



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 the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100005296-001

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)

Erect dwellinghouse on site 300m north east of Glenlatterach Farm, Birnie, Elgin

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☐ Yes ☒ No

(Answer 'No' if there is no change of use.) *

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:	Wittets Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Cynthia	Building Name:	
Last Name: *	McKay	Building Number:	26
Telephone Number: *	01343 543237	Address 1 (Street): *	Hay Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Elgin
Fax Number:		Country: *	Scotland
		Postcode: *	IV30 1NQ
Email Address: *	cm@wittets.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	D	Building Number:	
Last Name: *	McLeod	Address 1 (Street): *	
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Site 300m north east of Glenlatterach Farm, Birnie, Elgin

Northing

854618

Easting

320113

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

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

Pre-application advice - attached as supporting document.

Title:

Ms

Other title:

First Name:

Shona

Last Name:

Strachan

Correspondence Reference
Number:

16/00435/PE

Date (dd/mm/yyyy):

07/06/2016

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

Site Area

Please state the site area:

2452.00

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)

Brownfield site - previously used to accommodate workers at the Water Services Complex.

Access and Parking

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

☒

Yes

☐

No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐

Yes

☒

No

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

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

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

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: *

Septic tank with land 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.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Certificates and Notices

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

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

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

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Cynthia McKay

On behalf of: Mr D McLeod

Date: 02/02/2017

☒ 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: Mrs Cynthia McKay

Declaration Date: 02/02/2017

Payment Details

Cheque: XXXXXXXXXX

Created: 02/02/2017 14:59

Erect Dwellinghouse on Site 300m North East of Glenlatterach Farm, Birnie, Elgin

Design Statement

History

Proposals were submitted with application 15/01892/PPP on 13 October 2015, and were withdrawn following advice that the assessment of the proposed development would be unaltered from the earlier planning refusal, ref 99/02081/OUT. This was followed by a pre-application advice submission on 16 March 2016.

The pre-application submission incorporated the following changes compared to the withdrawn proposals

- 1 The area of the site was reduced in area to only extend beyond the existing fence line along the east boundary to incorporate the access.
- 2 The proposed location for the house was moved down the site and toward the roadway leading to Glenlatterach Farm.
- 3 The finished floor level for the proposed house was significantly lowered to more sympathetically blend the proposed dwelling with landform, in relation to the height of the natural backdrop along the south west boundary and the rising ground further south.
- 4 A traditional farmhouse design was now proposed to be sympathetic with the scale and character of the traditional buildings at Glenlatterach Farm above and to the south of the proposed site. The proposed house has also now been shown orientated to relate to the buildings within the Water Services complex. It should be noted that the proposed site is brownfield land, having previously incorporated accommodation for workers at the Water services complex, and the septic tank originally used by the accommodation is still evident within the site.

Reasons for appeal

1. The appeal submitted for the site following refusal of application 99/02081/OUT highlighted a) lack of four naturally defined boundaries b) being larger than the maximum site area of 1400sqm and c) that the minor roads between Glenlatterach and A941 are narrow and twisting and did not justify isolated development. All of these reasons are no longer relevant. Items a) and b) no longer apply to the current policy H7, and in relation to item c) there have been significant development recently approved within the area utilising the same roads which would contradict the previous assessment.

2. Regarding current policy, the proposals are now almost totally within the extent of brownfield land and do not effectively involve arbitrary sub-division. The proposed tree planting to the east boundary would achieve compliance with the current policy, compared with the original policy at the time of the refused application when all four boundaries were required to be defined by existing natural features.

3. Regarding the concerns relating to the prominence of the site and sensitively integrating with its surroundings, the changes made to the proposals when re-submitting have taken account of these concerns. The position of the house has been moved down the site and also cut into the slope to sit into the site. The site would be most prominent when viewed from the approaching road at Middleton. A 3D model has therefore been generated as a visual illustration to show the house as part of the grouping,

and the extend of the backdrop to the site. It is our opinion that the traditional design proposed would enhance rather than not sensitively integrate with the existing grouping.

4. Regarding the earlier concerns relating to the narrow and twisting access roads, the proposal is considered to be acceptable to Transportation.

5. Regarding settlement pattern, all dwellings within the immediate vicinity are roadside sites, and the concern relating to the site being to the east of the road would appear to be contradicted by the grouping above the site where there are houses to both sides of the road.

The proposals are therefore considered to be sympathetic to the surroundings and in accordance with planning policy.



05.01.16 : LOCATION OF EXISTING COTTAGE INDICATED : REV.B
21.12.15 : ADDITIONAL LEVELS SHOWN THRO' SECTION C-C : REV.A
REVISIONS

WITTETS
ARCHITECTS

26 Hay St, Elgin, Moray IV30 1NQ
T 01343 543237 **F** 01343 540542
e info@wittets.co.uk **www**.wittets.co.uk

New House at
Glenlatterach
for Mr D McLeod

EXISTING Site Plan

1:200 SEP 2015

15:41:01B

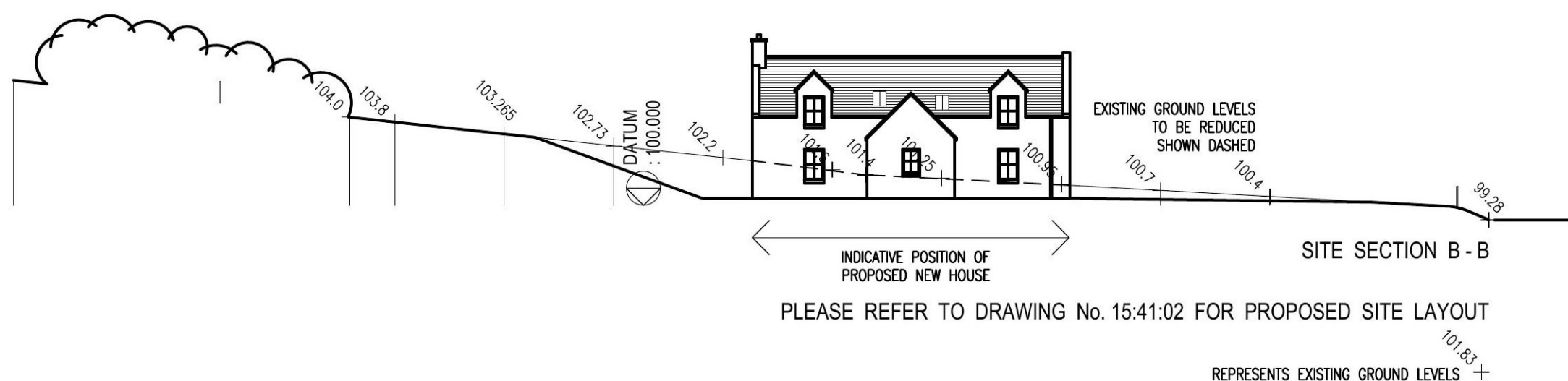


Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

28 March 2017

Development Management
Environmental Services
The Moray Council



REVISIONS
29:02:16 : HOUSE POSITION, DESIGN AND LEVEL CHANGED : REV.A

Proposed New House at
Glenlatterach
for Mr D McLeod

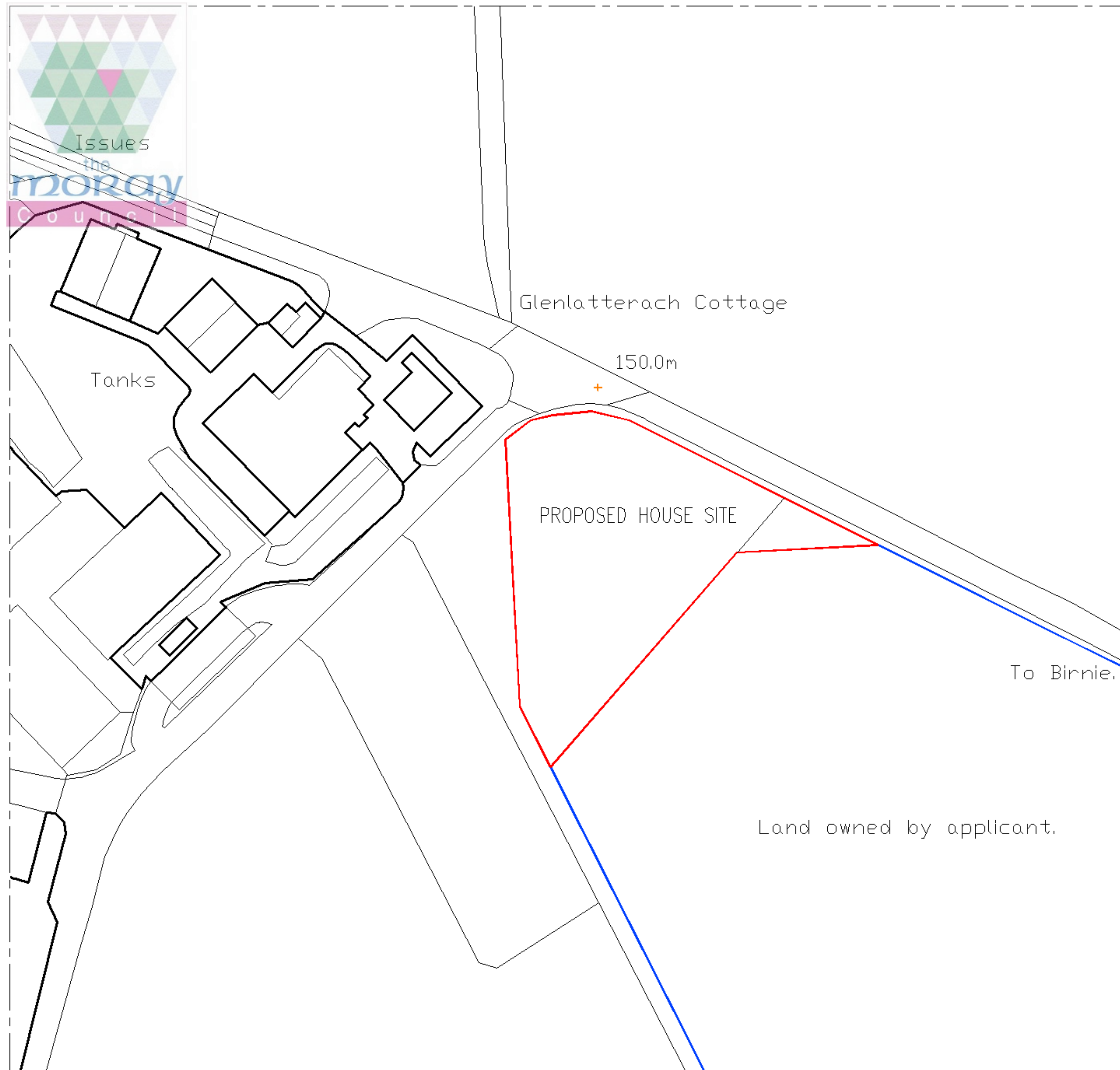
PLANNING
Site Sections

WITTETS
ARCHITECTS

26 Hay St, Elgin, Moray IV30 1NQ
T 01343 543237 F 01343 540542
e info@wittets.co.uk www.wittets.co.uk

1:250 Feb'16

15:41:03A



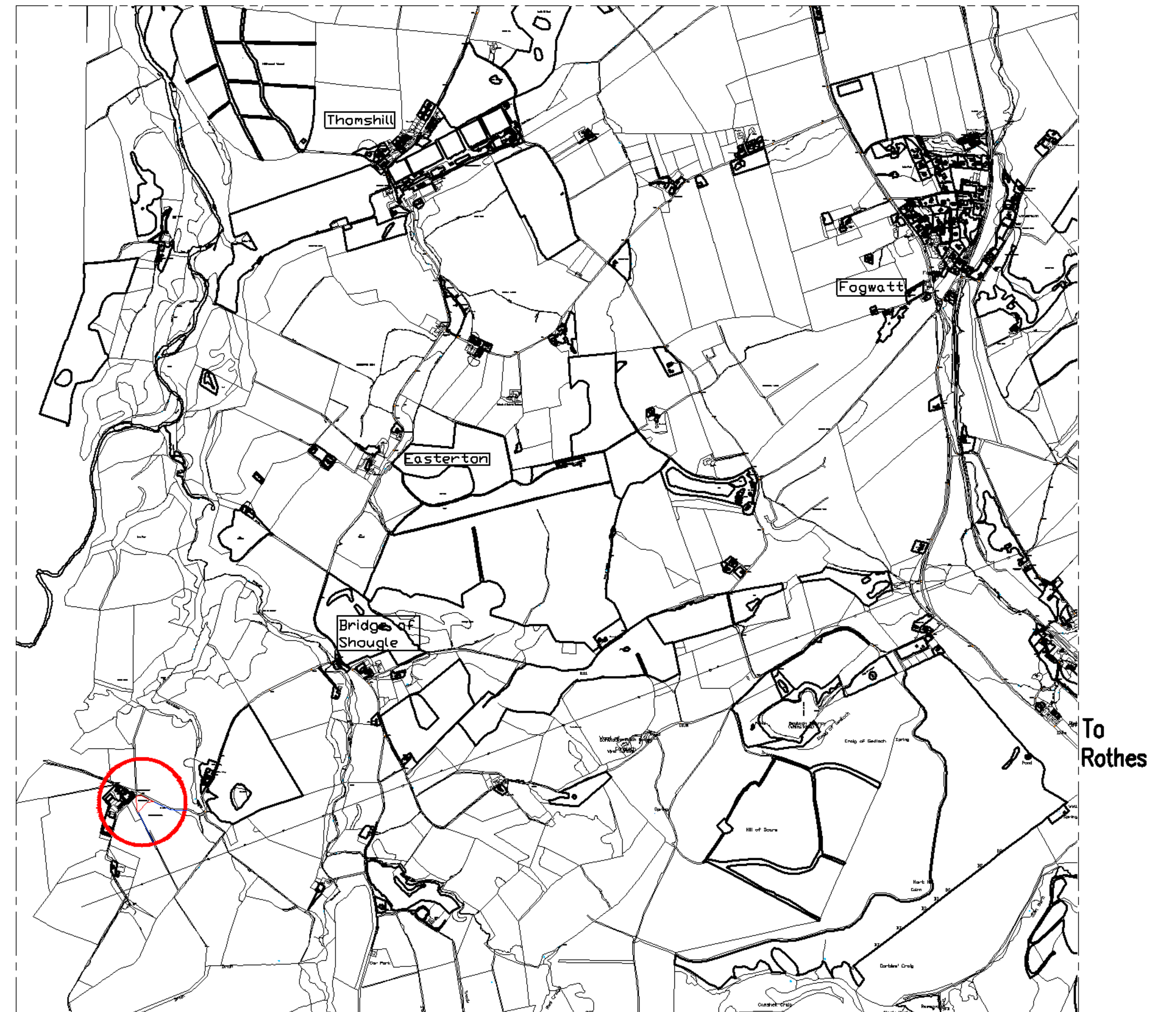
Site Location Plan
Scale 1:1250

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

REFUSED

28 March 2017

Development Management
Environmental Services
The Moray Council



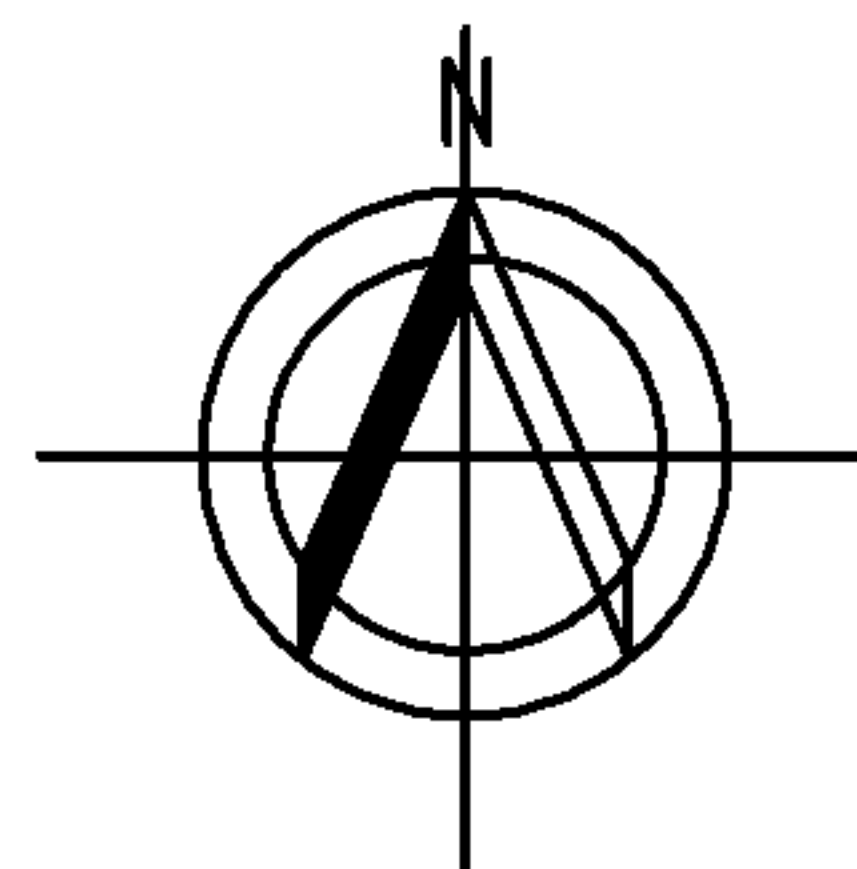
Location Plan
Scale 1:25,000

REVISIONS

22.02.16 : PROPOSED SITE AREA REDUCED IN SIZE ALONG SOUTH-EAST
BOUNDARY : REV.A

New House at, Glenlatterach
for Mr D McLeod

LOCATION PLAN



WITTETS
ARCHITECTS

26 Hay St, Elgin, Moray IV30 1NQ

T 01343 543237

e info@wittets.co.uk

F 01343 540542

www.wittets.co.uk

1:1250/25,000 at A3

OCT 2015

15:41:04A



DEVELOPER OBLIGATIONS: ASSESSMENT REPORT

Date: 01/03/2017

Reference: 17/00146/PPP

Description: Erect dwellinghouse on Site 300M North East of Glenlatterach Farm, Elgin

Applicant: Mr D McLeod

Agent: Wittets Architects

This assessment has been carried out by Moray Council. This assessment is carried out in relation to policy IMP3 Developer Obligations of the Moray Local Development Plan 2015 (LDP) and associated Supplementary Guidance (SG) on Developer Obligations which was adopted on 14 October 2016. The LDP and SG can be found at www.moray.gov.uk/planning.

Summary of Obligations

Primary Education (<i>Contribution towards extension at Greenwards Primary School</i>)	
Secondary Education	Nil
Transport (<i>Contribution towards Demand Responsive Transport Service</i>)	
Healthcare (<i>Contribution towards reconfiguration of healthcare facilities and additional pharmacy</i>)	
Community Facilities	Nil
Sports and Recreation	Nil
Waste	Nil
Total Developer Obligations	

Breakdown of Calculation

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

3 bed = 1 SRUE

This assessment is therefore based on 1 SRUE.

Developer Obligations Discount for Small Scale Development

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

INFRASTRUCTURE

Education

Primary Education

The number of pupils generated per residential unit is 0.3 for primary education. This development is zoned to Greenwards Primary School. The school is currently operating at 92% functional capacity. Contributions towards education are sought where a primary school is operating at, or above 90% functional capacity. Therefore, a contribution will be sought towards an extension at Greenwards Primary School on the following basis:

[REDACTED]

[REDACTED]

*Scottish Futures Trust (SFT) average space metric for one primary school pupil

Contribution towards Primary Education = [REDACTED]

Secondary Education

Pupils generated by this development are zoned to Elgin High. The school is currently operating at 62% functional capacity and the additional pupil as a result of this development can be accommodated. As a result no mitigation is necessary.

Contribution towards Secondary Education = Nil

Transport

The Moray Council Transportation Services has confirmed that contributions towards the Council's demand responsive transport service is required to mitigate the impact, in terms of increased usage, on this service given the proposed development is located within a rural area with no access to bus services. In accord with the Moray Council's Supplementary Guidance on Developer Obligations, a contribution of [REDACTED] per SRUE is sought. Therefore:

[REDACTED]

Contributions towards Transport = [REDACTED]

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 2.24 persons*).

Elgin is the nearest settlement within which healthcare facilities can be assessed by the proposed development. NHS Grampian has confirmed that Linkwood Medical Centre is currently operating at capacity and that an additional health centre, 3 additional dental chairs and an additional pharmacy will be required to accommodate the increase in population that is a direct result of development in Elgin and the surrounding area. In the interim, Linkwood Medical Centre will be reconfigured to form additional consulting space, and a contribution is sought to mitigate the impact of the development on this basis. The additional pharmacy is likely to be provided within a commercial unit in the local neighbourhood in Elgin South and as a result, reconfiguration costs are sought.

Contributions are calculated based on a proportional contribution of [REDACTED] per SRUE for internal reconfiguration to the Health Centre and for the additional pharmacy each, and [REDACTED] per SRUE for dental facilities. Therefore, contributions are sought on the following basis:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Community, Sports and Recreational Facilities

Community Facilities

There are no proposals being progressed for additional community hall provision in the immediate vicinity; therefore, in this instance, no contribution will be required.

Contribution for Community Facilities = Nil

Sports and Recreation Facilities

Existing sports provision within Elgin 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

Waste

Moray Waste Services have advised that the household and recycling facilities that would serve this development are operating within 90% capacity. Therefore, in this instance, no contribution is required.

Contribution for Waste = Nil

TERMS OF ASSESSMENT

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

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

PAYMENT OF CONTRIBUTIONS

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

INDEXATION

Developer obligations 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, 2016.

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	24th February 2017
Planning Authority Reference	17/00146/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site 300M North East Of Glenlatterach Farm Elgin Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133054757
Proposal Location Easting	320130
Proposal Location Northing	854630
Area of application site (Ha)	2452 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=OKSECCBGKCB00
Previous Application	16/00435/PE 15/01892/PPP 99/02081/OUT
Date of Consultation	10th February 2017
Is this a re-consultation of an existing application?	No
Applicant Name	Mr D McLeod
Applicant Organisation Name	
Applicant Address	Shougle Cottage Birnie Elgin Scotland IV30 8RP
Agent Name	Wittets Architects
Agent Organisation Name	Wittets Limited
Agent Address	26 Hay Street ELGIN Moray IV30 1NQ
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.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 17/00146/PPP

Erect dwellinghouse on Site 300M North East Of Glenlatterach Farm Elgin Moray for Mr D McLeod

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 | X |
| (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

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Douglas Caldwell

email address:

Consultee:

Date...16.02.2017.....

Phone No

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.



Ministry of Defence

Shona Strachan
Environmental Services
The Moray Council
PO Box 6760
Elgin
IV30 9BX

Defence Infrastructure Organisation

Safeguarding Department
Statutory & Offshore

Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
West Midlands
B75 7RL

Tel: +44 (0)121 311 3818 **Tel (MOD):** 94421 3818

Fax: +44 (0)121 311 2218

E-mail: DIO-safeguarding-statutory@mod.uk

www.mod.uk/DIO

23 March 2017

Your Reference: 17/00146/PPP
Our reference: 2015-1671

Dear Shona

MOD Safeguarding – RAF Lossiemouth

Proposal: Erection of dwelling House
Location: Site 300M North East Of Glenlatterach Farm
Grid Ref: 320113, 854618

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on 20/03/17. I can confirm that the MOD has no safeguarding objections to this proposal.

I trust this is clear however should you have any questions please do not hesitate to contact me.

Yours sincerely

Debbie Baker

23/02/2017

Moray Council
Development Services Environment Services
High Street
Elgin
IV30 1BX



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

Development Operations
Free phone Number - 0800 389 0379
E-Mail – DevelopmentOperations@ScottishWater.co.uk
www.scottishwater.co.uk

Dear Sir/Madam

IV30 Moray Elgin Glenlatterach Farm 300M NE Of
PLANNING APPLICATION NUMBER: 17/00146/PPP
OUR REFERENCE: 740231
PROPOSAL: Erect a dwellinghouse

Please quote our reference in all future correspondence

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

- There is currently insufficient capacity in the Glenlatterach Water Treatment Works to service your development.
- There are no public sewers within the vicinity of the proposed development.

Please note: To allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application

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.

Due to the proximity of the proposed site to the water treatment works the applicant should identify any potential conflicts with Scottish Water assets and contact the Asset Impact Team at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Surface Water

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

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

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

National One-Call

Tel: 0844 800 9957

Email: swplans@national-one-call.co.uk

www.national-one-call.co.uk/swplans

- 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.

Next Steps:

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

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

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

Yours sincerely

Angela Allison

Angela.Allison@scottishwater.co.uk

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	24th February 2017
Planning Authority Reference	17/00146/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site 300M North East Of Glenlatterach Farm Elgin Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133054757
Proposal Location Easting	320130
Proposal Location Northing	854630
Area of application site (Ha)	2452 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=OKSECCBGKCB00
Previous Application	16/00435/PE 15/01892/PPP 99/02081/OUT
Date of Consultation	10th February 2017
Is this a re-consultation of an existing application?	No
Applicant Name	Mr D McLeod
Applicant Organisation Name	
Applicant Address	Shougle Cottage Birnie Elgin Scotland IV30 8RP
Agent Name	Wittets Architects
Agent Organisation Name	Wittets Limited
Agent Address	26 Hay Street ELGIN Moray IV30 1NQ
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.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 17/00146/PPP

Erect dwellinghouse on Site 300M North East Of Glenlatterach Farm Elgin Moray for Mr D McLeod

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 detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 2.4 metres by 120 metres to the east, and 2.4 metres by 70 metres to the west, with all boundaries set back to a position behind the required visibility splay, and a schedule of maintenance for the splay area shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
 - ii) the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
 - iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.
2. Prior to any development works commencing:
 - i) a detailed drawing (scale 1:500) showing the location and design of a passing place on the section of the U118E Glenlatterach Road (to the Moray Council standards and specification), shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and
 - ii) thereafter the passing place shall be constructed in accordance with the approved drawing prior to any development works commencing (except for those works associated with the provision of the passing place).
3. Prior to the commencement of development details shall be submitted for the approval in writing of the Planning Authority, in consultation with the Roads

Authority, to ensure no water or loose material shall be permitted to drain or be carried onto the public footpath/carriageway for the life time of the development.

4. The width of the vehicular access shall be a minimum of 3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the public footway/verge shall be to The Moray Council specification and surfaced with bituminous macadam.
5. An access lay-by 8.0m long by 2.5m wide with 30 degrees splayed ends shall be provided at the edge of the public road to allow visiting service vehicles to park clear of the public road. The vehicular access should lead off the lay-by. The lay-by must be constructed in accordance with The Moray Council specification and surfaced with bituminous macadam.
6. Parking provision shall be as follows:
 - 2 spaces for a dwelling with three bedrooms or less; or
 - 3 spaces for a dwelling with four bedrooms or more.

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

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

REASONS

1. To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users.
2. To enable drivers of vehicles to have adequate forward visibility to see approaching traffic and for two vehicles to safely pass each other ensuring the safety and free flow of traffic on the public road.
3. 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.
4. To ensure the construction of an acceptable access.
5. To enable visiting service vehicles to park clear of the public road in the interests of road safety.
6. To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.
7. To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road

Further comment(s) to be passed to applicant

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

Before commencing development the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads for the passing place. The applicant will be required to provide technical information,

including drawings and drainage calculations. Advice on this matter can be obtained from the Moray Council web site or by emailing road.maint@moray.gov.uk

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 their property.

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

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

The formation of the required visibility splay will involve the removal of vegetation, setting back of boundary fences and the lowering of ground levels.

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

Date 13 February 2017

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.

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	24th February 2017
Planning Authority Reference	17/00146/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site 300M North East Of Glenlatterach Farm Elgin Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133054757
Proposal Location Easting	320130
Proposal Location Northing	854630
Area of application site (Ha)	2452 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=OKSECCBGKCB00
Previous Application	16/00435/PE 15/01892/PPP 99/02081/OUT
Date of Consultation	10th February 2017
Is this a re-consultation of an existing application?	No
Applicant Name	Mr D McLeod
Applicant Organisation Name	
Applicant Address	Shougle Cottage Birnie Elgin Scotland IV30 8RP
Agent Name	Wittets Architects
Agent Organisation Name	Wittets Limited
Agent Address	26 Hay Street ELGIN Moray IV30 1NQ
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.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Contaminated Land

Planning Application Ref. No: 17/00146/PPP

Erect dwellinghouse on Site 300M North East Of Glenlatterach Farm Elgin Moray for Mr D McLeod

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 | x |
| (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

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Adrian Muscutt
email address:
Consultee:

Date: 15th February 2017
Phone No

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.

REPORT OF HANDLING

Ref No:	17/00146/PPP	Officer:	Shona Strachan
Proposal Description/ Address	Erect dwellinghouse on site 300m north east of Glenlatterach Farm Elgin Moray		
Date:	27.03.2017	Typist Initials:	LMC

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	17/02/17	No objections.
Contaminated Land	15/02/17	No objections.
Transportation Manager	13/02/17	No objections subject to conditions and informatives.
Scottish Water	23/02/17	No objections but this does not guarantee connection to Scottish Water infrastructure.
MOD Safeguarding - Statutory	23/03/17	No objections.
Developer Obligations Unit	01/03/17	Contributions sought towards Primary Education, Demand Response Transport, and Healthcare/Pharmacy Provision.
Development Plans (Environment)	28/02/17	Application to be assessed under Policy H7.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1: Sustainable Economic Growth	N	
PP3: Placemaking	N	
H7: New Housing in the Open Countryside	Y	
EP5: Sustainable Urban Drainage Systems	N	
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
EP13: MoD Safeguarding Areas	N	

T2: Provision of Access	N	
T5: Parking Standards	N	
IMP1: Developer Requirements	Y	
IMP3: Developer Obligations	N	

REPRESENTATIONS

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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

Proposal

This application seeks planning permission in principle for the erection of a dwellinghouse. The associated servicing arrangements include an on-site septic tank with soakaway, a separate on-site surface water soakaway, and a connection to the public water supply. The site will be accessed from the minor public road in the north east corner of the site. The proposal will also entail some small-scale earth works within the site to reduce (lower) the ground level of the site and finished floor level for the property, and create a level platform for the development. The proposal will entail the removal of an existing septic tank from the site.

The site layout plan shows the proposed location for the house together with information about the location of the access, septic tank and drainage soakaways, existing boundary treatment and (existing and proposed) planting within the site.

The site sections and the photographic visualisation as submitted illustrate the provision of a traditional styled dwellinghouse but given the "in principle" nature of this application, no detailed design information (elevations and floor plans) is included.

Site Characteristics

The site covers an area of 2452.00sq m and is located at the corner of a field. The site is bounded by post and wire fencing with a dense strip of gorse along the western boundary. The site is located in an area of open and undulating countryside. The site itself is visually exposed and elevated when viewed from the north with the existing landform rising to the south of the site. The unclassified road which serves the site is located to the north and west of the site.

In terms of the surrounding land-uses, Glenlatterach Cottage and Glenlatterach Water Treatment Works are located across the road and to the west of the site. There is a small cluster of houses located around Glenlatterach Farm approximately 250m to the south of the site.

Planning History

Planning permission for a dwelling at this location (with a larger site area) was refused planning permission under application 99/02081/OUT on 16 March 2000 because the proposal was visually intrusive, involved an arbitrary field sub-division, and lacked backdrop. As a result, it was considered that the proposal would fail to blend sympathetically with the landform, it would spread new development over the open countryside and not reflect the existing settlement pattern.

Application 15/01892/PPP was withdrawn, prior to determination, because that proposal was unchanged from application 99/02081/OUT.

Following the withdrawal of application 15/01892/PPP, the applicant/agent submitted a Preliminary Enquiry (16/00435/PE) was submitted which amended the proposal including information now included in this formal application. (This enquiry has also been submitted as part of the applicant's supporting information). Without prejudice, the response noted that the proposal was located in prominent location, it would lead to an obtrusive form of development which did not relate to the existing settlement pattern, and the proposal would be contrary to the location/siting requirements of Policy H7 and IMP1.

This latest application incorporates the amendments made within 16/00435/PE together with a change in the indicative house design from that indicated in the enquiry to a more traditional and simple design.

Policy Assessment

Siting and Impact on the Rural Character of the Surrounding Area (H7, IMP1 + supplementary planning guidance: Housing in the Countryside)

Policy H7 contains the location/siting and design criteria for assessing the acceptability of applications for new build houses in the open countryside. In terms of location/siting, this policy requires proposals to reflect the existing traditional pattern of settlement in the locality, be sensitively integrated and not obtrusive in the landscape, not detract from the character or setting of existing development, and not contribute to a build-up of development that detracts from the rural character of the area. The development plan notes that particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications. Policy H7 also requires that at least 50% of the boundaries are long established and capable of distinguishing the site from the surrounding landscape. Thereafter, once location/siting requirements have been met, Policy H7 then requires development to be acceptable in design terms including requirements for landscape planting to be provided within the site.

With specific reference to issues about obtrusive development and build-up, further advice is given in the Council's associated Supplementary Planning Guidance on Housing in the Countryside (SPG). For the former, the SPG advises that "... *An obtrusive structure means that it is designed or situated in a position where it would have a negative impact on the landscape or character of the area. Development that is obtrusive usually occupies an open 'elevated' position with no discernible backdrop or enclosure within reasonable proximity*" (page 15). For the latter, the SPG advises that "*A proposal that contributes to a build-up of development that is considered to undermine the rural character of the locality will not be acceptable.*" and that further development contributing to build-up "*could irreversibly alter the character in the locality.*" (page 14).

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

Whilst it is recognised that changes have been made to the proposal since the earlier application, the proposed dwelling would continue to be sited in an elevated and exposed site and in being prominent in its landscape setting, it would result in an obtrusive form of development. Notwithstanding the changes to the likely design and siting/position of the house within the site, the sense of prominence

would be exacerbated because the proposal does not relate to the existing settlement pattern in this locality and it would remain and appear remote from the existing houses clustered around Glenlatterach Farm. As a result, the proposal would be unacceptable and contrary to Policy H7 and IMP1, it would detract from the existing character, appearance and amenity of the countryside in this locality and fail to integrate sensitively into the surrounding landscape.

In this case, with "in principle" permission being sought only, indicative design information is included. Given the status of the application, design details would normally be reserved for further consideration in any subsequent application. Without prejudice and whilst the proposal may be able to satisfy other policy requirements, for example in relation to boundary treatment, landscaping and the design of rural housing, these aspects would do not over-ride the main policy objection to the proposal in terms of it's inappropriate siting/location.

Water and Drainage (EP5 and EP10)

Scottish Water has no objection to the planning application however they also advise that the applicant should liaise directly with Scottish Water regarding all required/proposed connection arrangements to their network.

The acceptability of the proposed arrangements for on-site disposal of foul and surface water drainage which include a private septic tank with soakaway and separate surface water soakaway will require to be determined as part of any Building Standards application but generally, and in principle, the proposed arrangements are likely to satisfy the requirements of Policies EP10 and EP5 but such acceptability does not over-ride the main policy objection to this proposal in terms of it's inappropriate siting/location.

Access and Parking (T2 and T5)

The Transportation Service has raised no objection to the proposal subject to conditions including the provision and maintenance of a required visibility splay, provision of an access lay-by and passing place, acceptable roads drainage, on-site car parking provision and an appropriate turning area. Based on these requirements, the proposal would satisfy the requirements of Policies T2 and T5 but again, such acceptability does not over-ride the main policy objection to this proposal in terms of its inappropriate siting/location.

Developer Obligations (IMP3)

An assessment has been carried out in relation to Policy IMP3 Developer Obligations and associated Supplementary Guidance on Developer Obligations as adopted on 14 October 2016. The assessment identified that developer obligations are required towards the extension of Greenwards Primary School, the Council's demand responsive transport service (to mitigate the impact in terms of increased usage in this service as the development is located within a rural area with no access to bus services), the re-configuration of healthcare facilities and provision of an additional pharmacy serving this locality.

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

Conclusion and Recommendation

Notwithstanding the changes introduced with this application when compared 99/02081/OUT and 15/01892/PPP, the proposal remains located in a prominent location which would lead to an obtrusive form of development which does not relate to the existing settlement pattern. As such the proposal results in an unacceptable form of development which does not comply with the provisions of the development plan and therefore refusal of the application is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
16/00435/PE	Proposed dwellinghouse on Site 300M North East Of Glenlatterach Farm Elgin Moray			
	Decision	ID/PE Answered	Date Of Decision	07/06/16
15/01892/PPP	Erect dwellinghouse on Site 300M North East Of Glenlatterach Farm Birnie Elgin Moray			
	Decision	Withdrawn	Date Of Decision	30/11/15
99/02081/OUT	Outline to erect house on ground Site Opposite Glenlatterach Water Treatment Works Birnie Elgin Moray			
	Decision	Refuse	Date Of Decision	16/03/00

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	No Premises Departure from development plan	09/03/17	
PINS	No Premises Departure from development plan	09/03/17	

DEVELOPER CONTRIBUTIONS (PGU)

Status	CONT SOUGHT
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DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?

YES

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

Document Name: **Design Statement**

Main Issues: This Statement provides an overview of the planning history of the site, advising that application 15/01892/PPP was withdrawn because it was unaltered from the previous application 99/02081/OUT which was refused on 15 March 2000.

The proposal has been amended to make the following changes as identified/proposed within an preliminary enquiry submitted in March 2016 (see also below):

- reduced site area, reducing the eastern extent of the site,
- change in position of house, moving it further northward in the site,
- lowering the ground level of the site, thus lowering the finished floor level of the house;
- change in the indicative house design to reflect a more traditional design; and
- house to be oriented to relate to existing buildings at the treatment works.

The Statement regards the proposed site as brownfield land, the site having previously incorporated accommodation for workers at the Water Services complex, and the septic tank used by the original accommodation is still evident within the site.

Thereafter, the statement seeks to support the current application by noting the change in local planning policy from when 99/02081/OUT was refused and the current requirements of Policy H7 and the Moray Local Development Plan 2015. In terms of the prominence, the position of the house has been moved further down the site and it is also cut into the site slope. A visualisation has been produced to illustrate the dwelling in the landscape.

According to the Statement, all dwellings in the immediate vicinity are located by the roadside and the proposal is considered to be sympathetic to its surroundings.

Document Name: **Preliminary Enquiry Response (16/00435/PE) as issued by Moray Council**

Main Issues: Without prejudice, the response indicates that the proposal for a house on the site would, in location and siting terms, be unacceptable and contrary to Policy H7, hence a recommendation for refusal of planning permission would be likely because of the prominence of the site, the development would be obtrusive in its setting, and the proposal would not relate to the existing settlement pattern. As a result, the response concludes that the proposal would not integrate to its surroundings and it would likely detract from the existing character and appearance of the surrounding area.

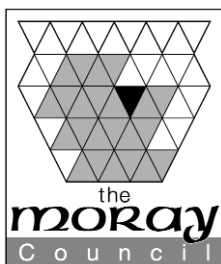
S.75 AGREEMENT

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

**[Speyside Glenlivet]
Planning Permission in Principle**

TO Mr D McLeod
c/o Wittets Architects
26 Hay Street
ELGIN
Moray
IV30 1NQ

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:-

**Erect dwellinghouse on site 300m north east of Glenlatterach Farm Elgin
Moray**

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

Date of Notice: **28 March 2017**



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 is contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies H7 and IMP1) and, as a material consideration, the associated Supplementary Planning Guidance 'Housing in the Countryside' where, because of its siting/location characteristics, the proposal is located in a prominent location and it would lead to an obtrusive form of development which does not relate to the existing settlement pattern. As such, the location and siting characteristics of the proposal are unacceptable and in failing to integrate sensitively into the surrounding landscape, the development as proposed would detract from the character, appearance and amenity of the rural countryside area within which it is located.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
15:41:04	A	Location plan
15:41:02	C	Proposed site plan
15:41:03	A	Site sections

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

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