



the **MORAY** council

The Moray Council Council Office, High Street Elgin IV30 1BX

Tel: 01343 563 501

Fax: 01343 563 263

Email: development.control@moray.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 000133609-001

The online ref number 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: *

We strongly recommend that you refer to the help text before you complete this section.

- ☒ 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 erection of dwelling-house with detached 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

Have the works already been started 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:

Strathdee Properties Ltd.

Ref. Number:

First Name: *

Stewart

Last Name: *

Reid

Telephone Number: *

01340 881784

Extension Number:

Mobile Number:

Fax Number:

01340 881783

Email Address: *

stewart@strathdeeproperties.com

You must enter a Building Name or Number, or both:*

Building Name:

Viewfield Farm

Building Number:

Address 1 (Street): *

Craigellachie

Address 2:

Aberlour

Town/City: *

Elgin

Country: *

UK

Postcode: *

AB38 9QT

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



Individual



Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *

Mr

Other Title:

First Name: *

Gavin

Last Name: *

Strathdee

Company/Organisation:

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

You must enter a Building Name or Number, or both:*

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Northing

857075

Easting

321830

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

14091.00

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)

Undeveloped land

Access and Parking

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

☐ Yes ☒ No

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

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

0

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

5

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, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☒ Yes ☐ No

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

- ☐ Yes – connecting to public drainage network
- ☒ No – proposing to make private drainage arrangements
- ☐ Not Applicable – only arrangements for water supply required

What private arrangements are you proposing? *

- ☒ New/Altered septic tank.
- ☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
- ☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- ☒ Discharge to land via soakaway.
- ☐ Discharge to watercourse(s) (including partial soakaway).
- ☐ Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: * (Max 500 characters)

Foul water will be taken to a suitable septic tank and then onto an appropriately designed soakaway.
Surface water will be taken to an appropriately designed soakaway.

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

☒ Yes ☐ No

Note: -

Please include details of SUDS arrangements on your plans

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

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

- ☒ Yes
- ☐ No, using a private water supply
- ☐ No connection required

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

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

☒ Yes ☐ No

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

Waste Storage and Collection

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

☒ Yes ☐ No

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

Recycled material and general refuse will be collected from the track entrance by the local authority collection units.

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) REGULATIONS 2013

One Certificate must be completed and submitted along with this 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

Are you able to identify and give appropriate notice to ALL the other owners? *

☒ Yes ☐ No

Certificate Required

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

Certificate B

Certificates

The certificate you have selected requires you to distribute copies of the Notice 1 document below to all of the Owners/Agricultural tenants that you have provided, before you can complete your certificate.

Notice 1 is Required

☒ I understand my obligations to provide the above notice(s) before I can complete the certificates. *

Land Ownership Certificate

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

I hereby certify that -

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or -

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name: - SM + FA STRATHDEE

Address: -, Viewfield farm, Craigellachie, Aberlour, Scotland, UK, AB38 9QT

Date of Service of Notice: *

06/11/15

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

or -

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Stewart Reid

On behalf of: Mr Gavin Strathdee

Date: 05/11/2015

Checklist - Application for Planning Permission

Town and County 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 developments (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 County 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.

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: Stewart Reid

Declaration Date: 06/11/2015

Submission Date: 06/11/2015

Payment Details

Cheque: SM AND FA STRATHDEE, 100232

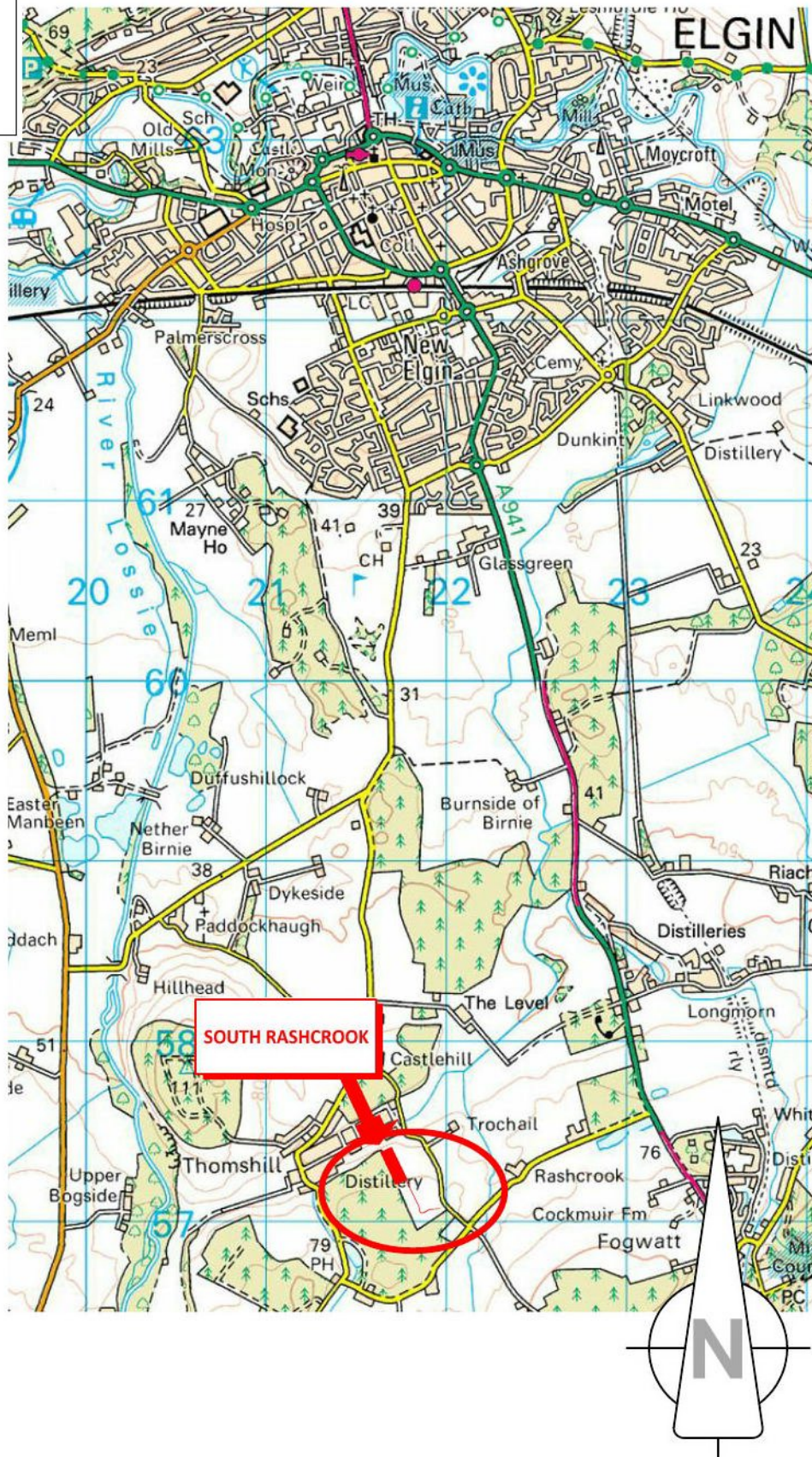
Created: 06/11/2015 11:13

REFUSED

23/12/15

Development Management
Environmental Services
The Moray Council

OS LOCATION PLAN (NOT TO SCALE)



**Proposed erection of dwellinghouse with detached garage
at South Rashcrook, Rashcrook, Birnie, Elgin, Moray
For Mr Gavin Strathdee**



Proposed erection of dwellinghouse with detached garage at
South Rashcrook, Rashcrook, Birnie, Elgin, Moray For Mr Gavin Strathdee
planning drawing - site information

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

REFUSED

23/12/15

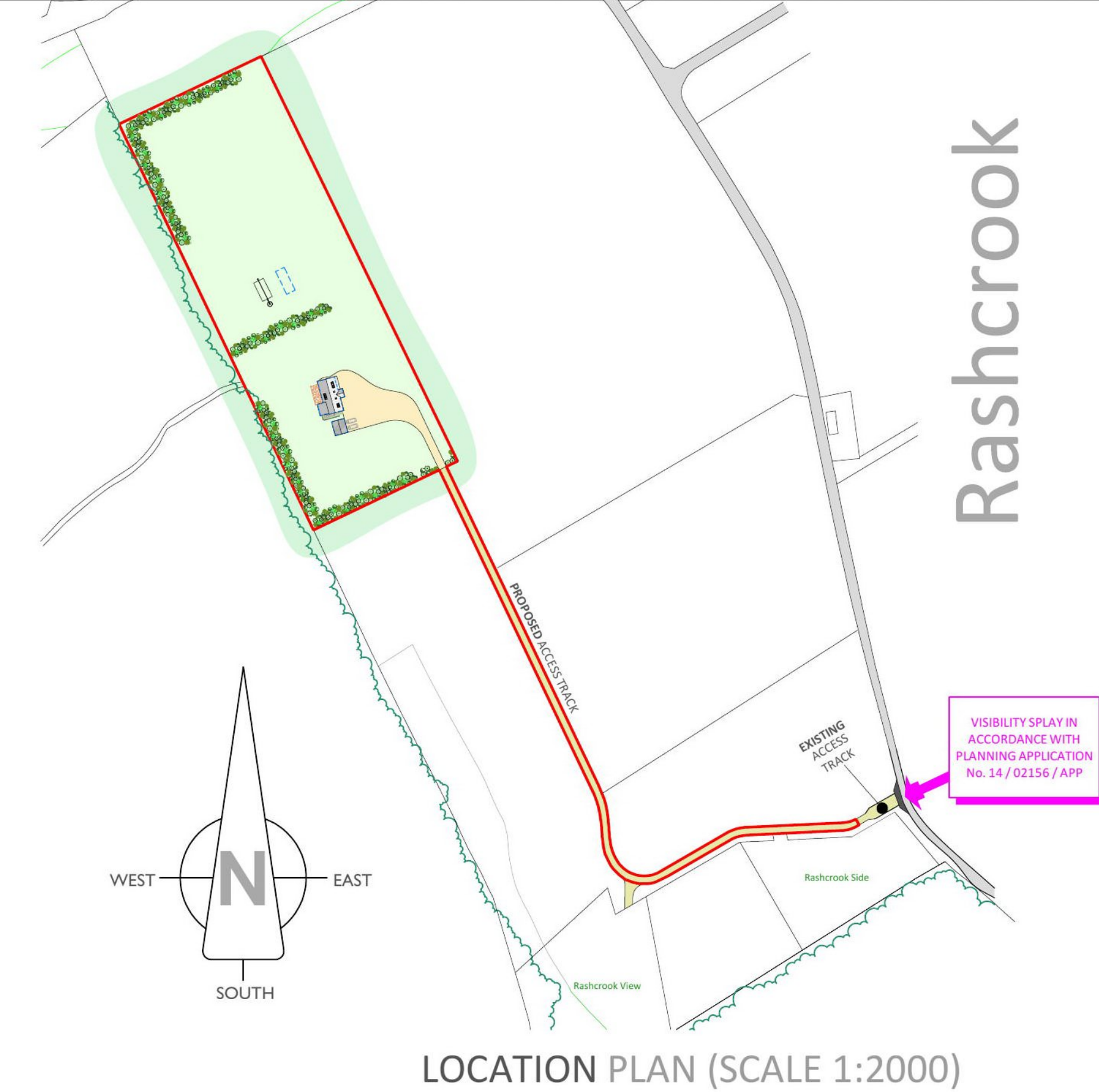
Development Management
Environmental Services
The Moray Council



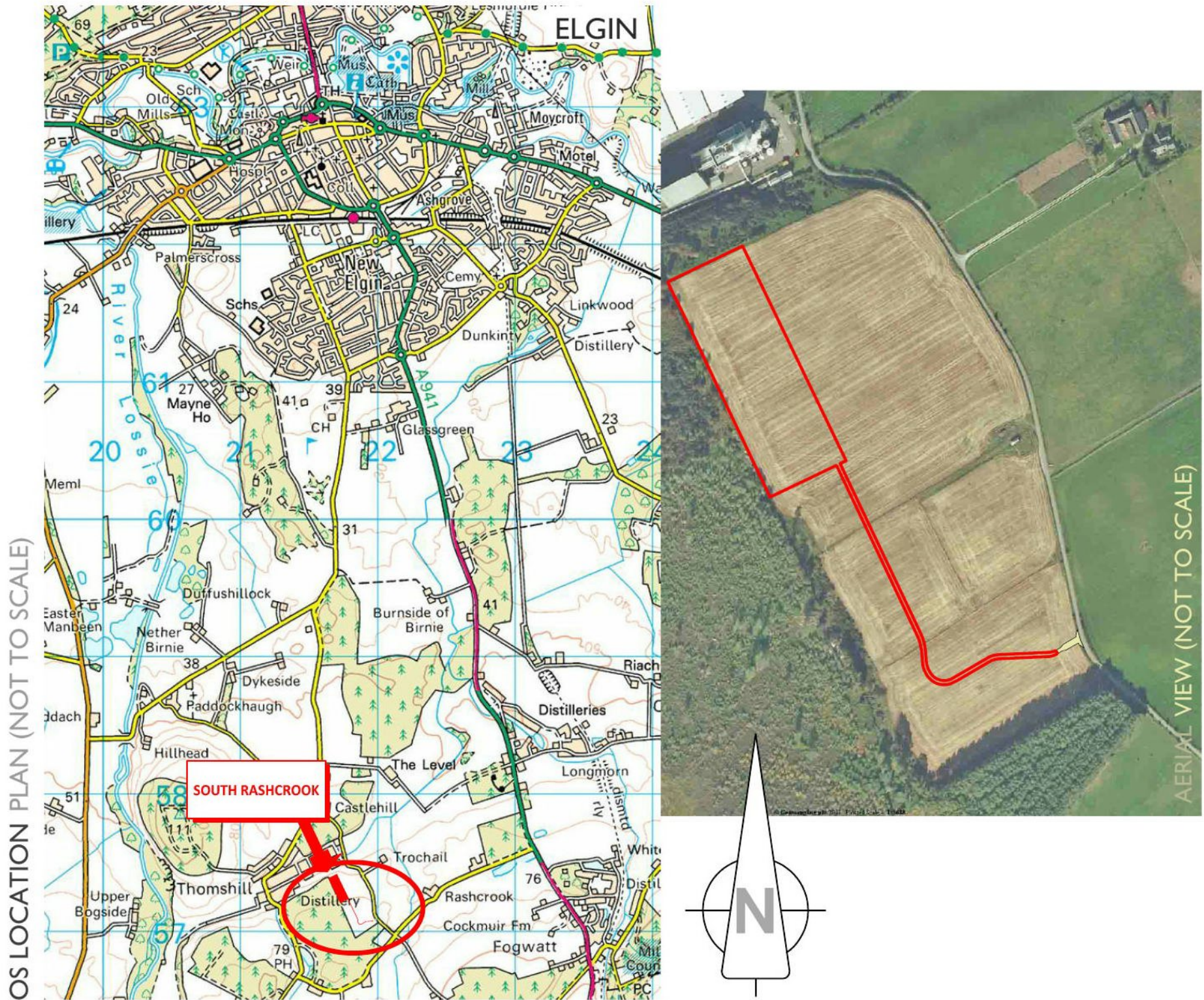
SITE PLAN (SCALE 1:500)



SPECIFICATION
DRAINAGE
Foul water taken to septic tank.
Surface water taken to soakaway
EXTERNAL WALLS
20mm white / cream roughcast.
Natural stone.
Grey board on board linings to Garage
ROOF
Grey, precast, concrete tiles / natural slates
WINDOWS / DOORS
Grey / White Upvc / timber windows



LOCATION PLAN (SCALE 1:2000)



Strathdee Properties Ltd.

VIEWFIELD FARM, CRAIGELLACHIE,
ABERLOUR, MORAY, AB38 9QT
T - (01340) 881784 F - (01340) 881783



PROJECT
Proposed erection of dwellinghouse
with detached garage at South
Rashcrook, Rashcrook, Birnie, Elgin,
Moray For Mr Gavin Strathdee

DRAWING DESCRIPTION
PLANNING DRAWING - SITE INFORMATION

DRAWING no. SOUTH-RASHCROOK / PLANNING / 01	SCALE 1:500 AND AS STATED (A1)
DRAWN BY S.Reid MCIAT Chartered Architectural Technologist	DATE NOVEMBER 2015

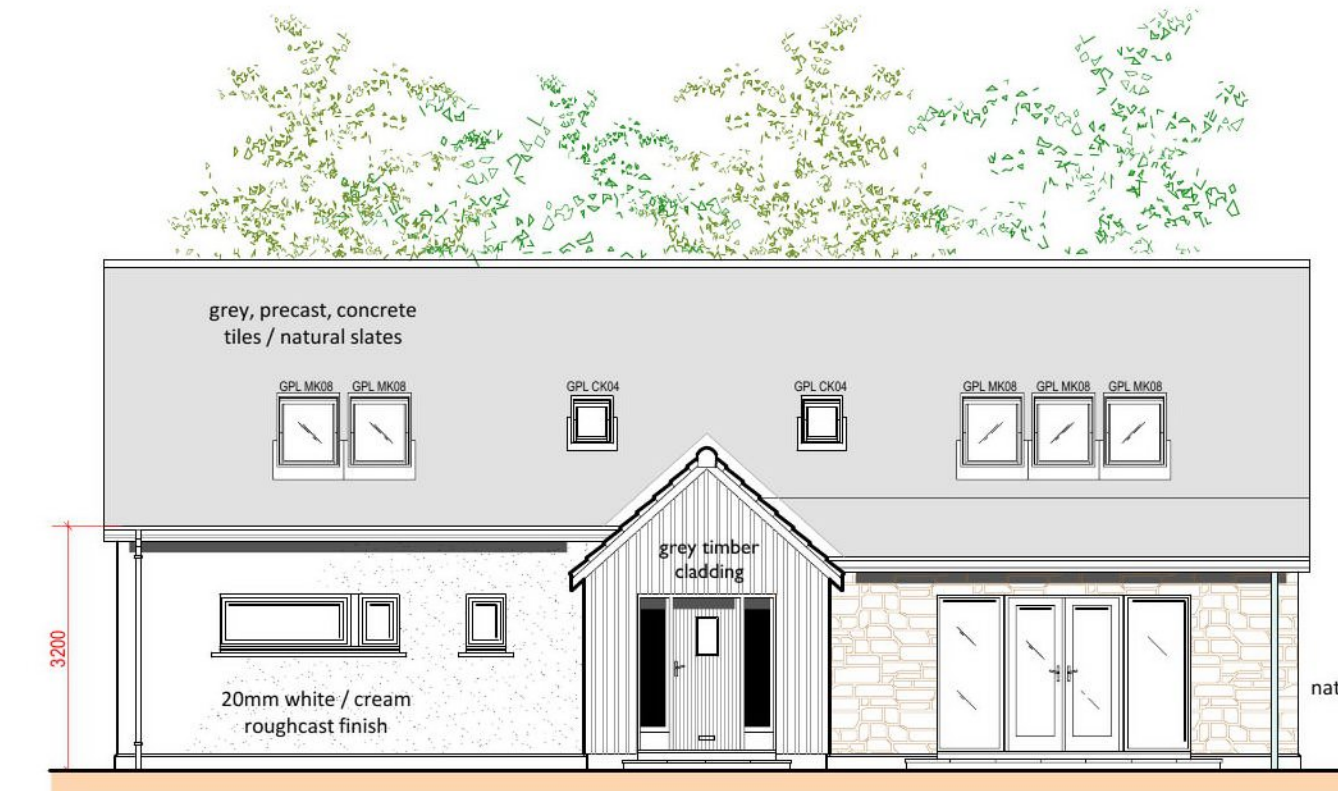
SPECIFICATION

DRAINAGE
Foul water taken to septic tank.
Surface water taken to soakaway

EXTERNAL WALLS
20mm white / cream roughcast.
Natural stone.
Grey board on board linings to Garage

ROOF
Grey, precast, concrete tiles / natural slates

WINDOWS / DOORS
Grey / White Upvc / timber windows



grey, precast, concrete tiles / natural slates

CODE 5 LEAD FLASHING

1000

20mm white / cream roughcast finish

EXPANSION JOINT

3000

FRONT ELEVATION

grey, precast, concrete tiles / natural slates

GFL. KITCHEN GFL. HALL GFL. LIVING

FLUE FROM STOVE IN LOUNGE

1000

white / cream plaster
cast finish

FLUE TERRACE

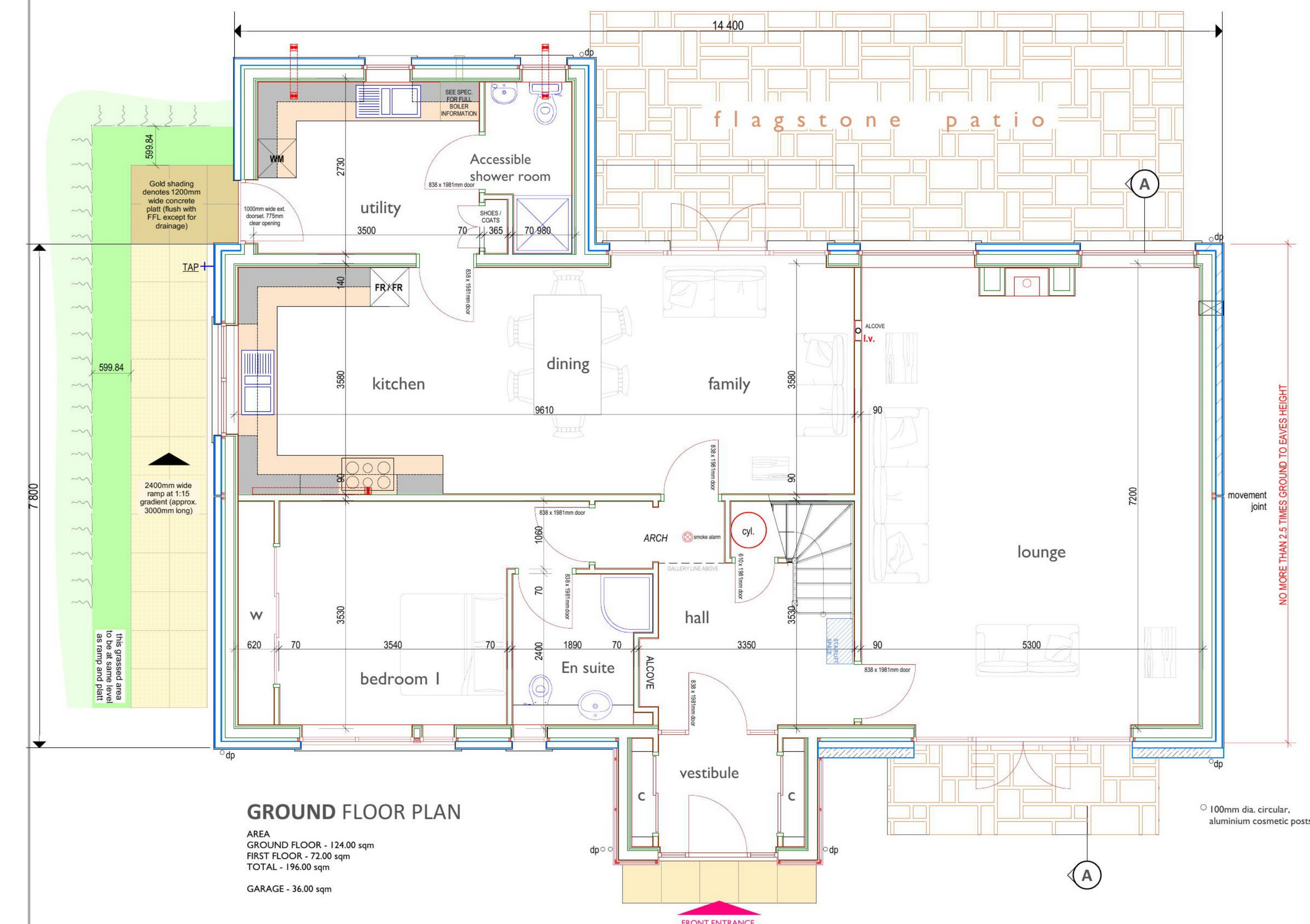
Architectural elevation drawing of a house with a gabled roof. The drawing shows a chimney on the left, a dormer window in the center, and a flue on the right. Annotations include '20mm white / cream roughcast finish' on the main wall, 'EXPANSION JOINT' at the base of the dormer, 'VENT' near the flue, 'FLUE, FROM STOVE IN LOUNGE' pointing to the flue, and a height dimension of '3200' for the main wall. A small window above the chimney is labeled 'W/ 100mm glazing'. A tree is sketched behind the roofline.

**Development Management
Environmental Services
The Moray Council**



SCALE
1:50 / 1:100 (A1)

DATE
NOVEMBER 2015



Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	1st December 2015
Planning Authority Reference	15/02019/APP
Nature of Proposal (Description)	Erect dwellinghouse with detached garage at
Site	South Rashcrook Rashcrook Birnie Elgin Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133069315
Proposal Location Easting	321699
Proposal Location Northing	857341
Area of application site (Ha)	14091 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=NXFNJJBGAK000
Previous Application	14/01906/PNOT 05/00855/GPA 15/00596/AMC
Date of Consultation	17th November 2015
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Gavin Strathdee
Applicant Organisation Name	
Applicant Address	Viewfield Farm Craigellachie Aberlour AB38 9QT Scotland, UK
Agent Name	Strathdee Properties Limited
Agent Organisation Name	
Agent Address	Viewfield Farm Craigellachie Aberlour Moray AB38 9QT
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Maurice Booth
Case Officer Phone number	01343 563274
Case Officer email address	maurice.booth@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.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Aberdeenshire Council Archaeology Service

Planning Application Ref. No: 15/02019/APP

Erect dwellinghouse with detached garage at South Rashcrook Rashcrook Birnie Elgin for Mr Gavin Strathdee

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"/>

Reason(s) for objection

None

Condition(s)

The above application affects the archaeology NJ25NW0026, an area of cropmarks thought represent prehistoric activity, and I would therefore ask that the following condition is applied over **all** groundbreaking works associated with the house and access track:

“Watching-brief Condition (PAN 2/2011, SPP, SHEP)

The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Aberdeenshire Council Archaeology Service on behalf of the planning authority, during any groundbreaking and development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Aberdeenshire Council Archaeology Service.

The name of the archaeological organization retained by the developer shall be given to the planning authority and to the Aberdeenshire Council Archaeology Service in writing not less than 14 days before development commences.

Reason: to record items of archaeological interest.”

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Claire Herbert
email address:
archaeology@aberdeenshire.gov.uk
Consultee: Archaeology Service

Date.....04/12/15.....
Phone No ...01224 665185.....

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

Advice : HSL-151113113048-363 DO NOT ADVISE AGAINST

Your Ref: 15/02019/APP

Development Name: South Rashcrook rashcrook Birnie Elgin Moray

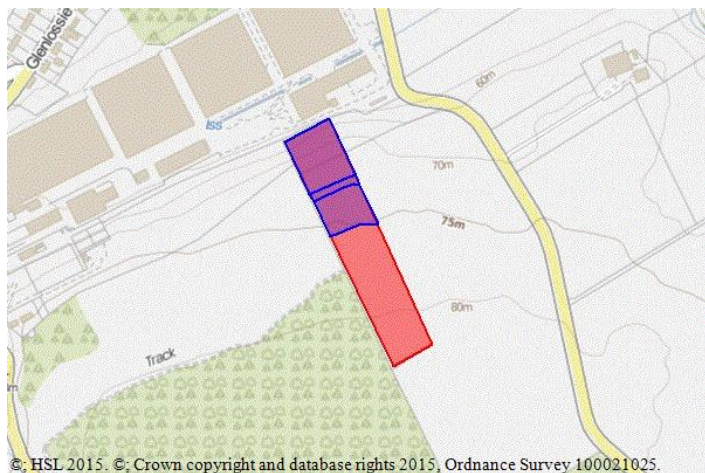
Local Authority Reference: 15/02019/APP

Comments: Erect dwellinghouse with detached garage at

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of The Moray Council.

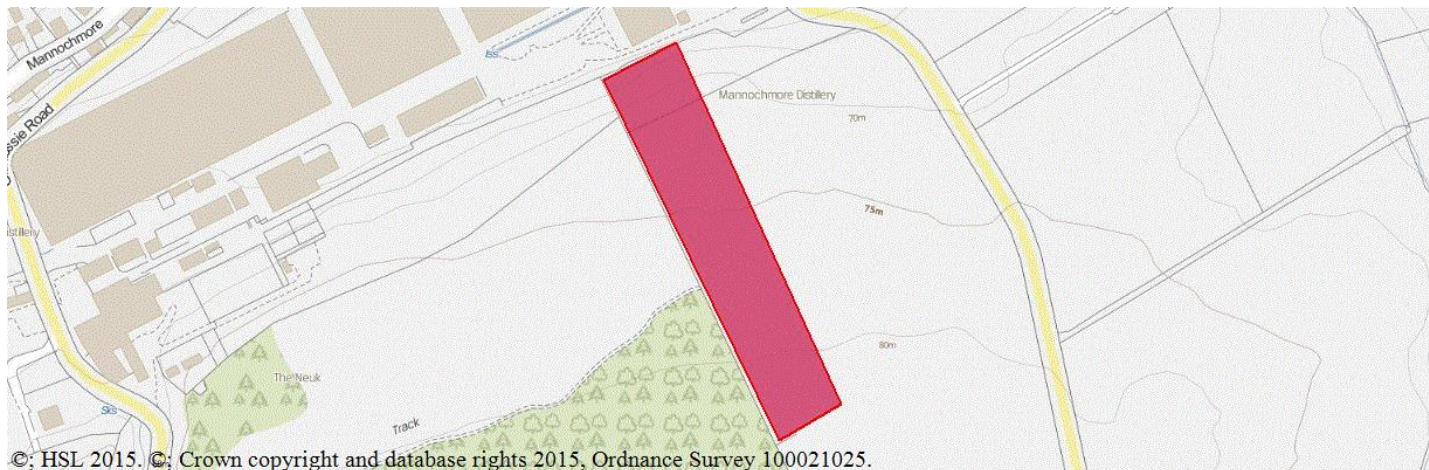
HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.



Breakdown

Housing DAA

How many dwelling units are there? Less than 3



This advice report has been generated using information supplied by Teresa Ruggeri at The Moray Council on 13 November 2015.

HSL-151113113048-363 Date enquiry completed :13 November 2015 (321718,857307)

Note that any changes in the information concerning this development would require it to be re-submitted.

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	1st December 2015
Planning Authority Reference	15/02019/APP
Nature of Proposal (Description)	Erect dwellinghouse with detached garage at
Site	South Rashcrook Rashcrook Birnie Elgin Moray
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Applicant Organisation Name	
Applicant Address	Viewfield Farm Craigellachie Aberlour AB38 9QT Scotland, UK
Agent Name	Strathdee Properties Limited
Agent Organisation Name	
Agent Address	Viewfield Farm Craigellachie Aberlour Moray AB38 9QT
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Maurice Booth
Case Officer Phone number	01343 563274
Case Officer email address	maurice.booth@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

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Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 15/02019/APP

Erect dwellinghouse with detached garage at South Rashcrook Rashcrook Birnie Elgin for Mr Gavin Strathdee

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. Prior to any development works commencing:
 - i) a visibility splay 4.5 metres by 160 metres shall be provided in both directions at the access onto the public road; and
 - ii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.
2. An access lay-by 8.0m long (minimum) 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.
3. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.
4. 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.
5. A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear.

6. Any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe, agreed with the Roads Maintenance Manager (300mm minimum). The pipe shall be laid to a self-cleansing gradient and connected to an outfall.

REASONS

1. To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.
2. To ensure acceptable development in the interests of road safety.
3. To enable visiting service vehicles to park clear of the public road in the interests of road safety.
4. To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access.
5. To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.
6. 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.
7. To ensure acceptable development in the interests of road safety.

Further comment(s) to be passed to applicant

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

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 85 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

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

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

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

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

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

Date 1 December 2015

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

Darren Westmacott

From: Douglas Caldwell
Sent: 22 December 2015 15:51
To: Maurice Booth
Subject: 15/02019/APP

Maurice

The NIA just in today and there are recommendations arising to relocate a window from first floor bedroom window..I am not sure if you require an updated drawing to show the location of the alternative west facing window or not.I have recommended a condition to deal with it and if you think this is adequate you can let me know.In the meantime I will recommend Stewart perhaps illustrate what is being suggested for the sake of clarity.I finish tonight and back on 5th and can catch up then.

Kind regards
Douglas

This Section recommends approval of the development and subject to the following recommended condition-

1.No opening window on the first floor north facing bedroom,described as bedroom 4 in the General Arrangement supporting plan document titled "South- Rashcrook/Planning/02.November 2015", shall be provided and a velux rooflight (or suitable equivalent) shall instead be provided on the west facing elevation of this first floor bedroom, as detailed in the agents email of 22 December 2015 , and further to the recommendations highlighted in section 5.11 and 6.5 of the Noise Impact Assessment supporting document by Burea Veritas UK Limited and titled "Strathdee Properties Ltd.,Noise Impact Assessment,Site at Rashcrook,Birnie,Moray.6338345/rmg/R1-21st December 2015."

Comments for Planning Application 15/02019/APP

Application Summary

Application Number: 15/02019/APP

Address: South Rashcrook Rashcrook Birnie Elgin Moray

Proposal: Erect dwellinghouse with detached garage at

Case Officer: Maurice Booth

Customer Details

Name: Mr Graham Stables

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise

Comment: The Glenlossie Distillery has been in existence since the late 1800's and is a top tier COMAH site and as such holds Hazardous Substance Consent. We note that even though the ground ownership lies within the HSC consultation zone, the location of the proposed house sits outwith and subsequently the HSE Advice is 'Do not advise against'

There has been a recent application for housing at neighbouring Thomshill Heights which included an Environmental Noise Assessment and as a consequence, mitigation measures were included as conditions in the Consent. As the location is adjacent to those at Thomshill Heights, we assume that similar requirements are necessary for this application.

REPORT OF HANDLING

Ref No:	15/02106/PPP	Officer:	Maurice Booth
Proposal Description/ Address	Erect dwellinghouse on Land Adjacent To Bracany Bracany Park Longmorn Moray		
Date:	21/01/16	Typist Initials:	FJA

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	04/12/15	No objection
Contaminated Land	04/12/15	No objection
Transportation Manager	11/12/15	Objections on grounds of additional traffic to dangerous access – see ‘Observations’
Scottish Water		No response
Development Plans (Environment)		Objection to proposals in relation to policies H5,ER2, E4,IMP1 and H3 – see Observations
Forestry Commission	22/12/15	General comments provided, but no objection

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
E4: Trees and Development		
ER2: Development in Woodlands		
Fogwatt		
Moray Local Development Plan 2015		
H5: Development Within Rural Groupings	Y	
EP9: Contaminated Land		
IMP1: Developer Requirements	Y	
EP10: Foul Drainage		

T2: Provision of Access		
T5: Parking Standards		

REPRESENTATIONS		
Representations Received 6	YES	
Total number of representations received		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the Data Protection Act.		
Summary and Assessment of main issues raised by representations		
<p>Issue: Access to site inadequate, queries over how it will be widened, problems from builder's vehicles during construction, problems with obstruction to neighbouring properties and lack of on-street parking. Junction onto the main road and there have been serious accidents there. No room for vehicle turning. Problems with emergency vehicle access.</p> <p>Comments (PO): Problems during building operations would be of only a very limited duration. The access to the site is very restricted but should be adequate for the single house proposed. The need to achieve the necessary on-site parking and turning would be one of the matters contributing to the difficulty of achieving satisfactory development of the site in relation to its cramped nature. Although constrained the access should be of an adequate standard for the proposed house, as it is assumed to be for the existing houses.</p> <p>The issue of the access onto the main road is considered in the Observations, and features in one of the reasons for refusal.</p>		
<p>Issue: Fogwatt settlement precludes further development. Proposals would have a detrimental impact on the natural and built character of the settlement. Site is cramped and proposals would result in over-development</p> <p>Comments (PO): See 'Observations'</p>		
<p>Issue: Problems over impact of above ground services and access impact on existing services.</p> <p>Comments (PO): This is not considered to be a significant issue.</p>		
<p>Issue: Impact on wheelie bin storage</p> <p>Comments (PO): This is not likely to be a significant issue.</p>		
<p>Issue: Detrimental impact from loss of trees. Trees provide protection to neighbouring properties.</p> <p>Comments (PO): See 'Observations'. Whatever protection it is claimed that the trees give to the neighbouring houses is not considered to be a material planning issue.</p>		
<p>Issue: Detrimental impact from loss of trees on wildlife</p> <p>Comments (PO): Whilst there may be some limited impact in this respect it is not considered that this would be likely to be materially significant.</p>		
<p>Issue: Problems from surface and foul drainage.</p> <p>Comments (PO): The requirement in relation to septic tank provision would be properly dealt with under separate building standards and Scottish Environmental Protection Agency legislation.</p>		
<p>Issue: Loss of view and problems from height of development</p> <p>Comments (PO): Loss of view is not a planning matter. As a PPP height is not a matter that has been detailed in relation to the current application.</p>		
<p>Issue: Procedures not followed correctly, legal issues and dust.</p> <p>Comments (PO): There is no evidence the procedures followed are flawed, and the nature of the legal issues is not clarified in relation to the objection where this is indicated. Dust would not be an issue with the type of development proposed.</p>		

Issue: Procedures not followed correctly, legal issues and dust.

Comments (PO): There is no evidence the procedures followed are flawed, and the nature of the legal issues is not clarified in relation to the objection where this is indicated. Dust would not be an issue with the type of development proposed.

Issue: Query over site boundaries and fence line.

Comments (PO): Issues in this respect would be private matters for the relevant parties to resolve between themselves.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the approved Moray Structure Plan 2007 and the adopted Moray Local Development Plan 2015 unless material considerations indicated otherwise. In this case the main planning issues are considered below.

The Proposal

The application is a 'PPP' (Planning Permission in Principle') with indicative details only of a house footprint.

The Site

The proposal site is a long narrow triangle of land in two parts. The main area, where the house would be sited is 58m long and 28m wide tapering to a point at its southern end where the access to the site would be gained via the 170m long existing narrow vehicular access road leading from the main A941 at Fogwatt. At the back north-east corner there is an additional corner of land lying to the rear of the neighbouring house 'Bracany', measuring some 22m x 14m. It is in this latter area that it is indicated the proposed septic tank would be.

There is also a long, narrow (80m) pedestrian access from the site running between the backs of neighbouring houses to the main road.

The site falls gently (by 3m) over its length to the north.

Loss of Trees and Impact on Setting (ER2,E4)

There are a number of mature trees on the site that comprise a woodland setting in relation to the overall area. Although below the 0.1 ha area for which compensatory planting would be a consideration it is considered that the development of the site as proposed with the inevitable removal of the trees would have an adverse impact on the natural and visual amenity value of the site and therefore would breach policy ER2, Development in Woodlands and E4 Trees and Development.

Impact on Character and Amenity (IMP1,H5, Fogwatt Settlement Statement)

It is noted that policy H3 in relation to backland development does not properly apply since this policy is only concerned with subdivision for house plots, and the site is now separately defined area not associated with an existing house curtilage (whatever it may once have been). The site also has a road frontage, albeit at the very narrow end of the triangular area involved.

However, the site is relatively narrow and largely landlocked by the surrounding properties. Although details of a house have not been provided it is likely that any reasonably sized house would result in a cramped form of development and hence would have a detrimental impact on the character of the overall setting. This detrimental impact would be added to by the loss of an undeveloped area that contributes to the relatively low density character of the area. Based on this it is not considered that development of the site would fit the character of the area in terms of policy H5, Development Within Rural Groupings.

Traffic Impact (IMP1, T2 and Fogwatt Settlement Statement)

The proposed development would intensify the use of an existing access on a stretch of the A941 main road which carries significant traffic movements. The access is known locally as the 'Neil Miller Garage' access and is specifically mentioned in the Moray Local Development Plan 2015 which states in the text for Fogwatt that: 'For road safety reasons, no further housing development shall be permitted which proposes to use the access point onto the A941 at Neil Millers Garage.' The A941 at this location is subject to a 50mph speed limit and has restricted forward visibility as it passes through a series of bends and changes in level. Accident data has been inspected and there are 7 recorded accidents on the section of the A941 within the 50 mph speed limit for the period covering 2010 to 2014. Of these accidents 2 were located at the 'Neil Miller Garage' access.

The existence of this access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs. However the intensification of that interference which the proposed development would engender would be detrimental to road safety. The proposed development, if permitted, would involve the intensification of use of an existing vehicular access onto A941 Main Road Fogwatt where forward visibility is restricted by the vertical and horizontal alignment of the road and by adjacent obstructions and would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development

Drainage and Flooding (IMP1, Fogwatt Settlement Statement)

The proposal site is not within an area of Fogwatt identified as being at risk from flooding.

The requirement in relation to septic tank provision would be properly dealt with under separate building standards and Scottish Environmental Protection Agency legislation.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

There are no other material considerations that would alter this assessment.

HISTORY

Reference No.	Description			
15/01387/PE	Proposed dwellinghouse on Vacant Ground Off Bracany Park Fogwatt			
	Decision		Date Of Decision	
15/01388/PE	Proposed dwellinghouse on Site Adjacent To Bracany Fogwatt Elgin Moray			
	Decision	ID/PE Answered	Date Of Decision	11/08/15

ADVERT

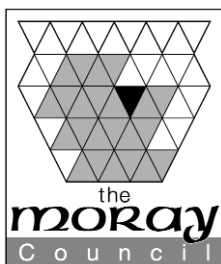
Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development planNo Premises	11/01/16	
PINS	Departure from development planNo Premises	11/01/16	

DEVELOPER CONTRIBUTIONS (PGU)	
Status	None required

DOCUMENTS, ASSESSMENTS etc. *		
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Summary of main issues raised in each statement/assessment/report	YES	
The agent has provided supporting comments in relation to the impact of the proposals and the advice by Transportation. These comments have been considered, and the further comments made in relation to the accident information provided has been considered by Transportation.		

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)			



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

REFUSAL OF PLANNING PERMISSION

**[Fochabers Lhanbryde]
Application for Planning Permission**

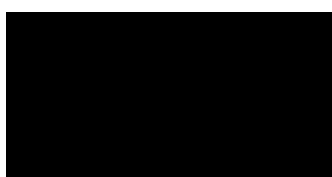
TO Mr Gavin Strathdee
c/o Strathdee Properties Limited
Viewfield Farm
Craigellachie
Aberlour
Moray
AB38 9QT

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 with detached garage at South Rashcrook Rashcrook Birnie Elgin

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

Date of Notice: **23rd December 2015**



HEAD OF DEVELOPMENT SERVICES

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

The proposal would be contrary to policies H7:New Housing in the Open Countryside, E9:Settlement Boundaries and IMP1 Developer Requirements for the following reasons :

- (i) The proposal would contribute to a build-up of development (as an addition to the two houses permitted to the south) and would establish a ribbon form of development around the southern and western sides of the extensive field areas involved.
- (ii) The two houses approved to the south of the field area are considered the limit of what can be accommodated in the landscape without an increasingly detrimental impact on the open rural characteristics of the area that would be caused by ongoing residential development and the greatly extended access roadway
- (iii) The site is immediately outwith the Thomshill settlement boundary and therefore would effectively involve expansion of that settlement which is contrary to policy E9.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
SOUTH-RASHCROOK/PLANNING/02		Elevations floor plans and section
SOUTH-RASHCROOK/PLANNING/02		Site and location plan
SOUTH-RASHCROOK/PLANNING/LP		Location plan - NTS

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

N/A

DETAILS OF MATTERS SPECIFIED IN CONDITIONS

Approval, consent or agreement has been GRANTED for the following matter(s):-

N/A

The matter(s) was/were specified in conditions imposed on the earlier grant of planning permission:-

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, The 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.