



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 100088168-001

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

## Type of Application

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

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

## Description of Proposal

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

Proposed dwelling house and garage

Is this a temporary permission? \*  Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*  Yes  No

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:	Ashley Bartlam Partnership		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Alistair	Building Name:	Wards House
Last Name: *	Murdoch	Building Number:	
Telephone Number: *	01343 543287	Address 1 (Street): *	Wards Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Elgin
Fax Number:		Country: *	Moray
		Postcode: *	IV30 1NL
Email Address: *	enquiries@ashleybartlam.co.uk		

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

Individual  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:	Delene
First Name: *	Eric	Building Number:	
Last Name: *	Forsyth	Address 1 (Street): *	Muir of Ruthrie
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberlour
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB38 9LT
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

841794

Easting

325585

## Pre-Application Discussion

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

Yes  No

## Site Area

Please state the site area:

5872.00

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)

Garden area to Delene

## 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.

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

0

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

3

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).

## Water Supply and Drainage Arrangements

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

Yes  No

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

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

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

What private arrangements are you proposing? \*

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

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

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

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

Proposed new septic tank and traditional soakaway

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

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

## Assessment of Flood Risk

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

Yes  No  Don't Know

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

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

Yes  No  Don't Know

## Trees

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

Yes  No

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

## Waste Storage and Collection

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

Yes  No

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

Normal domestic waste and recycling bins.

## 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: Alistair Murdoch

On behalf of: Mr Eric Forsyth

Date: 22/03/2018

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. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes | <input checked="" 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 type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes | <input checked="" 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 Alistair Murdoch

Declaration Date: 22/03/2018

## Payment Details

Online payment: 616700

Payment date: 22/03/2018 15:26:13

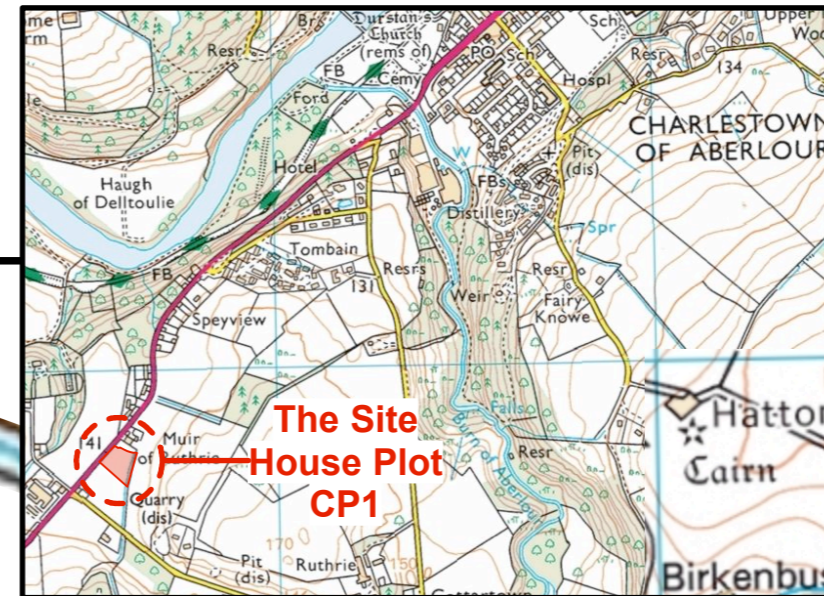
Created: 22/03/2018 15:26



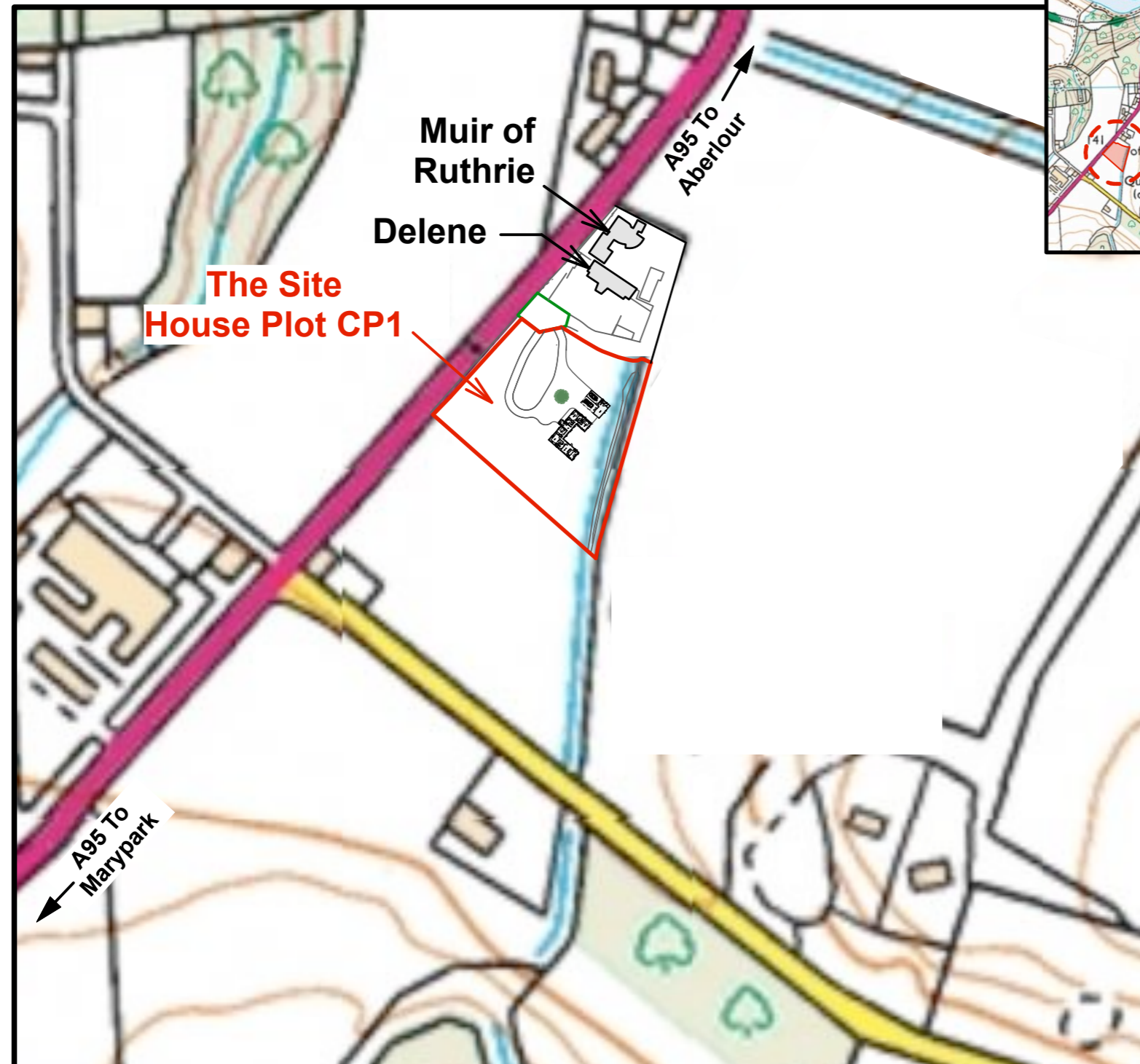
**N.B.** DO NOT SCALE DRAWINGS

Contractor / Manufacturers to check all site measurements and profiles prior to ordering and/or manufacturing components. Any discrepancies must be brought to the attention of the Architect. Do not scale dimensions from drawings.

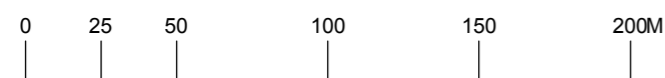
If any deviations from the approved Building Warrant drawings take place on site further Architectural services may be required. In the first instance the contractor should check with Building Standards if an Amendment of Building Warrant is required and thereafter, the matter referred back to the Architect for re-submission.



Location Plan 1:20000



Location Plan 1:2500



1:2500 Bar Scale



Rev.	Amendment	By	Date

**ASHLEY  
BARTLAM  
PARTNERSHIP**  
Est. 1947

WARDS HOUSE, WARDS ROAD,  
ELGIN, IV30 1NL

Proposed House & Garage  
Plot CP1 by Delene,  
Aberlour.  
For Mr E. Forsyth

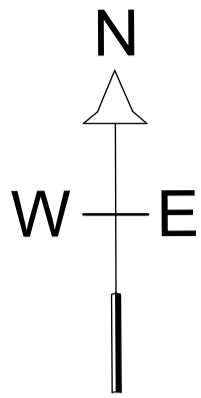
Location Plan

Drg/No.	8154/LP1/1	LP1/1
Date	March 2018	
Scale	1 : 2500 / 20000 @ A3	
By	KJ	
Checked	AIM	

Tel. 01343 543287  
enquiries @ashleybartlam.co.uk



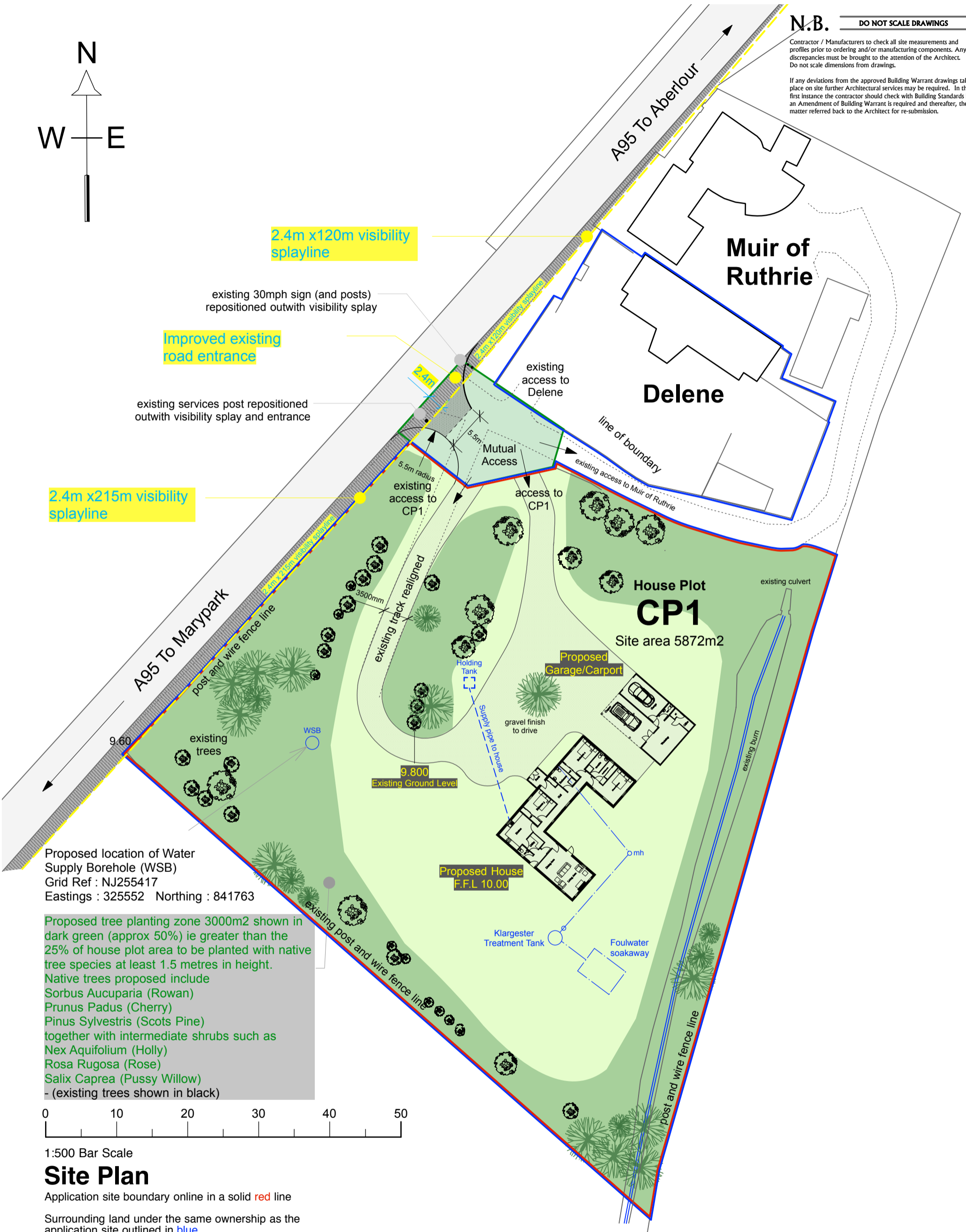
www.ashleybartlam.co.uk



**N.B. DO NOT SCALE DRAWINGS**

Contractor / Manufacturers to check all site measurements and profiles prior to ordering and/or manufacturing components. Any discrepancies must be brought to the attention of the Architect. Do not scale dimensions from drawings.

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Proposed location of Water Supply Borehole (WSB)  
 Grid Ref : NJ255417  
 Eastings : 325552 Northing : 841763

Proposed tree planting zone 3000m2 shown in dark green (approx 50%) is greater than the 25% of house plot area to be planted with native tree species at least 1.5 metres in height. Native trees proposed include Sorbus Aucuparia (Rowan) Prunus Padus (Cherry) Pinus Sylvestris (Scots Pine) together with intermediate shrubs such as Nex Aquifolium (Holly) Rosa Rugosa (Rose) Salix Caprea (Pussy Willow) - (existing trees shown in black)



1:500 Bar Scale

### Site Plan

Application site boundary online in a solid red line  
 Surrounding land under the same ownership as the application site outlined in blue

**ASHLEY BARTLAM PARTNERSHIP**  
 Est. 1947  
 ARCHITECTS

Proposed House & Garage Plot CP1 by Delene, Aberlour. For Mr E. Forsyth

Rev.	Amendment	By	Date

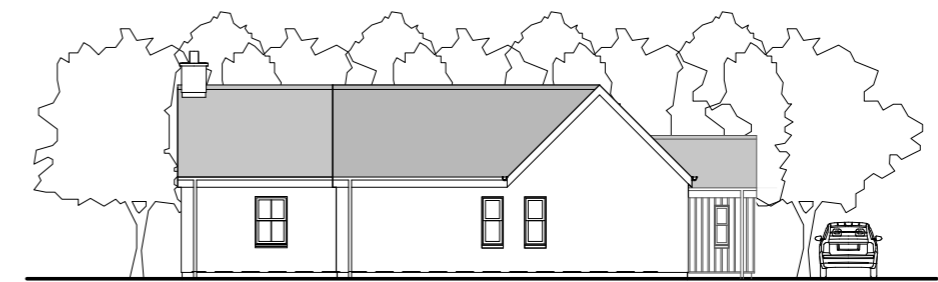
Drg/No.	8154/2/BP1	Scale	1:500 @A3
By	KJ	Date	March 2018
<b>2/BP1</b>		<b>Block Plan</b>	



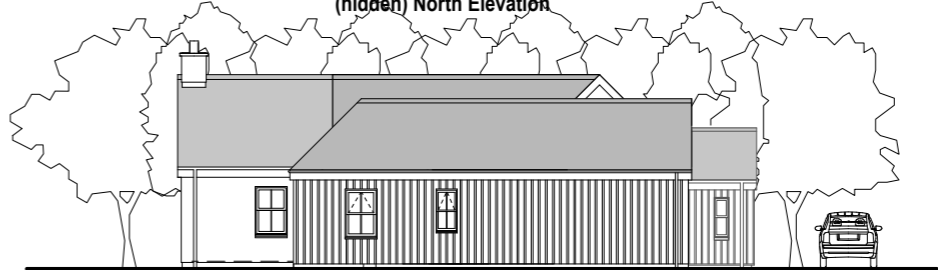
West Elevation



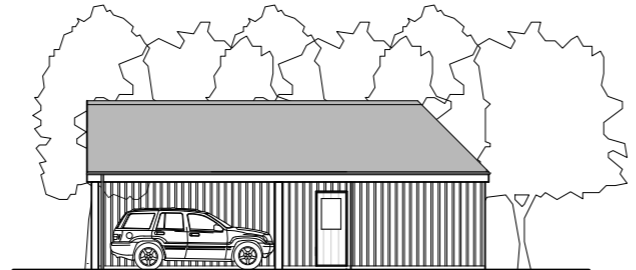
East Elevation



(hidden) North Elevation



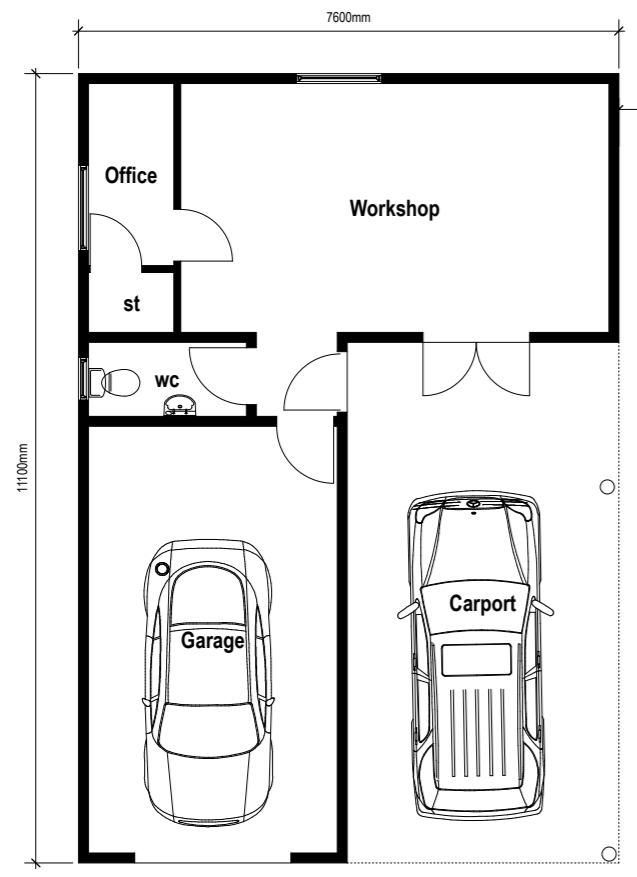
North Elevation



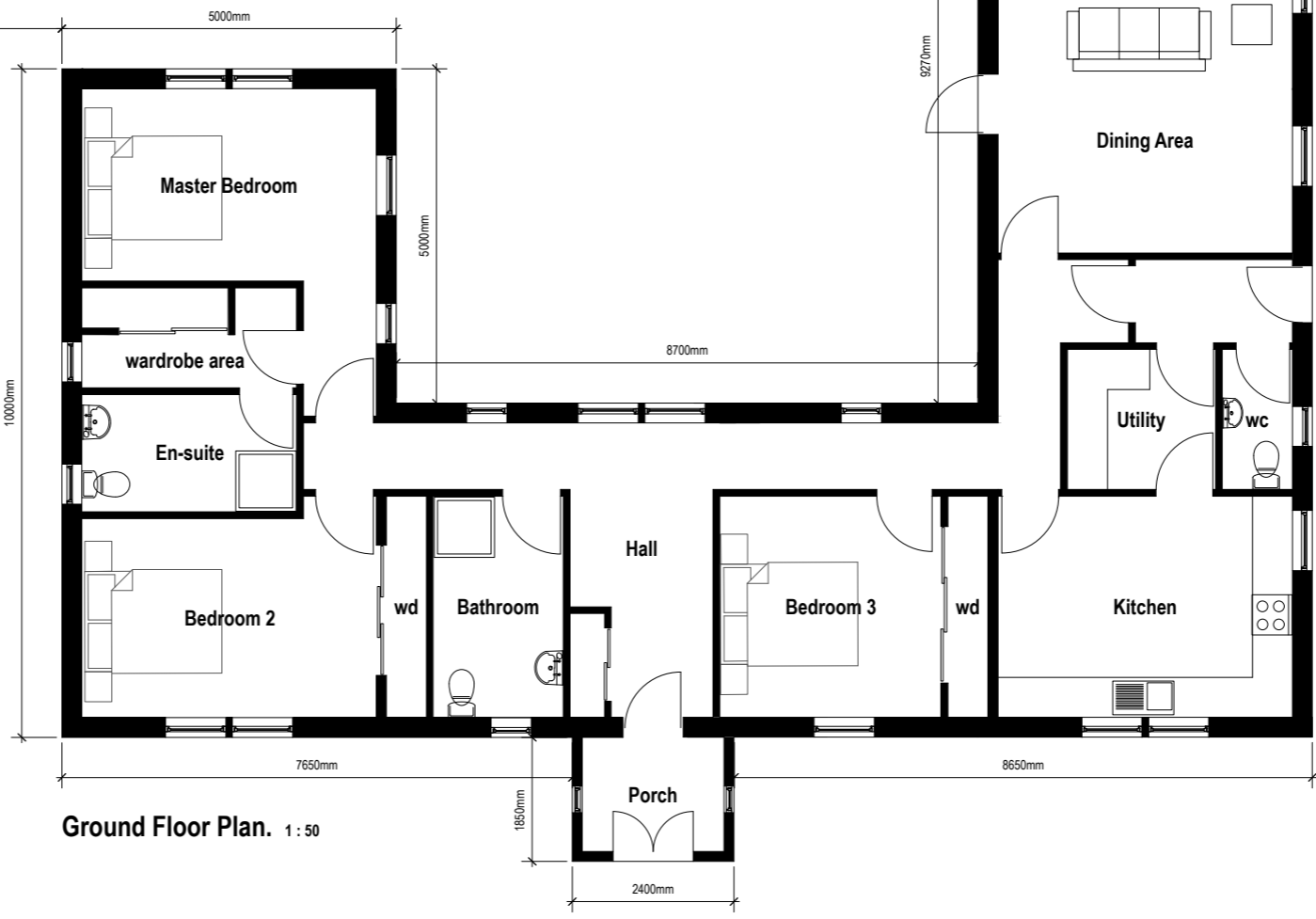
(hidden) South Elevation



South Elevation 1 : 100 5000mm



Floor Plan. 1 : 50



Ground Floor Plan. 1 : 50

**N.B. DO NOT SCALE DRAWINGS**  
 Contractor / Manufacturers to check all site measurements and profiles prior to ordering and/or manufacturing components. Any discrepancies must be brought to the attention of the Architect. Do not scale dimensions from drawings.  
 If any deviations from the approved Building Warrant drawings take place on site further Architectural services may be required. In the first instance the contractor should check with Building Standards. If an Amendment of Building Warrant is required and thereafter, the matter referred back to the Architect for re-submission.

Rev.	Amendment	By	Date

**ASHLEY BARTLAM PARTNERSHIP**  
 Est. 1947  
 WARDS HOUSE, WARDS ROAD, ELGIN, IV30 1NL

Proposed House & Garage  
 Plot CP2 by Delene, Aberlour.  
 For Mr E. Forsyth

General Arrangement		
Dwg/No.	8154/1/1	1/1
Date	March 2018	
Scale	1 : 50/100 @ A1	
By	KJ	
Checked	AIM	
Tel. 01343 543287		
enquiries @ashleybartlam.co.uk		
<b>ARCHITECTS</b>		
www.ashleybartlam.co.uk		

## Consultation Request Notification

Planning Authority Name	<b>The Moray Council</b>
Response Date	<b>10th April 2018</b>
Planning Authority Reference	<b>18/00417/APP</b>
Nature of Proposal (Description)	<b>Proposed dwelling house and garage</b>
Site	<b>Plot CP1 Adjacent To Muir Of Ruthrie Aberlour Moray</b>
Site Postcode	<b>N/A</b>
Site Gazetteer UPRN	<b>000133058895</b>
Proposal Location Easting	<b>325605</b>
Proposal Location Northing	<b>841785</b>
Area of application site (Ha)	<b>5872 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=P617I3BGL2C00">http://public.moray.gov.uk/eplanning/centralDis tribution.do?caseType=Application&amp;keyVal=P 617I3BGL2C00</a>
Previous Application	<b>08/02006/FUL</b>
Date of Consultation	<b>27th March 2018</b>
Is this a re-consultation of an existing application?	<b>No</b>
Applicant Name	<b>Mr Eric Forsyth</b>
Applicant Organisation Name	
Applicant Address	<b>Delene Muir of Ruthrie Aberlour Scotland AB38 9LT</b>
Agent Name	<b>Ashley Bartlam Partnership</b>
Agent Organisation Name	
Agent Address	<b>Wards House Wards Road Elgin Moray IV30 1NL</b>
Agent Phone Number	
Agent Email Address	<b>N/A</b>
Case Officer	<b>Maurice Booth</b>
Case Officer Phone number	<b>01343 563274</b>
Case Officer email address	<b>maurice.booth@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: 18/00417/APP**

**Proposed dwelling house and garage Plot CP1 Adjacent To Muir Of Ruthrie Aberlour Moray for Mr Eric Forsyth**

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"/>             |

**Informative**

This development has been identified from site observations and published historical photographs as being located on a site that has been raised by deposition of imported materials. Moray Council does not have any further information as to whether these materials may have been contaminated. Safe development is the responsibility of the developer. The developer should investigate 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 0300 1234561) to agree an appropriate course of action.

**Contact: Adrian Muscutt**  
**email address:**  
**Consultee:**

**Date: 27 March 2018**  
**Phone No** .....

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

# Developer Obligations: ASSESSMENT REPORT



**MORAY**  
council

**Date:** 05/04/2018

**Reference:** 18/00417/APP

**Description:** Proposed dwelling house and garage on Plot CP1 Adjacent to Muir of Ruthrie, Aberlour

**Applicant:** Mr Eric Forsyth

**Agent:** Ashley Bartlam Partnership

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 updated on 1 March 2018.

The LDP and SG can be found at [http://www.moray.gov.uk/moray\\_standard/page\\_100443.html](http://www.moray.gov.uk/moray_standard/page_100443.html)

## Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare ( <i>Contribution towards reconfiguration of Aberlour Health Centre and 1 Additional Dental Chair</i> )	
Sports and Recreation	Nil
<b>Total Developer Obligations</b>	

## Breakdown of Calculation

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

3 bed = 1 SRUE

This assessment is therefore based on 1 SRUE.

### Developer Obligations Discount for Small Scale Development

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



Moray Council **DEVELOPER OBLIGATIONS**

# INFRASTRUCTURE

## Education

### Primary Education

Pupils generated by this development are zoned to Aberlour Primary School. The school is currently operating at 77% 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 Aberlour are zoned to Speyside High School. The school is currently operating at 75% 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 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 2.17 persons -Census 2011).

Aberlour Health Centre is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Aberlour Health Centre is working beyond design capacity and existing space will be required to be reconfigured and that 1 Additional Dental Chair will be required.

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Contribution towards Healthcare= [REDACTED]**

## Sports and Recreational Facilities

### Sports and Recreation Facilities

Existing sports provision within Aberlour 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**



## TERMS OF ASSESSMENT

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

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

## PAYMENT OF CONTRIBUTIONS

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

## INDEXATION

Developer obligations towards Moray Council infrastructure are index linked to the General Building Cost Price Index (BCPI) as published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors (RICS) from Q3, 2017 and obligations towards NHS Grampian infrastructure are index linked to All in Tender

Price Index (TPI) as published by the Royal Institute of Chartered Surveyors (RICS) from Q2, 2017.



## Consultation Request Notification

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Planning Authority Reference	<b>18/00417/APP</b>
Nature of Proposal (Description)	<b>Proposed dwelling house and garage</b>
Site	<b>Plot CP1 Adjacent To Muir Of Ruthrie Aberlour Moray</b>
Site Postcode	<b>N/A</b>
Site Gazetteer UPRN	<b>000133058895</b>
Proposal Location Easting	<b>325605</b>
Proposal Location Northing	<b>841785</b>
Area of application site (Ha)	<b>5872 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=P617I3BGL2C00">http://public.moray.gov.uk/eplanning/centralDis tribution.do?caseType=Application&amp;keyVal=P 617I3BGL2C00</a>
Previous Application	<b>08/02006/FUL</b>
Date of Consultation	<b>27th March 2018</b>
Is this a re-consultation of an existing application?	<b>No</b>
Applicant Name	<b>Mr Eric Forsyth</b>
Applicant Organisation Name	
Applicant Address	<b>Delene Muir of Ruthrie Aberlour Scotland AB38 9LT</b>
Agent Name	<b>Ashley Bartlam Partnership</b>
Agent Organisation Name	
Agent Address	<b>Wards House Wards Road Elgin Moray IV30 1NL</b>
Agent Phone Number	
Agent Email Address	<b>N/A</b>
Case Officer	<b>Maurice Booth</b>
Case Officer Phone number	<b>01343 563274</b>
Case Officer email address	<b>maurice.booth@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: 18/00417/APP**

**Proposed dwelling house and garage Plot CP1 Adjacent To Muir Of Ruthrie Aberlour Moray for Mr Eric Forsyth**

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            | <b>X</b>                             |
| (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: Kevin Boyle**  
**email address:**  
**Consultee:**

**Date.....4/4/18.....**  
**Phone No .....**

**Return response to**

**consultation.planning@moray.gov.uk**

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

## Consultation Request Notification - Private Water Supplies

Planning Authority Name	<b>The Moray Council</b>
Response Date	<b>10th April 2018</b>
Planning Authority Reference	<b>18/00417/APP</b>
Nature of Proposal (Description)	<b>Proposed dwelling house and garage</b>
Site	<b>Plot CP1 Adjacent To Muir Of Ruthrie Aberlour Moray</b>
Site Postcode	<b>N/A</b>
Site Gazetteer UPRN	<b>000133058895</b>
Proposal Location Easting	<b>325605</b>
Proposal Location Northing	<b>841785</b>
Area of application site (Ha)	<b>5872 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=P617I3BGL2C00">http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=P617I3BGL2C00</a>
Previous Application	<b>08/02006/FUL</b>
Date of Consultation	<b>27th March 2018</b>
Is this a re-consultation of an existing application?	<b>Yes</b>
Applicant Name	<b>Mr Eric Forsyth</b>
Applicant Organisation Name	
Applicant Address	<b>Delene Muir of Ruthrie Aberlour Scotland AB38 9LT</b>  <b>Mobile Telephone : 07817189471</b>
Agent Name	<b>Ashley Bartlam Partnership</b>
Agent Organisation Name	
Agent Address	<b>Wards House Wards Road Elgin Moray IV30 1NL</b>
Agent Phone Number	<b>Work Telephone : 01343 543287 Work Telephone : 01343 543287</b>
Agent Email Address	<b>N/A</b>
Case Officer	<b>Maurice Booth</b>
Case Officer Phone number	<b>01343 563274</b>
Case Officer email address	<b>maurice.booth@moray.gov.uk</b>

PA Response To	<b>consultation.planning@moray.gov.uk</b>
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**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 – Private Water Supplies**

**Planning Application Ref. No: 18/00417/APP**

**Proposed dwelling house and garage Plot CP1 Adjacent To Muir Of Ruthrie  
Aberlour Moray for Mr Eric Forsyth**

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 | <input checked="" type="checkbox"/>  |

**HOLDING COMMENTS**

- |   |                          |
|---|--------------------------|
| (d) Further information in relation to the proposed private water supply has been requested from the applicant and the application should not be approved nor submitted to committee for determination until the final consultation response clearing the supply has been received from Environmental Health (Private Water Supplies) | <input type="checkbox"/> |
|---|--------------------------|

**Condition(s)**

An Adequate and wholesome supply of water must be provided prior to any occupation of the proposed dwelling.

**Contact: Ewan McNeil**

**Date.....29/5/18.....**

**email address:**

**Phone No .....**

**Consultee: Environmental Health – Private Water Supplies**

**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.

28<sup>th</sup> March 2018

Moray Council  
Council Office High Street  
Elgin  
IV30 9BX



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](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Local Planner

**AB38 Moray Aberlour To Muir Ruthrie Plot CP1 Adj  
PLANNING APPLICATION NUMBER: 18/00417/APP  
OUR REFERENCE: 758984  
PROPOSAL: Proposed dwelling house and garage**

**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**

- There is currently sufficient capacity in the Badentinan 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.

**Foul**

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

**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.
- **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](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](mailto: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

**Hannah Ashby**  
Development Operations  
[Hannah.Ashby2@scottishwater.co.uk](mailto:Hannah.Ashby2@scottishwater.co.uk)

Response On Development Affecting Trunk Roads and Special Roads

**The Town and Country Planning (Scotland) Act 1997**

**The Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

**Town and Country Planning (Notification of Applications) (Scotland) Direction 2009**

To The Moray Council Elgin	Council Reference:-	18/00417/APP
	TS TRBO Reference:-	NE/51/2018

Application made by Mr Eric Forsyth per Ashley Bartlam Partnership, Wards House Wards Road Elgin Moray IV30 1NL and received by Transport Scotland on 29 March 2018 for planning permission for proposed dwelling house and garage located at Plot CP1 Adjacent To Muir Of Ruthrie Aberlour Moray affecting the A95 Trunk Road.

Director, Trunk Roads Network Management Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Route Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-	Route Manager (A95) 0141 272 7100 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Operating Company:-	NORTH EAST
Address:-	Bear House, Inveralmond Road, Inveralmond Industrial Estate, PERTH, PH1 3TW
Telephone Number:-	01738 448600
e-mail address:-	NEplanningapplications@bearsotland.co.uk

**DETAILS of works necessary within the trunk road boundary:-**

Access improvements

**CONDITIONS to be attached to any permission the council may give:-**

1	No works shall commence on site until visibility splays have been provided (and will be maintained) on each side of the new access to the satisfaction of the local Planning Authority. These splays are the triangles of ground bounded on 2 sides by the first 2.4m metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) to the south and 120m to the north from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.
2	The proposed access shall join the trunk road at an upgraded junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with Layout 3. The junction shall be constructed in accordance with details that shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, before any part of the development is commenced.
3	The width of the access shall be at least 5.5 metres wide for a distance of 5 metres from the nearest edge of the trunk road carriageway
4	The gradient of the access road shall not exceed 1 in 40 for a distance of 5 metres from the nearside edge of the trunk road carriageway, and the first 5 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.
5	There shall be no drainage connections to the trunk road drainage system.

**REASON(S) for Conditions (numbered as above):-**

1	To maintain safety for both the trunk road traffic and the traffic moving to and from the development
1 & 2	To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished
1 & 4	To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road
1, 2 & 3	To minimise interference with the safety and free flow of the traffic on the trunk road.
3	To ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict
4	To ensure water run-off from the site does not enter the trunk road.
5	To ensure that the efficiency of the existing drainage network is not affected



**ADVISORY NOTES (to be passed to applicant):-**

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges

**Transport Scotland Response Date:-** 11-Apr-2018

**Transport Scotland Contact:-** Fred Abercrombie

**Transport Scotland Contact Details:-**

Trunk Road and Bus Operations, Network Operations - Development Management  
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF  
Telephone Number: 0141 272 7382  
e-mail: development\_management@transport.gov.scot

**NB - Planning etc. (Scotland) Act 2006**

Planning Authorities are requested to provide Transport Scotland, Trunk Road and Bus Operations, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

## Consultation Request Notification

Planning Authority Name	<b>The Moray Council</b>
Response Date	<b>10th April 2018</b>
Planning Authority Reference	<b>18/00417/APP</b>
Nature of Proposal (Description)	<b>Proposed dwelling house and garage</b>
Site	<b>Plot CP1 Adjacent To Muir Of Ruthrie Aberlour Moray</b>
Site Postcode	<b>N/A</b>
Site Gazetteer UPRN	<b>000133058895</b>
Proposal Location Easting	<b>325605</b>
Proposal Location Northing	<b>841785</b>
Area of application site (Ha)	<b>5872 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=P617I3BGL2C00">http://public.moray.gov.uk/eplanning/centralDis tribution.do?caseType=Application&amp;keyVal=P 617I3BGL2C00</a>
Previous Application	<b>08/02006/FUL</b>
Date of Consultation	<b>27th March 2018</b>
Is this a re-consultation of an existing application?	<b>No</b>
Applicant Name	<b>Mr Eric Forsyth</b>
Applicant Organisation Name	
Applicant Address	<b>Delene Muir of Ruthrie Aberlour Scotland AB38 9LT</b>
Agent Name	<b>Ashley Bartlam Partnership</b>
Agent Organisation Name	
Agent Address	<b>Wards House Wards Road Elgin Moray IV30 1NL</b>
Agent Phone Number	
Agent Email Address	<b>N/A</b>
Case Officer	<b>Maurice Booth</b>
Case Officer Phone number	<b>01343 563274</b>
Case Officer email address	<b>maurice.booth@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: 18/00417/APP**

**Proposed dwelling house and garage Plot CP1 Adjacent To Muir Of Ruthrie Aberlour Moray for Mr Eric Forsyth**

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

*Note: Access to this development is via an existing private access onto the A95 Trunk road which falls under the remit of Transport Scotland as Trunk road Authority. Transport Scotland should therefore be consulted regarding the suitability and design requirements of the proposed access.*

#### **Condition(s)**

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

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.

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

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

#### **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.

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.

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

**Date 05 April 2018**

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

<b>Ref No:</b>	18/00417/APP	<b>Officer:</b>	Maurice Booth
<b>Proposal Description/ Address</b>	Proposed dwelling house and garage Plot CP1 Adjacent To Muir Of Ruthrie Aberlour Moray		
<b>Date:</b>	10/05/18	<b>Typist Initials:</b>	FJA

### RECOMMENDATION

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

### CONSULTATIONS

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Transport Scotland	11/04/18	No objection subject to standard conditions on visibility, junction improvements and standards
Planning And Development Obligations	05/04/18	Yes – healthcare
Scottish Water	28/03/18	No objection
Environmental Health Manager	04/04/18	No objection
Contaminated Land	27/03/18	No objection subject to an informative
Private Water Supplies		Agent has change the proposal to being served by a public supply
Transportation Manager	05/04/18	No objection subject to a condition on parking.

### DEVELOPMENT PLAN POLICY

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
PP1: Sustainable Economic Growth		
PP2: Climate Change		
PP3: Placemaking		
H7: New Housing in the Open Countryside	Y	
EP4: Private Water Supplies		
EP5: Sustainable Urban Drainage Systems		
EP9: Contaminated Land		

EP10: Foul Drainage		
T2: Provision of Access		
T5: Parking Standards		
E9: Settlement Boundaries	Y	
IMP1: Developer Requirements	Y	
E7: AGLV and impacts on wider landscape	Y	
IMP3: Developer Obligations		

## 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

### History

08/02006/FUL (northern part of current proposal site) Erect single storey dwellinghouse and workshop/garage on Plot CP2 Adjacent To Muir Of Ruthrie. Refused. An appeal against this was upheld by the Scottish Reporter on the grounds that the site was then a substantial distance from the settlement boundary (600m) and that the proposal did not breach the relevant policies in terms of visual impact. This approval has now lapsed.

It is noted that this consideration was under a now superseded development plan and that the current adopted local plan involves an extended settlement boundary (now adjoining with the northern boundary of the site) and a significant new housing proposal to the east (R4).

17/01460/APP Proposed dwellinghouse and garage Plot CP2 Adjacent To Muir Of Ruthrie Aberlour. Refused. (southern part of current proposal site). An appeal against this refusal was rejected at LRB.

Note : The issues in relation to the current proposal remain substantially the same as those assessed under application 17/01460/APP, despite this application covering the area taken by the two previous applications referred to above.

### The Proposal

This application seeks planning permission for a single house with detached garage, septic tank and soakaway. Access will be by means of an existing access from the A95(T).

### The Site

The site is scrub land next to the trunk road to the south east of Aberlour. There are existing trees and bushes across the site and along the roadside north western boundary. There A95 (T) runs along the north western boundary of the site and there is an existing access to the north east of the site. The south eastern boundary of the site is conterminous with the Aberlour Settlement Boundary as identified in the Moray Local Development Plan (MLDP) 2015. The land on the other side of the boundary is identified as Aberlour R4 which has an indicative capacity of 100 houses. There is a strip

of houses to the north east of the site which represent the current built extent of Aberlour.

### **Siting (H7, E9 & IMP1)**

The application site is in the open countryside but is immediately outwith the settlement boundary of Aberlour as identified in the MLDP. The south eastern boundary of the site abuts the boundary of the Aberlour R4 designation which has an indicative capacity of 100 houses.

Policy H7 is supportive of new developments in the open countryside provided that development follows the traditional settlement pattern and is sensitively integrated into the surrounding landform, does not detract from the character or setting of existing buildings or their surroundings, does not contribute to a build-up of development that would alter the rural character of the area and at least 50% of the site boundaries are well established. The site benefits from 50% well established boundaries in the form the road to the north west and the existing fence line to the south west. The proposal fails to comply with policy H7 in that it would represent an expansion of the development that currently forms the southern edge of Aberlour and would detract from the setting of the existing houses that form a clear and natural edge of the settlement.

Policy E9 makes clear that settlement boundaries identified in the MLDP represent the limit to which these settlements can expand during the plan period and developments immediately outwith the boundaries of these settlements will not be acceptable. The proposal is contrary to policy E9 in that it is immediately outwith the settlement boundary of Aberlour as identified in the MLDP. Development on this site would erode the important distinction between the settlement and the countryside and would lead to development sprawl beyond the identified boundaries of the settlement.

This application would also undermine the development of the Aberlour R4 site in that it would remove the opportunity to create a strong sense of place at the southern edge of the settlement as part of a coherent and comprehensive development of the R4 site. The development would not be part of the planned expansion of the settlement and as such would not be readily integrated into the surrounding landscape. The siting is not sensitive to the current or projected development of Aberlour and is considered to be contrary to policies H7, E9 and IMP1.

### **Design and Materials (H7)**

The proposed house is a single storey 'u' shaped building with a small front porch. The house has been designed in a traditional style with simple detailing, narrow gables and low eaves. The proportions comply with policy H7. The windows have a vertical emphasis and a traditional appearance. Windows and other openings will be arranged in a uniform manner. The house will be rendered with a timber clad porch. The roof will be covered in natural slate. The use of traditional materials is welcomed. The house is a modest and simple building that reflects local architectural traditions and complies with the design requirements set out in policy H7.

The garage is a simple building designed in a manner that will complement the house. The garage is will be timber clad with a metal roof. These materials are appropriate for an ancillary building of this Page 4 of 6 nature.

The development meets the design requirements set out in policy H7.

### **Amenity (H7 & IMP1)**

The development is sufficiently separate from the nearest neighbours and will not give rise to any loss of privacy or overlooking issues.

There is some existing planting across the site and particularly along the boundary with the trunk road. The site plan notes that four existing trees are identified for removal. The plan indicates that additional planting could be provided. This could be sought by condition in order to ensure compliance with the landscaping requirements set out in policy H7.

The proposed outbuilding contains a garage and car port along with garage and office. A condition could be attached clarifying that this building should only be used for purposes ancillary to the use of the house as such. This would ensure that the building was not used for any other purpose which would require additional consideration



### **Drainage and Water Supply (EP5 & EP10)**

A treatment plant and soakaway are proposed. These arrangements are sufficient to ensure that the site will be satisfactorily drained in accordance with policy EP10.

No details of the proposals for the management of surface water have been provided. In accordance with policy EP5 a condition could be used to ensure that details are provided to ensure surface water is adequately dealt with and the development would not increase the risk of surface water flooding on site or elsewhere.

A private water supply was originally proposed but this was then altered to a connection to the public supply. Scottish Water advised in relation to the previous application that they had no objection to this in principle but the nearest Scottish Water infrastructure is 600m from the development. As before, it is considered that the cost of such a connection would be a matter for the developer.

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

The site is accessed from a private road to the north east of the site that joins the A95 (T) to the north east. The Trunk Roads Authority has no objection to the increased use of the access subject to conditions requiring sufficient visibility, the access to be upgraded to an acceptable standard, the access to be a minimum of 5.5m wide for 5m from the edge of the trunk road, a gradient of 1 in 40 for a distance of 5m from the nearside of the trunk road and the access to be surfaced for 5m from the edge of the trunk road. A condition preventing drainage connection to the trunk road drainage system is also recommended. The recommended conditions would ensure safe entry and exit to the site in accordance with policy T2.

There is sufficient space within the site to provide adequate parking and turning. The Council's Transportation Section has recommended that these matters are dealt with by condition in order to ensure that these facilities are timeously provided and that policy T5 is complied with.

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

In line with policy IMP3 developer obligations are sought towards healthcare provision in Aberlour and an additional dental chair. The applicant has confirmed that they would be willing to pay the obligations.

### **Contaminated Land (EP9)**

The Contaminated Land Section has advised that the site appears to have been raised using imported material and it is not known if this was contaminated or not. It is the responsibility of the developer to investigate this. An informative note on this matter would have been added to any Page 5 of 6 approval.

### **Recommendation**

The proposal is contrary to policies E9, H7, and IMP1 of the Moray Local Development Plan (MLDP) 2015 the following reasons. The proposal located on the edge of Aberlour immediately outwith the settlement boundary as defined in the MLDP would erode the distinction between the built up area and countryside contrary to the objectives of policy E9. Development on the edge of the settlement would detract from the setting of the existing houses on the edge of the settlement contrary to policy H7. Development on the edge of the settlement would increase development sprawl into the countryside. It would not be part of the planned expansion of the settlement and as such would not be readily integrated into the surrounding landscape contrary to policy IMP1. Planning Permission should be refused.

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

None

<b>HISTORY</b>			
<b>Reference No.</b>	<b>Description</b>		
08/02006/FUL	Erect single storey dwellinghouse and workshop/garage on Plot CP1 Adjacent To Muir Of Ruthrie Aberlour Moray		
	<b>Decision</b>	Refuse	<b>Date Of Decision</b>

<b>ADVERT</b>		
<b>Advert Fee paid?</b>	<b>Yes</b>	
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>
Northern Scot	Departure from development plan No Premises	26/04/18
PINS	Departure from development plan No Premises	26/04/18

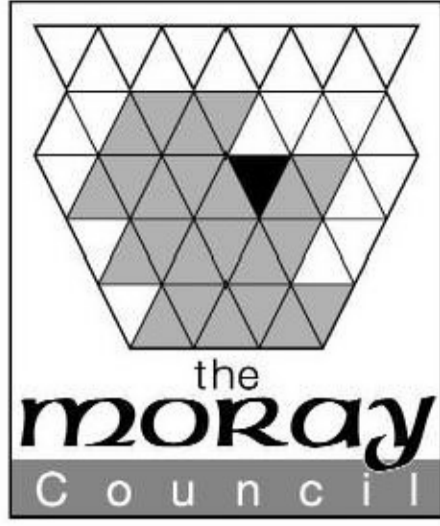
<b>DEVELOPER CONTRIBUTIONS (PGU)</b>	
<b>Status</b>	<b>Yes – healthcare (note this has not been progressed owing to the application being refused.)</b>

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

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

**DIRECTION(S) MADE BY SCOTTISH MINISTERS** (under DMR2008 Regs)

Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			



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

**REFUSAL OF PLANNING PERMISSION**

**[Speyside Glenlivet]  
Application for Planning Permission**

TO

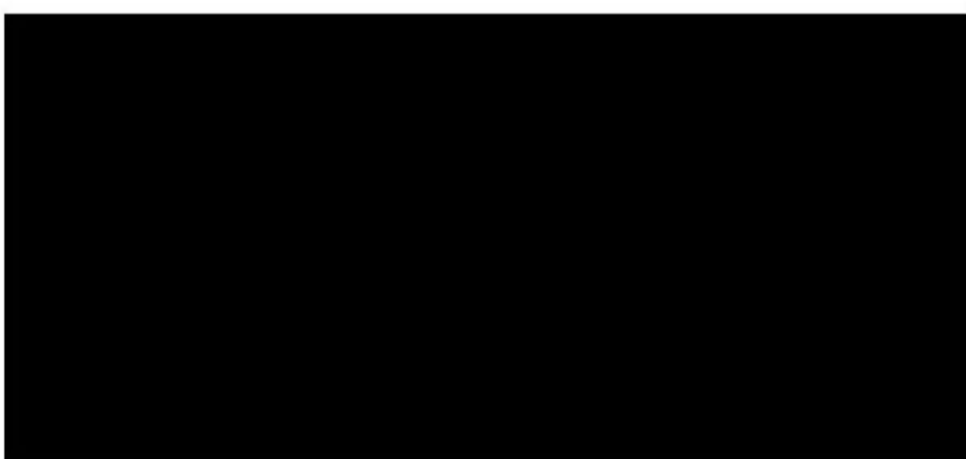


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Proposed dwelling house and garage Plot CP1 Adjacent To Muir Of Ruthrie  
Aberlour Moray**

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

Date of Notice: **10 May 2018**



**HEAD OF DEVELOPMENT SERVICES**  
Environmental Services Department  
The Moray Council  
Council Office  
High Street  
ELGIN  
Moray IV30 1BX

**IMPORTANT**  
**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

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

The proposal is contrary to policies E9, H7, and IMP1 of the Moray Local Development Plan (MLDP) 2015 the following reasons:

1. The proposal located on the edge of Aberlour immediately outwith the settlement boundary as defined in the MLDP and would erode the distinction between the built up area and countryside contrary to the objectives of policy E9
2. Development on the edge of the settlement would detract from the setting of the existing houses on the edge of the settlement contrary to policy H7
3. Development on the edge of the settlement would increase development sprawl into the countryside and would not be part of the planned expansion of the settlement therefore would not be readily integrated into the surrounding landscape contrary to policy IMP1.

**LIST**  
**OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

Reference	Version	Title
LP/1		Location plan
2/BP1		Site plan
1/1		Elevations and floor plans

**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.scotland.gov.uk](http://www.eplanning.scotland.gov.uk)

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