



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 01343 563 501 Fax: 01343 563 263 Email: development.control@moray.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100061647-001

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)

Erection of 2 houses

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:	1 Architects Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	ian	Building Name:	Suite 25
Last Name: *	Sutherland McCook	Building Number:	
Telephone Number: *	07713 912473	Address 1 (Street): *	Inverness Airport
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Inverness
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV2 7JB
Email Address: *	ian@1architects.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Suite 25
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	Inverness Airport
Company/Organisation	1 Architects Ltd	Address 2:	
Telephone Number: *		Town/City: *	Inverness
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV2 7JB
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

SEAPARK HOUSE

Address 2:

KINLOSS

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

FORRES

Post Code:

IV36 3TT

Please identify/describe the location of the site or sites

Northing

861615

Easting

306131

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☒ Telephone ☐ Letter ☐ Email

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

Advised to submit application

Title:

Mr

Other title:

First Name:

Craig

Last Name:

Wilson

Correspondence Reference
Number:

Date (dd/mm/yyyy):

07/02/2017

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

Site Area

Please state the site area:

0.29

Please state the measurement type used:



Hectares (ha)



Square Metres (sq.m)

Existing Use

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

Garden ground

Access and Parking

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



Yes



No

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

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



Yes



No

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

Water Supply and Drainage Arrangements

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



Yes



No

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



Yes – connecting to public drainage network



No – proposing to make private drainage arrangements



Not Applicable – only arrangements for water supply required

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



Yes



No

Note:-

Please include details of SUDS arrangements on your plans

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

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



Yes



No, using a private water supply



No connection required

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☒ Yes ☐ No

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

All Types of Non Housing Development – Proposed New Floorspace

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

☐ Yes ☒ No

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Ian Sutherland McCook

On behalf of: 1 Architects Ltd

Date: 29/09/2017

☒ 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)

All necessary plans are included.

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Ian Sutherland McCook

Declaration Date: 29/09/2017

Payment Details

Telephone Payment Reference: ZZWS00151190

Created: 29/09/2017 12:25

Supporting Statement

2 Plots in Walled Garden at Seapark Estate Kinloss.

September 2017

Background

Sea Park, then known as Eunies Crook, was granted to William Ellison and Janet Niven his wife in 1574 by the Abbot of Kinloss and remained in their family until 1800. It then became the property of James Rose until 1829, when he sold it to Frederick Suter; after this it was purchased in 1838 by John Dunbar who made money in shipping; he further enlarged the house, leaving it to his sister Phoebe on his death in 1845. She had married Edward Dunbar and took the name Dunbar Dunbar. During the Dunbar ownership the house and gardens were developed, a small museum established and an organ installed.

The current house dates from approximately 1800, and has been extended at different times, often unsuccessfully in architectural terms. For at least 15 years it has been badly neglected, and now remains in a serious state of disrepair if not dereliction. We are currently assessing with a number of consultants the viability of repairing the roof, so that a sustainable refurbishment plan can be put in place. It is clearly obvious that none of the interior can be saved, so attention is now focused on the roof. If the roof is repairable we may be able to justify a sensitive sub-division into smaller units, but if a completely new roof is required then the house will probably be sold to a private buyer for whom such expenditure may be acceptable. Before any such sale however, the building will need to be made safe and secure, and the grounds will require significant attention.

Planning Status

The walled garden has never been the subject of any previous applications, and is not zoned, being currently part of the garden area for Seapark House. It is however, quite separate from the main garden, and is clearly contained by the walls and railings of the walled garden. Furthermore it is able to have its own entrance in such a way that it does not significantly detract from the development potential of Seapark House. It is clear that Seapark House will never again be used as a single dwelling, so the walled garden will fall into total disuse and disrepair unless an alternative use is found for it.

Local Residential Demand

Kinloss already has ample housing available on the open market, most of it at low prices. But it has nothing similar to what is proposed here, namely large secluded upmarket plots capable of providing the basis for an eco-driven sustainable-lifestyle housing development. Local selling agents report that there is a consistent demand for such plots in and around residential conurbations like Forres, Findhorn, and Kinloss. In large part this is driven by the constant influx of people to the Findhorn Foundation, where demand for plots has already outstripped the supply possibilities.

We propose to cater for that demand, and by doing so we hope to widen and enrich the range of housing stock in the Kinloss and Findhorn area. This can only be good for local businesses such as the Abbey Inn, the petrol station, and the Spar grocers, all of whom are entirely dependent on local trade. Increased local population also benefits the local churches, schools, and the Moray Council rates revenues.

Design Strategy

This is an outline application only, but we have been asked to indicate some possible results arising from the development. In that respect we have provided indicative elevations showing that 2-storey properties located within the walled garden will not in any way threaten the visual dominance of the main house. In reality any effect will be severely lessened by the heavy woodland cover that separates the house from the walled area. When within the walled garden it is very hard to see any parts of the house because of the dense tree cover. Some of this may be cleared for development, but much will no doubt remain. The sort of purchasers interested in this site are not likely to want to clear all tree cover.

We have proposed contemporary designs, and we feel that in this setting they will work well as a foil to the main house. It is entirely possible that purchasers may wish to pursue a more traditional design solution, but that of course can be managed by the Planning Department in the Detailed Consent stage.

SUDS

The proposal connects into the main SUDS infrastructure for all of Seapark Estate, designed to the approval of Moray Council and SEPA.

Trees

The proposal requires the removal of almost no trees apart from a few conifers for the creation of the new access road through the site. The new access road within the site will be designed to enable tree protection measures to be put in place for any root systems that might otherwise be affected by the roadworks. There are in fact very few trees that will be affected by the roadworks.

Transport

The proposal uses the existing main entrance to take traffic into the site, and uses the caravan park exit for traffic leaving the site. (Although not a planning issue, we can confirm that we have full rights of access over this route). The caravan exit has served a very busy site for many years without problems, and enjoys good visibility in both directions. It also enters the main road at a point close to the traffic lights, where by necessity traffic is moving slowly.

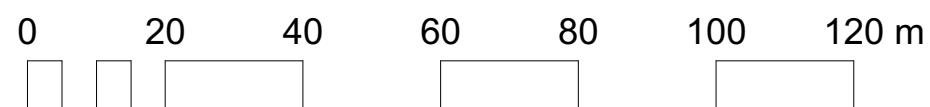
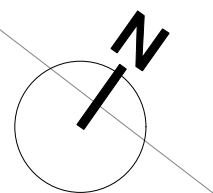
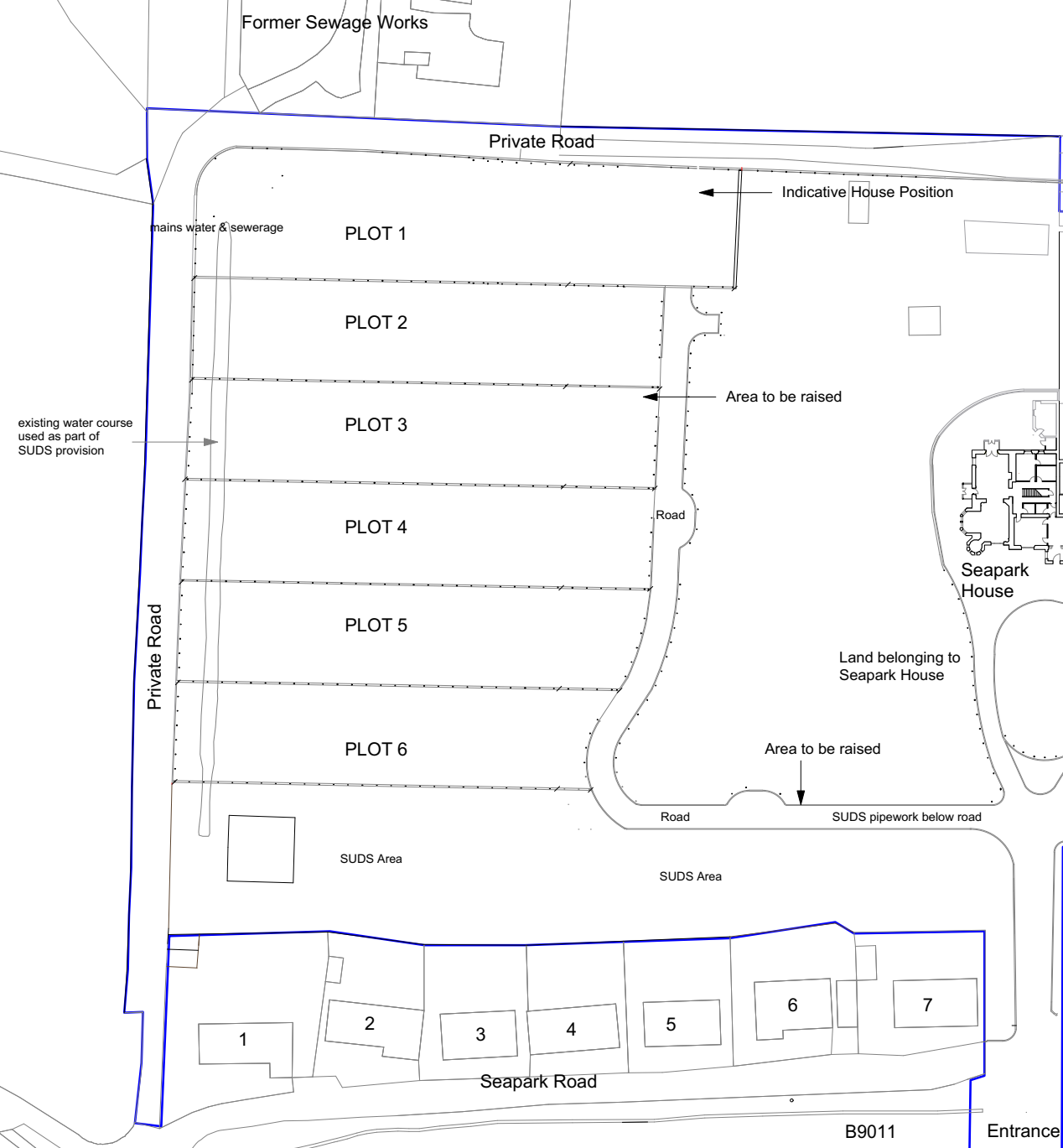
In order to preserve the integrity of this one-way system we have already agreed measures with Moray Council.

1 Architects Ltd
September 2017



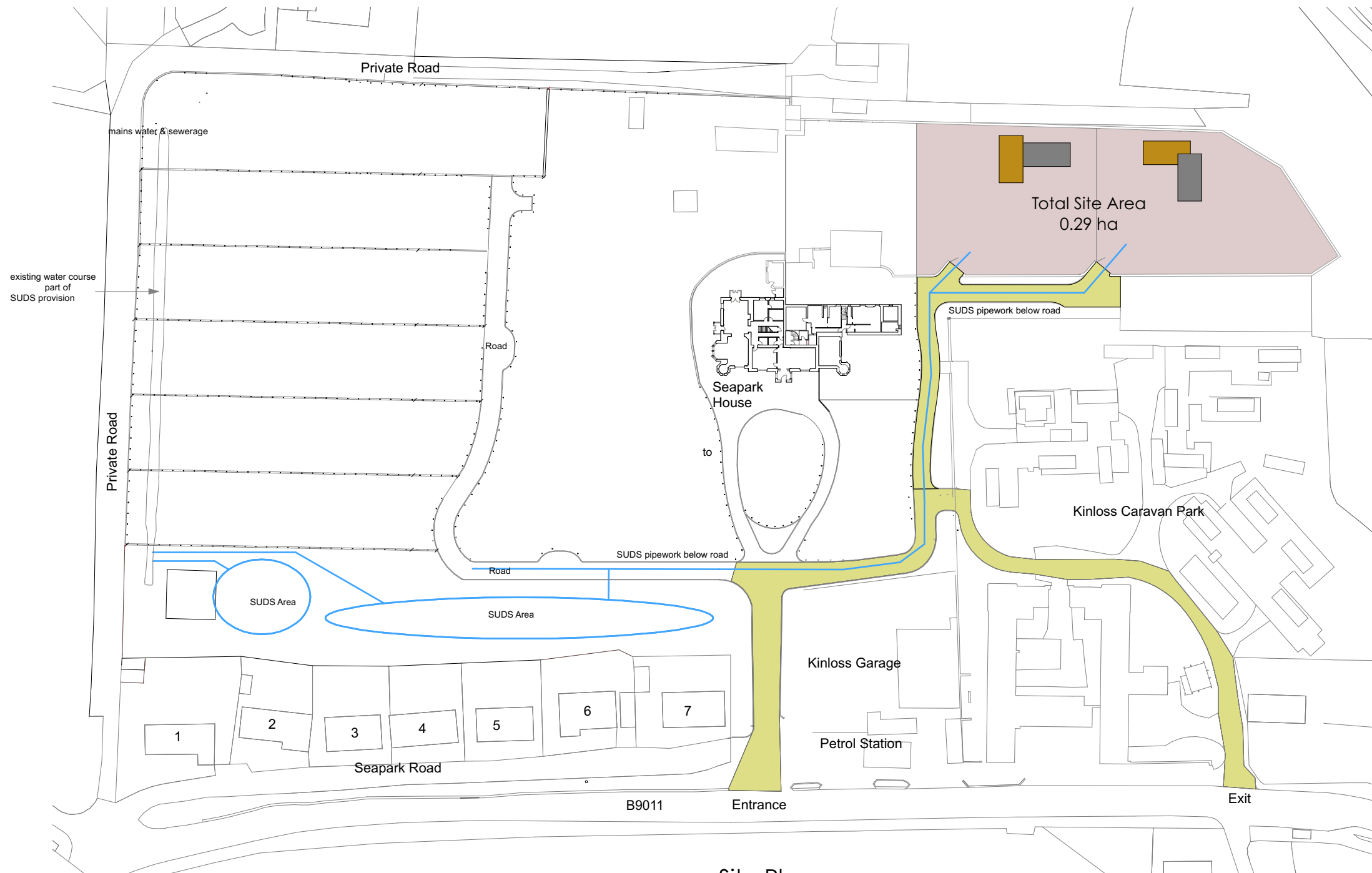
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RevID	ChID	Change Name	Date
Scale		Project No	Drawn By
1:1.67		442	ISM
Client			
1 Architects Ltd			
Project			
Seapark Walled Garden			
Layout Name			
Images			
Drawing Name			
Images			
Drawing No			Revision
442.03			

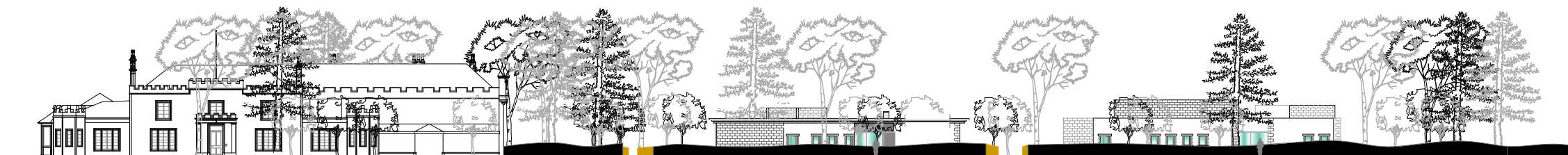


RevID	ChID	Change Name	Date
Scale		Project No	Drawn By
1:1.46		442	ISM
Client			
1 Architects Ltd			
Project			
Seapark Walled Garden			
Layout Name			
Location Plan			
Drawing Name			
Location			
Drawing No		Revision	
1			

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Site Plan



Typical Elevation

RevID	ChID	Change Name	Date
Scale		Project No	Drawn By
1:1		442	ISM
Client			
1 Architects Ltd			
Project			
Seapark Walled Garden			
Layout Name			
Site Plan			
Drawing Name			
Garden Elevs			
Drawing No		Revision	
1			

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	23rd October 2017
Planning Authority Reference	17/01521/PPP
Nature of Proposal (Description)	Erect 2no dwellinghouses at
Site	Seapark House Kinloss Forres Moray IV36 3TT
Site Postcode	N/A
Site Gazetteer UPRN	000133050670
Proposal Location Easting	306131
Proposal Location Northing	861615
Area of application site (Ha)	2900 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=OX75QDBGIQC00
Previous Application	15/01376/PE 14/01231/PPP
Date of Consultation	9th October 2017
Is this a re-consultation of an existing application?	No
Applicant Name	1 Architects Ltd
Applicant Organisation Name	
Applicant Address	Suite 25 Inverness Airport Inverness Scotland IV2 7JB
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Craig Wilson
Case Officer Phone number	01343 563565
Case Officer email address	craig.wilson@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

The statutory period allowed for a consultation response is 14 days. Due to scheduling

pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Aberdeenshire Council Archaeology Service

Planning Application Ref. No: 17/01521/PPP

Erect 2no dwellinghouses at Seapark House Kinloss Forres Moray for 1 Architects Ltd

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

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

Reason(s) for objection

None

Condition(s)

The proposed application lies within the archaeology site NJ06SE0098, an early 19th Century mansion house, built on the site of an earlier, medieval, house, and its associated landscape. The proposed site is within the former walled garden of the house; maps indicate a rectangular building aligned north-east / south-west within this space, but it is not clear from the submitted supporting documentation if this building survives on site.

I would ask that in this instance the following conditions are applied:

Applicable over groundbreaking works:

"Watching-brief Condition (PAN 2/2011, SPP, HESP)

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

The name of the archaeological organization retained by the developer shall be given to the planning authority and to the Aberdeenshire Council Archaeology Service in writing

not less than 14 days before development commences.

Reason: to record items of archaeological interest.”

Applicable to the building within the walled garden:

“Level 1 Standing Buildings Survey Condition (PAN 2/2011, SPP, HESP)

Prior to any works commencing, the developer shall secure the implementation of a Level 1 archaeological standing building survey of the extant structures, to be carried out by an archaeological organisation acceptable to the planning authority. The scope of the archaeological standing building survey will be set by the Aberdeenshire Council Archaeology Service on behalf of the planning authority. The name of the archaeological organisation retained by the developer shall be given to the planning authority and to the Aberdeenshire Archaeology Service in writing not less than 14 days before the survey commences. Copies of the resulting survey shall be deposited in the National Record of the Historic Environment and in the local Sites and Monuments Record upon completion.

Reason: to record features of the historic environment of the structure. Please note an archaeological organisation is required to undertake this work.

Standing Building Survey Level Defined

Level 1 - a full photographic survey of the interior and exterior of the building, including all exterior elevations and the building's setting, with the addition of measured floor plans and elevations and a written account of the building's plan, form, function, age and development sequence. Surveys should be submitted in a digital format (pdf, jpeg, tiff files) by email, on CD or via online file sharing services.”

If the building within the walled garden has previously been removed, the standing building survey condition would not be required.

Further comment(s) to be passed to applicant

Further information required to consider the application

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

Date...20/10/2017.....
Phone No ...01467 537717

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

progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using “redaction” software to avoid (or mask) the display of such information. Where appropriate other “sensitive” information within documents will also be removed prior to publication online.

Consultation Request Notification

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Response Date	23rd October 2017
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Date of Consultation	9th October 2017
Is this a re-consultation of an existing application?	No
Applicant Name	1 Architects Ltd
Applicant Organisation Name	
Applicant Address	Suite 25 Inverness Airport Inverness Scotland IV2 7JB
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Craig Wilson
Case Officer Phone number	01343 563565
Case Officer email address	craig.wilson@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

The statutory period allowed for a consultation response is 14 days. Due to scheduling

pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Contaminated Land

Planning Application Ref. No: 17/01521/PPP

Erect 2no dwellinghouses at Seapark House Kinloss Forres Moray for 1 Architects Ltd

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

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

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Adrian Muscutt
email address:
Consultee:

Date: 10 October 2017
Phone No

Return response to	consultation.planning@moray.gov.uk
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From: DeveloperObligations
Sent: Fri, 24 Nov 2017 13:46:04 +0000
To: DC-General Enquiries
Cc: Craig Wilson
Subject: 17/01521/PPP Erect 2no dwellinghouses at Seapark House, Kinloss, Forres
Attachments: 17-01521-PPP Erect 2no dwellinghouses at Seapark House, Kinloss, Forres.docx

Hi

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

Regards,
Hilda

Find us on 
[Moray Council Planning](#)

Hilda Puskas
Developer Obligations Officer
Development Plans
hilda.puskas@moray.gov.uk
01343 563265


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

DEVELOPER OBLIGATIONS: ASSESSMENT REPORT

Date: 24/11/2017

Reference: 17/01521/PPP

Description: Erect 2no dwellinghouses at Seapark House, Kinloss, Forres

Applicant: 1 Architects Ltd

This assessment has been carried out by Moray Council. This assessment is carried out in relation to policy IMP3 Developer Obligations of the Moray Local Development Plan 2015 (LDP) and associated Supplementary Guidance (SG) on Developer Obligations which was adopted on 14 October 2016.

The LDP and SG can be found at www.moray.gov.uk/planning.

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare (<i>Contribution towards extension at Forres Health Centre, 2 Additional Dental Chairs and reconfiguration to existing Pharmacy outlets</i>)	
Community Facilities	Nil
Sports and Recreation (<i>Contribution towards a 3G pitch in Forres</i>)	
Waste	Nil
Total Developer Obligations	

Breakdown of Calculation

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

2no x 3 bed = 2 SRUE

This assessment is therefore based on 2 SRUE.

Developer Obligations Discount for Small Scale Development

A discount of 60% will be applied to the contribution for small scale development to reflect their small scale nature.

INFRASTRUCTURE

Education

Primary Education

Pupils generated by this development are zoned to Kinloss Primary School. The school is currently operating at 86% 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 Kinloss are zoned to Forres Academy. The school is currently operating at 75% 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 no developer obligations will be sought for this proposal.

Contributions towards Transport = Nil

Healthcare

Healthcare Facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities. The recommended number of patients is 1500 per General Practitioner (GP) and floorspace requirement per GP is 271m².

Healthcare infrastructure requirements have been calculated with NHS Grampian on the basis of national standards and specifications for healthcare facilities and estimating the likely number of new patients generated by the development (based on the average household size of 2.24 persons*).

Forres Health Centre is the nearest settlement within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Forres Health Centre is working at design capacity and existing space will be required to be extended and that 2 Additional Dental Chairs and reconfiguration to existing Pharmacy outlets will be required.

Contributions are calculated based on a proportional contribution of [REDACTED] per SRUE for the health centre and additional dental chairs and [REDACTED] per SRUE for the pharmacy.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Community, Sports and Recreational Facilities

Community Facilities

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

Contribution for Community Facilities = Nil

Sports and Recreation Facilities

The nearest sports and recreational facilities that serve this development are located in Forres. The Moray Local Development Plan 2015 identifies a requirement for new development to contribute towards additional capacity of sports and recreational facilities. As set out in the Review of Sport, Leisure and Recreation Provision in Moray (April 2014), current pitch provision in Forres falls below national standards in terms of both quantity and quality. The Review set out the preference is to provide synthetic grass pitches given the ever improving developments of synthetic turf technology, flexibility offered by the surface in terms of game size and capacity for repeated play without detrimental effect.

Moray's provision of synthetic grass pitches is 0.55 (5 x 3G pitches/90,000 population), which is significantly lower than the national average of 0.7 pitches per 10,000 population. Moray Council has agreed that the Council aim is to provide every secondary school with convenient/adjacent access to a 3G pitch given that Sports Scotland stipulates that pitches should be adjacent to schools. Therefore, contributions will be sought towards a 3G pitch in Forres on the following basis:

[REDACTED]

[REDACTED]

Contribution for Sports and Recreation Facilities = [REDACTED]

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.

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Flood Risk Management

Planning Application Ref. No: 17/01521/PPP

Erect 2no dwellinghouses at Seapark House Kinloss Forres Moray for 1 Architects Ltd

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

Please

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

Conditions

1. The development is immediately adjacent to the 1 in 200yr flood extents and therefore we would prefer to err on the side of caution in this case. Although any coastal water is outwith the site boundary, plans should recognise that rising sea levels and more extreme weather events resulting from climate change will potentially have a significant impact on this site.
2. A Flood Risk Statement is required providing information about the development site with regard to flood risk. It must consider all sources of flooding and demonstrate that any flood risk associated with the development can be managed now and for the lifetime of the development. It should also demonstrate that the development will not increase the risk of flooding elsewhere.
3. A Drainage Impact Assessment (DIA) is required; this should describe the proposed drainage arrangements for the development and demonstrate that suitable Sustainable urban Drainage System (SuDS) adopting current best practice can be achieved on site and that properties on and off site are protected against surface water flooding. Design calculations and drawings should be submitted. Any SuDS outlets out to sea would also have to be above the 1 in 200 year flood level.

Contact: James Ross

email address: james.ross@moray.gov.uk

Consultee: The Moray Council, Flood Risk Management

Date 23/11/2017

Phone No 01343 563771

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.



7th March 2018

Moray Council
Council Office High Street
Elgin
IV30 9BX

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

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

Dear Local Planner

SITE: IV36 Moray Forres Kinloss Seapark House
PLANNING REF: 17/01521/PPP
OUR REF: 758092
PROPOSAL: Erect 2no dwellinghouses at

Please quote our reference in all future correspondence

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

Water

- This proposed development will be fed from **Glenlatterach** Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link
www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application

Foul

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

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
www.sisplan.co.uk

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

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

Next Steps:

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges

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

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

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

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

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

Yours sincerely

Megan Innes

Techniccal Analyst

Megan.Innes2@scottishwater.co.uk

Our ref: PCS/155483
Your ref: 17/01521/PPP

If telephoning ask for:
Alison Wilson

18 October 2017

Craig Wilson
The Moray Council
Development Services
Council Office
High Street
Elgin
IV30 1BX

By email only to: consultation.planning@moray.gov.uk

Dear Mr Wilson

Town and Country Planning (Scotland) Acts
Planning application: 17/01521/PPP
Erect 2 no dwellinghouses at
Seapark House Kinloss Forres Moray IV36 3TT

Thank you for your consultation email which SEPA received on 9 October 2017, specifically requesting our advice on flood risk.

Advice for the planning authority

We have **no objection** to this planning application on flood risk grounds. Notwithstanding this we would expect Moray Council to undertake their responsibilities as the Flood Risk Management Authority, refer section 1.4 below. Please note the advice provided below.

1. Flood risk

- 1.1 We have reviewed the information supplied with this consultation and we note that the application site lies adjacent to the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map and may therefore be at medium to high risk of flooding. The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit http://www.sepa.org.uk/flooding/flood_maps.aspx.
- 1.2 Scottish Planning Policy states (paragraph 255) that “the planning system should promote flood avoidance by safeguarding flood storage and conveying capacity, and locating



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

SEPA Aberdeen Office
Inverdee House, Baxter Street
Torry, Aberdeen AB11 9QA
tel 01224 266600 fax 01224 896657
www.sepa.org.uk • customer enquiries 03000 99 66 99

development away from functional floodplains and medium to high risk areas". It further defines (glossary) that "for planning purposes the functional floodplain will generally have a greater than 0.5% (1:200) probability of flooding in any year". Therefore built development should not take place on the functional floodplain.

- 1.3 No flood risk or topographic information has been submitted in support of the application. However based on topographic information we hold, it appears that the ground levels rise up towards the site from the Kinloss Burn, and ground levels within the site are generally higher than the surrounding land.
- 1.4 We hold no other information that would indicate that the site is at flood risk, and therefore we have **no objection** to the proposals on flood risk grounds. However, we would **recommend** that a precautionary approach is taken, and the houses are situated on the highest ground within the plots, and finished floor levels are raised above external ground levels. As Flood Risk Management Authority, Moray Council Flood Team may hold other information on local flood risk.
- 1.5 Please note that we have also commented on 6 house plots to the west of Seapark House (most recent on 29 August 2017, Plot 1, our reference PCS/154571). We still have an outstanding request for information at these sites. From the information we hold, these house plots appear to be at a lower level than the application site at Seapark House, and potentially at risk of coastal flooding.

2. Other planning matters

- 2.1 For all other matters we provide [standing advice](#) applicable to this type of local development.

Regulatory advice for the applicant

3. Regulatory requirements

- 3.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at: 28 Perimeter Road, Pinefield, Elgin, IV30 6AF, Tel: 01343 547663.

If you have any queries relating to this letter, please contact me by telephone on 01224 266656 or email at planning.aberdeen@sepa.org.uk.

Yours sincerely

Alison Wilson
Senior Planning Officer
Planning Service

ECopy to: Ian Sutherland McCook, 1 Architects Ltd, ian@1architects.com; Craig Wilson, Moray Council, craig.wilson@moray.gov.uk

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	23rd October 2017
Planning Authority Reference	17/01521/PPP
Nature of Proposal (Description)	Erect 2no dwellinghouses at
Site	Seapark House Kinloss Forres Moray IV36 3TT
Site Postcode	N/A
Site Gazetteer UPRN	000133050670
Proposal Location Easting	306131
Proposal Location Northing	861615
Area of application site (Ha)	2900 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=OX75QDBGIQC00
Previous Application	15/01376/PE 14/01231/PPP
Date of Consultation	9th October 2017
Is this a re-consultation of an existing application?	No
Applicant Name	1 Architects Ltd
Applicant Organisation Name	
Applicant Address	Suite 25 Inverness Airport Inverness Scotland IV2 7JB
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Craig Wilson
Case Officer Phone number	01343 563565
Case Officer email address	craig.wilson@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

The statutory period allowed for a consultation response is 14 days. Due to scheduling

pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 17/01521/PPP

Erect 2no dwellinghouses at Seapark House Kinloss Forres Moray for 1 Architects Ltd

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

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

This consultation response is based on the access arrangements shown on Drawing no 442-1 Site Plan.

Condition(s)

1. Prior to any development works commencing:
 - i) a detailed drawing (scale 1:100) showing works and measures to facilitate one-way inbound-only operation of the site access to the west of 'Kinloss Garage' shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and
 - ii) thereafter the access to the west of 'Kinloss Garage' shall be closed to vehicles exiting the development in accordance with the approved drawing prior to any development works commencing (except for those works associated with the installation of the measures and the construction of the new access track linking the site to the 'Kinloss Caravan Park' to the east of the development). Exit for vehicles from the development shall thereafter be taken via the new access track and through existing 'Kinloss Caravan Park' access onto the public road.

Reason: To ensure acceptable development through the provision of details currently lacking.

2. Parking provision shall be as follows:
 - 2 spaces for a dwelling with three bedrooms or less; or
 - 3 spaces for a dwelling with four bedrooms or more.

The car parking spaces shall be provided within the site prior to the occupation or completion of each dwellinghouse, whichever is the sooner. The parking spaces

shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

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

Further comment(s) to be passed to applicant

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

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

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

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

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

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

Date 19 October 2017

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

REPORT OF HANDLING

Ref No:	17/01521/PPP	Officer:	Craig Wilson
Proposal Description/ Address	Erect 2no dwellinghouses at Seapark House Kinloss Forres Moray		
Date:	06/12/17	Typist Initials:	FJA

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Contaminated Land	10/10/17	No objection or comment
Transportation Manager	19/10/17	No objection subject to conditions and informatives
Moray Flood Risk Management	23/11/17	No objection subject to conditions
Scottish Environment Protection Agency	19/10/17	No objection subject to conditions
Aberdeenshire Council Archaeology Service	20/10/17	Archaeological watching brief condition
Development Plans (Environment)		Object
Scottish Natural Heritage		
Scottish Water	11/10/17	No objection subject to informative
Planning And Development Obligations	27/11/17	No objection subject to contributions to healthcare and sports and recreation

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP3: Placemaking		
BE2: Listed Buildings		
BE4: Micro-renew and List Build CA		
BE1: Sch Monuments and Nat Designations		
H3: Sub division for House Plots		
E3: Protected Species		
E4: Trees and Development		

EP7: Control of Develop in FloodRiskArea		
EP5: Sustainable Urban Drainage Systems		
EP9: Contaminated Land		
EP10: Foul Drainage		
T2: Provision of Access		
T5: Parking Standards		
IMP1: Developer Requirements		
IMP3: Developer Obligations		
E5: Open Spaces		

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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

Section 14 of the Planning (Listed Buildings & Conservation Areas) (Scotland) Act 1997 requires any determination of an application for listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Proposal:

- Application for planning permission in principle for 2 dwellinghouses within walled garden of to the northeast of Seapark House, Kinloss.
- Water, foul and surface water drainage arrangements to involve connection to the public water supply, foul and drainage network, and on plot SUDs.
- Submitted documents include an amended indicative site layout plan showing 2 plots within walled garden of Seapark House and a planning supporting statement/cover letter.
- Details of access/egress arrangements for the site also included

The Site

- The application site measures 1400square metres and currently comprises an area of rough ground/informal open space within the walled garden area of Seapark House.
- Current site boundaries include stone garden walls on all 4 sides
- The site sits to the northeast of Seapark House, a Catgeory B listed building

Impact of development on surrounding environment (E5, ENV2 and IMP1)

The site of the proposed development is allocated as ENV2 Private Gardens or Grounds within the Moray Local Development Plan 2015.

When the ENV2 designation is read in conjunction with Policy E5 the latter presumes against development which would cause the loss of, or impact on, areas identified within the settlement statements under the ENV designation as green spaces, will be refused unless a development can demonstrate it is for a public use that outweighs the value of the green space and is sited and designed in such a way as to minimise any adverse impacts on the recreational, amenity and bio-diversity value of the site. This is not the case in this instance, this is purely an application to site 2 dwellinghouses with no obvious or identifiable public benefit and no supporting information has been submitted which examines impact on the recreational, amenity and bio-diversity value of the site. In the absence of supporting information to justify the proposal, it is contrary to Policy E5 and ENV2 and would undermine the aim of the designation and would ultimately lead to the erosion of areas protected by such designations.

Impact of proposal on Listed Building and surrounding environment (BE2 & IMP1)

With listed building consent procedures the main aim, where any new development is proposed, is to protect and preserve the character and special historic or architectural interest of the listed building, whether in seeking to protect key views of the listed building and/or that the works do not adversely impact upon the character, integrity and setting of the Listed Building (policy BE2 refers).

The proposal is for planning permission to site 2 dwellinghouses and associated parking on land to the north east of Seapark House, Kinloss, a Category B Listed Building built circa 1800 in the style of William Robertson. Seapark House dates from 1800 and is Category B listed, essentially a building of national importance. The main 2 storey, 3 bay house we see now dates from around 1830-40 and has single bay wings, each with single storey crenelated octagonal turret-like additions. The house is located on the periphery of Kinloss Village and enclosed by a high stone (rubble) garden wall which defines the curtilage of this property to the south and eastern edge.

It is important to establish that a listed building should remain the focus of its setting. Any development proposal affecting the setting should be subservient in scale and massing to the main subject of listing and be located sufficiently far away as to leave a reasonable level of undeveloped ground surrounding the listed building, which can be classed as its setting.

As a consequence of the previously approved planning permission in principle for 6 house plots to the west of the Seapark House, the addition of 2 further dwellings and associated infrastructure within the walled garden would lead to a build-up of residential development that would detract from the setting of the listed building. Whilst the dwellings could be designed to integrate within the walled garden the cumulative impact of a further 2 dwellings would lead to the erosion of undeveloped open space surrounding the listed building (considered to be its setting) and also impact on key views of the listed building when viewed from the garden areas. Proposal is contrary to Policies BE2 and IMP1.

Impact of proposal on the surrounding environment (H3, EP7, & IMP1)

To ensure compliance with policy H3 & IMP1 the proposal must not adversely impact on the surrounding environment and be sensitively sited, designed and serviced. These requirements are not met where the proposal is located on a floodplain (and information is lacking to mitigate the risk of flooding) and the proposal is located within the ENV2 designation (where no supporting information is provided to justify the location of the development within this green space). Whilst the design of the buildings would be determined with a detailed application the cumulative impact of development on this site combined with the approved 6 plots nearby would ultimately detract from the setting of the listed building. In servicing terms, the arrangements for access and parking are satisfactory (subject to conditions where recommended) but details of infrastructure arrangements to address surface water run-off are lacking, including measures to demonstrate and mitigate the risk of surface water

flooding effects elsewhere within the site.

For these reasons the proposal is considered to be a departure from the above policies.

Drainage and Water (EP10, EP5 and IMP1)

Policies EP10, EP5 and IMP1 require development proposals to be served by satisfactory foul and surface water drainage, adequate water supply and for surface water from such proposals to be dealt with in a sustainable manner that avoids flooding and pollution. Proposed connections to the public water supply and foul drainage network are appropriate and in principle satisfy the above requirements. Scottish Water has not objected to the granting of permission.

Flood Risk Management has not objected but require a Drainage Impact Assessment (DIA) that should describe the proposed drainage arrangements for the development and demonstrate that suitable Sustainable urban Drainage System (SuDS) adopting current best practice can be achieved on site and that properties on and off site are protected against surface water flooding. Design calculations and drawings should be submitted. Any SUDS outlets out to sea would also have to be above the 1 in 200 year flood level.

Developer Contributions (IMP3)

The Developer Obligations unit has advised that contributions will be sought for this development towards healthcare and sports and recreation. The developer has accepted the assessment and confirmed a willingness to pay the contribution.

Access and Parking (T2 and T5)

The site area is sufficient to provide off street parking/turning facilities, and access arrangements as detailed on the amended indicative plan would also satisfy the requirements of policies T2 Provision of Road Access and T5 Parking Standards.

The Transportation Section has assessed these aspects and has again raised no objection to the granting of permission, subject to conditions to facilitate one-way inbound-only operation of the site access to the west of 'Kinloss Garage', a lay-by, parking, drainage and the carriageway safeguarding.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

HISTORY				
Reference No.	Description			
15/01376/PE	Proposed development at Seapark Estate Kinloss Forres Moray IV36 3TT			
	Decision	ID/PE Answered	Date Of Decision	01/12/15
14/01231/PPP	Erection of 8 residential plots in woodland area to west of Seapark House Seapark House Kinloss Forres Moray IV36 3TT			
	Decision	Withdrawn	Date Of Decision	25/06/14

ADVERT		
Advert Fee paid?	No	
Local Newspaper	Reason for Advert	Date of expiry
Forres Gazette	No Premises	07/11/17
PINS	No Premises	07/11/17

DEVELOPER CONTRIBUTIONS (PGU)	
Status	CONT SOUGHT

DOCUMENTS, ASSESSMENTS etc. *		
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

S.75 AGREEMENT		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			

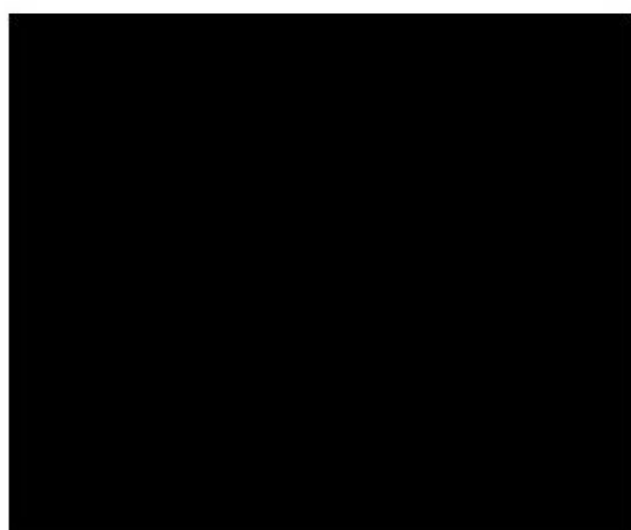


**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Forres]
Planning Permission in Principle**

TO

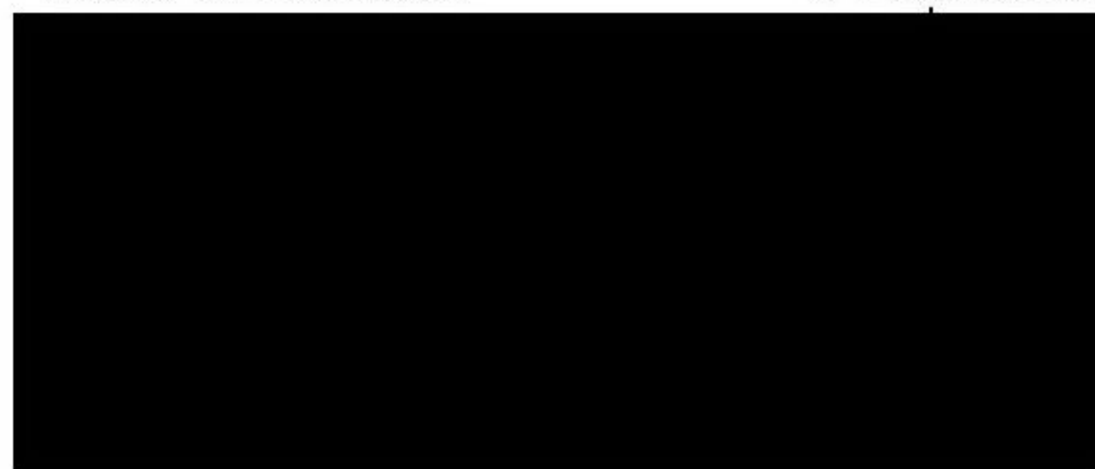


With reference to your application for planning permission in principle under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Erect 2no dwellinghouses at Seapark House Kinloss Forres Moray

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

Date of Notice: **6 December 2017**



HEAD OF DEVELOPMENT SERVICES

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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal is contrary to policies BE2, E5, IMP1 and EP7 of the Moray Local Development Plan 2015 for the following reasons:

1. The addition of 2 dwellings and associated infrastructure within the walled garden would lead to a build-up of residential development that would detract from the setting of the category B listed building and be contrary to Policy BE2.
2. The proposal would cause loss of, and impact upon the 'green space' environmental designation, ENV2 with no justification provided to support the proposal in relation to the relevant criteria identified in Policy E5 and therefore the proposal will detract from the character and appearance of the designation and surrounding area.
3. The proposal is also deemed to be contrary to policy EP7 Control of Development in Flood Risk Areas due to lack of information in respect of flood risk.
4. By introducing built development into a natural greenspace, the proposal is considered to be contrary to Policy IMP1 Developer Requirements as the scale, density and character of the proposal is not appropriate to the surrounding area.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
442/03		Images
1		Location plan
1		Site plan

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

N/A

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

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

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.