



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 01343 563 501 Fax: 01343 563 263 Email: [development.control@moray.gov.uk](mailto: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 100051485-001

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 new house on site west of Kempston House. This is a re-application of previous refused application Ref: 16/01582/APP

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:	CM Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Craig	Building Name:	St Brendans
Last Name: *	Mackay	Building Number:	69
Telephone Number: *	01343540020	Address 1 (Street): *	South Guildry Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Elgin
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV30 1QN
Email Address: *	office@cmdesign.biz		
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: *	Nigel	Building Number:	
Last Name: *	Atkinson	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:

KEMPSTON HOUSE

Address 2:

MAVERSTON

Address 3:

URQUHART

Address 4:

Address 5:

Town/City/Settlement:

ELGIN

Post Code:

IV30 8LR

Please identify/describe the location of the site or sites

Northing

863809

Easting

329642

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

13029.00

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)

Previously approved house site (08/02070/FUL)

## Access and Parking

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

☒ Yes ☐ No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.	
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	<div style="border: 1px solid black; padding: 2px 10px;">0</div>
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	<div style="border: 1px solid black; padding: 2px 10px;">3</div>
Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *	
<input type="checkbox"/> Yes – connecting to public drainage network <input checked="" type="checkbox"/> No – proposing to make private drainage arrangements <input type="checkbox"/> Not Applicable – only arrangements for water supply required	
As you have indicated that you are proposing to make private drainage arrangements, please provide further details. What private arrangements are you proposing? *	
<input checked="" type="checkbox"/> New/Altered septic tank. <input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed). <input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).	
What private arrangements are you proposing for the New/Altered septic tank? *	
<input checked="" type="checkbox"/> Discharge to land via soakaway. <input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway). <input type="checkbox"/> Discharge to coastal waters.	
Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *	
<div style="border: 1px solid black; padding: 5px;">Please refer to plans</div>	
Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *	
Note:-  Please include details of SUDS arrangements on your plans  Selecting 'No' to the above question means that you could be in breach of Environmental legislation.	



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

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

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

## Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

## Trees

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

☒ Yes ☐ No

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

## Waste Storage and Collection

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

☒ Yes ☐ No

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

Please refer to plans

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☒ Yes ☐ No

How many units do you propose in total? \*

1

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

## All Types of Non Housing Development – Proposed New Floorspace

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

☐ Yes ☒ No

## Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

## Certificates and Notices

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

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

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

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

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Craig Mackay

On behalf of: Mr Nigel Atkinson

Date: 10/05/2017

☒ 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: Mr Craig Mackay

Declaration Date: 12/05/2017

## Payment Details

Online payment: XMEP00001444

Payment date: 12/05/2017 23:06:00

Created: 12/05/2017 23:06

## **REPORT OF HANDLING**

<b>Ref No:</b>	17/00735/APP	<b>Officer:</b>	Emma Mitchell
<b>Proposal Description/ Address</b>	Erect dwellinghouse on Site West Of Kempston House Maverston Urquhart Elgin		
<b>Date:</b>	29/06/17	<b>Typist Initials:</b>	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**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Environmental Health Manager	24/05/17	No Objection
Contaminated Land	23/05/17	No Objection subject to informative
Transportation Manager	25/05/17	Object due to being a departure from policy T2
Scottish Water	05/06/17	No Objection
Development Plans (Environment)	31/05/17	Object due to being a departure from policy E9
Planning And Development Obligations	01/06/17	Contribution sought

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
Maverston	Y	
E9: Settlement Boundaries	Y	
IMP3: Developer Obligations	N	
H7: New Housing in the Open Countryside	N	
EP9: Contaminated Land	N	
IMP1: Developer Requirements	Y	
EP10: Foul Drainage	N	
T2: Provision of Access	Y	
T5: Parking Standards	N	

EP2: Recycling Facilities	N	
E3: Protected Species	N	
E4: Trees and Development	N	
ER2: Development in Woodlands	N	

REPRESENTATIONS		
Representations Received	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><b>Issue:</b></p> <p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Building waste including contaminated material was dumped on the site to cover tree roots. An Environmental Assessment may need to be carried out.</li> </ul> <p><b>Local Plan</b></p> <ul style="list-style-type: none"> <li>The Maverston Development area has boundaries which the application is out with. Council has stated that no further application should be considered outside stated area.</li> </ul> <p><b>Access</b></p> <ul style="list-style-type: none"> <li>Permission is required to remove a fence on neighbouring ground to give the site access that is required to meet the roads criteria. Permission will not be given as it would disturb hedge that is starting to mature. Road is becoming increasingly busy as the Maverston Golf Club increases in popularity. The road is soon to be adopted by the Moray Council.</li> <li>Concern over poor access from the proposed site onto an increasingly busy road particularly given the speed of traffic to and from the golf course and the sightlines from the access road at that point.</li> <li>There is already an issue shared by neighbours over road safety and this proposal, if approved would compound that, and increase the potential for a road traffic incident.</li> <li>An affect is being seen on the wildlife, as well as cyclists and walkers from the speed of the traffic heading to and from the golf course.</li> <li>This is yet another house with a number of cars heading out of a lane onto a busy and hazardous road. Plot 3 has children and are yet to move in. It unknown who is going to live at plot 1. Two plots are yet to build on the spare ground heading to the golf course and another is being built on Plot 38.</li> <li>When the neighbouring site was purchased one of the legal stipulations placed on the purchase stated that the boundary was to be fenced.</li> <li>The applicant makes reference to application 15/00600/APP, as previously stated there is no intention of developing this site for the foreseeable future, if at all.</li> <li>The right of access leading to the site at the south is far too narrow to allow anything other than a car to turn into it. A lorry or car and trailer would not manage around the 90 degree bend to enter the site.</li> </ul> <p><b>Wildlife</b></p> <ul style="list-style-type: none"> <li>This area has active badger sets on it, one being close to the entrance of the site. In addition</li> </ul>		

to this there is an established rookery and red squirrels also appear to habit the area, they are often seen in the trees on the site.

**Other**

- Refuse the plot and ask the applicant to consider another plot that already has planning consent.

**Comments (PO):  
Environmental**

- The Contaminated Land department were consulted on the proposal. Their consultation response includes an informative advising the applicant to investigate the matter further prior to proceeding with the proposed works.

**Local Plan**

- The proposal site is out with the settlement boundary of Maverston therefore is a departure from policy E9 (Settlement Boundaries).

**Access**

- The applicant does not appear to control sufficient land in order to provide the required visibility splay at the development access onto the prospective public road. The proposal, if permitted, would therefore be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies T2 Provision of Access and IMP1 Development Requirements.

**Wildlife**

- For the previous application (16/01582/APP) that was refused in the site a Badger survey was undertaken in March 2016. One active sett was found lying 65m from the proposed house and 30m within the proposed driveway. If consent was to be issued SNH's advice would be sought in relation to these findings.

It is the developer's legal responsibility under separate wildlife legislation to ensure protected species are not harmed when carrying out development.

**Other**

- It is not the Planning Officers role to ask the applicant to consider other plots in the local vicinity.

**OBSERVATIONS – ASSESSMENT OF PROPOSAL**

**Proposal**

- Planning permission is sought for the erection of a one and a half storey 4 bed dwelling with attached garage.
- The proposal has a ground floor area of 133 sqm and the first floor has an area of 123 sqm
- Details of the external materials have not been provided.
- The site is accessed off the private (soon to be adopted) road to Maverston Golf Club via a dirt track.
- Connection to the public water supply is proposed. Private drainage arrangements and a

septic tank are proposed.

## **Site Characteristics**

- The site is 1.3ha in size and is currently almost entirely covered with coniferous trees.
- The site appears to have been previously planted as a commercial plantation
- The site has boundaries on all sides of a post and wire fence.
- To the northwest and southwest sides there is open agricultural land.
- Kempston House is located to the northeast.
- An unsurfaced track is located and an intervening strip of woodland excluded from the site
- The site roughly level, but uneven.
- Outline consent was granted on the site under 05/00293/OUT contrary to recommendation. Following this full consent was granted under 08/02070/FUL. This consent has now lapsed. Full planning permission was applied for under 16/01862/APP, this was refused due to being contrary to policies E9, T2 and IMP1.

## **Policy**

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) unless material considerations indicate otherwise. The main planning issues are considered below.

### **Maverston and Settlement Boundaries (E9)**

The site of the proposed development is directly outside the boundary of the Maverston Rural Grouping, as identified within the Rural Groupings Supplementary Guidance. This grouping has an extant planning consent for 40 houses, two golf courses and leisure facilities and no further opportunities for development have been identified. Policy E9 Settlement Boundaries states that "proposals immediately out with the boundaries of these settlements will not be acceptable". Therefore, the proposal is contrary to the Maverston and E9 boundary as it is out with the settlement boundary of the Maverston Rural Grouping.

### **Siting / Design and Housing in the Countryside (H7 and IMP1)**

Policy H7: New Housing in the Open Countryside of the Moray Local Development Plan 2015 contains the necessary siting and design criteria for assessing new housing proposals in the countryside. This aims to allow new housing in the open countryside provided it can be easily absorbed into the landscape, and for new development to be low impact and to reflect the character of the surrounding area. Policy IMP1 Developer Requirements requires new development proposals to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area and to be comply with set criterion (detailed within policy). These include amongst others the requirement for new development to be of a scale and character appropriate to its setting and for development to integrate into the landscape.

In relation to policy H7 and IMP1 it is considered that the proposed development is in a relatively remote location and would be reasonably well screened within its established woodland setting. On this basis it should not detract from the character of the setting or be obtrusive.

It is noted that details on the external materials have not been provided within the plans therefore if the proposal was to be approved a condition would be attached to the consent to address this, which would ensure that the materials used would be satisfactory in terms of policy H7.

### **Access and Parking (T2 and T5)**

The applicant does not appear to control sufficient land in order to provide the required visibility splay at the development access onto the prospective public road. The proposal, if permitted, would therefore be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies T2 Provision of Access and IMP1 Development Requirements.



There is a request within the supporting statement in relation to the use of a suspensive planning condition to secure the visibility splay at the access onto the prospective public road. However, Transportation notes that there has been an objection submitted from the owner of land over which part of the visibility splay falls and within which there is a boundary fence. The existence of this objection implies to Transportation that at the present time there is no reasonable prospect of an agreement being reached between the applicant and the land owner. Transportation therefore considers that unless circumstances change, a suspensive planning condition in relation to the access onto the prospective public road should not be applied.

### **Drainage and Water (EP10)**

In relation to EP10: Foul Drainage, and in the absence of any public foul drainage system being available, a septic tank and soakaway arrangement is proposed within the site. The acceptability of this non-mains drainage arrangement will be determined as part of Building Standards requirements.

Connection to a public water supply is proposed. Scottish Water were consulted on the proposal and have no objections to the proposal.

### **Development within Woodland (E4 and ER2)**

The proposed site is within a woodland area and felling will be required to create the space for the house site. Policies E4 Trees and Development and ER2 Development in Woodlands apply to all woodland removal. There is an identified threshold of 0.1 ha that triggers a requirement for compensatory planting which is set out in the Trees and Development Supplementary Guidance.

Proposals for removal of less than 0.1ha should be considered in the context of balancing the merits of the proposal in relation impact on the natural environment/landscape and other policy considerations, for example the removal of trees has been minimised and the site has adequate screening so there is no adverse visual impact associated with the removal of trees. Plans have been provided identifying the trees to be retained, removed and planted within the site along with an Arboriculture Impact Assessment.

The impact assessment states that in terms of management of the woodland, it would appear that none has taken place in the recent past. The southern half of the site would benefit from thinning, and the introduction of new native species would increase the ecological value of the site.

In order to develop the site to the proposed layout, it will be necessary to remove 226 out of a total of 845 trees included in the survey. 222 of the trees removed are of moderate quality. In order to mitigate the loss of the trees, it is proposed to plant 56xRowan, 183xSilver Birch and 104xSessile Oak be planted within the site.

Given the findings of the Arboriculture Impact Assessment and compensatory planting is to be provided, the proposal acceptable in terms of E4 and ER2.

### **Protected Species (E3)**

Proposals that could impact on European Protected Species (such as bats, otter and great crested newt), species on Schedule 5 of the Wildlife and Countryside Act as amended (such as red squirrels and water voles) and badgers (Protection of Badgers Act 1992) require the most careful scrutiny.

A badger survey by an accredited badger surveyor was submitted with the previous application (16/01862/APP) in 2016. Due to the short period of time that has lapsed this survey can be used in conjunction with the current application. It was established that the proposed house is 65m from the current active hole onsite, however the proposed driveway falls within the 30m buffer zone. The construction of the driveway within 30m of the hole will therefore have to be constructed by hand, with no heavy machinery used for its construction to prevent any disturbance. This sett will not be a breeding sett and will only be occupied by 1-2 Badgers. The majority of the woodland is proposed to remain, allowing the small amount of foraging by Badgers on the site to continue. It is likely that the

new householders would erect a perimeter fence; this should incorporate 3 Badger gates with it to allow the existing path network to remain. The installation of these should be supervised by an ecologist.

It is considered that conditions on any consent granted could be applied in terms of the drive construction method and badger access provision through the perimeter fence to ensure that appropriate steps can be taken to ensure that harm to the statutorily protected badger species is avoided.

The survey also seeks a condition beginning applied for a further survey immediately before any development commences due to the lengthy time delay that can occur between consent and implementation.

An ecological assessment of the site should be undertaken in order to eliminate the presence of protected species prior to any works commencing.

### **Developer Obligations (IMP3)**

As from 14 October 2016, the Council has adopted Supplementary Guidance on developer obligations as a material consideration in the determination of planning applications. The proposal has been subject to an assessment for developer obligations. If planning permission were to be granted a £496 contribution would be required to be paid towards local transport and healthcare prior to consent being issued.

### **Conclusion**

On the basis of the above assessment and for the reasons stated it is considered that the proposals breach policies E9: Settlement Boundaries and policy T2: Access, and should therefore be refused on this basis.

## **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

## **HISTORY**

<b>Reference No.</b>	<b>Description</b>			
16/01582/APP	Erect dwellinghouse on Site West Of Kempston House Maverston Urquhart Elgin			
	<b>Decision</b>	Refuse	<b>Date Of Decision</b>	07/12/16
16/00409/APP	Erect new house on Site West Of Kempston House Maverston Urquhart Elgin Moray			
	<b>Decision</b>	Withdrawn	<b>Date Of Decision</b>	18/04/16
08/02070/FUL	Erect new dwellinghouse and double garage at Site To The West Of Kempston House Maverston Urquhart Moray			
	<b>Decision</b>	Permitted	<b>Date Of Decision</b>	16/01/09
05/00293/OUT	Outline to erect a new dwellinghouse on Site Near Kempston House Urquhart Elgin Moray			
	<b>Decision</b>	Permitted	<b>Date Of Decision</b>	20/09/05

04/01313/OUT	Outline to erect new dwellinghouse on Site Near Kempston House Urquhart Elgin Moray			
	<b>Decision</b>	Refuse	<b>Date Of Decision</b>	01/11/04

ADVERT			
<b>Advert Fee paid?</b>	<b>Yes</b>		
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>	
Northern Scot	No PremisesDeparture from development plan	15/06/17	
PINS	No PremisesDeparture from development plan	15/06/17	

DEVELOPER CONTRIBUTIONS (PGU)	
<b>Status</b>	

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: Arboriculture Impact Assessment		
Main Issues:	<ul style="list-style-type: none"> <li>• Survey method</li> <li>• Site description</li> <li>• Description of proposed development</li> <li>• Designations relating to trees</li> <li>• Implications of proposed development</li> <li>• Changes in site use and tree management impact</li> <li>• Recommend arboriculture works</li> <li>• Arboriculture method statement</li> </ul>	

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)			

**From:** DeveloperObligations  
**Sent:** 29 May 2017 10:36:04 +0100  
**To:** DC-General Enquiries  
**Cc:** Emma Mitchell  
**Subject:** 17/00735/APP Erect dwellinghouse on Site West of Kempston House, Maverston, Urquhart  
**Attachments:** 17-00735-APP Erect dwellinghouse on Site West of Kempston House, Maverston, Urquhart.docx

Hi

Please find attached the developer obligation assessment that has been undertaken for the above planning application.

Regards,  
Hilda

Find us on   
[Moray Council Planning](#)

**Hilda Puskas**  
Developer Obligations Officer  
Development Plans  
[hilda.puskas@moray.gov.uk](mailto:hilda.puskas@moray.gov.uk)  
01343 563265

The logo for Moray Council, featuring the word 'moray' in a stylized, lowercase, purple font, with the word 'council' in a smaller, lowercase, purple font directly beneath it.

## DEVELOPER OBLIGATIONS: ASSESSMENT REPORT

**Date:** 29/05/2017

**Reference:** 17/00735/APP

**Description:** Erect dwellinghouse on Site West of Kempston House, Maverston, Urquhart

**Applicant:** Mr Nigel Atkinson

**Agent:** C M Design

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

### Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport ( <i>Contribution towards Demand Responsive Transport Service: dial-a-bus</i> )	
Healthcare ( <i>Contribution towards New Health Centre in Fochabers</i> )	
Community Facilities	Nil
Sports and Recreation	Nil
Waste	Nil
<b>Total Developer Obligations</b>	

### **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:

5 bed = 1.4 SRUE

This assessment is therefore based on 1.4 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**

Pupils generated by this development are zoned to Lhanbryde Primary School. The school is currently operating at 65% functional capacity and the additional pupil as a result of this development can be accommodated. As a result no mitigation is necessary.

**Contribution towards Primary Education = Nil**

#### **Secondary Education**

Pupils resident in Urquhart are zoned to Milne's High School. The school is currently operating at 59% 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 contribution 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 271m<sup>2</sup>.

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\*).

Fochabers Medical Practice is the nearest settlement within which healthcare facilities can be assessed by the proposed development. NHS Grampian has confirmed that Fochabers Medical Practice is working at design capacity with no room for expansion on existing site. Contributions will be sought towards a new Health Centre.

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

[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 Urquhart 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	<b>The Moray Council</b>
Response Date	<b>6th June 2017</b>
Planning Authority Reference	<b>17/00735/APP</b>
Nature of Proposal (Description)	<b>Erect dwellinghouse on</b>
Site	<b>Site West Of Kempston House Maverston Urquhart Elgin</b>
Site Postcode	<b>N/A</b>
Site Gazetteer UPRN	<b>000133055336</b>
Proposal Location Easting	<b>329573</b>
Proposal Location Northing	<b>863703</b>
Area of application site (Ha)	<b>13029 m<sup>2</sup></b>
Additional Comment	
Development Hierarchy Level	<b>LOCAL</b>
Supporting Documentation URL	<a href="http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=OPZCU7BGH9O00">http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=OPZCU7BGH9O00</a>
Previous Application	<b>16/01582/APP 16/00409/APP 08/02070/FUL</b>
Date of Consultation	<b>23rd May 2017</b>
Is this a re-consultation of an existing application?	<b>No</b>
Applicant Name	<b>Mr Nigel Atkinson</b>
Applicant Organisation Name	
Applicant Address	<b>[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</b>
Agent Name	<b>C M Design</b>
Agent Organisation Name	
Agent Address	<b>St Brendans 69 South Guildry Street Elgin Moray IV30 1QN</b>
Agent Phone Number	
Agent Email Address	<b>N/A</b>
Case Officer	<b>Emma Mitchell</b>
Case Officer Phone number	<b>01343 563326</b>
Case Officer email address	<b>emma.mitchell@moray.gov.uk</b>
PA Response To	<b>consultation.planning@moray.gov.uk</b>

**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:** 17/00735/APP

**Erect dwellinghouse on Site West Of Kempston House Maverston Urquhart Elgin for Mr Nigel Atkinson**

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

- |   | <b>Please</b>                        |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <b>X</b><br><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 | <b>X</b>                             |
| (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**

*The northern part of the application site contains an area of imported material of unknown provenance. The Moray Council does not have any further information as to whether the ground is contaminated. You should consider investigating this matter further prior to proceeding with the proposed works. Should contamination be encountered, contact the Environmental Health section immediately (email contaminated.land@moray.gov.uk, tel 01343 563345) to agree an appropriate course of action.*

**~~Further information required to consider the application~~**

**Contact:** Adrian Muscutt  
**email address:** adrian.muscutt@moray.gov.uk  
**Consultee:**

**Date...**23/5/2017.....  
**Phone No** ...01343 563496

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.

# Consultation Request Notification

Planning Authority Name	<b>The Moray Council</b>
Response Date	<b>6th June 2017</b>
Planning Authority Reference	<b>17/00735/APP</b>
Nature of Proposal (Description)	<b>Erect dwellinghouse on</b>
Site	<b>Site West Of Kempston House Maverston Urquhart Elgin</b>
Site Postcode	<b>N/A</b>
Site Gazetteer UPRN	<b>000133055336</b>
Proposal Location Easting	<b>329573</b>
Proposal Location Northing	<b>863703</b>
Area of application site (Ha)	<b>13029 m<sup>2</sup></b>
Additional Comment	
Development Hierarchy Level	<b>LOCAL</b>
Supporting Documentation URL	<a href="http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=OPZCU7BGH9O00">http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=OPZCU7BGH9O00</a>
Previous Application	<b>16/01582/APP 16/00409/APP 08/02070/FUL</b>
Date of Consultation	<b>23rd May 2017</b>
Is this a re-consultation of an existing application?	<b>No</b>
Applicant Name	<b>Mr Nigel Atkinson</b>
Applicant Organisation Name	
Applicant Address	<b>[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</b>
Agent Name	<b>C M Design</b>
Agent Organisation Name	
Agent Address	<b>St Brendans 69 South Guildry Street Elgin Moray IV30 1QN</b>
Agent Phone Number	
Agent Email Address	<b>N/A</b>
Case Officer	<b>Emma Mitchell</b>
Case Officer Phone number	<b>01343 563326</b>
Case Officer email address	<b>emma.mitchell@moray.gov.uk</b>
PA Response To	<b>consultation.planning@moray.gov.uk</b>

**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:** 17/00735/APP

**Erect dwellinghouse on Site West Of Kempston House Maverston Urquhart Elgin for Mr Nigel Atkinson**

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

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

**Contact:** Kevin Boyle  
**email address:**  
**Consultee:**

**Date.....**24/5/17**.....**  
**Phone No .....**

<b>Return response to</b>	<b>consultation.planning@moray.gov.uk</b>
---------------------------	---

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	<b>The Moray Council</b>
Response Date	<b>6th June 2017</b>
Planning Authority Reference	<b>17/00735/APP</b>
Nature of Proposal (Description)	<b>Erect dwellinghouse on</b>
Site	<b>Site West Of Kempston House Maverston Urquhart Elgin</b>
Site Postcode	<b>N/A</b>
Site Gazetteer UPRN	<b>000133055336</b>
Proposal Location Easting	<b>329573</b>
Proposal Location Northing	<b>863703</b>
Area of application site (Ha)	<b>13029 m<sup>2</sup></b>
Additional Comment	
Development Hierarchy Level	<b>LOCAL</b>
Supporting Documentation URL	<a href="http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=OPZCU7BGH9O00">http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=OPZCU7BGH9O00</a>
Previous Application	<b>16/01582/APP 16/00409/APP 08/02070/FUL</b>
Date of Consultation	<b>23rd May 2017</b>
Is this a re-consultation of an existing application?	<b>No</b>
Applicant Name	<b>Mr Nigel Atkinson</b>
Applicant Organisation Name	
Applicant Address	<b>[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</b>
Agent Name	<b>C M Design</b>
Agent Organisation Name	
Agent Address	<b>St Brendans 69 South Guildry Street Elgin Moray IV30 1QN</b>
Agent Phone Number	
Agent Email Address	<b>N/A</b>
Case Officer	<b>Emma Mitchell</b>
Case Officer Phone number	<b>01343 563326</b>
Case Officer email address	<b>emma.mitchell@moray.gov.uk</b>
PA Response To	<b>consultation.planning@moray.gov.uk</b>

**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: 17/00735/APP**

**Erect dwellinghouse on Site West Of Kempston House Maverston Urquhart Elgin for Mr Nigel Atkinson**

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

**Please**

- |     |   |                          |
|-----|---|--------------------------|
| (a) | I OBJECT to the application for the reason(s) as stated below   | <b>x</b>                 |
| (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 type="checkbox"/> |
| (d) | Further information is required in order to consider the application as set out below                                 | <input type="checkbox"/> |

#### **Reason(s) for objection**

The applicant does not appear to control sufficient land in order to provide the required visibility splay at the development access onto the prospective public road. The proposal, if permitted, would therefore be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies T2 Provision of Access and IMP1 Development Requirements

#### **Further comment(s) to be passed to applicant**

The applicant should note that although at the present time the roads within the Maverston development are Private, the process of adoption of the roads onto the List of Public Roads (LoPR) is underway and once adopted the responsibility for the road would vest with the Roads Authority.

There is a request within the supporting statement in relation to the use of a suspensive planning condition to secure the visibility splay at the access onto the prospective public road.

However, Transportation notes that there has been an objection submitted from the owner of land over which part of the visibility splay falls and within which there is a boundary fence. The existence of this objection implies to Transportation that at the present time there is no reasonable prospect of an agreement being reached between the applicant and the land owner. Transportation therefore considers that unless circumstances change, a suspensive planning condition in relation to the access onto the prospective public road should not be applied.

Contact: DA/AG  
email address: [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)  
Consultee: TRANSPORTATION

Date 25 May 2017

Return response to	<a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a>
--------------------	--

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.

(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.

## POLICY COMMENTS

The proposed site is within a woodland area and felling will be required to create the space for the house site. Policies E4 *Trees and Development* and ER2 *Development in Woodlands* apply to all woodland removal. There is an identified threshold of 0.1 ha that triggers a requirement for compensatory planting which is set out in the Trees and Development Supplementary Guidance.

Proposals for removal of less than 0.1ha should be considered in the context of balancing the merits of the proposal in relation impact on the natural environment/landscape and other policy considerations, for example the removal of trees has been minimised and the site has adequate screening so there is no adverse visual impact associated with the removal of trees.

Plans should be provided identifying the trees to be retained and those to be removed within the site. An assessment should be made as to whether or not the plans provided are appropriate in particular safeguarding distances between mature trees and the proposed development. See Trees and Development Supplementary Guidance for more detail.

If the removal of 0.1 ha or more of woodland is proposed, the Applicant will be required to provide compensatory planting which can be delivered as follows:-

- By the Applicant on another part of the proposal site; or
- By the Applicant off site on land within the Applicant's control within Moray; or
- By the Woodland Trust Scotland through a developer contribution secured from the Applicant for provision of woodland elsewhere within Moray.

The site of the proposed development is directly outside the boundary of the Maverston Rural Grouping, as identified within the Rural Groupings Supplementary Guidance. This grouping has an extant planning consent for 40 houses, two golf courses and leisure facilities and no further opportunities for development have been identified. Policy E9 *Settlement Boundaries* states that "proposals immediately outwith the boundaries of these settlements will not be acceptable". Therefore, the proposal is contrary to Policy E9.

### Conclusion

The proposal is considered to be contrary to Policy E9 *Settlement Boundaries* as the site lies immediately outwith the boundary of the Maverston Rural Grouping and therefore the application should be refused.

**Contact:** Darren Westmacott

**Email Address:** darren.westmacott@moray.gov.uk

**Consultee:** Development Plans

**Date:** 30/05/17

**Phone No:** 01343 563358

**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)

**PLEASE COMPLETE AND RETURN WITHIN 48 HOURS**  
to [consultation.planning@moray.gov.uk](mailto:consultation.planning@moray.gov.uk)

## **MORAY COUNCIL PLANNING CONSULTATION RESPONSE**

**From: Development Plans**

**Planning Application Ref. No: 17/00735/APP**

**Erect dwellinghouse on Site West Of Kempston House Maverston Urquhart Elgin  
for Mr Nigel Atkinson**

**Ward: 04\_17 Fochabers Lhanbryde**

### **DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN**

*(For Structure/Local Plan Comment)*

		<b>Page No</b>	<b>Policy No(s)</b>	<b>Yes</b>	<b>No</b>
<b>1</b>	<b>Departure from Moray Local Development Plan 2015</b>		E9: Settlement Boundaries  Rural Groupings Supplementary Guidance  E4: Trees and Development  ER2: Development in Woodlands  Trees and Development Supplementary Guidance	X  X	
<b>2</b>	<b>Further Discussion Required</b>				

**REASONING FOR THIS DECISION:**

**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:-



# Consultation Request Notification – Development Plans

Planning Authority Name	<b>The Moray Council</b>
Response Date	<b>6th June 2017</b>
Planning Authority Reference	<b>17/00735/APP</b>
Nature of Proposal (Description)	<b>Erect dwellinghouse on</b>
Site	<b>Site West Of Kempston House Maverston Urquhart Elgin</b>
Site Postcode	<b>N/A</b>
Site Gazetteer UPRN	<b>000133055336</b>
Proposal Location Easting	<b>329573</b>
Proposal Location Northing	<b>863703</b>
Area of application site (Ha)	<b>13029 m2</b>
Additional Comments	
Development Hierarchy Level	<b>LOCAL</b>
Supporting Documentation URL	<a href="http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=OPZCU7BGH9O00">http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=OPZCU7BGH9O00</a>
Previous Application	<b>16/01582/APP 16/00409/APP 08/02070/FUL</b>
Date of Consultation	<b>23rd May 2017</b>
Is this a re-consultation of an existing application?	<b>No</b>
Applicant Name	<b>Mr Nigel Atkinson</b>
Applicant Organisation Name	
Applicant Address	<b>[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</b>
Agent Name	<b>C M Design</b>
Agent Organisation Name	
Agent Address	<b>St Brendans 69 South Guildry Street Elgin Moray IV30 1QN</b>
Agent Phone Number	
Agent Email Address	<b>N/A</b>
Case Officer	<b>Emma Mitchell</b>
Case Officer Phone number	<b>01343 563326</b>
Case Officer email address	<b>emma.mitchell@moray.gov.uk</b>
PA Response To	<b>consultation.planning@moray.gov.uk</b>

# Comments for Planning Application 17/00735/APP

## Application Summary

Application Number: 17/00735/APP

Address: Site West Of Kempston House Maverston Urquhart Elgin

Proposal: Erect dwellinghouse on

Case Officer: Emma Mitchell

## Customer Details

Name: [REDACTED]  
[REDACTED] [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Road access
- Road safety

Comment: I own the current Plot 4 immediately opposite the entry / exit lane onto the existing roadway from the proposed development and have objected to this repeated application on 2 previous occasions where I understand it had subsequently been refused planning permission.

My continued understanding is that the application falls outwith the local plan which clearly states that no further applications should be considered outside the Maverston development area.

I remain concerned over the poor access from the proposed site onto an increasingly busy road particularly given the speed of traffic to and from the golf course and the sightlines from the access road at that point. There is already an issue shared by neighbours over road safety and this proposal, if approved would compound that and , in my view increase the potential for a road traffic incident.

# Comments for Planning Application 17/00735/APP

## Application Summary

Application Number: 17/00735/APP

Address: Site West Of Kempston House Maverston Urquhart Elgin

Proposal: Erect dwellinghouse on

Case Officer: Emma Mitchell

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Legal issues
- Road access
- Road safety
- Traffic

Comment: This application appears to be exactly the same as application number 16/01582/APP that was refused by Moray Council on 7 Dec 2016. I object to this latest application and my reasons remain the same, namely:

### Environmental

There were many loads of building waste, including contaminated material dumped on this ground by the applicant's father to cover tree roots. I reported this on previous planning applications. A representative from Environmental Services has already visited the site and has noted the ground build up and said that an environmental assessment may need to be carried out before planning permission is granted. If this ground is disturbed, as it would be if trees were going to be planted there, then the full extent of the contamination will be clearly evident.

### Local Plan

This application is out with the Local Plan. Moray Council have clearly stated the boundaries of the Maverston Development and have stated that no further applications should be considered outside of that area. This development falls outside this stated area.

## Visibility Splay

The applicant requires my permission to remove a fence on my ground to give him the access that he requires to meet the Roads Authority access criteria. This is becoming an increasingly busy road as the Maverston Golf Course builds in popularity and, as stated in previous applications, is soon to be adopted by Moray Council. I do not give permission for my land to be altered in any way as it would disturb hedging that is now starting to mature.

In addition, when I bought this ground from Aberdeen and Northern Marts one of the legal stipulations placed upon me was to fence off my boundary and this fence forms part of this boundary. The applicant makes reference to application 15/0600/APP. As previously stated I have absolutely no intention of developing this site for the foreseeable future, if at all, so do not grant him the visibility splay access that he requires.

## Site Access

The right of access leading to the site at the south is far too narrow to allow anything other than a car to turn into it. You certainly could not get a lorry or car and trailer around the 90 degree bend to enter the site.

## Wildlife

This area has active badger sets on it. One of the sets is very close to the site entrance. In addition, there is now an established rookery and red squirrels also appear to habit the area. They are often seen in the trees on site.

As such, for the reasons stated above, I object to this application.

# Comments for Planning Application 17/00735/APP

## Application Summary

Application Number: 17/00735/APP

Address: Site West Of Kempston House Maverston Urquhart Elgin

Proposal: Erect dwellinghouse on

Case Officer: Emma Mitchell

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Noise
- Over-development of site
- Road access
- Road safety
- Traffic

Comment: This gentleman keeps submitting an application to build on this piece of land. People keep objecting but he does not give up.

Having lived here for two years, I believe that this falls outwith the local plan for Maverston. There are a number of other plots available, can this applicant not consider one of those. At the moment, the speed of the traffic heading to and from the golf course each day is an accident waiting to happen. We are seeing the affect on the wildlife, as well as cyclists and walkers. This is yet another house with a number of cars heading out of a lane onto a busy and hazardous road. Plot 3 has children and are yet to move in. I don't know about plot 1 as yet. Please please, please consider the impact this further application will have. As it is, two plots are yet to build on the spare ground heading to the golf course. and another is being built on Plot 38.

Please refuse this application and ask the gentlemen to consider another plot that already has permission to go ahead and build but not at the site submitted.

5<sup>th</sup> June 2017

Moray Council  
The Cube  
45 Leith Street  
Edinburgh  
EH1 3AT



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

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

Dear Sir/Madam

**SITE: IV30 Elgin Maverston Kempston House**

**PLANNING REF: 17/00735/APP**

**OUR REF: 745777**

**PROPOSAL: Erect dwellinghouse on Site West Of Kempston House Maverston Urquhart Elgin**

**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 sufficient capacity in the **Badentinan** Water Treatment Works to service your development. Please note that further investigations may be required to be carried out once a formal application has been submitted.
- **Please note, I must advise that if you wish to make a future connection to the existing Scottish Water infrastructure we will require way leave and written permission from the land owner as this may cross third party land**

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

## **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not 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](mailto:sw@sisplan.co.uk)  
[www.sisplan.co.uk](http://www.sisplan.co.uk)

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

### **Next Steps:**

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

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

- **10 or more domestic dwellings:**

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

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

The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website using the following link.

[www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application)

- **Non Domestic/Commercial Property:**

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

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

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

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email

TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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



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

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

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

Yours sincerely

**Lisa Lennox**  
**Development Operations Analyst**  
[Lisa.lennox2@scottishwater.co.uk](mailto:Lisa.lennox2@scottishwater.co.uk)

# Arboricultural Impact Assessment/Method Statement



Site west of Kempston  
House, Maverston

28.11.2016

Callum McCutcheon BSc (Hons), M.Arbor.A  
Principal Arboriculturist Urban-Arb LLP

## Contents

(All key site personnel should be issued with copies of this report and the Tree  
Protection Plan prior to works commencing)

1. Key contact details
2. Survey method
3. Site description
4. Description of proposed development
5. Designations relating to trees
6. Implications of proposed development
  - 6.1 Direct loss of trees
  - 6.2 Indirect impacts
    - 6.2.1 Changes in ground level
    - 6.2.2 Changes to ground surface within exclusion zones
    - 6.2.3 Structures within exclusion zones
    - 6.2.4 Services
    - 6.2.5 Special engineering works
7. Changes in site use and tree management implications
  - 7.1 General
  - 7.2 Roads, footpaths and parking bays
  - 7.3 Potential root damage to infrastructure
  - 7.4 Potential nuisance
8. Recommended arboricultural works
9. Arboricultural method statement
  - 9.1 Tree removal
  - 9.2 Tree protection fencing
  - 9.3 On site storage and use of building materials
  - 9.4 Construction of gravel pathways

Additional Documents: Tree Protection Plan  
Tree Planting Plan

## 1. Key contact details

**Project Arboriculturist:**

Mr Callum McCutcheon

Company: Urban-Arb LLP

Telephone: 01343 821763. Mob: 07766 735488

Email: [callum@urban-arb.com](mailto:callum@urban-arb.com)

## 2. Survey method

The site was surveyed on the 26<sup>th</sup> November 2016, the following data recorded in accordance with BS5837:2012:

- Tree position
- Stem diameter at 1.5m (DBH)
- Quality grading

Due to the uniformity of the tree population, trees were assessed as a single group. Data such as tree height, crown clearance and crown spread was averaged. Individual tree tags were not used.

## 3. Site description

The site is located in a rural area close to the Maverston Golf Course and encompasses an area of 13029m<sup>2</sup>. Other dwellings border the site to the north and east.

The site is almost entirely covered with coniferous trees with the exception of a clearing adjacent to the northern boundary. The site appears to have been previously planted as a commercial plantation. Species diversity is low and the age structure is also very limited. Natural regeneration is also poor.

Species present include: Scots Pine (*Pinus sylvestris*) and Sitka Spruce (*Picea sitchensis*) with occasional small self-seeded Holly shrub.

In terms of management, it would appear that none has taken place in the recent past. The southern half of the site would benefit from thinning, and the introduction of new native species would increase the ecological value of the site.

Several animal holes and nests were observed during the tree survey. It is recommended that an ecological assessment of the site should be undertaken in order to eliminate the presence of protected species.

## 4. Description of the proposed development

It is proposed to construct a single dwelling with associated access drive and services.

## 5. Designations relating to trees

None found.

## 6. Implications of proposed development

### 6.1 Direct loss of trees

In order to develop the site to the proposed layout, it will be necessary to remove 226 out of a total of 845 trees included in the survey (See table 1).

Number	Grade (BS5837:2012)
0	A (High quality)
222	B (Moderate quality)
0	C (Low quality)
4	U (Not suitable for retention)

Table 1: Trees to be removed to allow development.

In order to mitigate the loss of the trees, it is proposed to plant 56xRowan, 183xSilver Birch and 104xSessile Oak (See Tree Planting Plan).

### 6.2 Indirect impacts

#### 6.2.1 Changes in ground level

The proposed plan does not include any significant changes to the ground level within the Root Protection Area (RPA) of any retained tree.

#### 6.2.2 Changes to ground surface within exclusion zones

The access drive encroaches slightly (<5%) into RPAs of 7 trees. Although encroachment of any kind is undesirable, the small amount involved is unlikely to affect any of those trees' long term viability. It is therefore recommended that these trees should be retained.

#### 6.2.3 Structures within exclusion zones

No structures are proposed within exclusion zones.

#### **6.2.4 Services**

No services are proposed within exclusion zones.

#### **6.2.5 Special engineering works**

No special engineering works are proposed.

## **7. Changes in site use and tree management implications**

### **7.1 General**

Any proposed development which involves the introduction of people and property to areas close to mature trees will increase the need to consider the ongoing management of those trees.

It is recommended that the trees should be kept under informal observation by the occupiers. Should any defects become apparent then an arboriculturist should be consulted.

### **7.2 Roads, footpaths and parking bays**

There may be some needle fall onto the new access drive from the retained trees. However, it is not considered that this would present a significant constraint.

### **7.3 Potential root damage to infrastructure**

No soil testing or analysis was carried out for the purpose of assessing soil plasticity. In terms of direct damage, the distances between the proposed development and the trees which are to be retained are sufficient to allow root growth without causing damage the building structures.

### **7.4 Potential nuisance**

There is likely to be some shade cast by the trees along the southern boundary of the site over the garden area. The set back distance of 15m between the house and the retained trees (on the south side) is likely to minimise the effect of shade over the building.

## **8. Recommended arboricultural works**

Trees to be removed to allow the development are shown on the Tree Protection Plan (separate document).

The retained trees on the southern half of the site would benefit from thinning (by 30-40%). However, it is recommended that this operation should be delayed by 3-5 years following the removal of trees during the development in order that the edge trees can adapt to the change in exposure.

## 9. Arboricultural method statement

### 9.1 Tree removal

- Trees which are to be removed in order for the construction works to take place are marked on the tree protection plan.
- Prior to any tree removal operations, all trees to be removed should be identified using a GPS and clearly marked with marker paint.
- All tree felling should be done by qualified personnel under the supervision of an arborist or forester in accordance with BS3998: 2010 prior to protective fencing being installed and any construction operations commencing.
- All relevant safety and environmental protection guidelines should be followed (bats, birds, squirrels etc).
- Any stumps which are within the root protection area (RPA) of a retained tree should be removed using a stump grinder or left in place. Stumps may be dug out if they are out with the RPA of any retained tree.
- Vehicle access within any RPA of a retained tree is prohibited.
- No retained tree should be used as a winch anchor.
- Appropriate techniques should be employed to avoid damage to retained trees or RPAs during felling operations.
- If standard felling techniques will result in significant damage to any retained tree, sectional dismantling methods should be used.
- Construction operations should not commence until all protective fencing is installed as per the approved drawings/specification.
- Refuelling and fuel storage areas should not be sighted within ten metres of any RPA.

### 9.2 Tree protection fencing

- A tree protection barrier should be installed as per the tree protection plan (separate document) in order to prevent access to the exclusion zone by either personnel or machinery.
- Protective fencing should be erected after the arboricultural works are completed and prior to any development works.
- The tree protection barrier should comply with BS5837:2012. It should be erected using welded mesh panels or wooden boarding on a scaffolding/timber frame and



secured to the ground in a way that ensures that it will not be removed or altered during the development works (see figures 2 & 3).

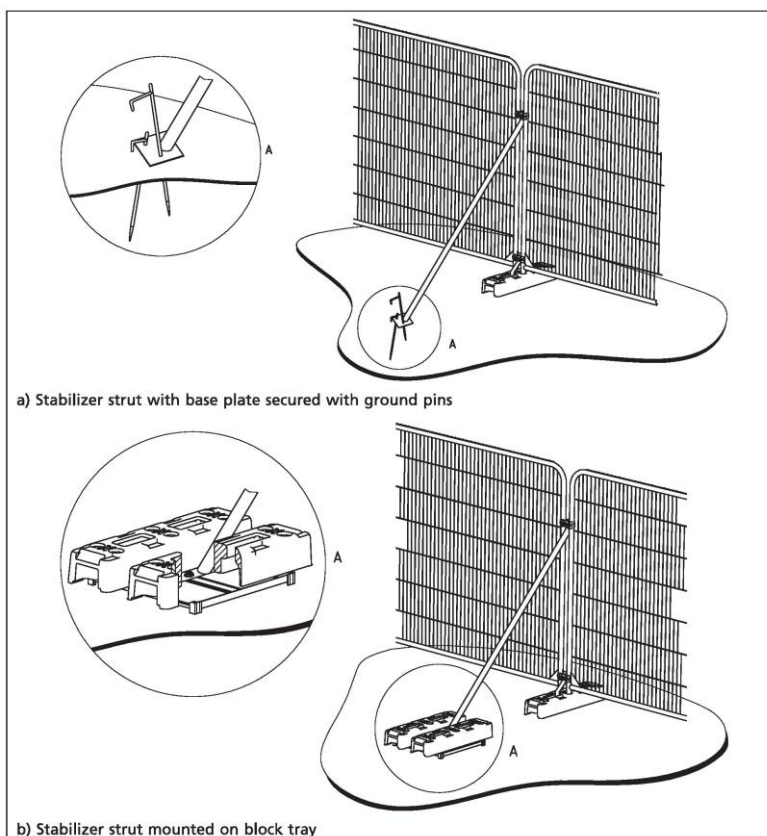
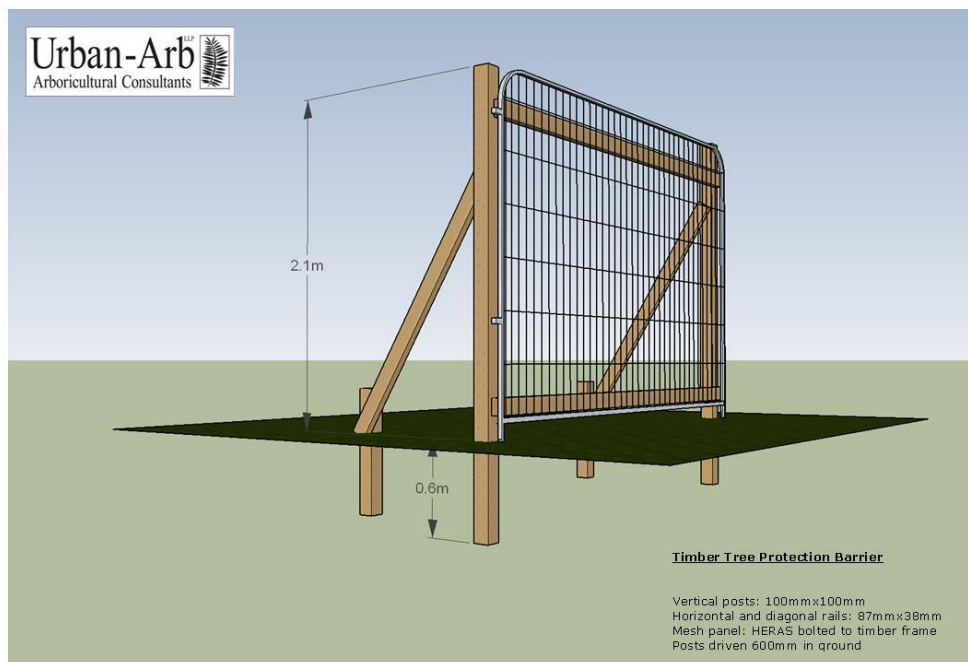


Figure 2 & 3: Tree Protection Barrier Specification options



### **9.3 On site storage and use of building materials**

- Special provision should be made to avoid storing or mixing construction materials within 10 metres of any RPA or uphill to avoid any material running towards a tree and subsequently contaminating the soil.
- Any fuel, oils, or chemicals should be stored in sealed lockers and any refuelling/mixing etc should be undertaken on an impervious area designated for such use. All waste materials and containers should be removed from site for disposal.
- Fires should not be lit within 25m of any tree as radiant heat is likely to cause damage to trees.

Urban-Arb LLP  
11 The Muir  
Bogmoor  
Spey Bay  
Fochabers  
Moray IV32 7PN

Tel: (01343) 821763  
Mob: 07766 735488

E-mail: [info@urban-arb.com](mailto:info@urban-arb.com)  
Web: [www.urban-arb.com](http://www.urban-arb.com)







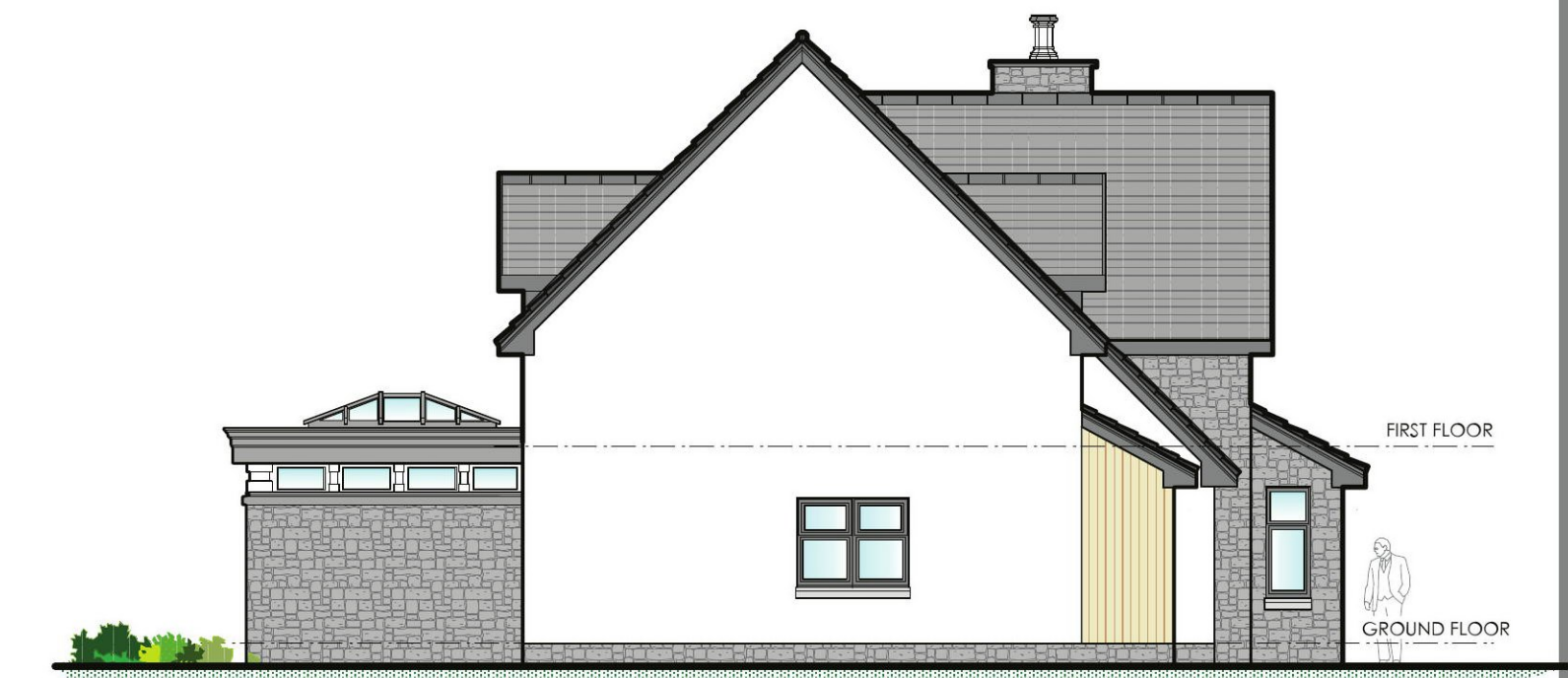
NORTH EAST ELEVATION 1:100



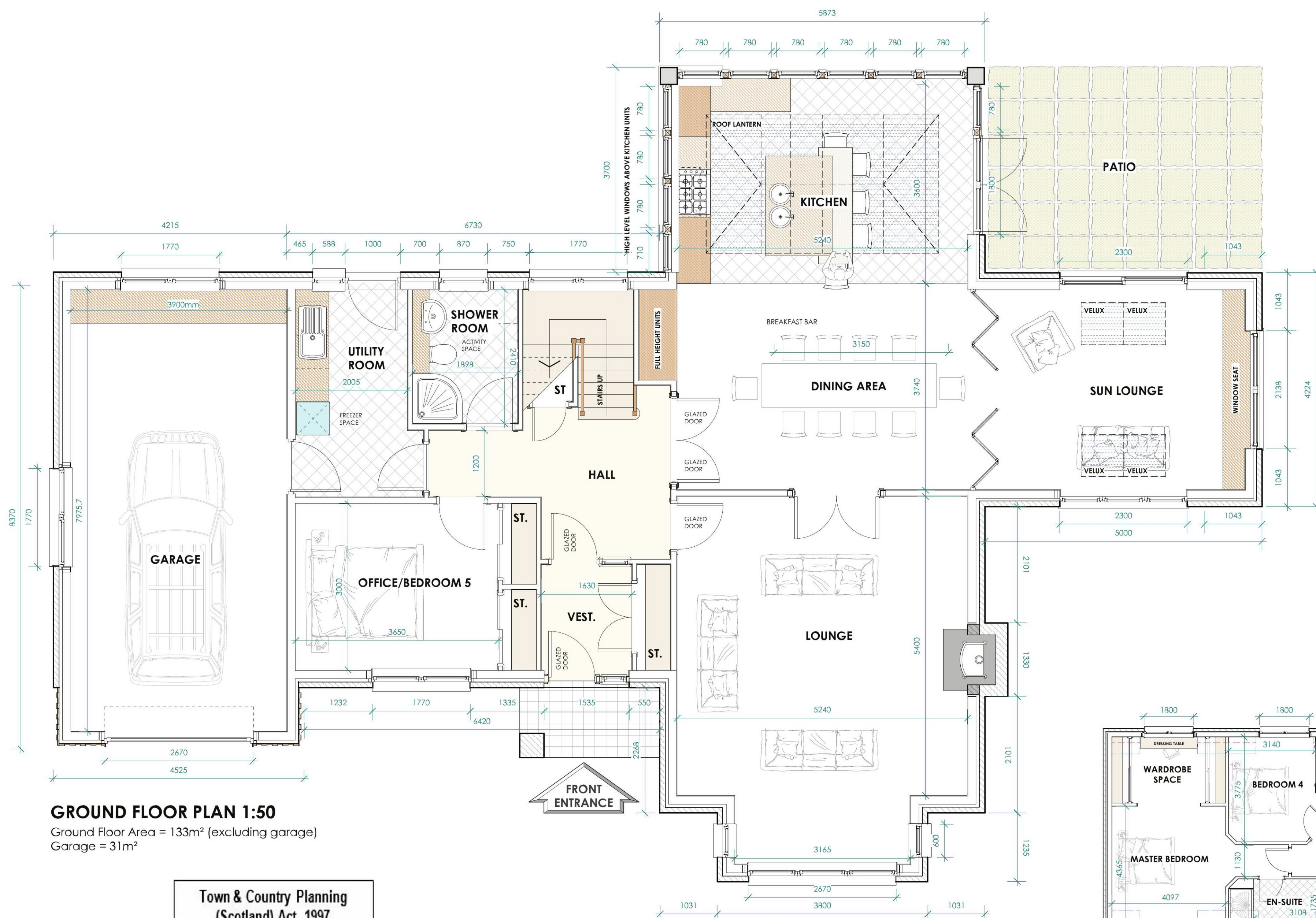
SOUTH WEST ELEVATION 1:100



NORTH WEST ELEVATION 1:100



SOUTH EAST ELEVATION 1:100



GROUND FLOOR PLAN 1:50

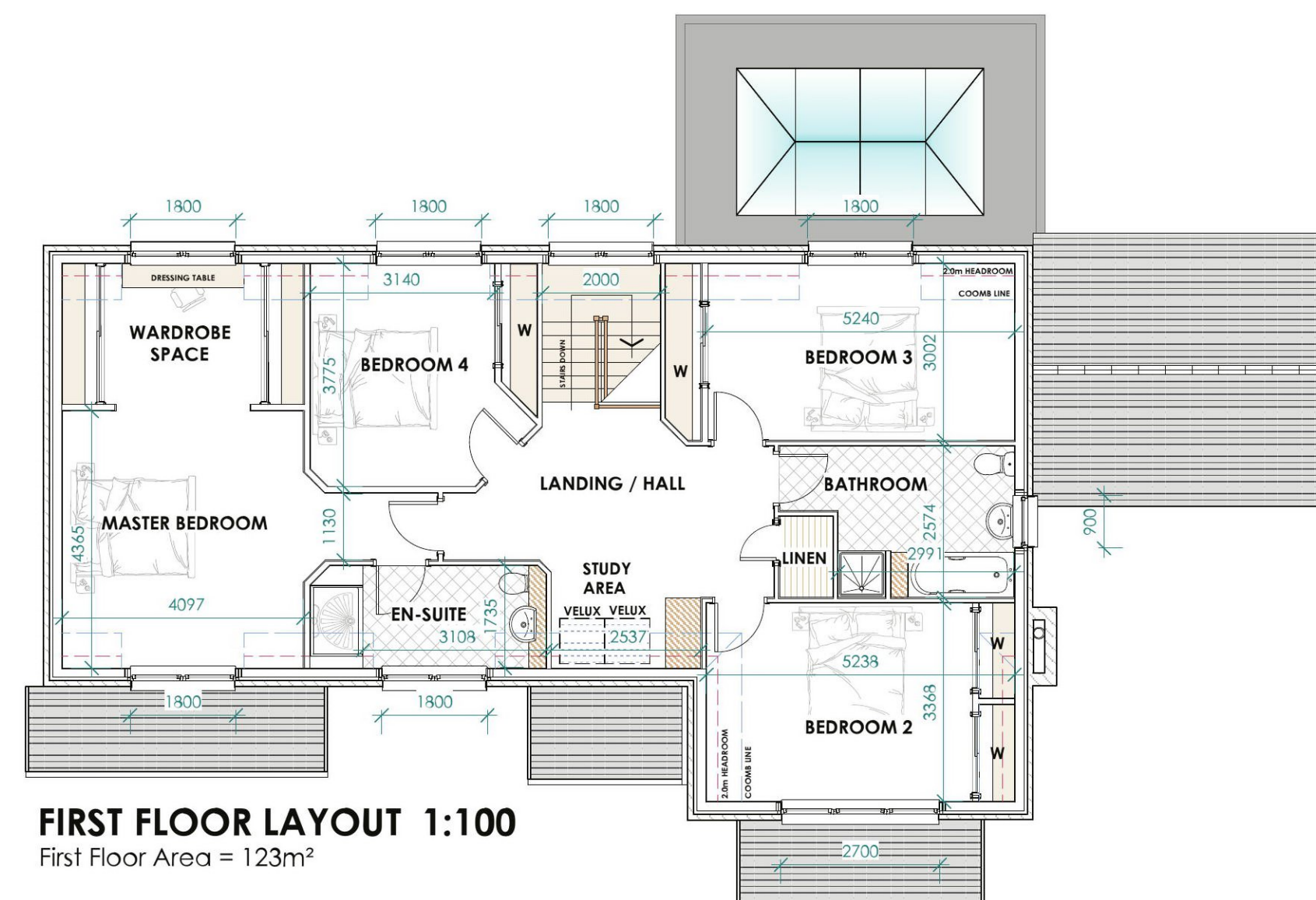
Ground Floor Area = 133m² (excluding garage)  
Garage = 31m²

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

**REFUSED**

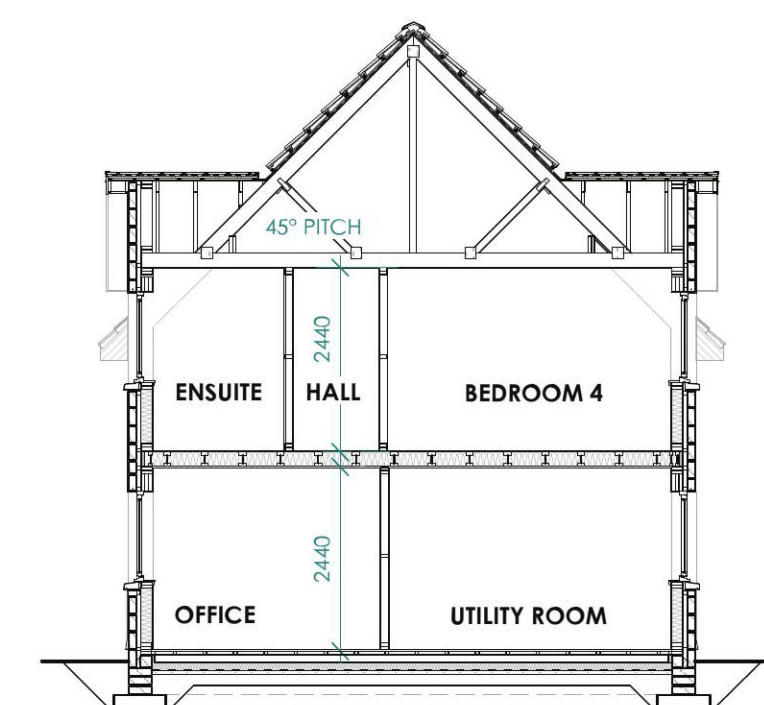
29 June 2017

Development Management  
Environmental Services  
The Moray Council



FIRST FLOOR LAYOUT 1:100

First Floor Area = 123m²



GENERAL SECTION 1:100

CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION

DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS

**cmdesign**  
architectural consultants

**MORAY - HEAD OFFICE**  
S1 Brendans, 67 South Guildry Street, Elgin, IV30 1QN  
t 01343 540020  
**HIGHLANDS**  
4 Bridge Street, Nairn, Highlands, IV12 4EJ  
t 01467 300230  
**DEVON**  
3 Canada Cottages, Broadway, Woodbury, Devon, EX5 1NX  
t 01392 345566  
m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

Mr Nigel Atkinson

NEW HOUSE ON SITE WEST OF KEMPSTON HOUSE,  
MAVERSTON, URQUHART, ELGIN, IV30 8LR

PLANNING PROPOSALS  
FLOOR PLANS, ELEVATIONS AND SECTION

Date: Amendments: Rev:

Drawn By: A James Date: 17.02.16 Checked By: C Mackay Date: 17.02.16

150144.ATKINSON.02PP





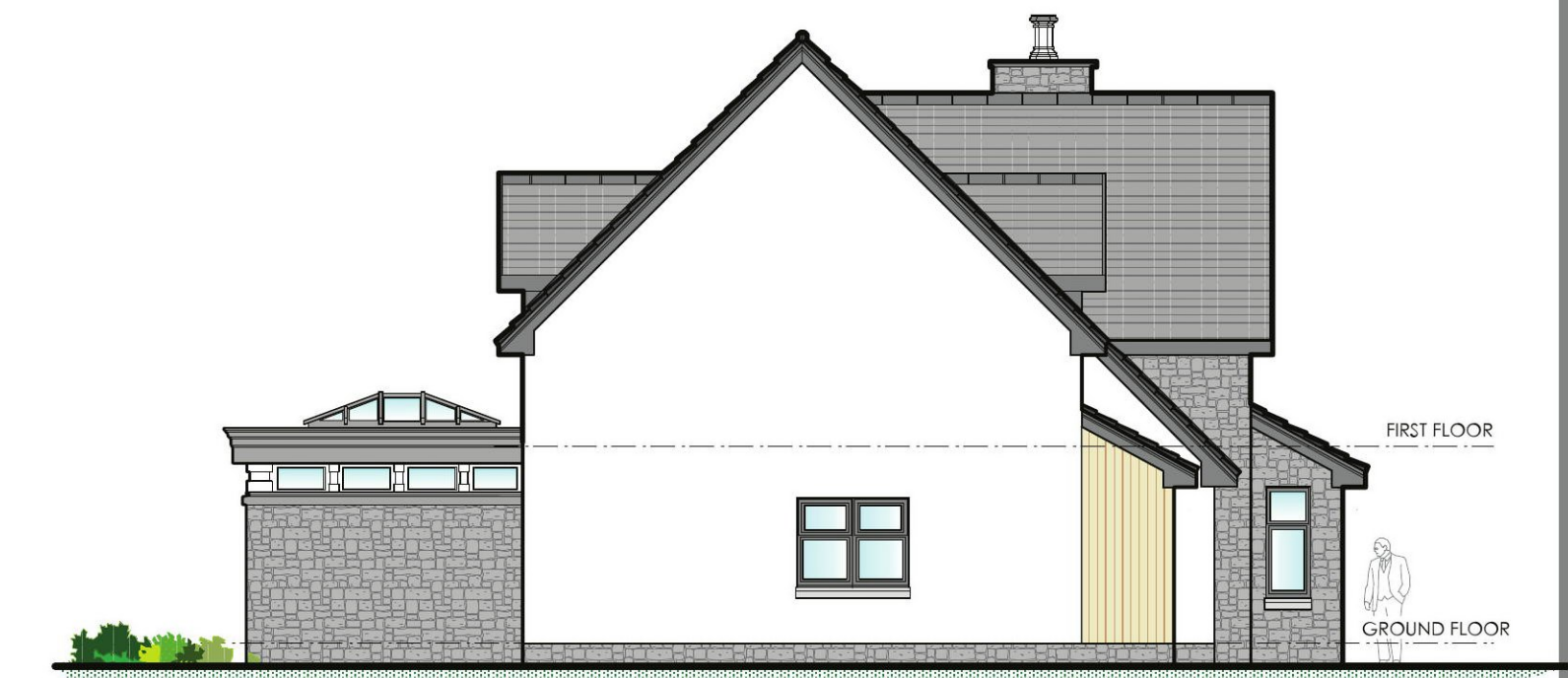
NORTH EAST ELEVATION 1:100



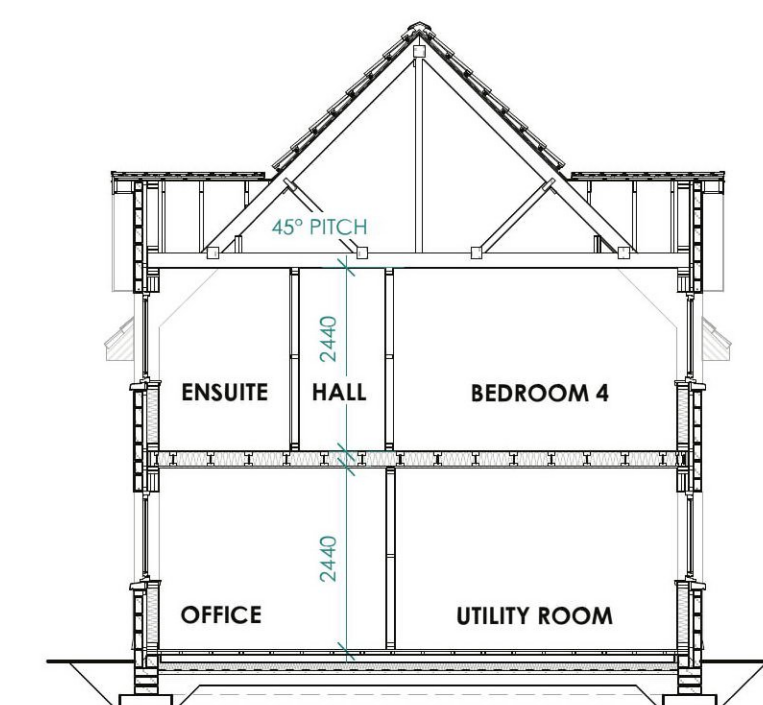
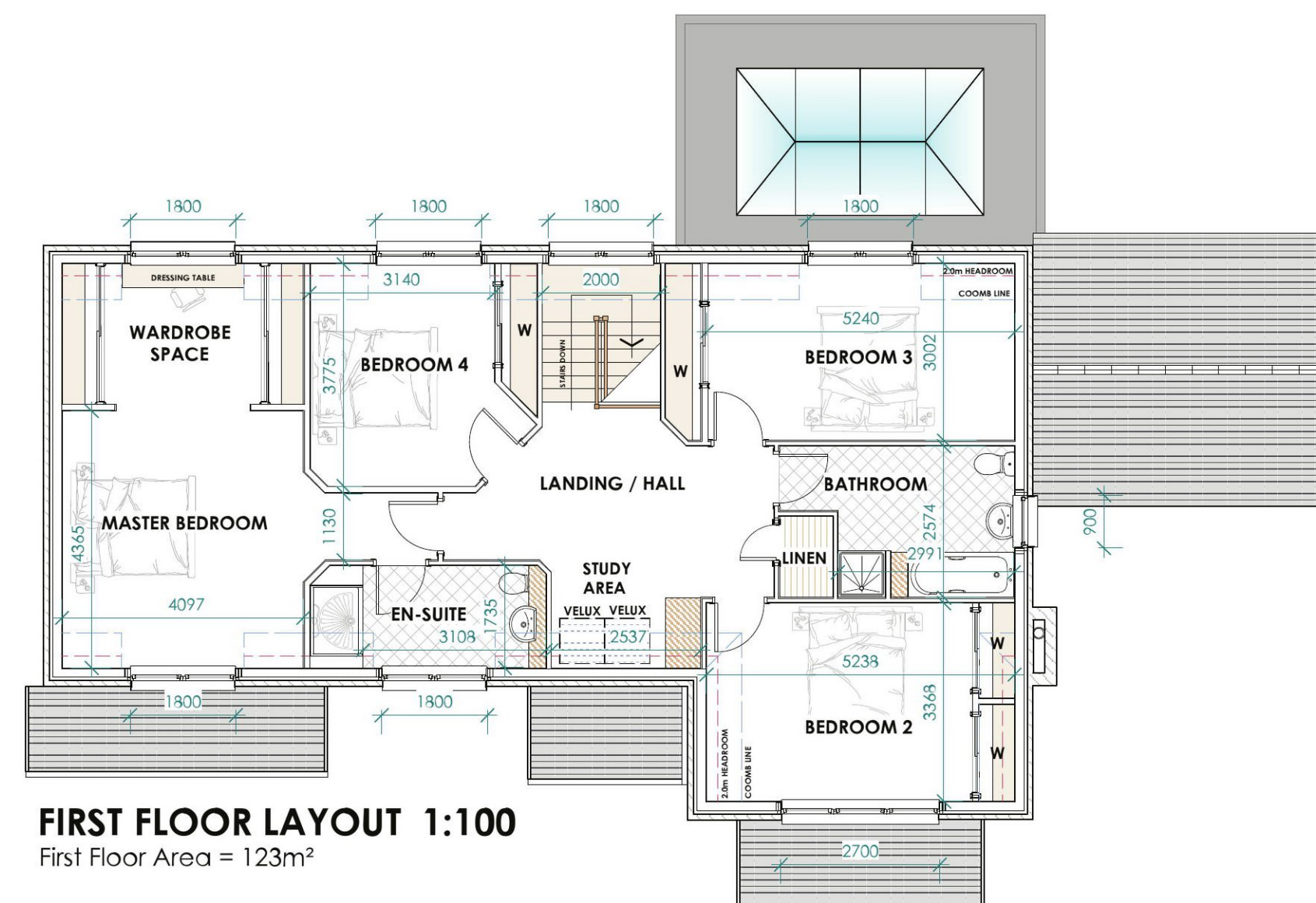
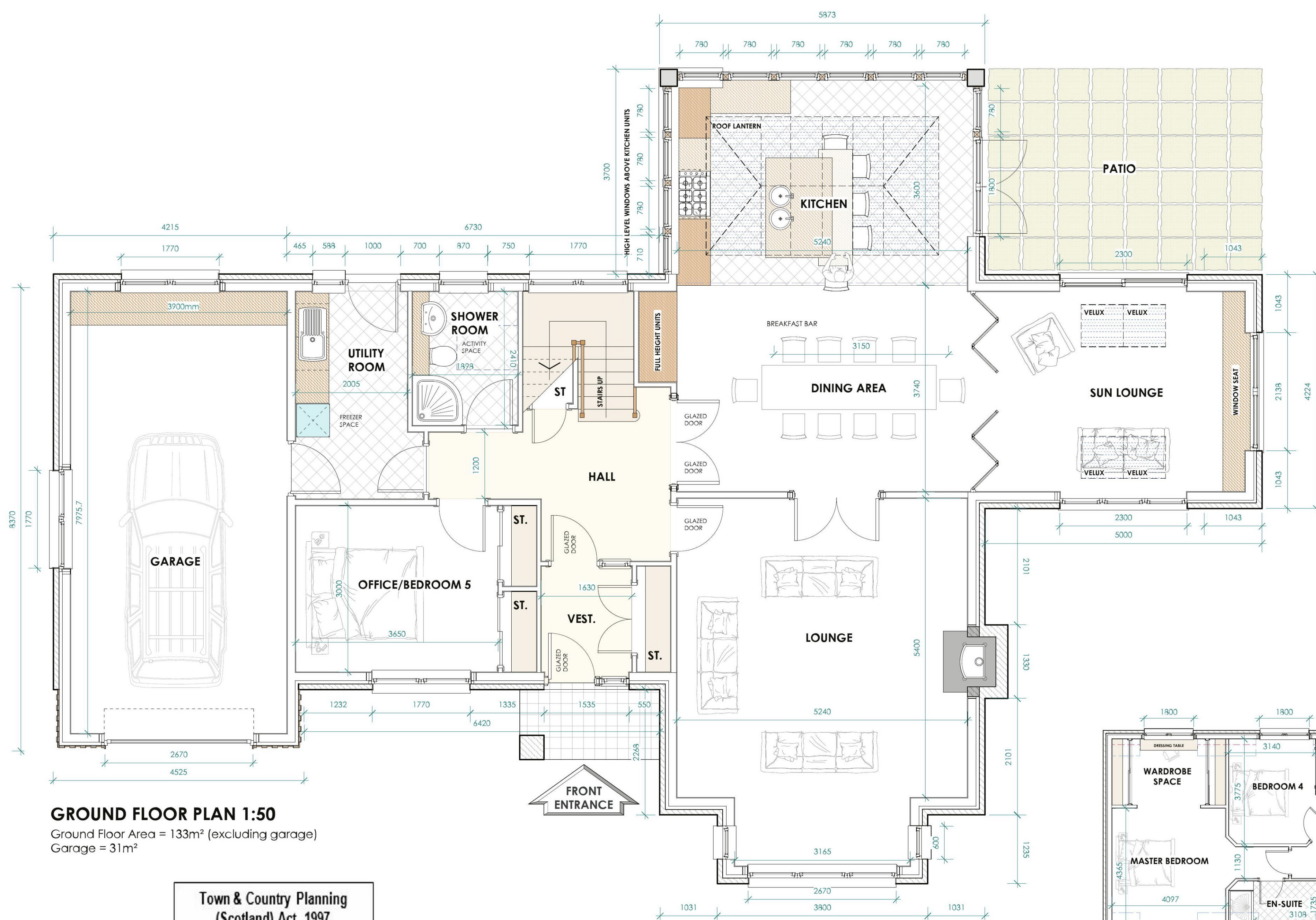
SOUTH WEST ELEVATION 1:100



NORTH WEST ELEVATION 1:100



SOUTH EAST ELEVATION 1:100



GENERAL SECTION 1:100

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

**REFUSED**

29 June 2017

Development Management  
Environmental Services  
The Moray Council

CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION

DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS

**MORAY - HEAD OFFICE**  
S1 Brendans, 67 South Guildry Street, Elgin, IV30 1QN  
t 01343 540020  
**HIGHLANDS**  
4 Bridge Street, Nairn, Highlands, IV12 4EJ  
t 01467 300230  
**DEVON**  
3 Canada Cottages, Broadway, Woodbury, Devon, EX5 1NX  
t 01392 345566  
m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

**cmdesign**  
architectural consultants

Mr Nigel Atkinson

NEW HOUSE ON SITE WEST OF KEMPSTON HOUSE,  
MAVERSTON, URQUHART, ELGIN, IV30 8LR

**PLANNING PROPOSALS**  
FLOOR PLANS, ELEVATIONS AND SECTION

Date: Amendments: Rev:

Drawn By: A James Date: 17.02.16 Checked By: C Mackay Date: 17.02.16

150144.ATKINSON.02PP



DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS

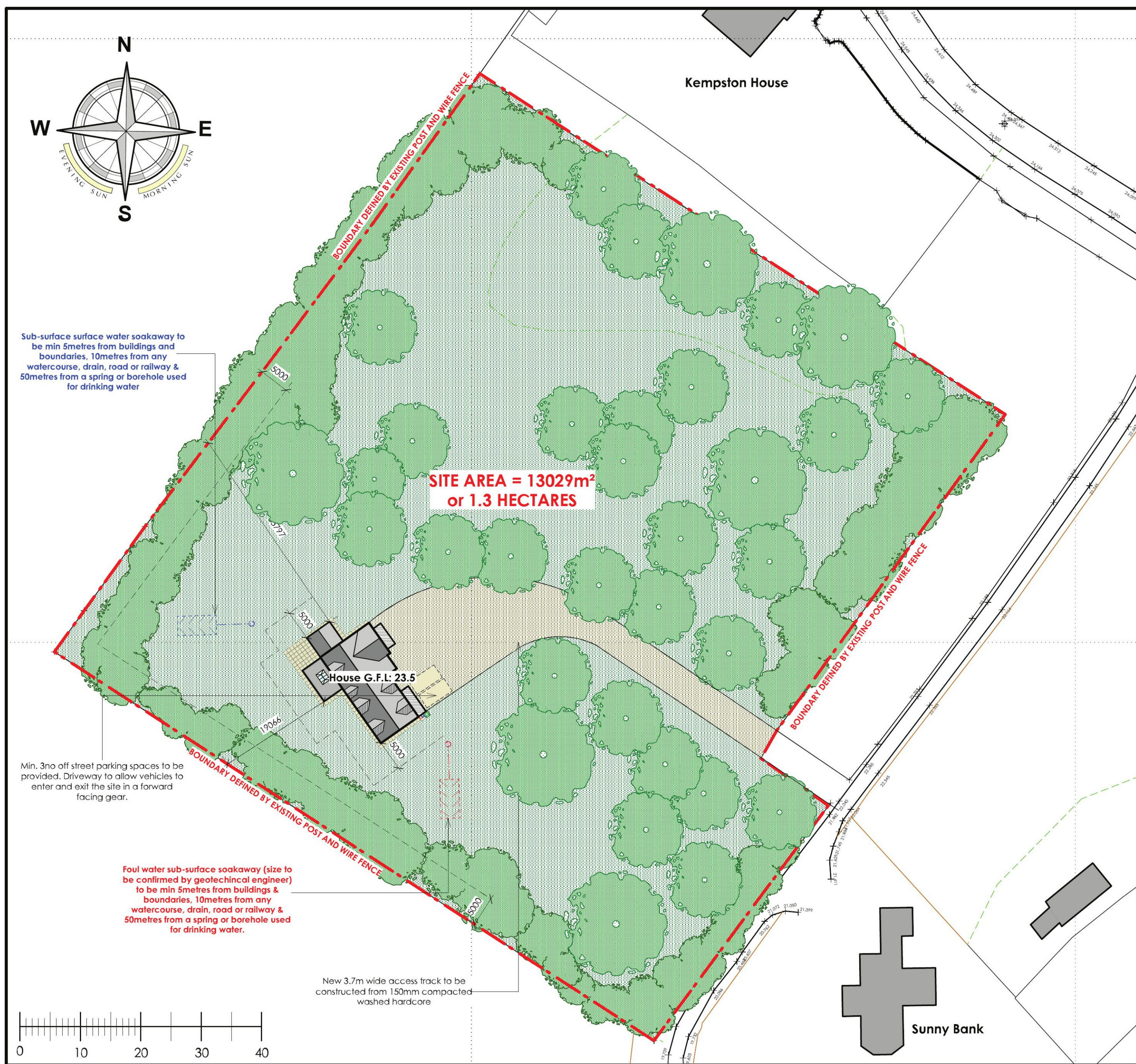
CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION

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

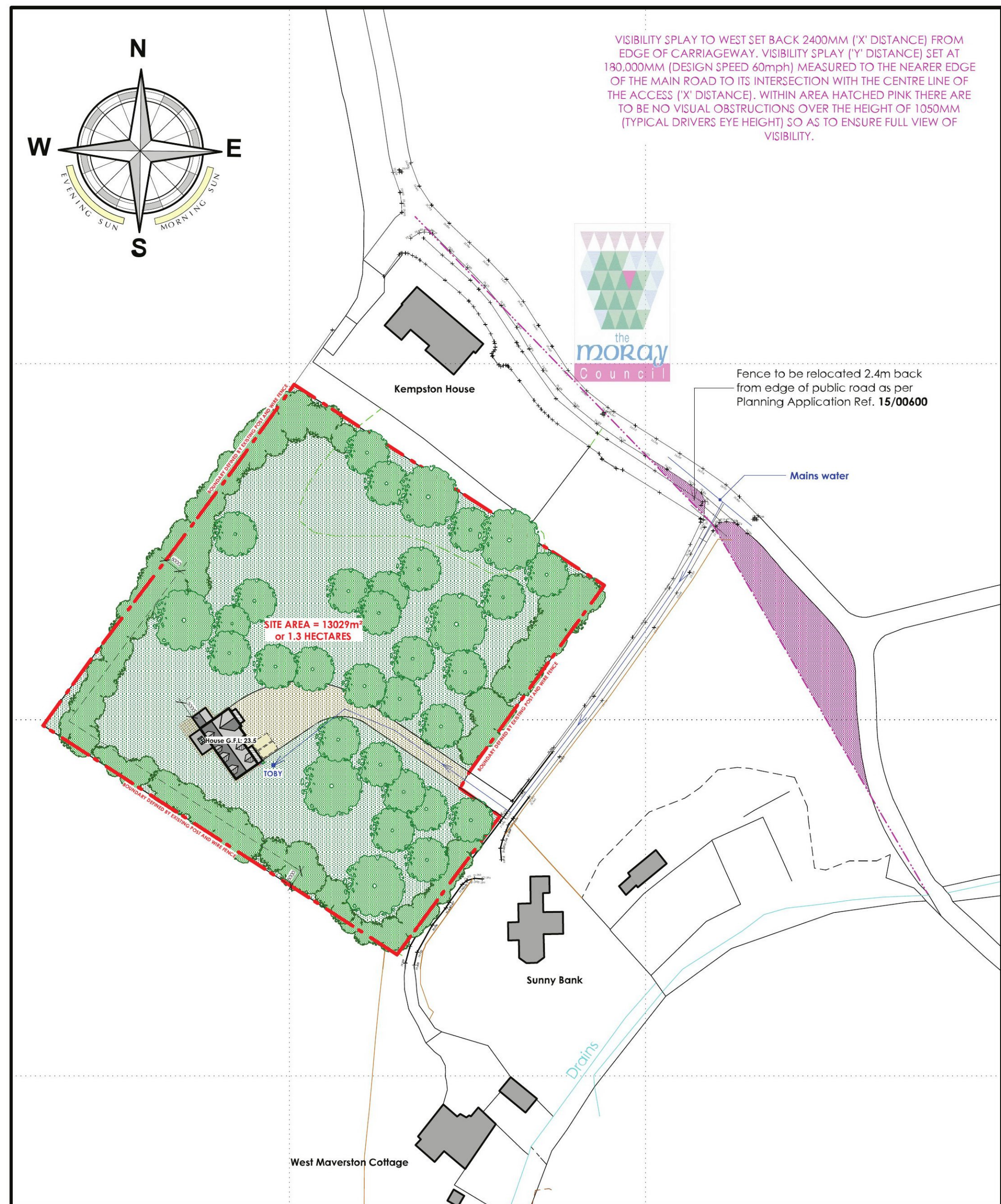
**REFUSED**

29 June 2017

Development Management  
Environmental Services  
The Moray Council



SITE PLAN 1:500



LOCATION PLAN 1:1000

#### DENDROLOGY & BOTANY PROPOSALS

In accordance with Policy H18 of the Moray Local Plan 2008, a minimum of 25% of the site area is to be retained/planted with native trees, shrubs and/or hedges. Total new planting to extend to 13029m² or 26% of total site area.

Trees

The area hatched green (13029m²) is to be planted out with a mixture of 1000mm high native trees, which are to be planted in groups of species in a random pattern at approximately 5metre spacing. All new transplanted trees to be a mixture of Standard, Half-Standard and Whips.

All new trees to be staked, tied and protected with growing shelters, rabbit, vole and/or strimmer guards.

Any existing trees removed, severely damaged, dying or which become diseased during construction work (including site clearance works) shall be replaced with trees of similar species and in close proximity to the original location.

For the duration of the development, including site clearance works, all the trees to be retained within and adjoining the development site, shall be protected by fencing or suitable means of enclosure. Within this area all contractors will be aware that no activities associated with building operations shall take place.

All excavations and works above ground level in the crown spread of any tree to be retained, shall be carried out in a manner to ensure that all roots that are uncovered are retained and protected.

Following the completion of the development (taken from the date of the issue of Building Warrant Completion Certificate), on a yearly basis (for a five year period) all trees and hedges are to be inspected. Any tree/hedging found dying or diseased will be replaced with similar species in close proximity to the original location.

New native tree planting to consist of an even mixture of: Common Alder (*Alnus glutinosa*), Mountain Ash (*Sorbus aucuparia*), Silver Birch (*Betula pendula*), Wild Cherry (*Prunus avium*), Common Hawthorn (*Crataegus monogyna*), Common Hazel (*Corylus avellana*), Holly (*Ilex aquifolium*), Blackthorn (*Prunus spinosa*), Scots Pine (*Pinus sylvestris*), Common Ash (*Fraxinus excelsior*), Common Aspen (*Populus tremula*) and Willow (*Salix caprea*).

Hedging

New Beech hedging shown along the site boundaries to be formed by a double row of 450x600mm plants, protected by rabbit proof fencing and mulch mat weed protection.

General Landscaping

Site to be levelled, weeded, cultivated and prepared for grass seeding and sown with a suitable grass seed mix.

Reference Material

Moray Development Plan - Trees & Development: Supplementary Planning Guidance

BSI British Standards - BS5837: 2005 Trees in relation to construction: recommendations

BSI British Standards - BS428: 1989 Code of practice for general landscape operations: excluding hard surfaces

**MORAY - HEAD OFFICE**  
St Brendans, 69 South Guldry Street, Elgin, IV30 1QN  
T 01343 540020

**HIGHLANDS**  
4 Bridge Street, Nairn, Highlands, IV12 4EJ  
T 01667 300230

**DEVON**  
3 Canada Cottages, Broadway, Woodbury, Devon, EX5 1NX  
T 01392 345566  
m 0781 3872818 w cdesign.biz e office@cdesign.biz

**Mr Nigel Atkinson**

**NEW HOUSE ON SITE WEST OF KEMPSTON HOUSE,  
MAVERSTON, URQUHART, ELGIN, IV30 8LR**

**PLANNING PROPOSALS  
SITE & LOCATION PLANS**

Date:	Amendments:	Rev:
10/10/16	house position relocated	A
26/10/16	app dwg amended at request of PO	B
12/05/17	re-application amends	C

Drawn By: CJS Date: 10.10.16 Checked By: Craig Mackay Date: 10.10.16

**150144.ATKINSON.01PP (C)**