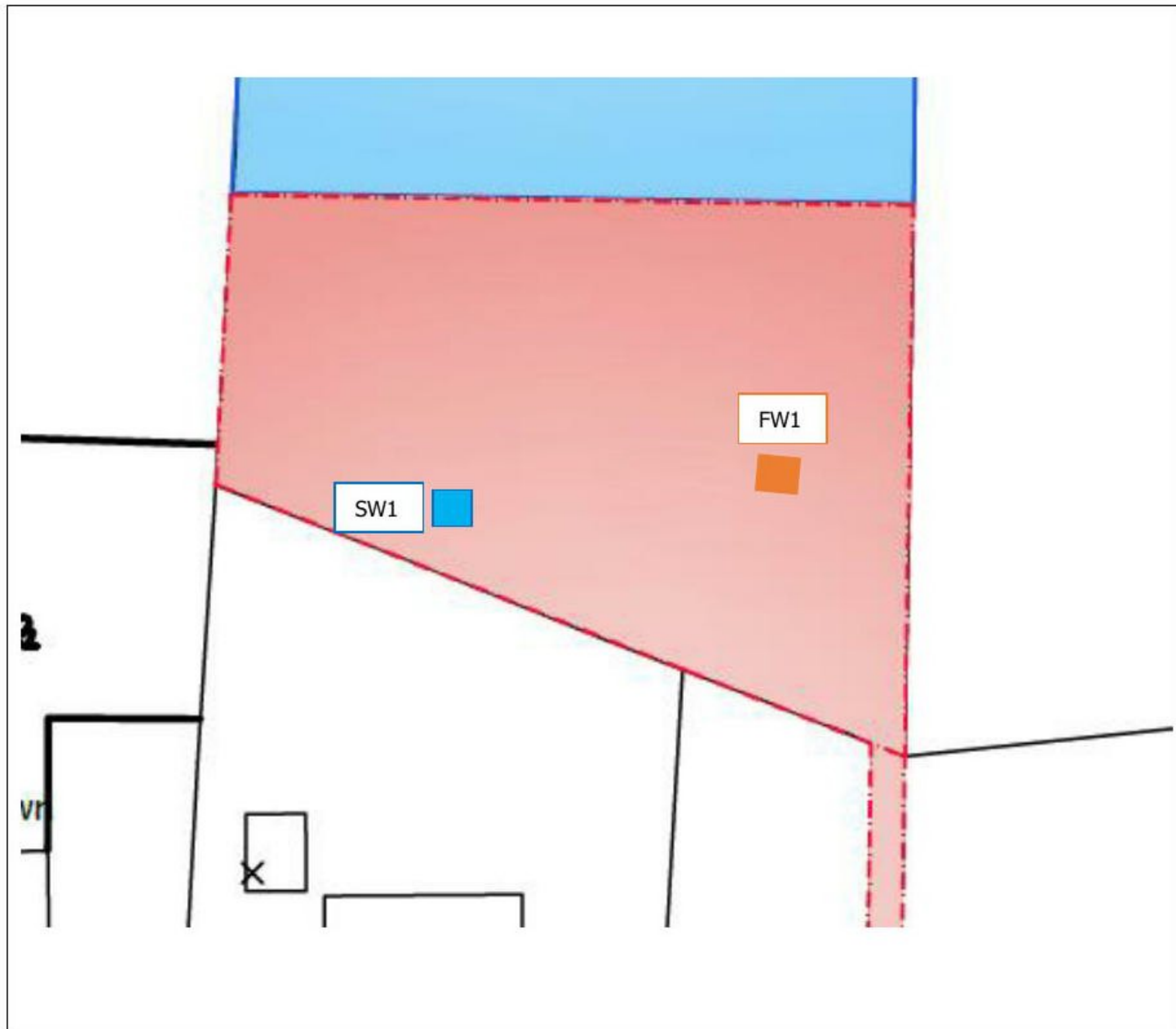


Fig. 2. INDICATIVE TEST LOCATION PLAN



Extract from Ken Mathieston Drawing Sep 2018

Fig. 3. INDICATIVE DRAINAGE LAYOUT

NOT TO SCALE: ALL SOAKAWAY DIMENSIONS PROVIDED ON THIS DRAWING SHOULD BE CHECKED ON A FULL-SCALE PLAN TO ENSURE THEY MEET THE REQUIRED BUILDING REGULATIONS 5m FROM BUILDINGS AND SITE BOUNDARIES, 10m FROM OTHER SOAKAWAYS, DRAINS AND WATERCOURSES & 50m FROM WELLS

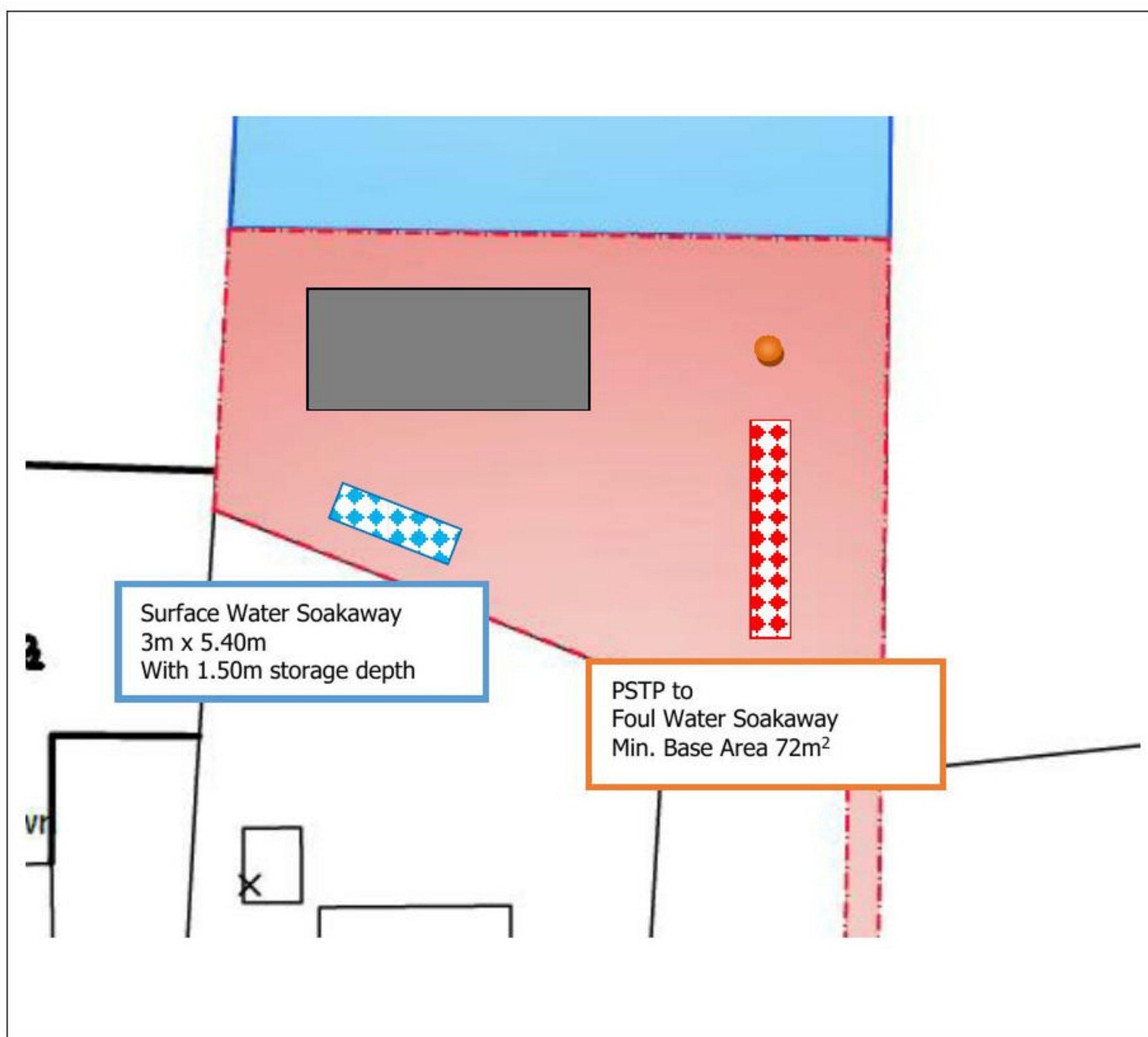
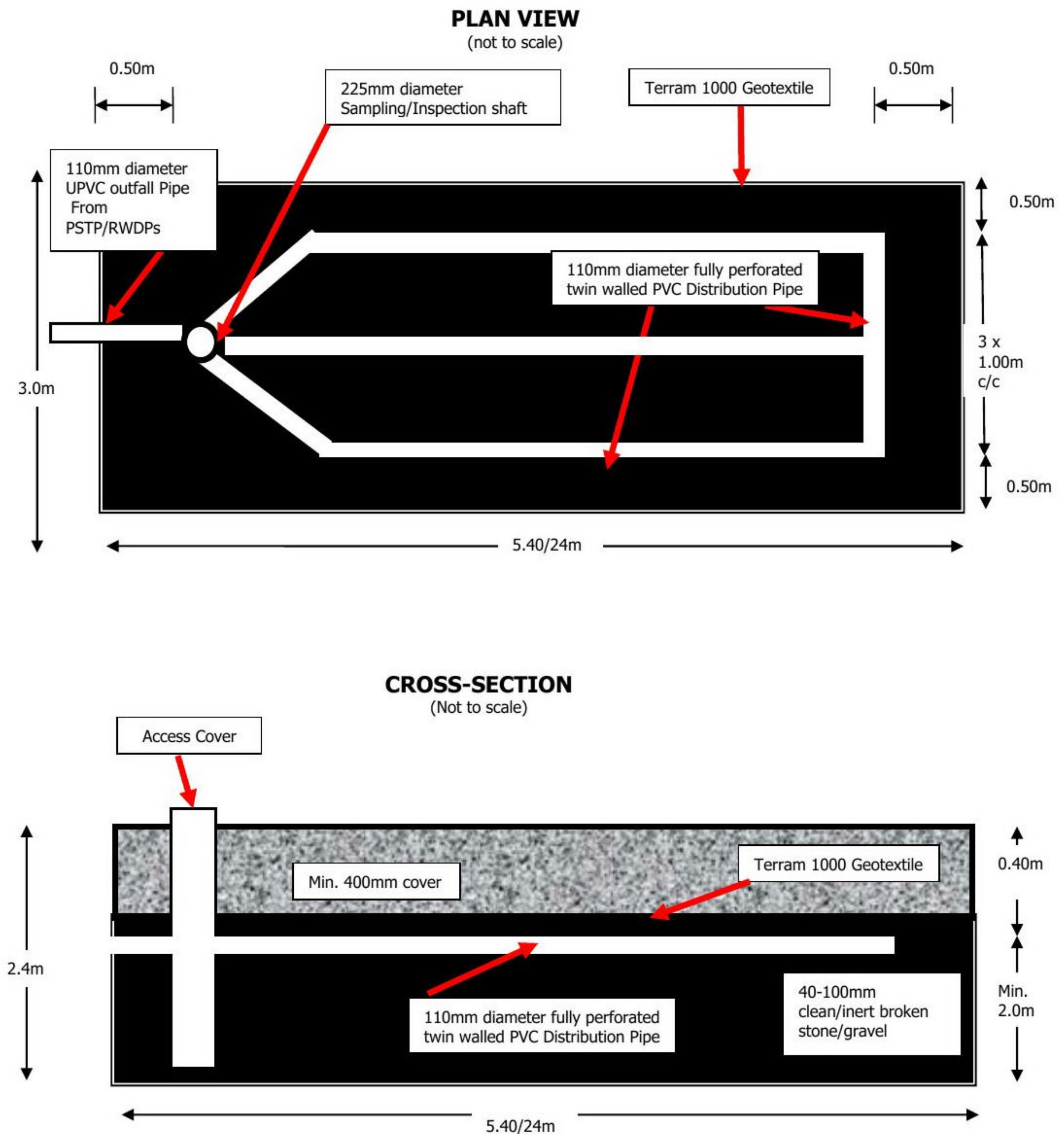


Fig. 4. INDICATIVE SUB-SURFACE SOAKAWAY CONSTRUCTION
 (sketch only, not to scale)



CERTIFICATE FOR PROPOSED FOUL WATER SUB-SURFACE SOAKAWAY

Two tests are normally required to demonstrate the suitability of the proposed drainage scheme:

1. A trial pit must be excavated to a depth of 1 metre below the proposed invert of the drain to establish whether the water table will interfere with the operation of the soakaway
- and
2. A percolation test must be carried out to determine the area of the ground required.

Certificate

Applicant's Name Mr I. Whitecross

Address c/o Ken Mathieson

Site Address Land NW of Cairnvonie, Archiestown, Moray

Date of Test.....27th September 2018

Weather...Sunny & Rain showers

Encountered Ground Conditions

Topsoil: The site is overlain by 300-350mm of topsoil. **Natural Sub-Soils:** The natural underlying sub-soils have an upper mantle of well consolidated stiff light orange brown silty sandy gravelly clay to depths in the range 1.30-1.70m below existing ground levels. Below the clay are medium dense light brown coarse sands (completely weathered rock) proved to a maximum investigated depth of 2.70m. **Bedrock:** In-tact bedrock was not encountered during this investigation.

Groundwater Observations

Groundwater was not encountered during the investigation nor observed during the monitoring period. No visual (no seepages or discoloration) indication of the seasonally high or fluctuating ground water table was seen in the strata above the encountered depths of 2.70m.

Wells: no known wells used for supply of potable water within 50m of site.

Depth of Drains:1.70m

Depth of Excavations: ..up to 2.70m.....

Percolation Tests

FW1

Time Taken (mean of three times), secs

8875

Average Soil Percolation Values, Vp, s/mm

60

Population Equivalent

6 (4-bedroom)

Minimum Floor Area of Soakaway

90m² or 72m² with secondary treatment

I hereby certify that I have carried out the above assessment in accordance with procedures specified within the Domestic Scottish Building Standards Technical Handbook (Environmental Standard 3.9 Infiltration Systems) and SEPA A WAT-RM-04, the results of which are tabulated above, and that the proposed drainage scheme detailed on the attached plans and report has been designed considering the recommendations in the standards and regulatory standards.

Signed ...

Date...08 November 2018

Name / Company

S. A. McGregor

Address

Serenje, Kingsford Steading, Alford, Aberdeenshire, AB33 8HN

Qualification

B.Eng (Civil Engineering).

CERTIFICATE FOR PROPOSED SURFACE WATER SOAKAWAY

Applicant's Name Mr I. Whitecross

Address c/o Ken Mathieson

Site Address Land NW of Cairnvonie, Archiestown, Moray

Date of Test.....27th September 2018

Weather...Sunny & Rain showers

Encountered Ground Conditions

Topsoil: The site is overlain by 300-350mm of topsoil. **Natural Sub-Soils:** The natural underlying sub-soils have an upper mantle of well consolidated stiff light orange brown silty sandy gravelly clay to depths in the range 1.30-1.70m below existing ground levels. Below the clay are medium dense light brown coarse sands (completely weathered rock) proved to a maximum investigated depth of 2.70m. **Bedrock:** In-tact bedrock was not encountered during this investigation.

Groundwater Observations

Groundwater was not encountered during the investigation nor observed during the monitoring period. No visual (no seepages or discoloration) indication of the seasonally high or fluctuating ground water table was seen in the strata above the encountered depths of 2.70m.

Wells: no known wells used for supply of potable water within 50m of site.

Depth of Drains:1.30m

Depth of Excavations: ..up to 2.30m.....

Infiltration Test

SW1

Infiltration Test Zone (m)

1.30-2.30

Soil Infiltration Rate, f (m/s)

5.55×10^{-6}

Surface Area of Development

up to **200m²**

Surface Water Stone-filled Infiltration Trench (Soakaway)

3.00m x 5.40m with 1.50m stone storage depth.

I hereby certify that I have carried out the above tests and calculations in accordance with BRE Digest 365 and in conjunction with the full requirements set out within the Domestic Scottish Building Standards Technical Handbook. The results of which are tabulated above, and that the proposed drainage scheme detailed within this report has been designed considering the recommendations in the standards.

Signed ...

Name / Company

Address

Qualification

S. A. McGregor

Serenje, Kingsford Steading, Alford, Aberdeenshire, AB33 8HN

B.Eng(Civil Engineering).

Date...08 November 2018

**SITE NORTH OF KALITHEA, AT CAIRNVONIE FARM,
ARCHIESTOWN, MORAY**

PROPOSED DWELLING HOUSE & GARAGE



SUPPORTING AND PLANNING STATEMENT

PROPOSED DWELLINGHOUSE & GARAGE

SITE NORTH OF KALITHEA, AT CAIRNVONIE FARM, ARCHIESTOWN, MORAY

Supporting and Design Statement

Introduction

This statement has been prepared to support the application submitted by Ken Mathieson Architectural Design Ltd. on behalf of Mr & Mrs Iain Whitecross for the construction of a house with garage at the site North of Kalithea at Cairnvonie Farm, Archiestown. It should be read together with the submitted plans and other supporting information.

Site

The site extends to some 4353m/sq. It comprises an area of agricultural land with Manage riding school to the South West corner and Stables to the North East.

The site lies immediately to the North of the dwelling house named Kalithea with 2no additional dwelling houses to the South West named Old Croft & Newlands. To the South East of the site there is Cairnvonie Farm. The closest village is Archiestown located approximately 500m from the site access which contains various local amenities such as shops and restaurant. The East & West of the site is agricultural land with a forest to the far North. There is an existing access track to the South which connects to the B9102.

The site is surrounded by Timber post fence with trees and shrubs to the East & West.

The ground rises gently from the public road. The site is largely in agricultural use with equestrian equipment placed for training horses. There are no other features of interest on the site.

Archiestown is served by the 366 bus service.

Proposal

The application seeks full planning permission for the construction of a one and a half storey, four bedroom family house and detached double garage. The house will be set back into the site and positioned generally towards the North Western boundary. The house positioned to face the public road as per the surrounding dwellings. The house presents a symmetrical front elevation with windows either side of a front entrance porch and with dormers above, lining through with the ground floor windows. The house has a traditional, steeply pitched roof clad in natural slates, gable ends and on the rear elevation a single storey bay window.

External finishes are proposed to be white roughcast with a cement render base course with timber linings used for the front porch, rear wing and rear bay window.

The main elevation will make use of locally sourced reclaimed sand stone.

The double garage has similar roughcast and slate finishes with a 40 degree pitched roof.

Vehicular access will be from the existing farm track to the South East which will be upgraded. The junction of the track with the public road is close to the 30mph limit for the village.

Design

The brief is to produce a practical family house of high environmental performance which respects the quality of the area and maximises the existing features of the site.

The design of the proposed house has evolved as a result of careful consideration of the features of the site and the character of the area, to make the best possible use of the southerly aspect, to provide separation and shelter for the residents of the house and to avoid any conflict with the surrounding properties.

The shape and orientation of the site, the requirement to take access from the farm track and the relationship of existing manure & Stables, determined the position of the proposed house.



Site Layout Plan

Existing buildings in Archiestown are of a wide range of design and materials including traditional stone buildings and a number of modern houses with white roughcast walls and concrete roof tiles. The proposed house follows the use of roughcast walls to provide a building which recognizes the form of modern developments. The incorporation of a traditional steeply pitched roof with natural slate finish, vertically proportioned windows and detailing and the use of timber linings in certain areas and reclaimed sandstone will give a clean, crisp contemporary appearance whilst respecting the character of the area.



House Front Elevation

Function

The energy performance of the proposed house, which will meet the requirements of Supplementary Guidance SG LSD11: Carbon neutrality in new development, will be achieved primarily through the external envelope, following the 'fabric first' principle of achieving a high energy performance rating through the building envelope alone without reliance on additional micro-renewable technologies. The measures will include:-

- Improved thermal performance through floor, walls, roof construction and windows and doors.
- Improved heating controls including weather compensators / load compensators.
- Improved higher efficiency boilers.
- Air tightness.
- Improved construction techniques.

The benefits of this approach rather than introducing LZC technologies include:-

- 'Fit and forget', as all home owners merely have to come home, close the door and forget .

- Not solar dependant, and therefore optimises site design.
- Cost effective and does not require maintenance / replacement by home owners.
- Supported by NHBC, Insurers and Lenders.
- Drives better efficiencies out of the existing insulation products.

The house has been designed so that where at all feasible public rooms make use of south facing aspects which will enhance the environmental efficiency of the house. Shelter will be provided from the north by the large over hang to the rear entrance door.

The house has been designed as a family house and will meet all of the requirements of the building regulations in regard to accessibility standards. It will have an accessible layout with level access, activity spaces and circulation space, ground floor toilet and shower with provision for future alterations to provide a stair lift if required.

The house will meet the requirements of the Building Regulations as updated on 1 October 2015. A comprehensive Energy Statement will be submitted when the information is available through the preparation of detailed working drawings.

Detailed drainage arrangements for foul and surface water are shown on the submitted plans

The site is accessed by a farm track leading from the public road. It is anticipated that the existing road network can readily accommodated the new house.

Resources

The construction materials will be sourced locally as far as practicable to reduce embodied energy and will be durable throughout the life of the house.

The main elements of the house all comprise timber including the roof trusses, kit walls, partitions, facings and exterior wall cladding. This natural product will be taken from renewable sources.

Conclusion

The house design responds to the characteristics of the site in a sensitive way. The proposal is for a carefully sited, well designed family house built to high environmental standards which will be an asset to the area.

REPORT OF HANDLING

Ref No:	19/00318/APP	Officer:	Andrew Miller
Proposal Description/ Address	Erect dwellinghouse and garage at The Maltings Adjacent To Cairn vonie Farm Archiestown Moray		
Date:	09.05.2019	Typist Initials:	LMC

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	28/03/19	No objections.
Contaminated Land	02/04/19	No objections.
Transportation Manager	29/03/19	No objections subject to conditions in relation to access and parking.
Scottish Water	28/03/19	No objections.
Moray Flood Risk Management	02/04/19	No objections.
Planning And Development Obligations	08/01/19	Obligations sought towards healthcare (reconfiguration of Aberlour Health Centre and an additional dental chair).

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
H7: New Housing in the Open Countryside	Y	
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	
PP3 Infrastructure & Services	N	

DP1 Development Principles	Y	
DP4 Rural Housing	Y	
EP12 Management and Enhancement of the	N	
EP13 Foul Drainage	N	

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Legislative Requirements

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.

On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

The main planning issues are considered below.

Site

An area of rough grazing ground to the north of a small group of houses (three) at Robertstown, some 400 metres to the east of Archiestown. The site is circa 150 metres to the north of the B9102 (Dandaleith to Grantown road). A Manège is within the site to the south (albeit unconsented).

Proposal

Consent is sought for the erection of a house with detached garage. The house would be one and a half storey with dormer windows, finished in a mix of roughcast, sandstone and larch to the external walls, natural slate roof and white PVCu windows and doors. The detached double garage would be finished in roughcast walls, a natural slate roof and grey steel doors. Surface water would drain to a soakaway, and foul drainage via a septic tank and soakaway. The house would be served by the public water supply.

Housing in the Countryside (H7)

As the site falls out with a defined settlement, policy H7 (Housing in the Countryside) is applicable. Policy H7 is supported by Supplementary Guidance - Housing in the Countryside Guidance; and the Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside. The latter identifies areas where a build-up of rural housing has eroded the rural landscape character of particular "hotspots". A relatively large area to the east of Archiestown in which this site is located is identified as having a build-up of housing, and within that a number of hotspots are identified - with this site being located within one. The application was advertised as a

departure from the Local Development Plan in this regard.

Whilst the guidance does note that there may be limited scope for providing additional houses in this area, there are a number of properties within close proximity to this site. In addition, the site lies close to the settlement of Archiestown. The development of an additional house in this location is considered to contribute to a build-up of rural housing in the area, whereby the build-up creates a suburban pattern of development alien to the rural character of the surrounding countryside, itself typified by dispersed small farms. This would also be detrimental to the setting of nearby Archiestown, with the need to ensure the setting of settlement itself remains distinguishable from the surrounding rural landscape.

Although the design of the house itself is suitable for the rural location, taking account of the above considerations, the proposal is considered to fail to comply with policy H7 and its associated guidance due to inappropriate siting. The proposal is also contrary to policy IMP1 due to its adverse impact on the character of the surrounding area.

Drainage (EP5, EP10)

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

Parking and Access (T2, T5)

Access to the site would be via an existing access to the B9102. Details have been provided to demonstrate that the visibility can be provided. Subject to conditions as recommended, the proposed access arrangements are considered acceptable and would comply with policy T2. Sufficient parking has also been provided within the curtilage of the site, in line with policy T5.

Developer Obligations (IMP3)

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

Recommendation

Refusal is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
	Decision		Date Of Decision	

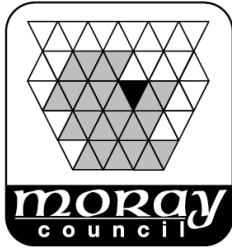
ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	No Premises Departure from development plan	25/04/19
PINS	No Premises Departure from development plan	25/04/19

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?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Drainage Report	
Main Issues:	Details the ground conditions on site and the proposed drainage arrangement.	
Document Name:	Planning Statement	
Main Issues:	Details the ground conditions on site and the proposed drainage arrangement.	

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

**[Speyside Glenlivet]
Application for Planning Permission**

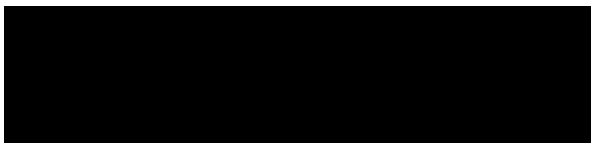
TO Mr Iain Whitecross
c/o Ken Mathieson Architectural Design Ltd
Mansard House
15 Oldmeldrum Road
Bucksburn
Aberdeen
Scotland
AB21 9AD

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 and garage at The Maltings Adjacent To Cairn vonie Farm
Archiestown Moray**

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

Date of Notice: **10 May 2019**



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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal is contrary to the provisions of the Moray Local Development Plan 2015 because the proposal would contribute to an inappropriate build-up of development that would be detrimental to the rural character of the surrounding area, contrary to policies H7 (Housing in the Countryside) and IMP1 (Developer Requirements), as well as the Supplementary Guidance on Housing in the Countryside.

This is further supported by the Moray Local Development Plan supplementary Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside, whereby the site is located in an area where a build-up of housing (built and consented) is considered to have an adverse impact on the character of the surrounding rural area. The development of a house on this site would further exacerbate this.

Whilst limited weighting is given to it, the proposal is also contrary to the Proposed Moray Local Development Plan 2020 (policies DP1 (Developer Requirements) and DP4 (Rural Housing)).

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
002	D	Site plan garage elevations and floor plan
003	A	Site and location plan
001	C	Elevations and floor plans

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

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, 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 100173790-001

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:	Suller & Clark		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Karine	Building Name:	Scoutbog Steading
Last Name: *	Suller	Building Number:	
Telephone Number: *	07742613598	Address 1 (Street): *	Oldmeldrum
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Oldmeldrum
Fax Number:		Country: *	UK
		Postcode: *	AB51 0BH
Email Address: *	karine@sullerandclark.com		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Iain"/>	Building Number: <input type="text" value="13"/>
Last Name: *	<input type="text" value="Whitecross"/>	Address 1 (Street): * <input type="text" value="Tamdhu Distillery Cottages"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text" value="Knockandu"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Aberlour"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="AB38 7RU"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="844282"/>	Easting	<input type="text" value="323846"/>
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Description of Proposal

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

Appeal against refusal of Planning Permission for the Erection of dwellinghouse and garage at The Maltings, Adjacent to Cairnvonie Farm, Archiestown (Planning Ref: 19/00318/APP)

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

See Appeal Statement

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)

Appeal Statement, Personal letter from Appellants, Decision Notice, Location & Site Plan, Elevation & Floor Plans, Garage Elevation & Floor Plans

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/00318/APP

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

22/03/2019

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

10/05/2019

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: Mrs Karine Suller

Declaration Date: 16/07/2019



**Town and Country Planning (Scotland) Act 1997
as amended**

**Appeal against refusal of Planning Permission for the
Erection of dwellinghouse and garage at The Maltings, Adjacent to
Cairn vonie Farm, Archiestown**

(Planning Ref: 19/00318/APP)

by Moray Council ("the Council")

For: Mr & Mrs Whitecross ("the Appellant")

■ **Karine Suller B.Sc, M.Sc, MRTPI**
Scoutbog Steading, Oldmeldrum
Aberdeenshire AB51 0BH

Telephone: 07742 613 598
karine@sullerandclark.com

■ **Karen Clark B.Sc (Hons), MRTPI**
Mayriggs, 69 Brechin Road
Kirriemuir DD8 4DE

Mob: 07930 566 336
karen@sullerandclark.com

Background

An application for Planning Permission was submitted and validated on 22 March 2019 and refused by Moray Council on 10 May 2019.

The planning application sought Planning Permission for the Erection of a Dwellinghouse and garage at The Maltings, adjacent to Cairn vonie Farm, Archiestown.

The Appellant wishes to Appeal against the refusal of this permission.

The Decision Notice reads:

“The proposal is contrary to the provisions of the Moray Local Development Plan 2015 because the proposal would contribute to an inappropriate build-up of development that would be detrimental to the rural character of the surrounding area, contrary to Policy H7 (Housing in the Countryside) and IMP1 (Developer Requirements), as well as the Supplementary Guidance in Housing in the Countryside.

This is further supported by the Moray Local Development Plan Supplementary Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside, whereby the site is located in an area where a build-up of housing (built and consented) is considered to have an adverse impact on the character of the surrounding rural area. The development of a house on this site would further exacerbate this.

Whilst limited weighting is given to it, the proposal is also contrary to the Proposed Moray Local Development Plan 2020 - policies DP1 (Developer Requirements) and DP4 (Rural Housing).”

Grounds of Appeal

The Appeal will focus on three issues:

- The appellant accepts the need for developer obligations and would pay this contribution should the application be successful
- The appellants personal circumstances which require a house at this location
- That due to the location of the appeal site, the rural character of the area is not compromised and the surrounding rural landscape can incorporate this additional house.

1. Developer Requirements.

The appeal raised the issue of Developer Obligations to mitigate the impact on healthcare (reconfiguration of Aberlour Health Centre and an additional dental chair). It is noted in the Report of Handling that

“As this application has been recommended for refusal, these obligations were not pursued,.....”

Response - The appellant confirms his acceptance of this principle and agrees to the payment should the appeal be successful.

1. The appellants personal circumstances.

The appellants wish to build on a site which they own and on which they keep their much-loved horses. They live and work locally as a local assistant distillery manager and a council employee with their young family well settled into local nursery and schools.

Whilst currently living in distillery owned property, this does not provide sufficient space, is too far removed from the horses and provides no security for the future. They have attempted to buy housing locally, but run into legal and technical difficulties, hence the need to consider their own land, which was always only intended for horse grazing and now only for a well-considered and sensitively designed family home. We note that there were no public representations made at the time of the application.

Response - Their circumstances are set out in the accompanying letter. In addition, there is support for rural housing to meet the needs of local residents from the Scottish Government. PAN 72 Housing in the Countryside seeks to provide widespread good quality rural housing. The document recognises that more people want to live and work in rural areas. The PAN seeks to ensure that potential sites are accessible and well designed. Further, PAN 73 Rural Diversification the Scottish Government confirms its commitment to supporting rural life, rural communities and the rural economy. **The PAN recognises that** a one size does not fit all and a flexible approach is often required, the document confirms

“It should also be recognised that new housing in rural areas can play an important part in wider economic regeneration and environmental renewal especially in remote areas. The provision of appropriately located, well designed homes, suitable for a range of incomes can help to stem depopulation, keep young people and skills in the area and help to attract new people and entrepreneurs.”

Recently the Scottish Government & UK Government agreed a new £65 million Moray growth deal to help economic growth in Moray. Cabinet Office Minister David Lidington was quoted to say:

“This transformative package of support will boost the region’s economy by helping to attract and retain people to live and work in the area”

2. The rural character of the area.

The area is characterised by open agricultural land with large pockets of forestry plantation. The village of Archiestown lies to the west, the hamlet of Robertstown to the south, with the B9102 road linking the two to the south and running in an east-west direction. Archiestown is characterised by its rectangular and linear form, formed at the intersection of the B9102 road and Moss Street which runs north-south, with the village having expanded eastwards over time. The eastern edge of the village is marked by the burn at the Bridge of Burnroy. The hamlet is Robertstown, quite separate from Archiestown is characterised by three roadside properties, with a further property to the east, Cairn vonie.

The development is proposed to the north (rear) of Kalithea, utilising grazing land which the family own and on which they keep their horses, with the area characterised by a ménage and stables, which already bring activity to the site. Although the properties at Robertstown are described as road-side, each are set well back from the road frontage. By virtue of their landscaping and setting, only glimpsed long distance views of the new development would be possible, and these are only from the east. There are no views into the site from the west from the road by virtue of the landscaping provided by the three properties, to the west, these being Newlands, Old Croft and Kalithea

See photographs below:



View of site from East, from B9102 road.



Close-up of same view to appeal site.

In considering the appeal, it should be noted that all technical matters were satisfactorily resolved, no objections were received to the application, and no issues were raised with regards, layout, siting and design, with the Report of Handling noting:

“.....the design of the house itself is suitable for the rural location.....”

Planning History

This site has not been the subject of any previous planning applications.

Site description

The appeal site is a small area of grazing directly behind (to the north) of the Property Kalithea, a double gabled modern property, which faces on to the road (the B9102) to the south, set back in generous gardens. The site lies within the cluster of 4 properties which comprise the hamlet of Robertstown and comprise 3 traditional properties: Cairnvoonie, Oldcroft and Newlands, with the newer build property Kalithea. The site is used by the family for keeping horses and there is a ménage on site with small store/stable, so that the area is characterised by activity. Access would be taken to the site utilising an existing access and no objections have been received from the Roads Service.

Proposed development

The appeal seeks planning permission for the erection of a single house and garage to meet the needs of a local family. The applicants live and work within the area and support the local services and facilities. The house would be one and a half storey with traditional proportions and features including dormer windows in the roof. The incorporation of traditional materials such as natural slate finish, timber linings in

certain areas and locally sourced reclaimed sandstone to the main front elevation will give a clean, crisp contemporary appearance whilst respecting the character and heritage of the area. The Council raised no concerns regarding the layout, siting or design.

See Site Layout Plan below:



Development Plan Policy

Scottish Planning Policy 2014

The SPP published June 2014 provides an overview of the key components and overall aims and principles of the planning system in Scotland. In general terms the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality development in sustainable locations.

The SPP encourages rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. It goes on to advise that in the areas of intermediate accessibility and pressure for development, plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a range of policies that provide for additional housing requirements, economic development, and the varying proposals that may come forward, while taking account of the overarching objectives and other elements of the plan. Plans should make provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities.

Moray Local Development Plan 2015

The following policies are considered relevant to the determination of this appeal:

H7: New Housing in the Open Countryside

In turning to the principle of a house in this location, Policy H7 – New Housing in the Open Countryside, as contained in the Moray Local Development Plan 2015 applies. This policy assumes in favour of an application provided the following requirements for siting are met:

- Reflects traditional pattern of settlement and is sensitively integrated
- Does not detract from character or setting of existing buildings or their surrounding area, or create inappropriate ribbon development
- Does not contribute to a build-up, where the number of houses has the effect of changing the character of the area
- At least 50% of the site boundaries are long established and capable of distinguishing the site from the surrounding land.

Response – The site has long-established boundaries to 3 of its 4 sides, with the neighbouring property to the south, and as established field boundaries to east and west. The siting reflects the traditional pattern of development in this area, being set back from the road and masked by the existing roadside pattern of development with the proposed development continuing the pattern of organic growth of the area. By adding to the north of the built road-side development at Robertstown, it clearly integrates into this cluster of development and does not in any way contribute to ribbon-development. It is the appellants view that the proposal does not add to build up, being sensitively sited and well designed, and this development does not alter the rural character of this area.

In order to consider the matter of “build-up” the SG Housing in the Countywide, and its Guidance Note on Landscape and Visual Impacts of Cumulative Build Up of Houses in the Countryside October 2017 to provide further advice on the landscape and visual impacts associated with the build-up of new houses in the open countryside, must be examined. The Guidance Note focuses on 8 study areas, including Archiestown. It notes that *“it is impossible to provide a singular definition of what constitutes unacceptable build-up.”*

In order to assess build-up, it identifies a number of factors to identify:

Siting

- The number of new houses overwhelms the older, new houses are predominant in the landscape, the traditional settlement pattern is not easy to perceive
- The Incidence and inter-visibility of new housing result in these being a major characteristic of the landscape, with a prominence of new housing from key viewpoints.
- The sequential visual effects of build up when travelling on roads. The proposal contributes to ribbon development between existing/consented houses contrary to the dispersed settlement pattern.

Response – this is clearly a very subjective principle. The traditional settlement pattern of Archiestown and Robertstown is still easily readable. Archiestown retains a distinct identity characterised by its grid pattern, with its eastern extreme being defined by the Bridge of Burnroy. Robertstown to the east is a separate and defined cluster of development comprising a majority of older traditional properties/croft houses with some newer additions. There is a clear break between Archiestown and Robertstown and the proposed location of this development, to the rear of the existing properties at Robertson does not result in ribbon development, or appear prominent in the landscape, but rather the proposal integrates into the midst of the cluster, therefore being more readily consumed in the landscape. Further, there are

only glimpsed views of the site from the east, but none from the west due to the landscaping provided by the existing properties.

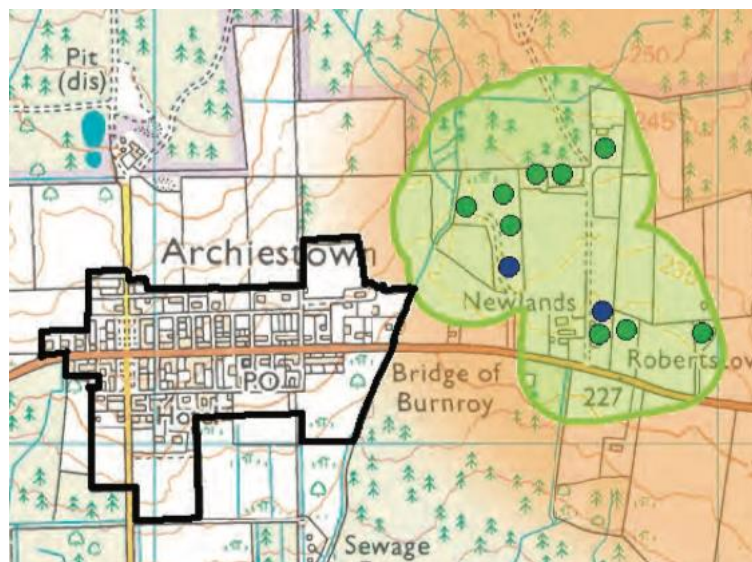
Examination of the Archiestown Statement notes

“There may be some very limited scope for a small number of well-designed houses in parts of this study area although the potential effects on landscape and on views would have be carefully considered.”

This is accompanied by the Plan for the Archiestown,

Response – Examination of the plan shows that there remains a distinct boundary, identity and separation between Archiestown and Robertstown – see extract below:

- This is a well-designed house, with traditional features and proportions and no objections were received regarding the design issue
- That much of the new development is concentrated in or around the conifer woodland belt to the north and the guidance note explains that *“removal of these trees would result in an incongruous loose cluster of houses being revealed.....”*. This is understandable, but not the case in the Appeal case.
- The “Hot Spots” identified are graded green through yellow to red, depending on the density of new build development in that hot spot. In this instance the site lies within a green area, with the lower density, and therefore more able to absorb carefully considered development, as in this case.
- For these reasons the appellant contends that he proposal accords with Policy H7 and its associated Supplementary Guidance and Guidance Note.



IMP1: Developer Requirements requires a number of criteria be met for new development including

“The scale, density and character must be appropriate to the surrounding area.....”

The Report of Handling notes

“The proposal is also contrary to policy IMP1 due to its adverse impact on the character of the surrounding area.”

Response – this again is a very subjective issue. As stated in the consideration of Policy H7 and its accompanying Supplementary Guidance, it is the appellants view that the rural character of the area is not compromised by the addition of a single house in this location, that the site has advantages by being in the midst of established traditional residential development and benefits from the screening around these properties. For these reasons, the appellant considers that the proposal does accord with Policy IMP1.

Discussion

The Town & Country Planning (Scotland) Act 1997 as amended requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise.

The appeal seeks planning permission for the erection of a single house and garage for a local family's needs. There have been no objections to the application, no technical objections and the design and layout have proved satisfactory. The family have very specific reasons for requiring a house in this location. The issue of its siting and impact upon the character of the rural area is very subjective. The appellants would argue that the site is able to integrate the well-designed dwelling into the landscape without erosion of the special rural features of this area.

The Appellant submits that the Appeal complies with all policies of the Scottish Government and Moray Council and as a result we would respectfully request that the appeal is upheld.

July 2019.

13 Tamdhu Distillery Cottages
Knockando
Aberlour
Moray
AB38 7RU
21.05.19

Dear Sir/Madam,

I am writing in relation to our recent planning application, which was declined on the grounds of being located in a restricted build area or 'hot spot'. I hoped, if I may, to give you some background information about ourselves and why this planning application is of great importance to us.

Both my husband and I have lived and worked in Moray almost all of our lives (although I moved here from Wales when I was 3 years old). Indeed, I have been a loyal and hardworking employee of Moray Council since 2005. We briefly moved to Aberdeenshire to rent a property with land for our horses but it was very remote and we decided to move back in 2010, after 18 months away from the area, to be nearer both our families, as we were expecting our first child. My husband returned to work at Tamdhu Distillery in 2012 after being made redundant during the mothballing of the site in 2010, and remains there still, and is now Assistant Manager. This role includes a Distillery cottage where we have lived since 2012. It has served us well but with having two young girls and very little storage space, with little opportunity to upgrade or develop the property, we are finding that we have outgrown this home. We also want to ensure long term security as when Mr Whitecross eventually retires, we will have to leave this property, and getting onto the housing ladder in our 60s isn't favourable. Furthermore, in his role as Assistant Manager of the distillery here at Tamdhu, Mr Whitecross is 'on call' every other week and needs to be able to get to the site quickly, should we move elsewhere. Our girls are also very happy and settled at the local Playgroup/Nursery and Primary School, and are therefore near their friends and activities, so we really need to stay in this area.

In addition to the above points, we also own the land in the proposed planning application, and have done for around 5 years now. This land was only ever intended to be home to our horses, for grazing. These horses are a huge amount of work and involve at least 2 visits a day (when everything is going well with our poorly pony), for around an hour each visit minimum, just to do the day to day care required, not including the exercising of them. One of the four horses suffers with insulin resistance (Similar to type 2 diabetes in humans) and cushing's disease, making him very susceptible to the potentially fatal condition called 'laminitis'. He has to have a very special diet and management regime, alongside lifelong medication, with very limited grass intake/turnout time, lots of exercise, and he needs to be monitored closely. This would be much easier if he was essentially in an

adjoining field to our house in terms of travel time and fuel costs, but with him being so sensitive it would also be of great benefit to be able to monitor him as carefully as he requires, particularly at times of illness flare ups. I have a lot of tack and equipment stored at the field, as well as the high value (both monetary and sentimentally) of my horses and I do worry about security, with us being four miles away. Our neighbours are great, and we get on very well, but they are not equestrians themselves and can't be expected to keep an eye on the place 24/7. In the winter months it can be a huge worry when the roads are bad in snowy conditions, meaning that we are sometimes driving in treacherous conditions to get to them, and also have to take water with us from home quite often as we have no mains water and the water collection that we have from the rain water off the shelter roof, freezes. This is another reason we are not only tied to the area, but would really benefit from having a house on site.

We attempted to buy a property in the village of Archiestown only last year, in order to be closer to our horses, a little closer to my work but still in the vicinity of Mr Whitecross's place of work and the kids' school. It appeared to tick most of the boxes, but unfortunately, we had to pull out of the purchase at the last minute, much to our financial and emotional loss, due to our solicitor finding that the house deeds were inaccurate and not really rectifiable, without involving the other three neighbours' solicitors in the small cul-de sac where the house was located. The seller of the property was not willing to even try to rectify this. In short, part of our land was situated behind a large retaining wall, and in the neighbour's garden. There was pipework that could not be sourced, shared rights of the properties drive way and responsibilities placed upon the new owners that were unreasonable, only due to being the last property of the group to be sold. After talking to several local friends who live in Archiestown already, I am led to believe that this is fairly typical of the village. As a result we decided to pursue building our own property, on our own land in order to ensure everything was done 'right', and to avoid this problem again.

We, nor our architect had heard of the 'Hotspot' areas and restricted building of dwelling houses in certain locations across Moray, which is obviously our error. Whilst I completely understand why the Council would wish to ensure that the outskirts of country villages do not become over populated, I am disappointed to see that no houses have been approved since this came in in 2017, however in other restricted build areas such as Birnie for example, there have been at least a few planning applications passed. In the particular area that we are hoping to build there really have been very few new builds over the years we have been here, even before the new restrictions came into place and it certainly isn't overpopulated with such sites. Further along the road, not far from Macallan there seems to be huge houses going up left right and centre; some of which are massive and can be seen from miles away, however these are not in the restricted zone.

We have gone to great expense and taken a lot of time to ensure that our proposed house is in keeping with the countryside area; not too big or extravagant, and isn't anything more than a decent sized family home. The access is already present and it is not in anybody's way nor blocking anyone's view. Indeed, the house would hardly be seen from the main road, due to where we have positioned it on the plans. We want to conserve as much grazing land as we can whilst keeping the property sensible. The proposed site does not require tree removal or in fact, much excavation at all. We hoped by having exact plans drawn up that the proposed house could be seen clearly and it would save time and hassle by going backwards and forwards, we know you are busy people! We have no desire to build more than this one house, which will be for our family to live in and not to be sold to make a profit, like some new houses and developments we've seen.

With all the above points in mind, I wish to ask you to look again at our planning application with the hope you may reconsider your response. We are decent, hardworking people and only wish to have a family home that suits our needs and responsibilities. We are happy to comply with any suggested changes to make our dream a reality.

Thank you for your time.

Yours Faithfully

Mrs Linda Whitecross

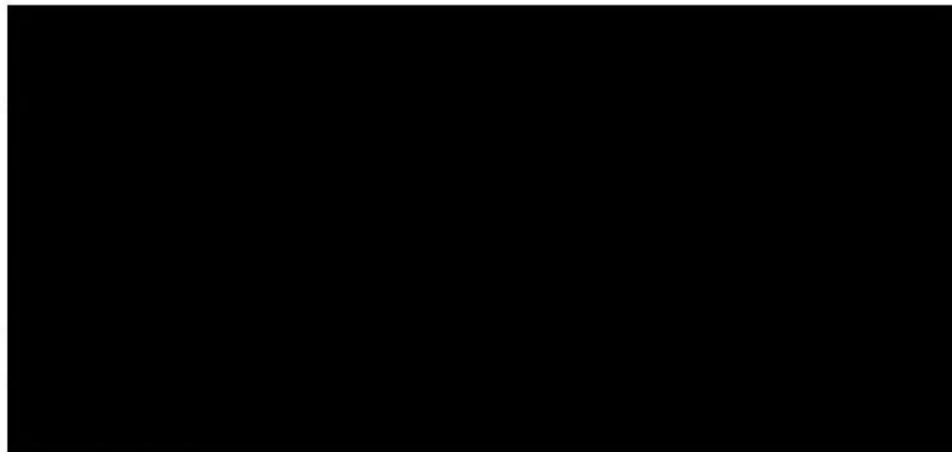


MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended

REFUSAL OF PLANNING PERMISSION

[Speyside Glenlivet]
Application for Planning Permission

TO

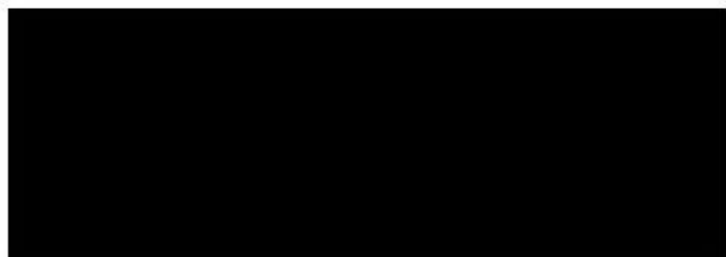


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Erect dwellinghouse and garage at The Maltings Adjacent To Cairnvonie Farm
Archiestown Moray**

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

Date of Notice: **10 May 2019**



HEAD OF DEVELOPMENT SERVICES

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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal is contrary to the provisions of the Moray Local Development Plan 2015 because the proposal would contribute to an inappropriate build-up of development that would be detrimental to the rural character of the surrounding area, contrary to policies H7 (Housing in the Countryside) and IMP1 (Developer Requirements), as well as the Supplementary Guidance on Housing in the Countryside.

This is further supported by the Moray Local Development Plan supplementary Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside, whereby the site is located in an area where a build-up of housing (built and consented) is considered to have an adverse impact on the character of the surrounding rural area. The development of a house on this site would further exacerbate this.

Whilst limited weighting is given to it, the proposal is also contrary to the Proposed Moray Local Development Plan 2020 (policies DP1 (Developer Requirements) and DP4 (Rural Housing)).

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

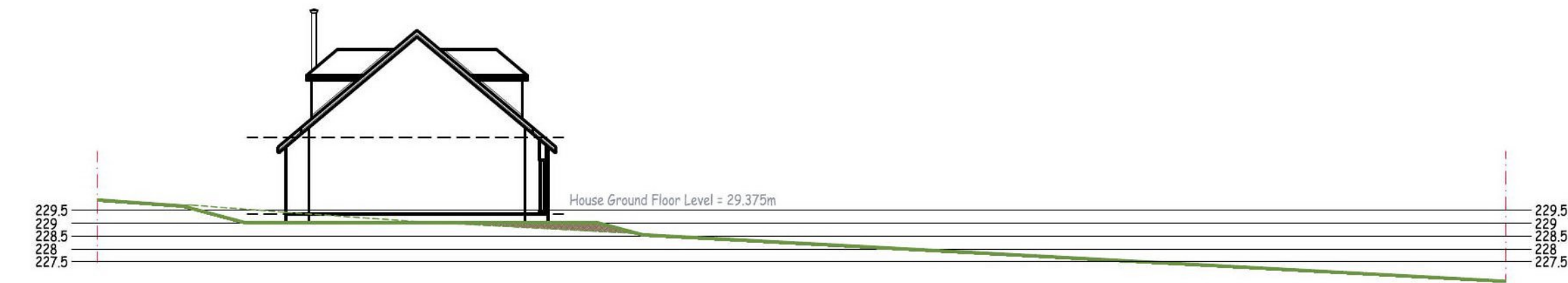
The following plans and drawings form part of the decision:-

Reference	Version	Title
002	D	Site plan garage elevations and floor plan
003	A	Site and location plan
001	C	Elevations and floor plans

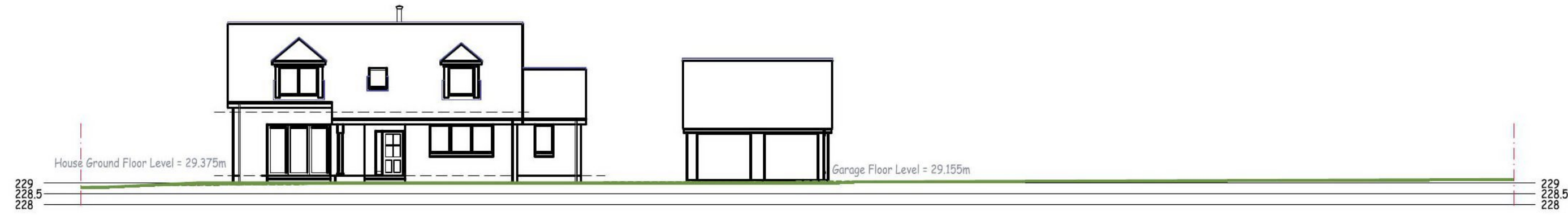
NOTICE OF APPEAL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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



PROPOSED SITE SECTION THROUGH 'Y' - 'Y' SCALE 1:200 @ A1



PROPOSED SITE SECTION THROUGH 'X' - 'X' SCALE 1:200 @ A1

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PROPOSED SITE LOCATION PLAN SCALE 1:1250 @ A1



PROPOSED SITE LOCATION PLAN N.T.S

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PROPOSED SITE LOCATION PLAN SCALE 1:5000 @ A1

Amendments		Date
A	First issue	Oct. 18

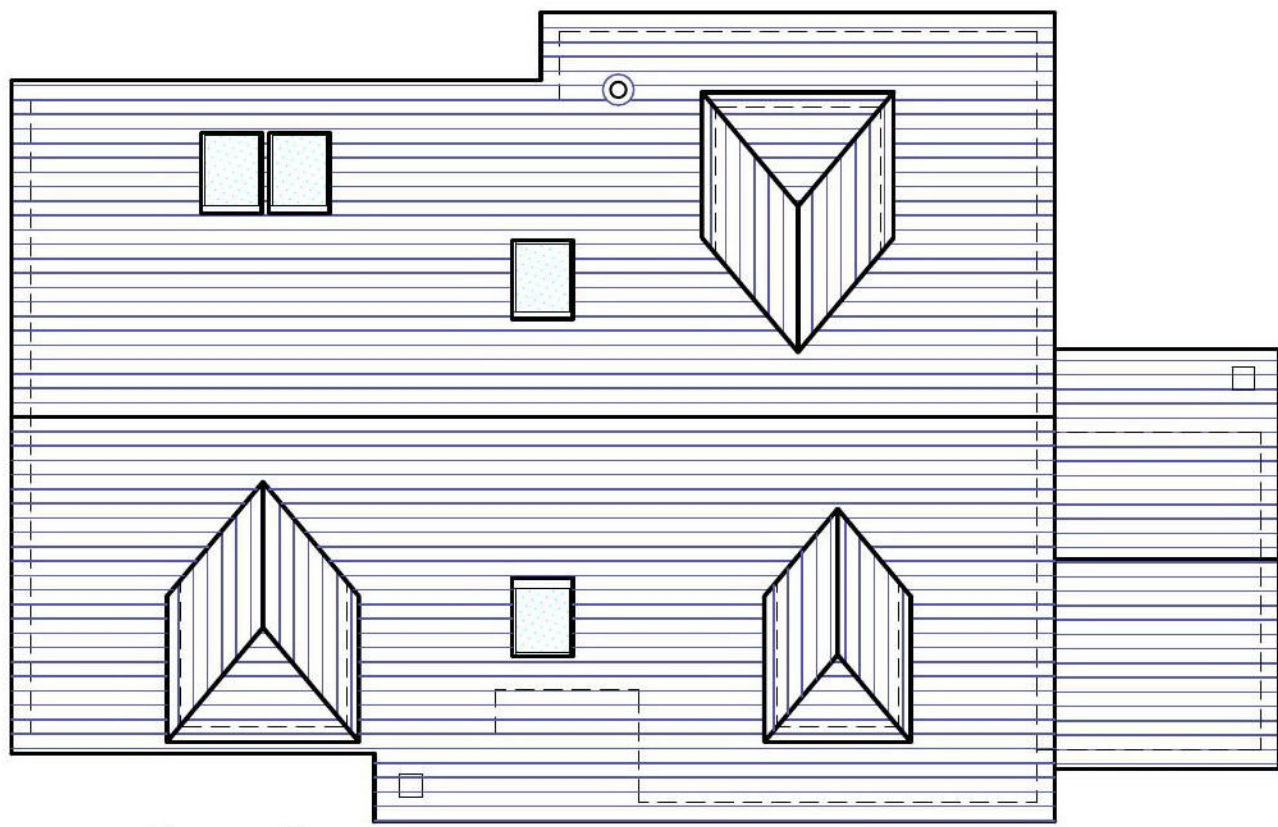
Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

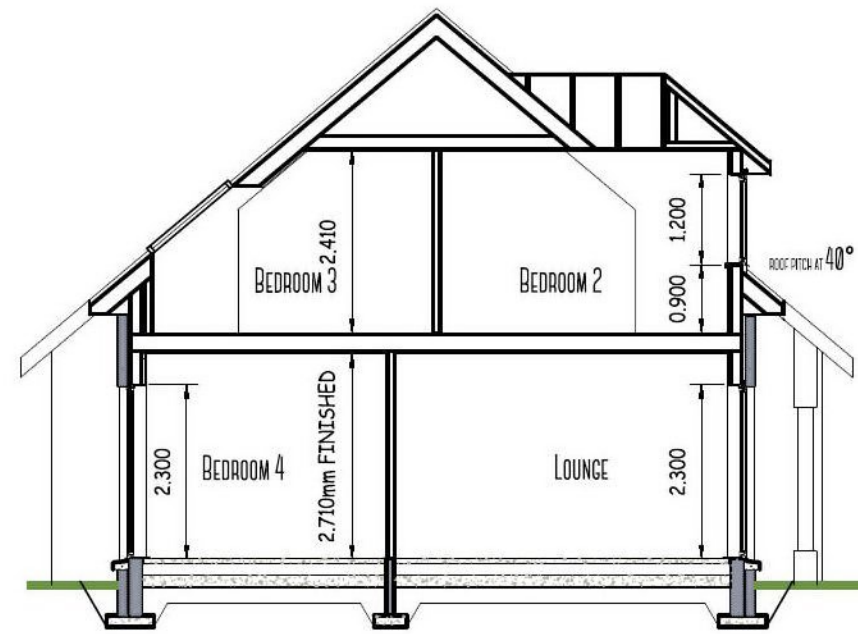
10 May 2019

Development Management
Environmental Services
The Moray Council

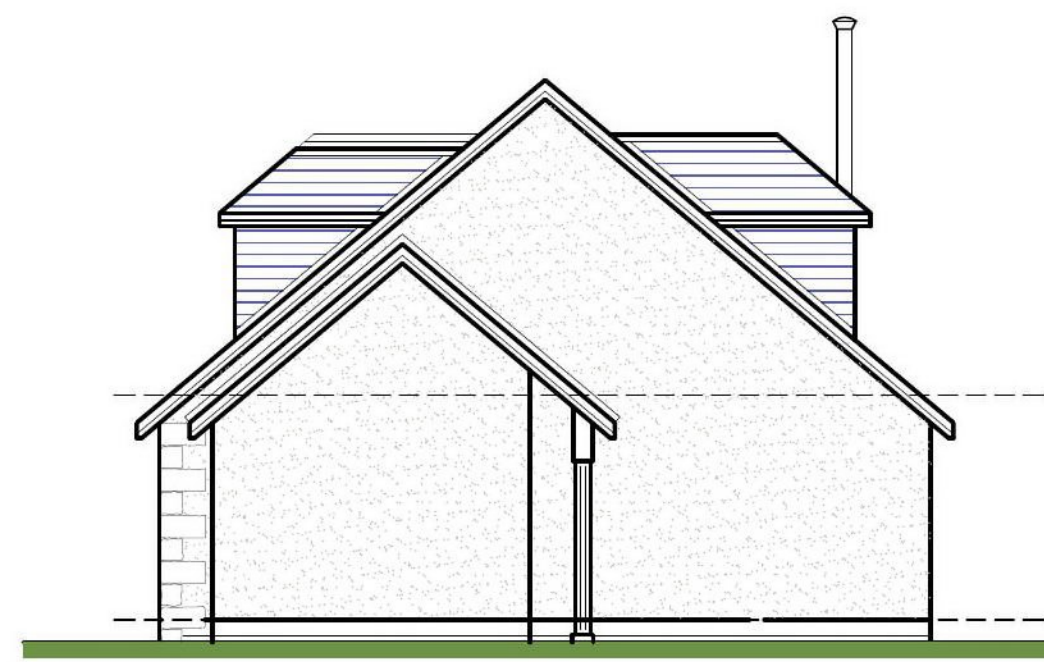
kenmathieson				
ARCHITECTURAL DESIGN & DEVELOPMENT CONSULTANT LTD.				
MANSARD HOUSE 15 OLD MELDRUM ROAD BUCKSBURN ABERDEEN AB21 9AD TEL: 01224 710357 FAX: 01224 710358 E-MAIL: info@kenmathieson.com				
DOMESTIC, COMMERCIAL & INDUSTRIAL				
Client	Mr & Mrs Iain Whitecross			
Project	Proposed Dwelling House & Garage at Site "The Maltings" at Cairn vonie Farm, Archiestown, Moray			
Title	Proposed Site Plan & Site Sections			
Scale	As Shown	Date	Oct. 18	Drawn by
Job No	IW	Drawn by	003	Issue
				A



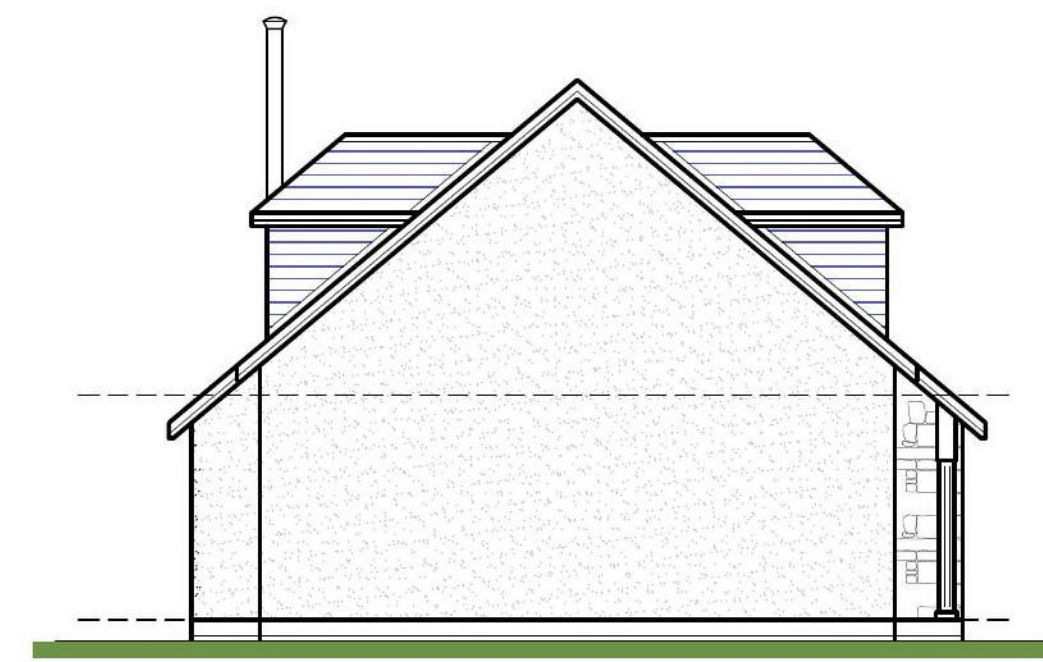
Roof Plan Scale 1:100 @ A1



Cross Section Scale 1:100 @ A1



Proposed Side Elevations (East & West Facing) Scale 1:100 @ A1



Amendments	Date
A First Issue	Oct. 18
B Updated Layout	Jan. 19
C Updated Layout	Feb. 19

FINISHES:-

Roof: Natural Slate
Walls: Reclaimed Cut & Cleaned Sand Stone
Walls: Larch Timber Linings
Walls: Roughcast Blockwork
Basecourse: Smooth Cement Plaster Render
Windows: White PVC Frames
Rainwater Goods: Black UPVC Deep Flow
Fascia & Soffit: White PVC



Proposed Front Elevation (South Facing) Scale 1:50 @ A1



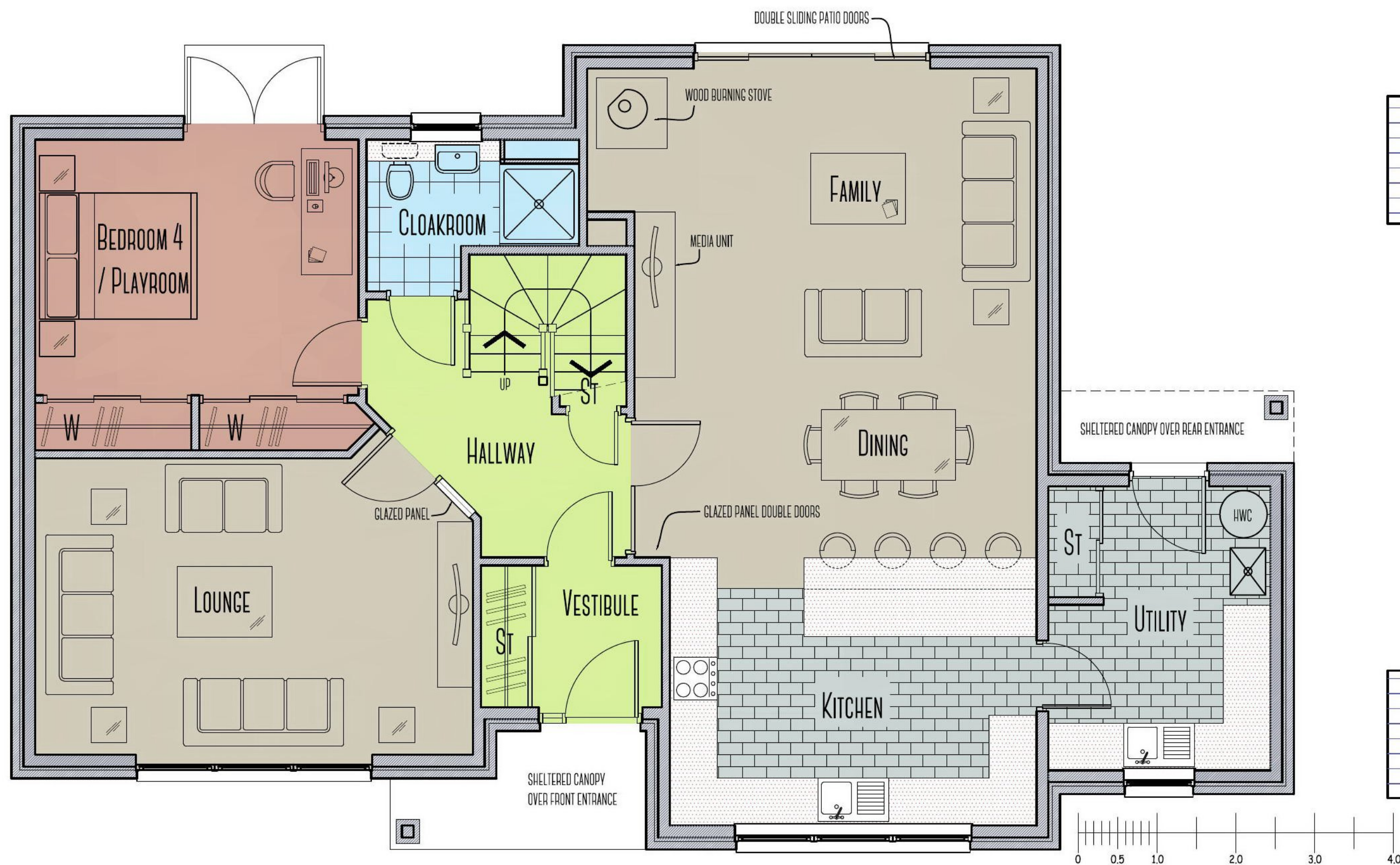
Proposed Rear Elevation (North Facing) Scale 1:50 @ A1

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

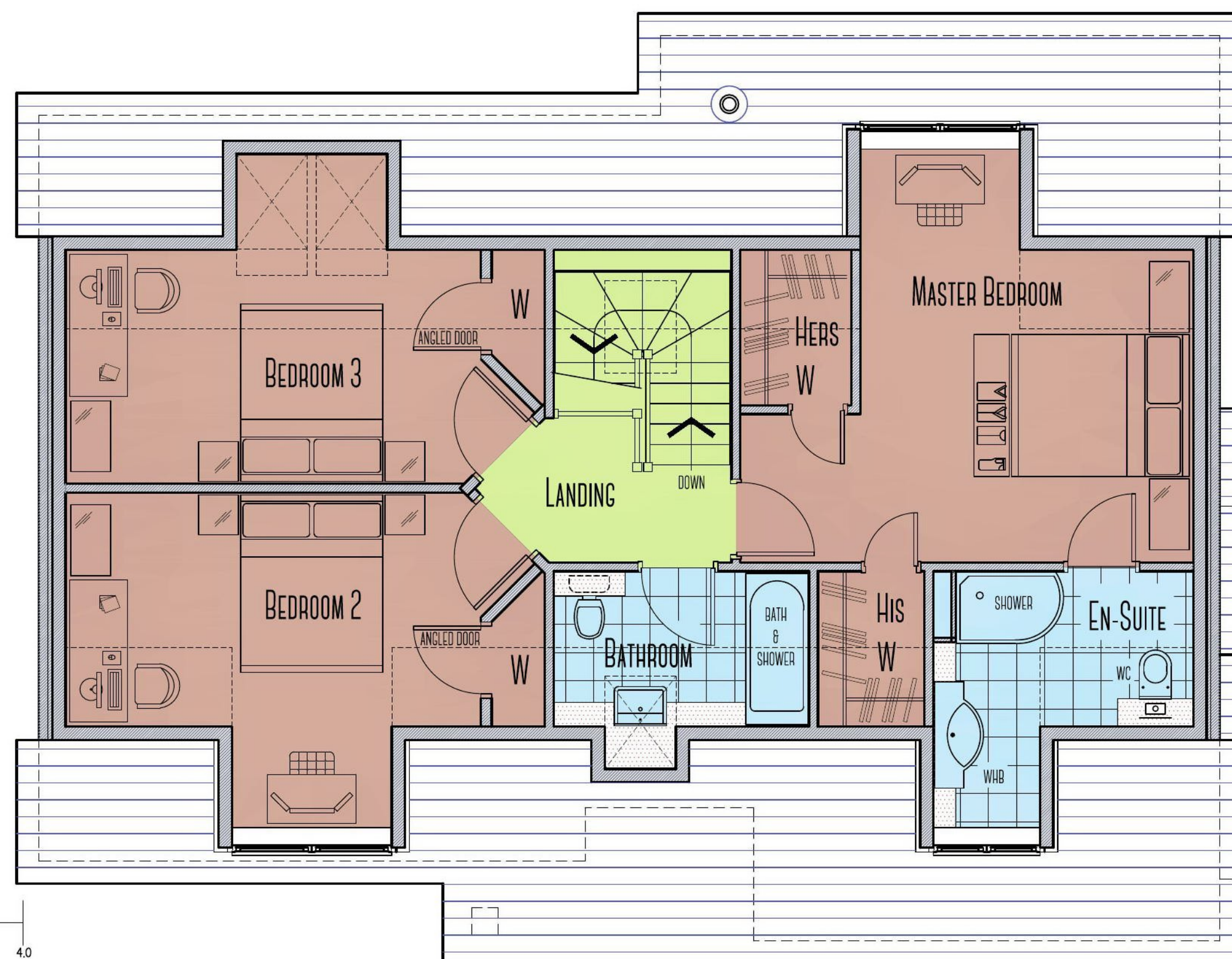
REFUSED

10 May 2019

Development Management
Environmental Services
The Moray Council



Proposed Ground Floor Layout Plan Scale 1:50 @ A1 Ground Floor G.I.A = 117.5m/sq or thereby



Proposed First Floor Layout Plan Scale 1:50 @ A1 First Floor G.I.A = 72m/sq or thereby

TOTAL GROSS INTERNAL FLOOR AREA:-

GROUND FLOOR G.I.A = 117.5m/sq OR THEREBY

FIRST FLOOR G.I.A = 72m/sq OR THEREBY

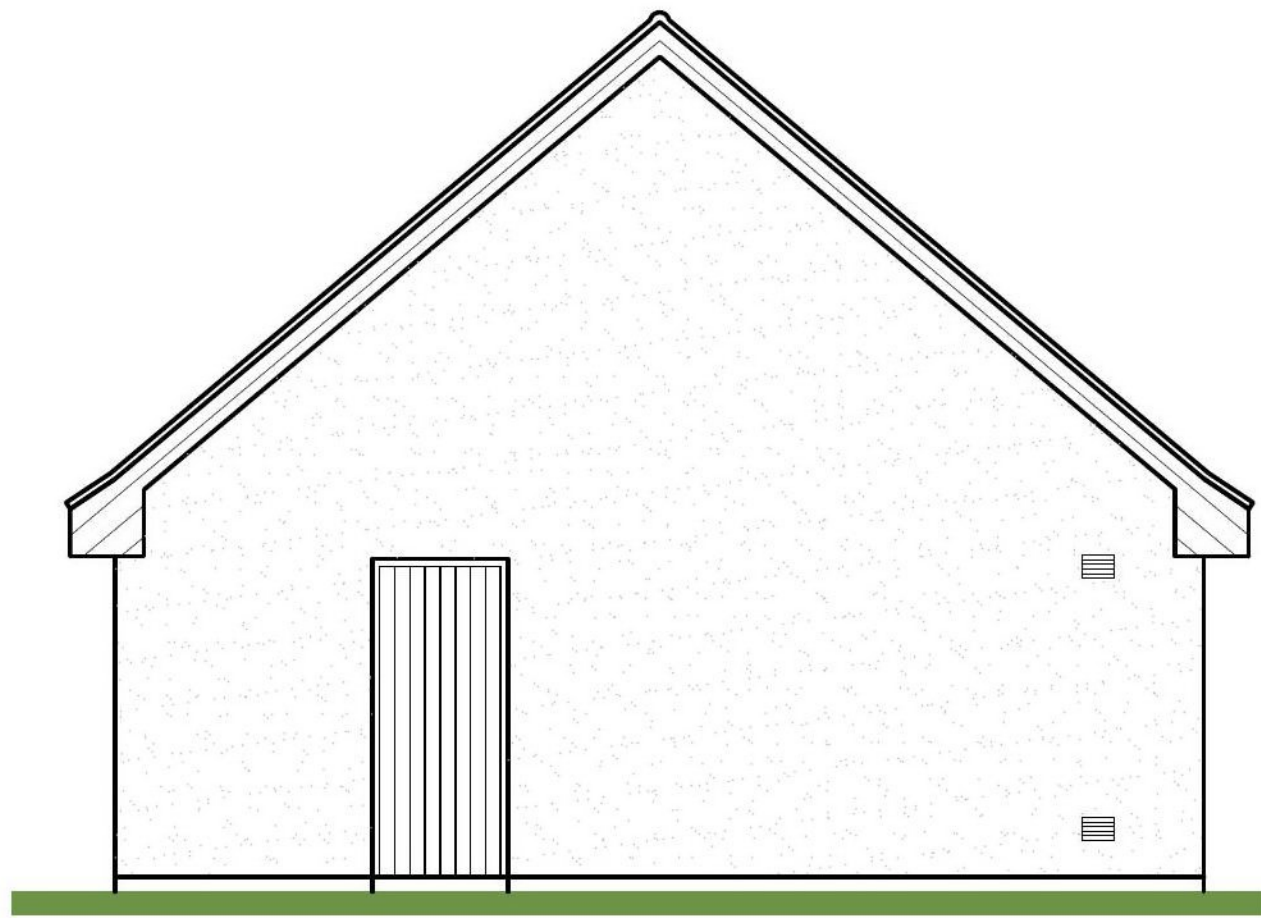
TOTAL = 189.5m/sq OR THEREBY

kenmathieson
ARCHITECTURAL DESIGN
& DEVELOPMENT CONSULTANT
LTD.
MANSARD HOUSE
15 OLDMELDRUM ROAD
BUCKS BURN
ABERDEEN
AB21 9AD
TEL: 01224 710357
FAX: 01224 710358
E-MAIL: info@kenmathieson.com

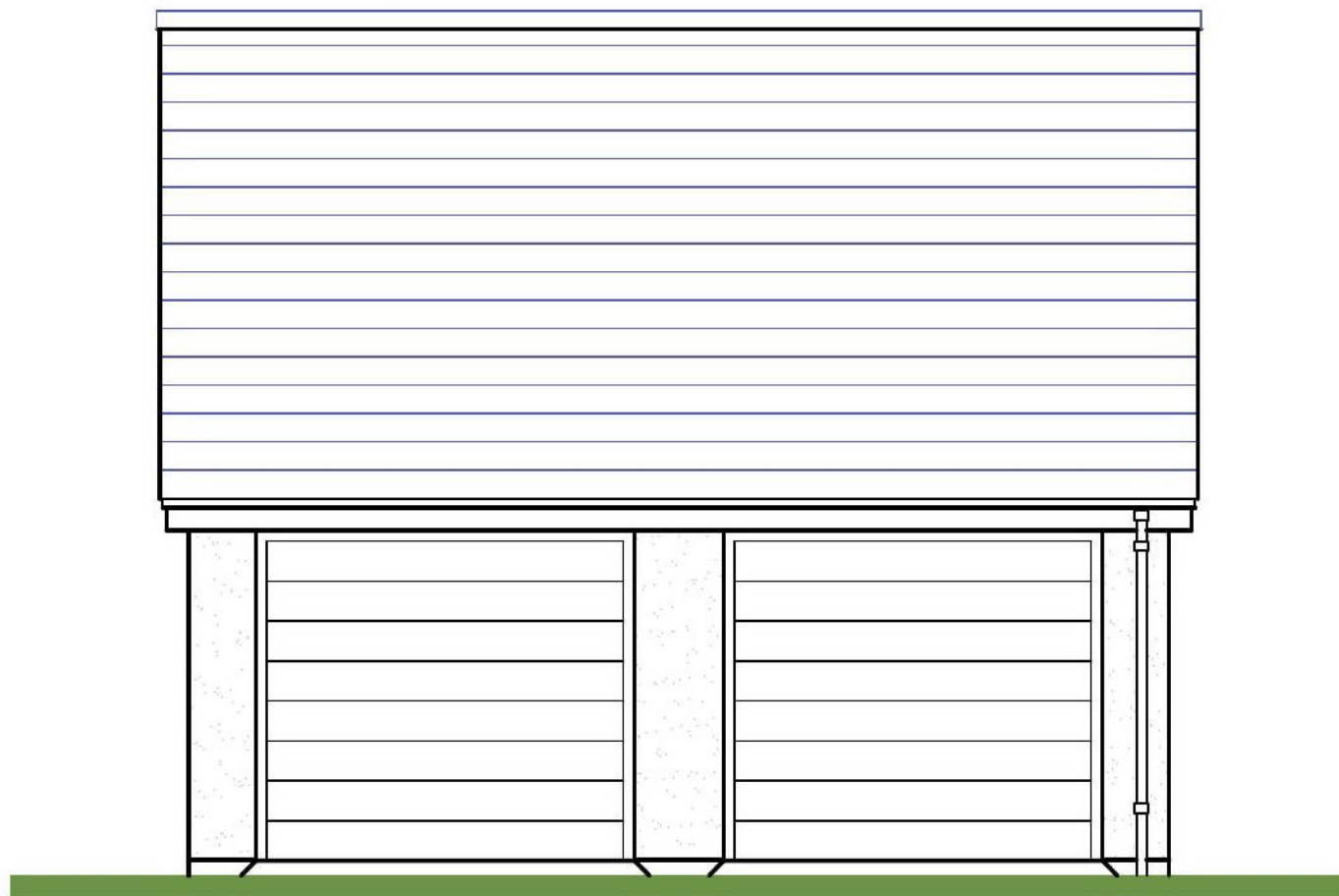
DOMESTIC, COMMERCIAL & INDUSTRIAL

Client: Mr & Mrs Iain Whitecross
Project: Proposed Dwelling House & Garage
at Site "The Maltings" at Cairnvoie Farm,
Archiestown, Moray

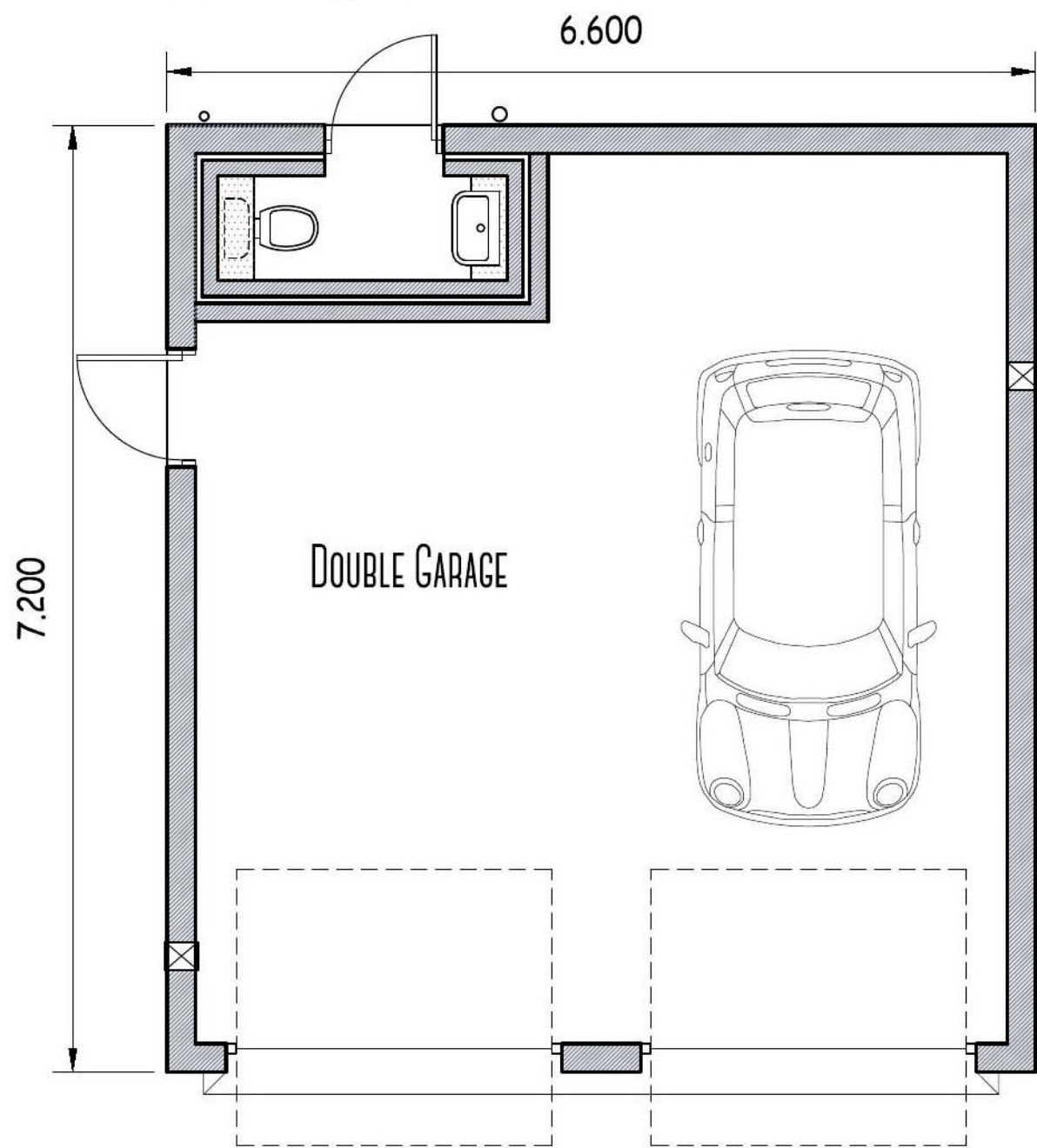
Title	As Shown	Date	Oct. 18	Drawn by	KM
Job No	IW	Drawn	001	Issue	C



PROPOSED SIDE ELEVATION (WEST FACING)
SCALE 1:50 @ A1



PROPOSED FRONT ELEVATION (SOUTH FACING)
SCALE 1:50 @ A1



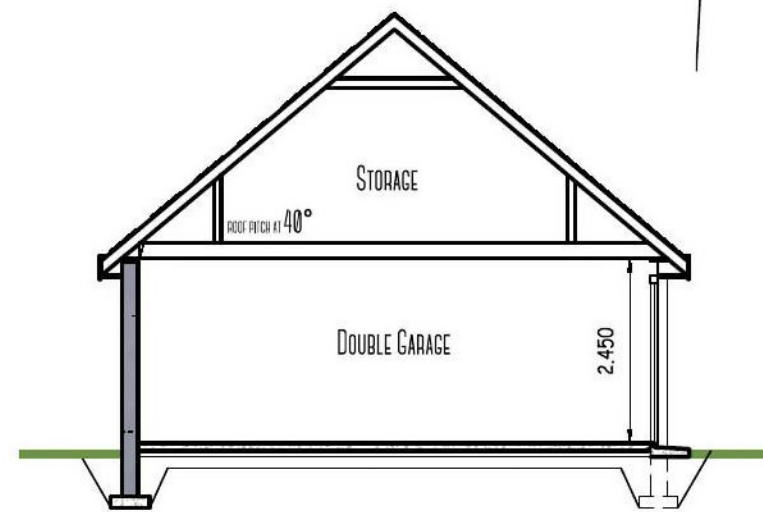
PROPOSED GARAGE PLAN SCALE 1:50 @ A1



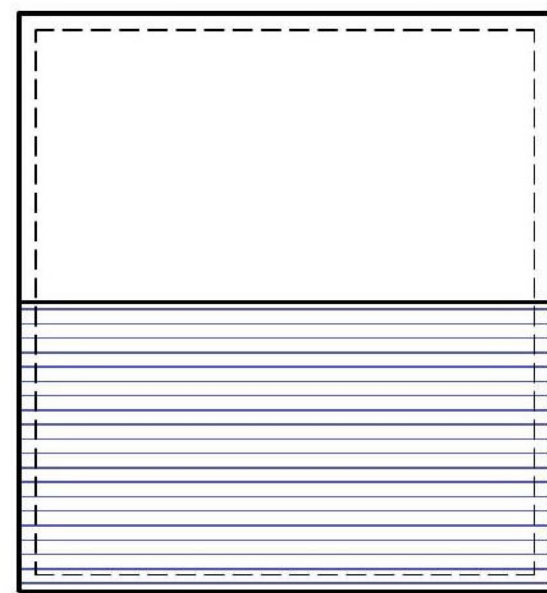
PROPOSED SIDE ELEVATION
SCALE 1:100 @ A1



PROPOSED REAR ELEVATION
SCALE 1:100 @ A1



CROSS SECTION SCALE 1:100 @ A1



ROOF PLAN SCALE 1:100 @ A1



PROPOSED PART SITE LAYOUT PLAN
SCALE 1:200 @ A1

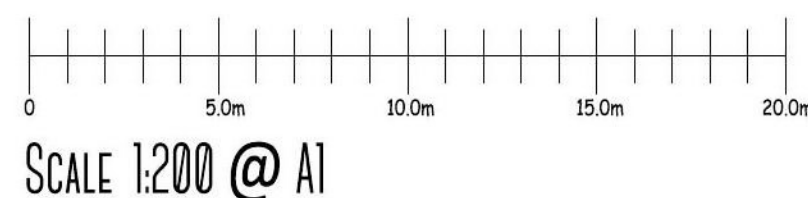
EXISTING TIMBER POSTS BOUNDARY
FENCES TO BE RETAINED

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

REFUSED

10 May 2019

Development Management
Environmental Services
The Moray Council



SCALE 1:200 @ A1



EXISTING BOUNDARY
PLANTING TO BE RETAINED

EXISTING TIMBER POSTS BOUNDARY
FENCES TO BE RETAINED

HOUSE

'Y'

BIN STORE

GARAGE

EXISTING STABLES

'X'

EXISTING BOUNDARY
PLANTING TO BE RETAINED

3M x 5.4M x 1.5M SURFACE
WATER SOAKAWAY

FOUL TREATMENT PLANT

7.2M x 10M FOUL
WATER SOAKAWAY

GRASS GARDEN GROUND

FINISHES:-

- ROOF: NATURAL SLATE
- WALLS: ROUGHCAST BLOCKWORK
- BASECOURSE: SMOOTH CEMENT PLASTER RENDER
- GARAGE DOOR: GREY STEEL
- RAINWATER GOODS: BLACK UPVC DEEP FLOW
- FASCIA & SOFFIT: WHITE PVC

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DOMESTIC, COMMERCIAL & INDUSTRIAL

Client	Mr & Mrs Iain Whitecross		
Project	Proposed Dwelling House & Garage at Site "The Maltings" at Cairnronie Farm, Archiestown, Moray		
Title	Proposed Garage & Part Site Plan		
Scale	As Shown	Date	Oct. 18
Drawn by	IW	Issue	D