



MORAY LOCAL REVIEW BODY

26 AUGUST 2021

SUMMARY OF INFORMATION FOR CASE No LR258

Planning Application 21/00044/PPP - Proposed subdivision of garden ground to form building plot at 33 Golf Crescent Hopeman

Ward 5 – Heldon and Laich

Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 28 April 2021 on the grounds that:

The proposal is contrary to the provisions of the Moray Local Development Plan 2020 because: The proposed dwelling is to be positioned to the side of the parent property and set significantly further back into the plot than is the established pattern at this location. The site lacks its own roadside frontage and can only be access via an access drive to be created through the parent property's garden. These characteristics are symptomatic of backland development, leading to the inappropriate subdivision of garden ground to form an additional building plot. It is further noted that the presence of an additional dwelling at the existing cul de sac location is considered to increase the density of housing development to the extent that the proposal is considered to be detrimental to the character and appearance of the area. On this basis, the proposal is considered to be contrary to the terms Policies DP1 (i), part f and Policy EP3 part b).

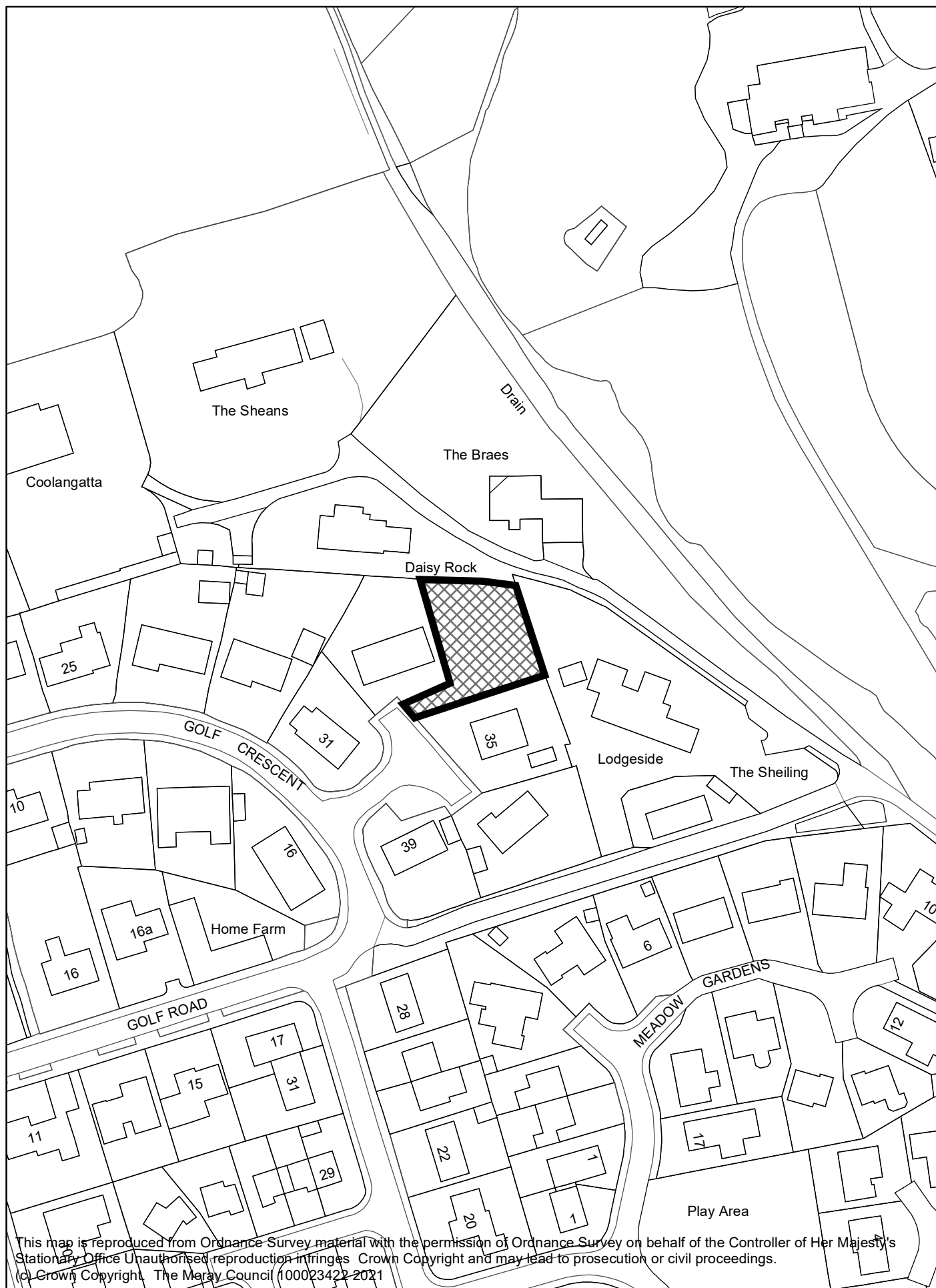
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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 :
21/00044/PPP**





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 100349940-001

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

Type of Application

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

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☒ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

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

Proposed sub division of garden ground to form building plot

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:	Moray Architectural Services		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	alastair	Building Name:	Camp Cottage
Last Name: *	rennie	Building Number:	
Telephone Number: *	07455794449	Address 1 (Street): *	Dunbar Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Lossiemouth
Fax Number:		Country: *	Moray
		Postcode: *	IV31 6RB
Email Address: *	aleiln@talktalk.net		
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:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr and Mrs	Building Name:	
First Name: *	Alan and Laura	Building Number:	33
Last Name: *	Ralph	Address 1 (Street): *	Golf Crescent
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Hopemen
Extension Number:		Country: *	uk
Mobile Number:		Postcode: *	IV30 5TL
Fax Number:			
Email Address: *	alan.ralph@k8tered.com		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

33 GOLF CRESCENT

Address 2:

HOPEMAN

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ELGIN

Post Code:

IV30 5TL

Please identify/describe the location of the site or sites

Northing

869664

Easting

315100

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

0.06

Please state the measurement type used:

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

Existing Use

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

GARDEN GROUND

Access and Parking

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

☒ Yes ☐ No

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.

<p>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</p> <p>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.</p>
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> <p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input checked="" type="checkbox"/> Yes – connecting to public drainage network</p> <p><input type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<h2 style="margin: 0;">Assessment of Flood Risk</h2> <p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>
<h2 style="margin: 0;">Trees</h2> <p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p>
<h2 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2> <p>Does your proposal alter or create non-residential floorspace? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: alastair rennie

On behalf of: Mr and Mrs Alan and Laura Ralph

Date: 14/01/2021

☒ 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. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

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 alastair rennie

Declaration Date: 14/01/2021

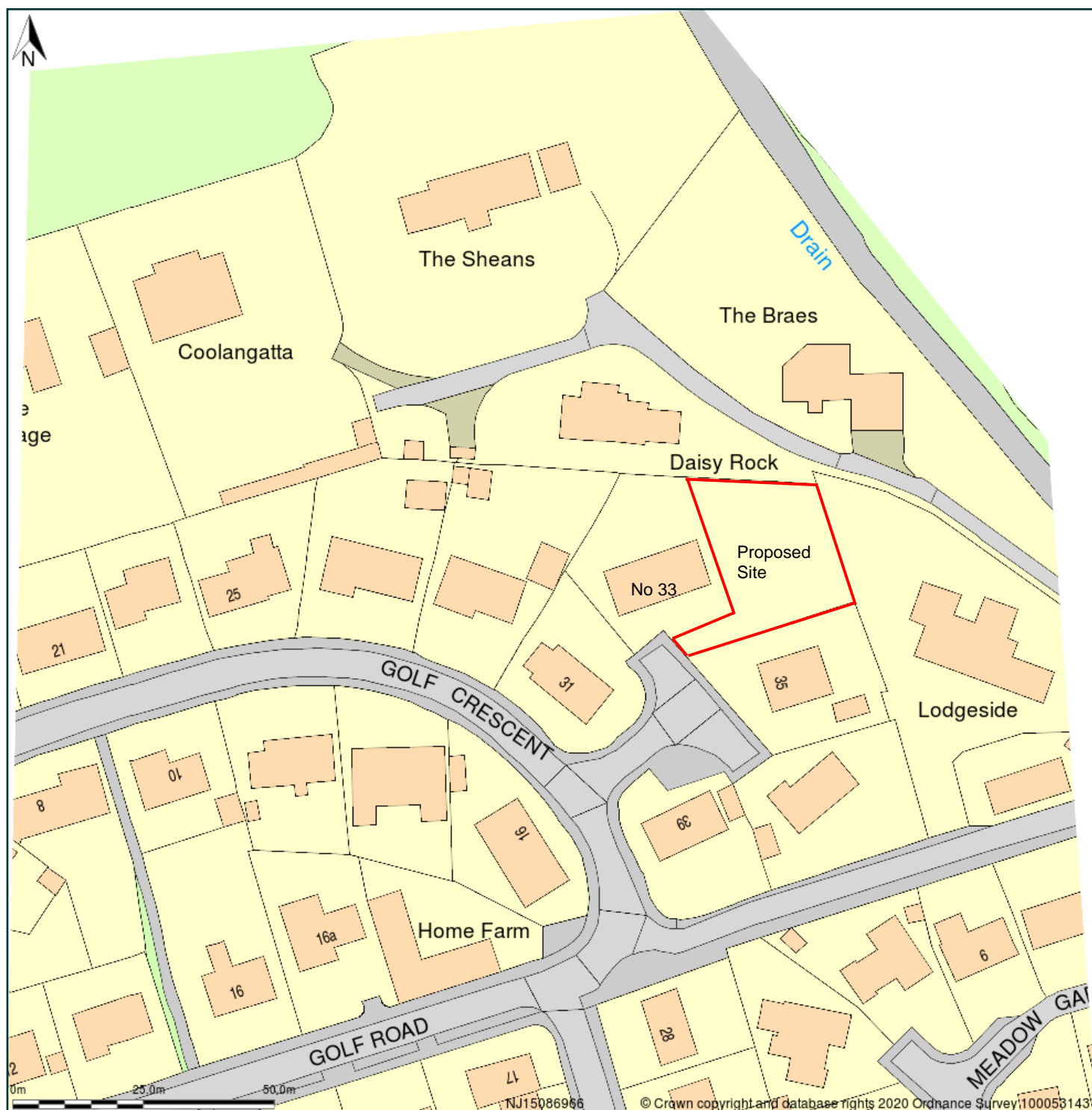
Payment Details

Online payment: 389591

Payment date: 14/01/2021 15:53:14

Created: 14/01/2021 15:53

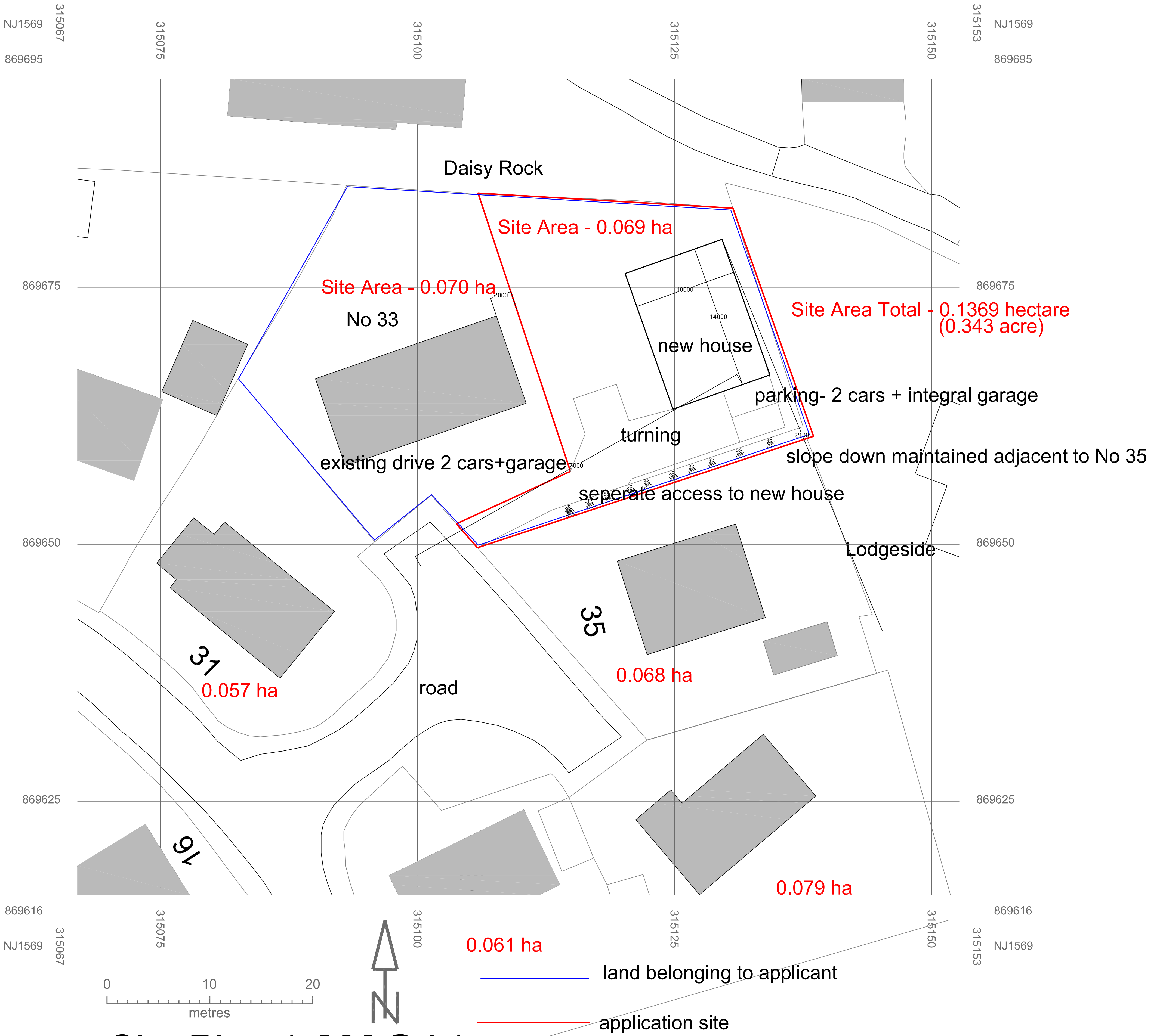
Plot at No 33
Golf Crescent, Hopeman, Moray, IV30 5TL



Plan shows area bounded by: 314975.94, 869562.31 315184.19, 869773.63, OSGridRef: NJ15086966. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Site Plan 1-200@A1

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Design Statement

JAN 2021

33 Golf Crescent, Hopeman

Authored by: Moray Architectural Services



Design Statement

Application

The application is for the erection of a dwelling house on land adjacent to 33 Golf Crescent, Hopeman. The site is located in a residential area with an established road network and infrastructure/services. The plot is adjacent to no 33 at the end of a cul-de-sac with easy vehicle access.

Current Use

The application site is currently used as garden ground as part of no 33 although in general surplus to the requirements of no 33 which has substantial garden policies. It is reasonably well screened off from other properties in the area.



Site view from road

The surrounding houses are of a mixed design nature and it is proposed to design a modern style house using sustainable materials and a low carbon heating system using an air source heat pump. Solar panels may also be implemented to comply with current or future SAP requirements.

Design

The house design will as stated will be of modern design and 1.5/ 1.75 storey high which is reflective of surrounding properties. The house position will b allow No 35 to retain the limited view they have from their patio doors. It should be noted the floor level of the proposed house will be much lower than No 35 which will minimize any potential impact to both No 35 and the surrounding properties



Typical Modern Designs incorporating sustainable materials





No 35 Adjacent to application site showing patio doors and change I level.



View of application site from existing house/road access.

Infrastructure

It is intended to connect to existing services for water, drainage and electrical services. Heating will be low carbon air source. Driveway will be free draining material and all surface water will be drained within the site utilizing soakpits.

Site Sizes

The proposed plot will have an area of 0.069 hectare(0.17 acre) but leaves a plot size of 0.07 hectare(0.17 acre) to No 33(existing house). This is above modern development plot sizes and in line with the plot sizes in the adjacent area.



Plot looking North.



Plot at road access

Design Statement 15.01.2012



Moray Architectural Services

Moray Council
Planning and Development
High Street
Elgin
IV31 1BX

For the attention of Shona Strachan

26.02.2012

Proposed Sub Division of Ground at 33 Golf Crescent, Hopeman 21/00044/PPP

Further to recent correspondence I am writing to make the following points with regard to the above application which I believe complies with council policy for the greater part for the following reasons.

1. Density – I have checked the adjoining houses and the approximated plot sizes are marked on the attached plan. The plot sizes are more or less the same as what is proposed so I would contend it is wrong to suggest the proposal would be out of character in terms of density.
2. Plot size- The plot size and existing house are almost the same size meaning the proposal is compliant with the 50% rule and is of course well over the minimum 400m2 plot size. The house design will not exceed one third of the plot size.
3. The term backyard development is somewhat spurious in this occasion as the plot is to the side of the existing house and not to the rear.
4. Roads have not objected to the access and neither have the majority of the adjoining households. No 35 have objected on the ground of losing a view from their patio doors. Again I would contend that the design will allow for that view and the impact on No 35 is exaggerated given that the orientation of No 35 is such that there is minimum impact on this property.

We trust you will take these points in to account and we will forward the drainage information when it comes to hand from our engineer.

Signed

Alastair Rennie

Moray Architectural Services

**Camp Cottage, Dunbar Street, Lossiemouth, Moray, IV31 6RB
T: 074 557 94449 / 01343 810735, E: aleiln@talktalk.net**

From:DeveloperObligations
Sent:21 Jan 2021 10:04:54
To:Shona.Strachan@moray.gov.uk,
Subject:21/00044/PPP Proposed sub division of garden ground to form building plot at 33 Golf Crescent, Hopeman, Elgin, IV30 5TL
Attachments:21-00044-PPP Proposed sub division of garden ground to form building plot at 33 Golf Crescent, Hopeman, Elgin, IV30 5TL.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 applicant.
Thanks,
Rebecca
Rebecca Morrison | Infrastructure Growth/Obligations Officer (Strategic Planning and Development) | Economic Growth and Development
Rebecca.morrison@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) | [newsdesk](#)

Developer Obligations & Affordable Housing: ASSESSMENT REPORT



moray
council

Date: 21/01/2021

Reference: 21/00044/PPP

Description: Proposed sub division of garden ground to form building plot at 33 Golf Crescent, Hopeman, Elgin, IV30 5TL

Applicant: Mr and Mrs Alan and Laura Ralph

Agent: Moray Architectural Services

This assessment has been carried out by Moray Council. For developer obligations, the assessment is carried out in relation to policy PP3 Infrastructure and Services of the adopted Moray Local Development Plan 2020 (MLDP2020) and Supplementary Guidance (SG) on Developer Obligations which was adopted on 30 September 2020. And, for affordable housing, the assessment is carried out in relation to policy DP2 Housing of the MLDP2020. Affordable housing is a policy requirement not a developer obligation however for ease of reference the Affordable Housing contribution is included within this assessment.

The MLDP2020 can be found at www.moray.gov.uk/MLDP2020 and the Developer Obligations SG can be found at <http://www.moray.gov.uk/downloads/file134184.pdf>

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare (<i>Contribution towards extension at Moray Coast Medical Practice</i>)	
Sports and Recreation	Nil
Total Developer Obligations	
Affordable Housing	
TOTAL	

Breakdown of Calculation

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

3 bed = 1 SRUE

This assessment is therefore based on 1 SRUE.



Moray Council DEVELOPER OBLIGATIONS

INFRASTRUCTURE

Education

Primary Education

The pupils generated by this development are zoned to Hopeman Primary School. The school is currently operating at 52% physical capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

Contribution towards Primary Education = Nil

Secondary Education

The pupils generated by this development are zoned to Lossiemouth High School. The school is currently operating at 66% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

Contribution towards Secondary Education = Nil

Transport

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

Contributions towards Transport = Nil

Healthcare

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

recommended number of patients is 1500 per General Practitioner (GP) and floorspace requirement per GP is 271m².

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

Moray Coast Medical Practice is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Moray Coast Medical Practice is working beyond design capacity and existing space will be required to be extended.

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

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

Existing sports provision within Hopeman 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



AFFORDABLE HOUSING

The average market value of a serviced plot for 1 Affordable Unit is [REDACTED] Contributions are based on 25% of the total number of units proposed in the application:

[REDACTED]

Therefore, the total contribution towards affordable housing is:

1 proposed unit = [REDACTED]

Affordable housing is a policy requirement not a developer obligation and will not be subject to negotiation.



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.



Wednesday, 20 January 2021



Local Planner
Development Services
Moray Council
Elgin
IV30 1BX

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

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

Dear Sir/Madam

SITE: 33 Golf Crescent, Hopeman, Elgin, IV30 5TL
PLANNING REF: 21/00044/PPP
OUR REF: DSCAS-0030751-C2T
PROPOSAL: Proposed sub division of garden ground to form building plot at

Please quote our reference in all future correspondence

Audit of Proposal

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 Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

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

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the MORAY WEST Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note



SW Public
Published
To find out more about connecting your
property to the water and waste water supply visit:



So, how are we doing?

We'd love to know what we're
doing well or could do better.
We promise we're listening,
[click here](#) to tell us...



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

Surface Water

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

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

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

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.



- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) 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 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 laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely 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 [here](#).
- ▶ 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

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Planning Application Team

Development Operations Analyst

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

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



SW Public
Published
To find out more about connecting your
property to the water and waste water supply visit:



So, how are we doing?

We'd love to know what we're
doing well or could do better.
We promise we're listening,
[click here](#) to tell us...



Consultee Comments for Planning Application 21/00044/PPP

Application Summary

Application Number: 21/00044/PPP

Address: 33 Golf Crescent Hopeman Elgin Moray IV30 5TL

Proposal: Proposed sub division of garden ground to form building plot at

Case Officer: Shona Strachan

Consultee Details

Name: Mr EH Consultations

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

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

Comments

No objections

Tim Betts, GEHO

Consultee Comments for Planning Application 21/00044/PPP

Application Summary

Application Number: 21/00044/PPP

Address: 33 Golf Crescent Hopeman Elgin Moray IV30 5TL

Proposal: Proposed sub division of garden ground to form building plot at

Case Officer: Shona Strachan

Consultee Details

Name: Mr CL Consultations

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

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

Comments

Approved unconditionally

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	2nd February 2021
Planning Authority Reference	21/00044/PPP
Nature of Proposal (Description)	Proposed sub division of garden ground to form building plot at
Site	33 Golf Crescent Hopeman Elgin Moray IV30 5TL
Site Postcode	N/A
Site Gazetteer UPRN	000133010432
Proposal Location Easting	315100
Proposal Location Northing	869664
Area of application site (M²)	600
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QMYRIHBGGLD00
Previous Application	19/00391/PELOC
Date of Consultation	19th January 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr and Mrs Alan and Laura Ralph
Applicant Organisation Name	
Applicant Address	33 Golf Crescent Hopemen Moray IV30 5TL
Agent Name	Moray Architectural Services
Agent Organisation Name	
Agent Address	Camp Cottage Dunbar Street Lossiemouth Moray IV31 6RB
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 21/00044/PPP

Proposed sub division of garden ground to form building plot at 33 Golf Crescent Hopeman Elgin Moray for Mr and Mrs Alan and Laura Ralph

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

Please

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

Condition(s)

1. No development works shall commence on the dwelling house until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit is to be connected to an appropriate electricity supply, including details (written proposals and/ or plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of the dwelling house.

Reason: In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking.

2. Notwithstanding the submitted details the width of the new vehicular access shall be 3.5m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. Drop kerbs shall be provided across the access to the Moray Council specification including provision of backing kerbs installed along the rear of the existing footway (across the full width of the new access to delineate and protect the edge of the footway following the removal of the existing boundary wall). A road opening permit must be obtained from the Roads Authority before carrying out this work.

Reason: To ensure acceptable infrastructure at the development access

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

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

4. Parking provision shall be as follows:

- 2 spaces for a dwelling with two or three bedrooms; or
- 3 spaces for a dwelling with four bedrooms or more; and.
- 3 spaces shall be retained for the existing dwelling

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

5. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height (measured from the level of the road) and fronting onto the public road shall be within 2.4m of the edge of the public carriageway.

Reason: To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

6. 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

Further comment(s) to be passed to applicant

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

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority

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.

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

Date 01 February 2021

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.

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management
Planning Application Ref. No: 21/00044/PPP

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

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

Reason(s) for objection

No drainage information provided

Further information required to consider the application

Contact: Will Burnish Date 12/4/21
email address: Will.burnish@moray.gov.uk Phone No

Consultee: The Moray Council, Flood Risk Management

ECONOMY ENVIRON MONIT &
FINANC 01/02/2021

Dear Sir

P/APPLICATIONS
20/01741/APR + 20/01729/APR +
21/00008/APR + 20/01781/APR +
20/01754/APR + 21/00044/APR +
21/00067/APR

ENSURE PLEASE THAT ALL
WILDLIFE FROM 9 FORTH
ON EACH SITE IS GIVEN
ALL POSSIBLE PROTECTION
INCLUDING MOLS WHICH
MAY BE GIVEN FULL LEGAL
PROTECTION BEFORE DISSOLUTION
OF SCOTTISH PARLIAMENT

ADDEND AND SHOW WORK
ARE IN HIBERNATION AT
THIS TIME IN CASES WHEN
EXCAVATION IS INVOLVED

II

AFTER THEY
EMERGE FROM HIBERNATION
REMAIN VULNERABLE
FOR SOME WEEKS AS IS
THE CASE WITH SLOW
WORMS!

Yours faithfully



Stay Safe Stay Well

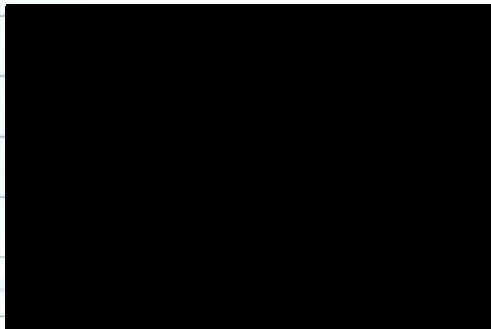
01/02/2021

PS

NORTHON SCOT
29/01/2021 - 04/02/2021 P.G
'GREEN LIGHT FOR ELGIN
HOUSES' FIND ASSIS ELGIN

IT IS POSSIBLE THAT I
HAVE RESPONDED EN MASS
TO THIS EMAIL BUT NOW
IN PARTICULAR THE SAME
CONCERN FOR THE DEVELOP
MENT AS ON PREVIOUS
PAGES!

PLEASE ADVISE



Comments for Planning Application 21/00044/PPP

Application Summary

Application Number: 21/00044/PPP

Address: 33 Golf Crescent Hopeman Elgin Moray IV30 5TL

Proposal: Proposed sub division of garden ground to form building plot at

Case Officer: Shona Strachan

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objections-

Have major concerns regarding the entrance to this development, very narrow access with very limited view of road when exiting.

Emergency vehicles I.e fire engine etc would have very restricted access.

Safety of pedestrians when cars are exiting.

Was informed when I purchased my home that there would never be another building there as a sewer pipe runs through the middle of the ground.

Loosing my privacy and my view.

Drive way would run the whole length of my garden and would impact on my privacy.

The road is only a turning area for properties and parking is already limited with the homes that currently use it.

REPORT OF HANDLING

Ref No:	21/00044/PPP	Officer:	Shona Strachan
Proposal Description/ Address	Proposed sub division of garden ground to form building plot at 33 Golf Crescent Hopeman Elgin Moray		
Date:	29.04.2021	Typist Initials:	KS

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	22/01/21	No objection
Contaminated Land	26/01/21	No objection
Transportation Manager	01/02/21	No objection subject to conditions and informatives
Scottish Water	20/01/21	No objection but any connection would be subject to separate liaison.
Moray Flood Risk Management	12/04/21	No objection following the submission of drainage assessment
Planning And Development Obligations	21/01/21	Assessment confirms that developer obligation towards Healthcare provision and an affordable housing contribution are required.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
DP1 Development Principles	Y	
EP13 Foul Drainage	N	
EP3 Special Landscape Areas	Y	
PP3 Infrastructure and Services	N	
DP2 Housing	N	
EP12 Management and Enhancement Water	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received TWO		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: Concerns about the site access which is narrow with limited views. The contributors believes this would make the access difficult for emergency services and expresses concerns of the safety of pedestrians.</p> <p>Comments (PO): Subject to conditions the Transportation Section has raised no objection to the proposal on road safety terms.</p>		
<p>Issue: Was informed when purchased property that there would never be another building there as a sewer pipe runs through the middle of the ground.</p> <p>Comments (PO): It is unclear who would have made this comment to the contributor, given the nature of the comment it is not something that the Planning Authority can comment further on.</p> <p>An application for planning permission has been submitted which has been the subject of consultation with Scottish Water. Scottish Water has raised no objection to the proposal with advice to complete their Pre-Development Enquiry (PDE) at the appropriate juncture.</p>		
<p>Issue: Loss of privacy and loss of view.</p> <p>Comment (PO): This application seeks planning permission in principle therefore no detailed design information has been submitted. As detailed in the assessment of the proposal the application is recommended for refusal because of the backland nature of the proposal which is unacceptable in character terms</p> <p>Given the in principle nature of the permission sought, detailed design would be matters specified in conditions, to be assessed as part of a further application. Subject to conditions to ensure, sensitive design a dwelling could be sited on the plot such that it would not significantly adversely impact on neighbouring amenity.</p>		
<p>Issue: Loss of privacy because of the long drive.</p> <p>Comments (PO): The proposed long drive is uncharacteristic at this location and is a symptomatic of the backland nature of the proposal which is contrary to the provisions of the development plan. The long drive in and of its self is not considered to lead to an unacceptable loss of privacy to neighbouring property.</p>		
<p>Issue: Generalised non site specific comments on the need to protect wildlife, flora and fauna.</p> <p>Comment (PO): The proposed site is garden ground in an existing settlement boundary. The proposal is not considered to result in adverse impact on wildlife, flora and fauna.</p>		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Legislative Framework

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

Proposal

This application seeks planning permission in principle for a proposed sub division of garden ground to form building plot at 33 Golf Crescent Hopeman.

As this is an application for planning permission in principle detailed design information has not been provided. The site plan does show an indicative position and footprint for the proposed dwelling and the site access. The design statement submitted as part of the proposal indicates that the proposed dwelling would be 1.5 or 1.75 storey design, deploying sustainable materials and an air source heat pump. As detailed in the drainage assessment, the dwelling would connect to the existing public sewerage located within Golf Crescent with an onsite surface water soakaway.

The site plan is also marked up to show the numeric specifications of Policy DP1 part f.

Site Characteristics

No 33 is a corner plot in a cul de sac in an existing established modern residential development. There are a mixture of property designs and scales in the vicinity of the site. The parent property is a single storey dwelling and the proposed sub divide garden plot will be located in garden ground to the east of the parent property.

Aside from the parent property which would be located to the west of the proposed site, the proposed plot would have neighbouring boundaries on to Daisy Rock to the north, Lodgeside to the east and on to No 35 Golf Crescent to the south because of the gradient of the land, No 35 sits above proposed plot.

Under the terms of the MLDP 2020 Hopeman falls with the Burghead to Lossiemouth Coast Special Landscape Area.

Policy Assessment

Siting and Design, Impact of the Development (DP1 (i), part f)

Policy DP1, part f) sets out the requirements for sub divide garden plots. Specifying that: proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.

In this case, the proposal is for the sub division of garden ground to create an addition dwelling at this existing cu de sac location, a road end which currently serves four existing properties. The proposed dwelling is to be positioned to the side of the parent property and set significantly further back into the plot than is the established pattern at this location. The site lacks its own roadside frontage and can only be access via an access drive to be created through the parent property's garden. These characteristics are symptomatic of backland development, leading to the inappropriate subdivision of garden ground to form an additional building plot which would be determinate to the character of the area. The proposal therefore fails to comply with the initial requirement of Policy DP1 part f. As demonstrated by the site plan the proposal meets the numeric requirements set out by the policy. However, it is noted here, that whilst the indicative house footprint to plot size ratio reflects the existing plot density found at this location, the presence of an additional dwelling would further increase the density of housing development at this road end location to such an extent that the proposal is considered to be detrimental to the character and appearance of the existing cul de sac.

As this is an application for planning permission in principle detailed design information has not been provided. The site plan does show an indicative position and footprint for the proposed dwelling and the site access. The design statement submitted as part of the proposal indicates that the proposed dwelling would be 1.5 or 1.75 storey design, deploying sustainable materials and an air source heat pump. Should the application go on to be approved, the detailed matters of the, design and materials for the proposed plot would be matters specified in conditions, to be assessed as part of a further application. In this case, given the relationship between the proposed plot and the neighbouring property, consideration could be given to restricting the height of any dwelling to single or 1.5 storey to ensure that the proposed design would not have an overbearing presence to the immediate locality. Landscaping could also be used to provide screening between the properties and in order to reduce any amenity impacts on to the neighbouring property to the south. These design matters are separate from and do not override the policy objection to this proposal based on its inappropriate siting/location.

Special Landscape Area (EP3)

Under the terms of the MLDP 2020 Hopeman falls with the Burghead to Lossiemouth Coast Special Landscape Area. Policy EP3 part b) applies to urban areas and requires proposal to meet the relevant terms of Policy DP1 and to reflect the traditional settlement character in terms of siting and design. In this instance, the proposal has failed to comply with the terms of Policy DP1 part f and it is noted that the presence of an additional dwelling at the existing cul de sac location is considered to increase the density of housing development to the extent that the proposal is considered to be detrimental to the character and appearance of the area. On this basis, the proposal is considered to be contrary to the terms of Policy EP3 part b).

Water and Drainage (DP1 (iii), EP12 and EP13)

Scottish water has confirmed no objection to the proposal and any connections required for drinking and foul connection would be the subject of separate liaison between the applicant and Scottish Water at the appropriate juncture should the application go on to be approved.

The application has been supported by a drainage assessment which has been accepted by Moray Flood Risk Management the surface water drainage proposal is considered acceptable. These matters are separate from and do not override the policy objection to this proposal based on its inappropriate siting/location

Access and Parking (DP1 iii)

In order to access the site, a new access drive from the road end would be required creating an access through the garden ground of the parent property. The Transportation Manager, has raised no technical objection to this proposal subject to conditions to ensure safe access and parking for the site. This is a technical assessment of the access arrangement and is separate from and does not override the policy objection to this proposal based on its inappropriate siting/location.

Developer Obligations and Affordable Housing (PP3, DP2)

A Developer Obligation towards healthcare is sought as part of the application. An affordable housing contribution is also sought. The applicant has confirmed willingness to pay both of these, should the application be approved. The proposal is therefore acceptable under the terms requisite terms of Policies PP3 and DP2. This is separate from the policy objection to the proposal based on its unacceptable siting.

Conclusion and Recommendation

In this instance, the proposal represents backland development and has failed to comply with the terms of Policy DP1 part f. The presence of an additional dwelling at the existing cul de sac location is considered to increase the density of housing development to the extent that the proposal is considered to be detrimental to the character and appearance of the area.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
19/00391/PELOC	Proposed dwellinghouse within garden ground of 33 Golf Crescent Hopeman Elgin Moray IV30 5TL			
	Decision	ID/PE Answered	Date Of Decision	24/05/19

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development plan	18/02/21	
PINS	Departure from development plan	18/02/21	

DEVELOPER CONTRIBUTIONS (PGU)

Status	Developer obligation and affordable housing contribution required.
---------------	---

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:	Design Statement	
Main Issues:	Provides comments and pictures in support of the proposal, seeking to demonstrate the suitability of the site for a dwelling house.	
Document Name:	Site Investigation and Drainage Assessment	
Main Issues:	Details the drainage arrangement for the proposal	
Document Name:	Letter in support of the proposal	
Main Issues:	Provides comments to demonstrate compliance with policies requirements highlighting that the proposal complies with the numeric requirements of the sub division policy requirements and Transportation have not objected to the proposal. It is also noted that the use of the term backyard/backland development is spurious as the plot is to the site of the existing house.	

S.75 AGREEMENT

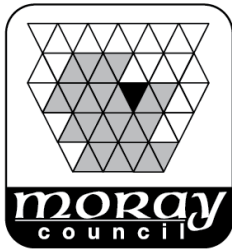
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		

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

**[Heldon And Laich]
Planning Permission in Principle**

TO Mr and Mrs Alan and Laura Ralph
c/o Moray Architectural Services
Camp Cottage
Dunbar Street
Lossiemouth
Moray
IV31 6RB

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

Proposed sub division of garden ground to form building plot at 33 Golf Crescent Hopeman Elgin Moray

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

Date of Notice: **28 April 2021**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
Moray Council
PO Box 6760
ELGIN
Moray
IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal is contrary to the provisions of the Moray Local Development Plan 2020 because: The proposed dwelling is to be positioned to the side of the parent property and set significantly further back into the plot than is the established pattern at this location. The site lacks its own roadside frontage and can only be accessed via an access drive to be created through the parent property's garden. These characteristics are symptomatic of backland development, leading to the inappropriate subdivision of garden ground to form an additional building plot. It is further noted that the presence of an additional dwelling at the existing cul de sac location is considered to increase the density of housing development to the extent that the proposal is considered to be detrimental to the character and appearance of the area. On this basis, the proposal is considered to be contrary to the terms Policies DP1 (i), part f and Policy EP3 part b).

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Location Plan
		Site Plan

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

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

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

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase 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 100349940-005

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:	Moray Architectural Services		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	alastair	Building Name:	Camp Cottage
Last Name: *	rennie	Building Number:	
Telephone Number: *	07455794449	Address 1 (Street): *	Dunbar Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Lossiemouth
Fax Number:		Country: *	Moray
		Postcode: *	IV31 6RB
Email Address: *	aleiln@talktalk.net		

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="Alan"/>	Building Number: <input type="text" value="33"/>
Last Name: *	<input type="text" value="Ralph"/>	Address 1 (Street): * <input type="text" value="golf crescent"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Hopemen"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="uk"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="IV30 5TL"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="alan.ralph@k8tered.com"/>	

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" value="33 GOLF CRESCENT"/>
Address 2:	<input type="text" value="HOPEMAN"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ELGIN"/>
Post Code:	<input type="text" value="IV30 5TL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="869664"/>	Easting	<input type="text" value="315100"/>
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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)

Proposed sub division of garden ground at 33 Golf Crescent, Hopeman IV30 5TL

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.

the refusal is on the grounds of suggested backland development and that the proposed plot has no roadside frontage and mention has also been made on density. Taking these points we refute them for the reasons laid out in the attached letter

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)

letter of appeal

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/00044/PPP

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

15/01/2021

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

28/04/2021

Review Procedure

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

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

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr alastair rennie

Declaration Date: 19/05/2021



Moray Architectural Services

The Clerk
Moray Council Local Review Body
Legal and Services Committee
High Street
Elgin
IV31 1BX

18.05.2021

Planning Review – Planning Refusal Ref 21/00044/PPP- 33 Golf View Crescent.

I am writing on behalf of the applicants to request a review of the above refusal for Planning consent and wish to draw attention to the committee the following facts which are extremely relevant to this request,

- The refusal references the access, yet the Roads authority have no objection to the access and as the experts in this area the lack of any objection should be clearly noted. Sufficient parking within the proposed plot is easily achievable. The comments made about driveway length is contradictory to the desire of the applicant to position the house for the amenity of the neighbouring property.
- The refusal references the density, yet the proposals clearly show that the density of the proposed plot and existing house is very much in line with the surrounding houses. The proposed plot has an area of 0.068ha and the existing surrounding houses have site areas of 0.068,0.079,0.61,0.057 respectively. The area of the existing house plot will have an area of 0.07. This meets the council policy and therefore using density as a refusal for planning is spurious at best. Indeed the Planning officer appears to agree with this in her assessment and I quote **“However, it is noted here, that the indicative house footprint to plot size ratio reflects the existing plot density found at this location”**.
- It is noted that only one main objection has been received regarding preservation of a view from existing windows and the application has noted this and the proposed house position will reflect the need to allow for the amenity of the neighbouring property. Combined with the drop in level a low impact design is easily achievable, and the applicants are keen to achieve a high-quality design on the plot.
- Drainage tests have been done and a fully compliant drainage layout can be achieved.
- Developer contributions have been agreed and will be paid if consent is granted.

Camp Cottage, Dunbar Street, Lossiemouth, Moray, IV31 6RB
T: 074 557 94449 / 01343 810735, E: aleiln@talktalk.net

Given that the proposal meets the criteria laid down in the councils own planning policy DP1 Section 6 there are clear and concise reasons why this application should not have been refused we respectfully comment our appeal to the review body.

Signed

Alastair Rennie

Moray Architectural Services

