

PRE-APPLICATION ADVICE RESPONSE FOR LOCAL DEVELOPMENT PROPOSAL The Moray Council

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RESPONSE FROM DEVELOPMENT MANAGEMENT

1. Reference No
18/00818/PE
2. Site Description and Address
Proposed dwellinghouse on Site To Rear Of 96 Moss Street Keith Moray
3. Planning History
Is there any relevant planning history?
Yes No
N/A
4. Planning Policy
Moray Local Plan (Adopted 2015)
Moray Local Flam (Adopted 2019)
PP1: Sustainable Economic Growth
H1: Housing Land
H3: Sub division for House Plots
EP5: Sustainable Urban Drainage Systems
EP9: Contaminated Land
EP10: Foul Drainage
T2: Provision of Access
T5: Parking Standards
IMP1: Developer Requirements
IMP3: Developer Obligations
Cairngorms National Park Local Plan
Adopted Moray Council Supplementary Planning Guidance
Accessible Housing
Affordable Housing
Climate Change
Developer Obligations
Housing in the Countryside
Rural Groupings
Trees & Development

Urban Design

Onshore Wind Energy Guidance

Material Considerations

Scottish Planning Policy and Guidance

Scottish Planning Policy (June 2014)

Circulars

Planning Advice Notes

(see update publication list) -

http://www.scotland.gov.uk/Topics/Built-Environment/planning/Roles/Scottish-Government/Guidance

Further Information

Copies of our local plans and supplementary planning guidance documents can be found at:

www.moray.gov.uk

Copies of the Scottish Government's national planning policies and guidance can be found at:

http://www.scotland.gov.uk/planning

5. Site Constraints				
Constraint	Name			
ASG Area	Keith Grammar School			
Community Council	Keith			
Enforcement Application	04/00138/ENF			
LDP 2015 Settlement	Keith			
LDP 2015 Settlement Designations	TC			
Minerals Tiers	Tier3			
MOD Wind Farm Planning	Safeguarding MOD - Wind-turbine apps ONLY			
Safeguarding of NATS	Safeguarding NATS - Wind-turbine apps ONLY			
Planning Application	05/00759/FUL			
Planning Application	04/02391/ID			
Planning Application	05/00963/LBC			
Planning Application	18/00176/APP			
Planning Application	18/00818/PE			
Planning Application	01/00308/ID			

Planning Application	03/02400/FUL
Planning Application	13/00472/APP

6. Siting and Design

The policies appended to this response form the basis on which any formal application would be assessed.

The most pertinent policy in terms of the assessment of the principle of the development is policy H3, which requires that subdivision of house plots will be acceptable where the subdivision is less than 50% of the original plot, the proposed site is at least 400sqm excluding access the house style compliments the character of the surrounding area and the scale and character of the parent and neighbouring properties. The development should avoid overlooking and amenity impact on the surrounding properties. Sufficient parking must be provided for the parent and proposed house and the site can constitute backland where it meets the above requirements, however, must not constitute tandem development.

As the site has frontage onto Sodgers Lane it does not constitute backland or tandem development. With the parent site measuring approx. 270sqm and the proposed site 255sqm the proposal is considerably short of the required 400sqm threshold in policy for both the parent and proposed plot. With this in mind careful consideration needs to be given as to whether or not the proposal represents overdevelopment and may result on an adverse impact on the amenity of the neighbouring properties.

In terms of the size of the plot and the impact that this could have on the character of the surrounding streetscape, this form of development has occurred within the rear garden areas of numerous houses within Keith fronting onto the lanes and with this in mind the development could potentially be supported as a departure from policy on the basis that the proposal would be in keeping with the established character of the surrounding streetscape. Such a departure could only be supported where it could be established that the house would not have an adverse impact on the amenity of the surrounding houses and would be in keeping with the traditional house designs in the area.

To this end the proposed one and a half storey house would not be acceptable as it would result in overlooking and overshadowing of neighbouring houses and gardens that surround the site on all sides. A small scale single storey house could potentially be accommodated within the site, with sufficient boundary enclosures provided around the site to mitigate any overlooking impact.

With regard to the form and finish of the house, influence should be taken from the surrounding traditional properties and the design should tie in with these properties. The use of natural slate on the roof would be encouraged in order to tie in with the parent property.

In addition to achieving compliance with the points outlined above, careful consideration should be given to the servicing of the site as detailed in the following section of this response.

7. Access and Parking

Transportation have confirmed the following in relation to the proposal,

- a pedestrian visibility splay of 2.4m x 5.0m shall be provided and maintained at the access in both directions, clear of any obstruction above 0.6m in height (measured from the level of the carriageway)
- parking provision to be as follows:
 - 2 spaces for the existing dwelling house (96 Moss St)
 - o 2 spaces for the proposed new dwelling house

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

- A turning area to be provided within the curtilage of the site to allow vehicles to enter and exit in forward gear
- No water shall be permitted to drain or loose material to be carried onto the public footway / carriageway.
- The width of the access will be as shown on the submitted dwg and have a
 maximum gradient of 1:20 measured for the first 5.0m from the edge of the
 public carriageway. The first 2m of the access track, measured from the edge
 of the public road, shall be constructed to the Moray Council specification and
 surfaced with bituminous macadam.

More information on servicing, access and parking can be found at: http://www.moray.gov.uk/moray_standard/page_65633.html

8. Drainage and Water

It is assumed that the house would be connected to both a public water supply and foul sewerage connection.

Surface water should be disposed of via a separate SUDs system within the site.

Contact Scottish Water for guidance on connections to the public water/drainage network:

0845 601 8855

You can find more information on SUDS at: http://www.susdrain.org/

You can view SEPA's small-scale development and other guidance here: http://www.sepa.org.uk/planning.aspx

9. Flood Risk

N/A

You can view SEPA's flood risk map here at:

http://www.sepa.org.uk/environment/water/flooding/flood-maps/

10. Listed Buildings, Conservation Areas and the Historic Environment

N/A

Check if your building, or any building close by, is/are listed or falls within an historic designation at:

http://data.historic-scotland.gov.uk/pls/htmldb/f?p=2200:10:0

General advise on development affecting historic designations can be found at: http://www.historic-scotland.gov.uk/heritage.htm

General Advise on Archaeology can be found at: http://www.historic-scotland.gov.uk/archaeology

11. Protected Species, Habitats and Natural Heritage

If any protected species are known to utilise the site or it is established during the course of an application that the they are using the site then a protected species/habitat survey would be required to investigate this issue further.

More information on Scotland's protected species and areas can be found at: http://www.snh.gov.uk/protecting-scotlands-nature/protected-species

12. Developer Obligations

As from 14 October 2016, the Council has adopted Supplementary Guidance on developer obligations as a material consideration in the determination of planning applications. Your proposal will be subject to assessment for developer obligations. Should you wish to proceed with your proposal you should contact the Council Developer Obligations Unit at DeveloperObligations@moray.go.uk to ascertain the likely obligations that will be sought and their anticipated level (Appendix 2 and Section 6 of the Supplementary Guidance refers).

13. Other Material Considerations

N/A.

14. Consultees for any future Application

The following will likely be consulted on any application submitted for this proposal. You may wish to contact consultees for additional pre-application advice prior to the formal submission of an application. Please note that on occasion it may be necessary to involve consultees who are not listed below as a formal application progresses.

Internal Consultees (The Moray Council)

Contaminated Land

Environmental Health/Private Water Supplies

Roads

Developer obligations

External consultees

Scottish Water

Transport So	cotland
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15. Additional Information Required for any future Application

Based on the information provided, you are advised to submit the following additional information with any future application for formal permission. If you choose not to follow our advice and do not submit one or more of the documents, then you should provide a clear justification for doing so.

16. Environmental Impact Assessment
21/2
N/A
N/A

17. Other Consents Required			
You are advised that the following development:	ng conse	nt(s) will be required for the proposed	d
Planning Permission	Υ	Advertisement Consent	
Listed Building Consent		Conservation Area Consent	

18. Case officer and Contact Details

Name - Iain Drummond

Phone No. - 01343 563607

Email – iain.drummond@moray.gov.uk

Making a Formal Application

Planning Applications can be made using the online application and appeal service or you can download forms, which should be completed and returned to this office, together with plans specified, drawn to scale, and appropriate fee, both are available at www.eplanning.scotland.gov.uk

Please note that when you submit an application, information about the application will appear on the Council's planning register and 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.

Disclaimer

While we make every effort to ensure that the pre-application advice is accurate and comprehensive as possible, any advice given by officers in response to a pre-application advice request does not constitute a formal decision of The Moray Council as Planning Authority and, whilst it may be a material consideration, cannot be held to bind us in terms of the validation or determination of a subsequent statutory application.

In particular, any advice provided under this service constitutes the professional opinion of the officer(s) concerned and is based on the information provided by the applicant and the planning policies and site constraints prevailing at the time. While every effort will be made to identify all relevant policies and all issues material to the proposal, pre-application advice issued by us in relation to local developments will not normally include input from external organisations or consultees, such as SEPA or SNH, or from local residents, neighbours or community groups.

Such input during the assessment of any formal application may raise new issues or areas of concern and therefore the ultimate determination of any future statutory application could differ from the conclusions reached in this preliminary assessment. We will, however, endeavour to highlight any consultees, external bodies or parties that may be involved in any future application so that applicants can make contact themselves to discuss their proposals.

There may be other consents that are required before you implement this consent from either this council or other bodies but these are not covered by this advice.

Policies

Primary Policy PP1: Sustainable Economic Growth

The Local Development Plan identifies employment land designations to support requirements identified in the Moray Economic Strategy. Development proposals which support the Strategy and will contribute towards the delivery of sustainable economic growth and the transition of Moray towards a low carbon economy will be supported where the quality of the natural and built environment is safeguarded and the relevant policies and site requirements are met.

Policy H1: Housing Land

Designated sites

Land has been designated to meet the strategic housing land requirements 2013-2025 in the settlement statements as set out in Table 1. Proposals for development on all designated housing sites must include or be supported by information regarding the comprehensive layout and development of the whole site. This allows consideration of all servicing, infrastructure and landscaping provision to be taken into account at the outset. It will also allow an assessment of any contribution or affordable housing needs to be made. Proposals must comply with the site development requirements within the settlement plans and policies and the Council's policy on Place- making and Supplementary Guidance, "People and Places".

Windfall sites within settlements

New housing on land not designated for residential development within settlement boundaries will be acceptable if;

- a) The proposal does not adversely impact upon the surrounding environment, and
- b) Adequate servicing and infrastructure is available, or can be made available
- c) The site is not designated for an alternative use
- d) The requirements of policies PP2,PP3 and IMP1are met.

Housing Density

Capacity figures indicated within site designations are indicative and proposed capacities will be considered against the characteristics of the site, conformity with policies PP3, H8 and IMP1.

Policy H3: Sub Division for House Plots

Proposals for the subdivision for housing plots in those settlements and rural groupings where there is no specific embargo will be acceptable if the plot subdivision is less than 50% of the original plot, if the site provided is at least 400 square metres excluding access, if the house style complements the character of the area and the scale and architecture of the parent and neighbouring properties. The built up area of the application site should avoid overlooking and maintain the amenity of the parent and surrounding properties.

Acceptable provision must be made for on-plot parking for both the new and parent properties.

Backland development will be acceptable where it meets these conditions but proposals for tandem development will only be permitted in exceptional circumstances because of the impact upon the amenity of the parent property.

Specific embargoes on sub-division exist at Craigellachie, Dallas, Kingston and Urquhart. In Newmill sub division is encouraged as a way of promoting development and tidying up derelict land.

Policy EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development should be dealt with in a sustainable manner that has a neutral effect on the risk of flooding or which reduces the risk of flooding. The method of dealing with surface water should also avoid pollution and promote habitat enhancement and amenity. All sites should be drained by a sustainable drainage system (SUDS). Drainage systems should contribute to enhancing existing "blue" and "green" networks while contributing to place-making, biodiversity, recreational, flood risk and climate change objectives.

Specific arrangements should be made to avoid the issue of permanent SUD features becoming silted-up with construction phase runoff. Care must be taken to avoid the introduction of invasive non-native species during the construction of all SUD features.

Applicants must agree provisions for long term maintenance of the SUDS scheme to the satisfaction of the Council in consultation with SEPA and Scottish Water as appropriate.

A Drainage Assessment (DA) will be required for developments of 10 houses or more, industrial uses, and non-residential proposals of 500 sq metres and above.

The Council's Flood Team will prepare Supplementary Guidance on surface water drainage and flooding.

Policy EP9: Contaminated Land

Development proposals on potentially contaminated land will be approved provided that:

- a) The applicant can demonstrate through site investigations and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment; and
- b) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/or treatment of any hazardous material.

The Council recommends early contact with the Environmental Health Section, which can advise what level of information will need to be supplied.

Policy EP10: Foul Drainage

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population equivalent will require to connect to the public sewerage

system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been specifically allocated within its current Quality Standards Investment Programme and the following requirements apply:

- Systems shall not have an adverse impact on the water environment;
- Systems must be designed and built to a standard which will allow adoption by Scottish Water.
- Systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as identified in the Local Development Plan) of less than 2000 population equivalent will require to connect to public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area. Consultation with Scottish Environment Protection Agency will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with Technical Handbooks (which sets out guidance on how proposals may meet the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

Policy T2: Provision of Access

The Council will require that new development proposals are designed to provide the highest level of access for end users including residents, visitors, and deliveries appropriate to the type of development and location. Development must meet the following criteria:

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.
- Provide access to public transport services and bus stop infrastructure where appropriate.
- Provide appropriate vehicle connections to the development, including appropriate number and type of junctions.
- Provide safe entry and exit from the development for all road users including ensuring appropriate visibility for vehicles at junctions and bends.
- Provide appropriate mitigation/modification to existing transport networks where required to address the impacts of new development on the safety and efficiency of

the transport network. This may include but would not be limited to, the following measures, passing places, road widening, junction enhancement, bus stop infrastructure and drainage infrastructure. A number of potential road improvements have been identified in association with the development of sites the most significant of these have been shown on the Settlement Map as TSPs.

 Proposals must avoid or mitigate against any unacceptable adverse landscape or environmental impacts.

Developers should give consideration to aspirational core paths (under Policy 2 of the Core Paths Plan) and active travel audits when preparing proposals.

New development proposals should enhance permeability and connectivity, and ensure that opportunities for sustainable and active travel are protected and improved.

The practicality of use of public transport in more remote rural areas will be taken into account however applicants should consider innovative solutions for access to public transport.

When considered appropriate by the planning authority developers will be asked to submit a Transport Assessment and Travel Plan.

Significant travel generating proposals will only be supported where:

- Direct links to walking and cycling networks are available;
- Access to public transport networks would involve walking no more than 400m;
- It would not have a detrimental effect on the capacity of the strategic road and/or rail network; and
- A Transport Assessment identifies satisfactory mechanisms for meeting sustainable transport requirements and no detrimental impact to the performance of the overall network.

Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

Policy T5: Parking Standards

Proposals for development must conform with the Council's current policy on parking standards.

Policy IMP1: Developer Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with the following criteria

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape

- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

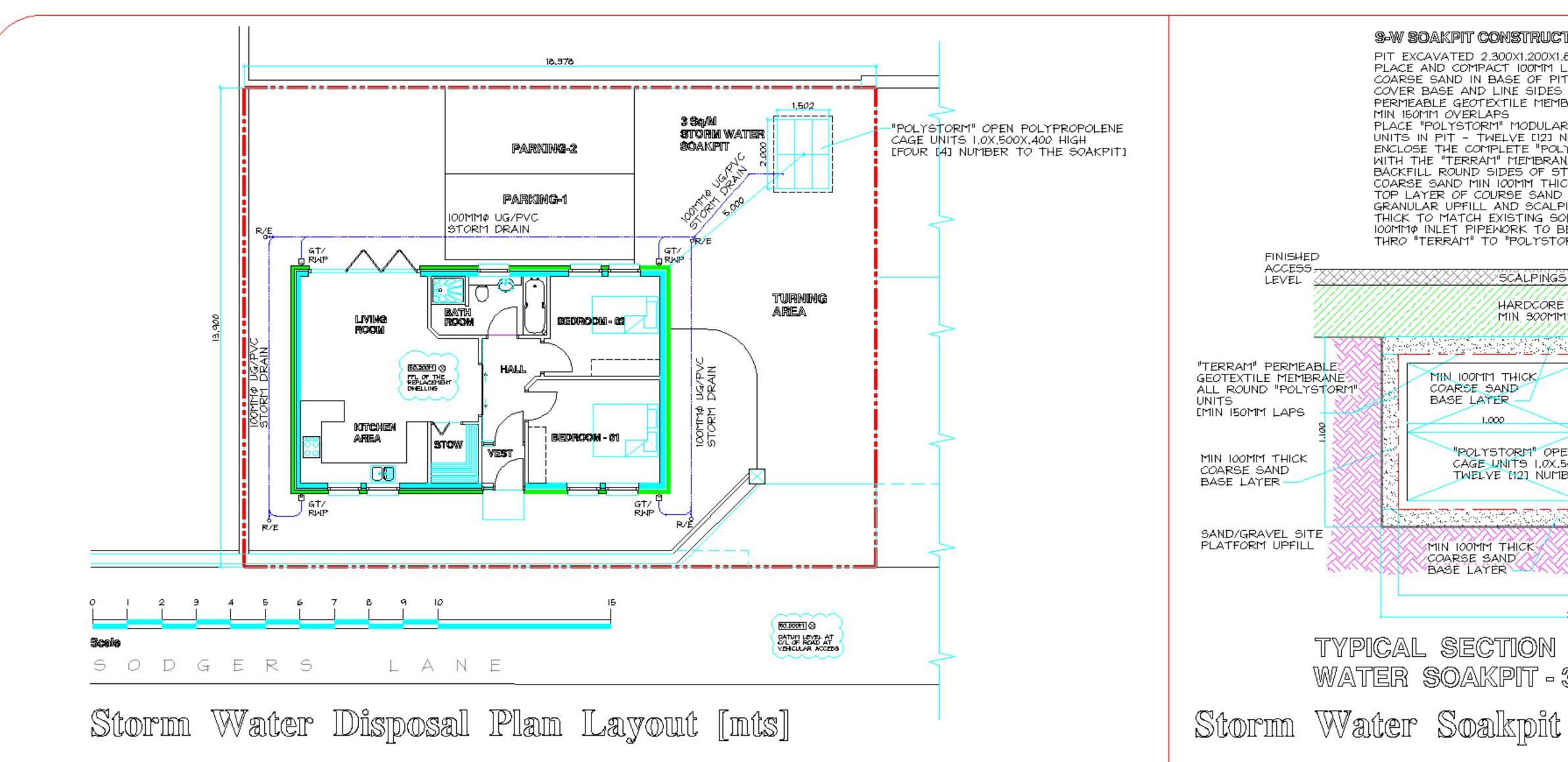
Policy IMP3: Developer Obligations

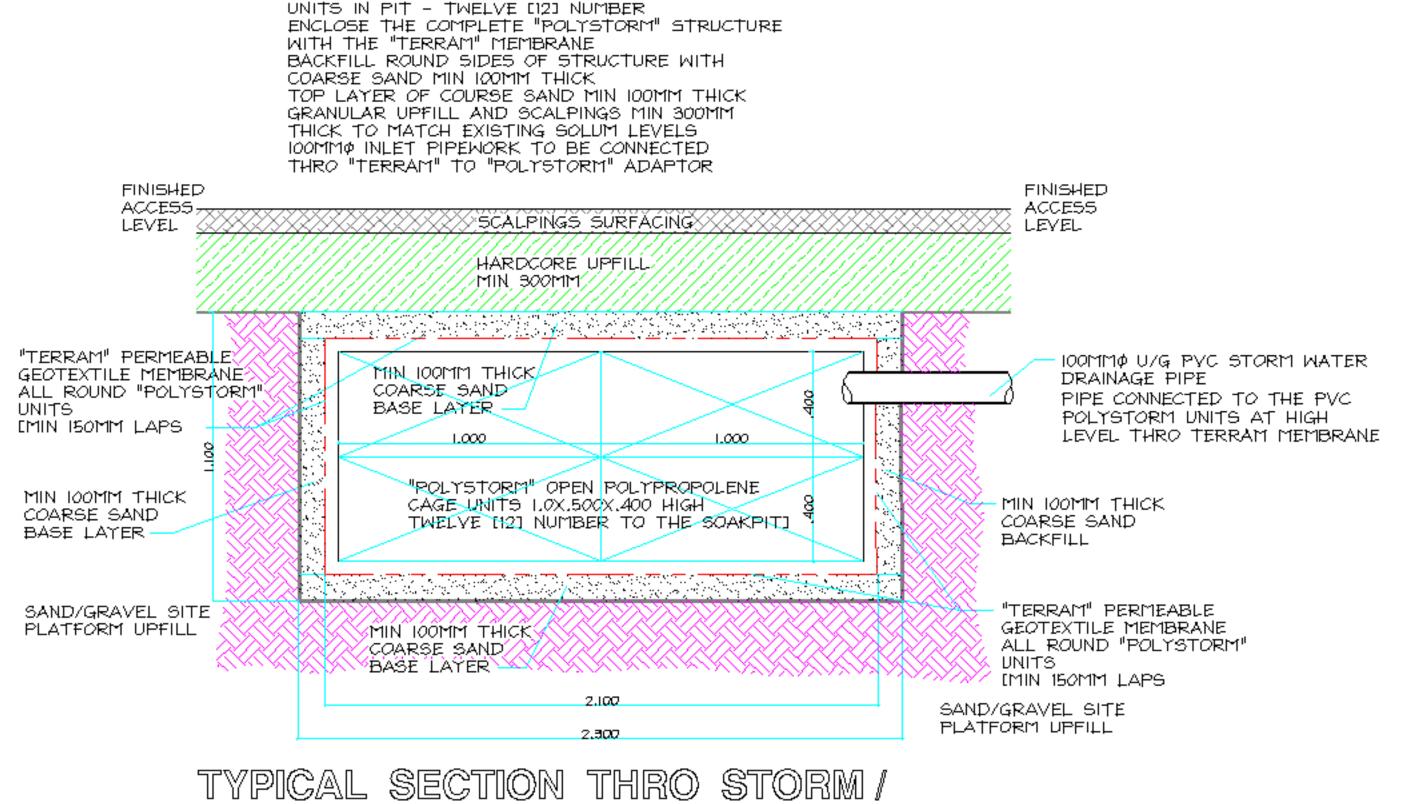
Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity, and such contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

The Council will prepare supplementary guidance to explain how the approach will be implemented in accordance with Circular 3/2012 on Planning Obligations. This will detail the necessary facilities and infrastructure and the scale of contributions likely to be required.

In terms of affordable housing, developments of 4 or more units will be expected to make a 25% contribution, as outlined in policy H8.





S-W SOAKPIT CONSTRUCTION

WATER SOAKPIT - 3 SQ/M

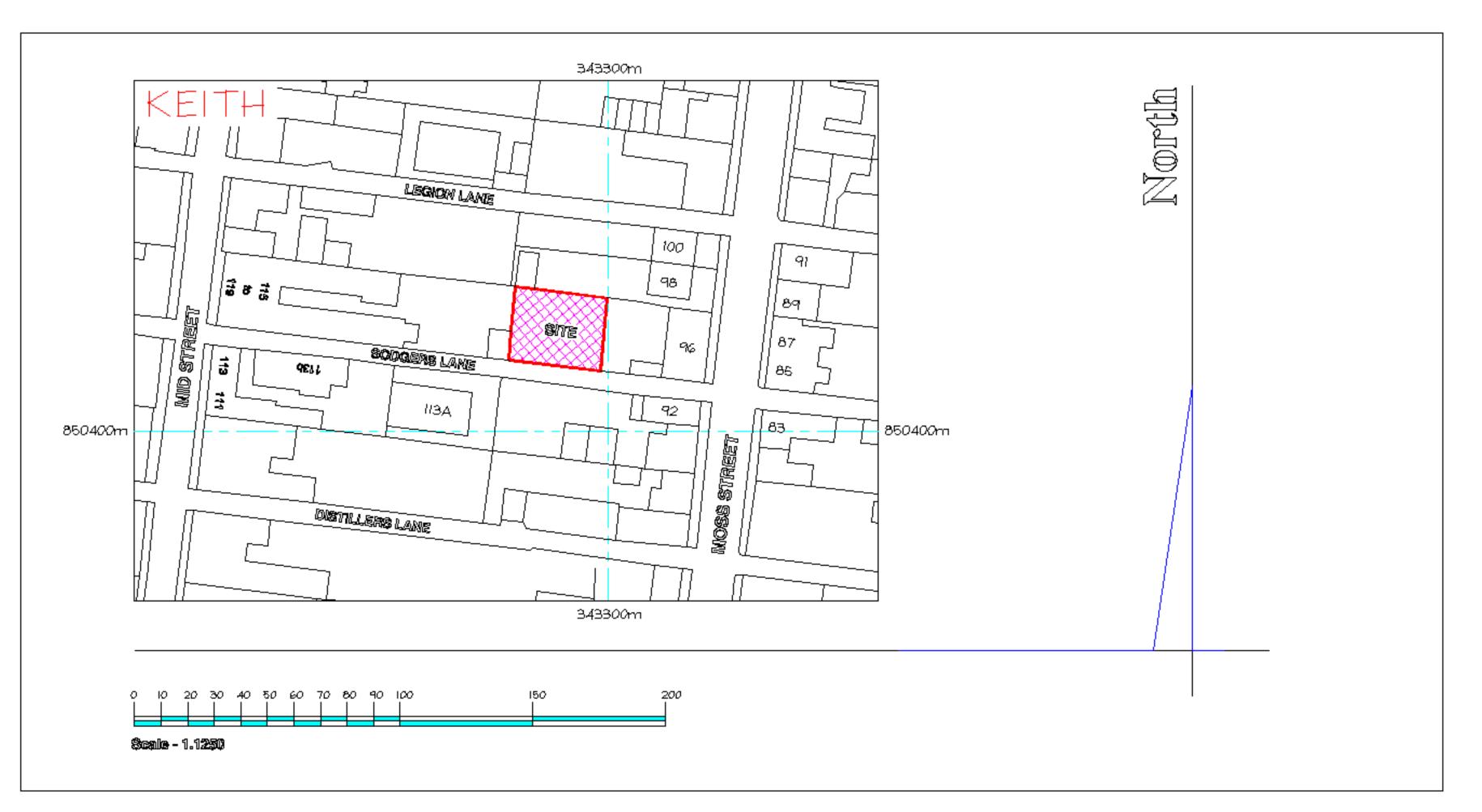
COARSE SAND IN BASE OF PIT

MIN 150MM OVERLAPS

PIT EXCAVATED 2.300X1.200X1.800 DEEP PLACE AND COMPACT DOMM LAYER OF

COVER BASE AND LINE SIDES WITH "TERRAM" PERMEABLE GEOTEXTILE MEMBRANES WITH

PLACE "POLYSTORM" MODULAR POLYPROPOLENE



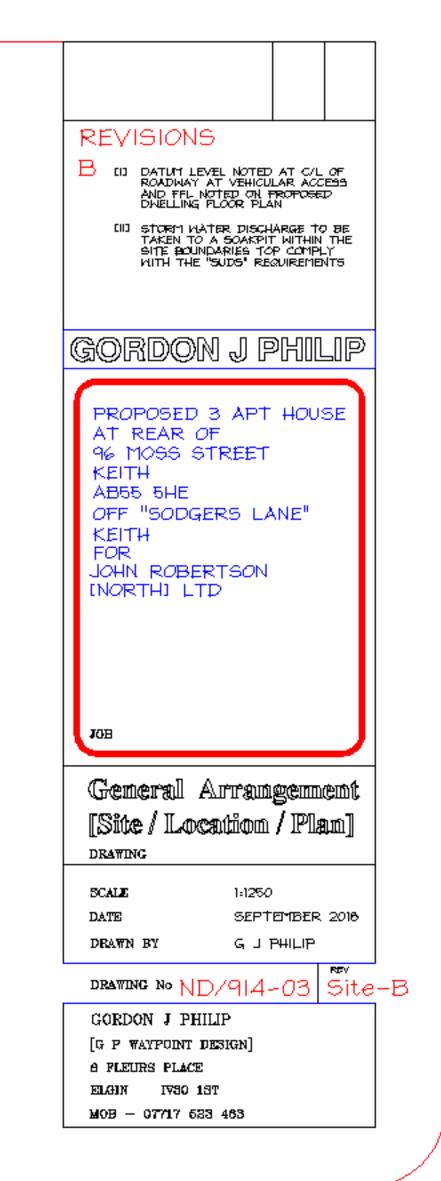
Location Plan 1:1250

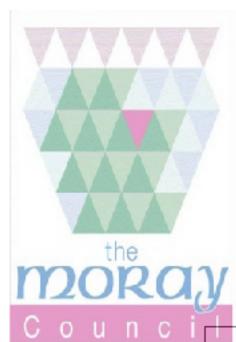
Town & Country Planning (Scotland) Act, 1997 as amended

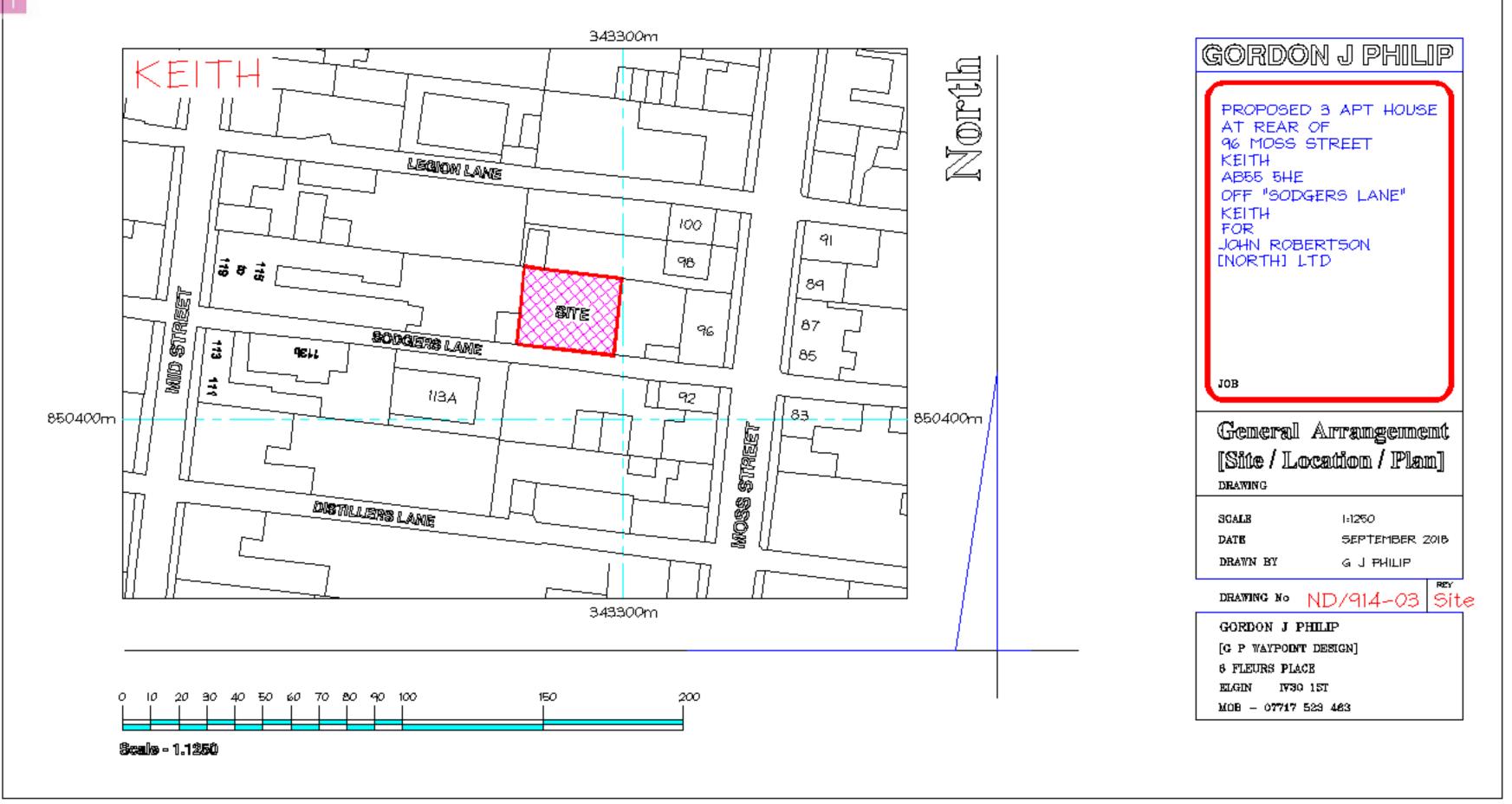
REFUSED

29 November 2018

Development Management **Environmental Services** The Moray Council





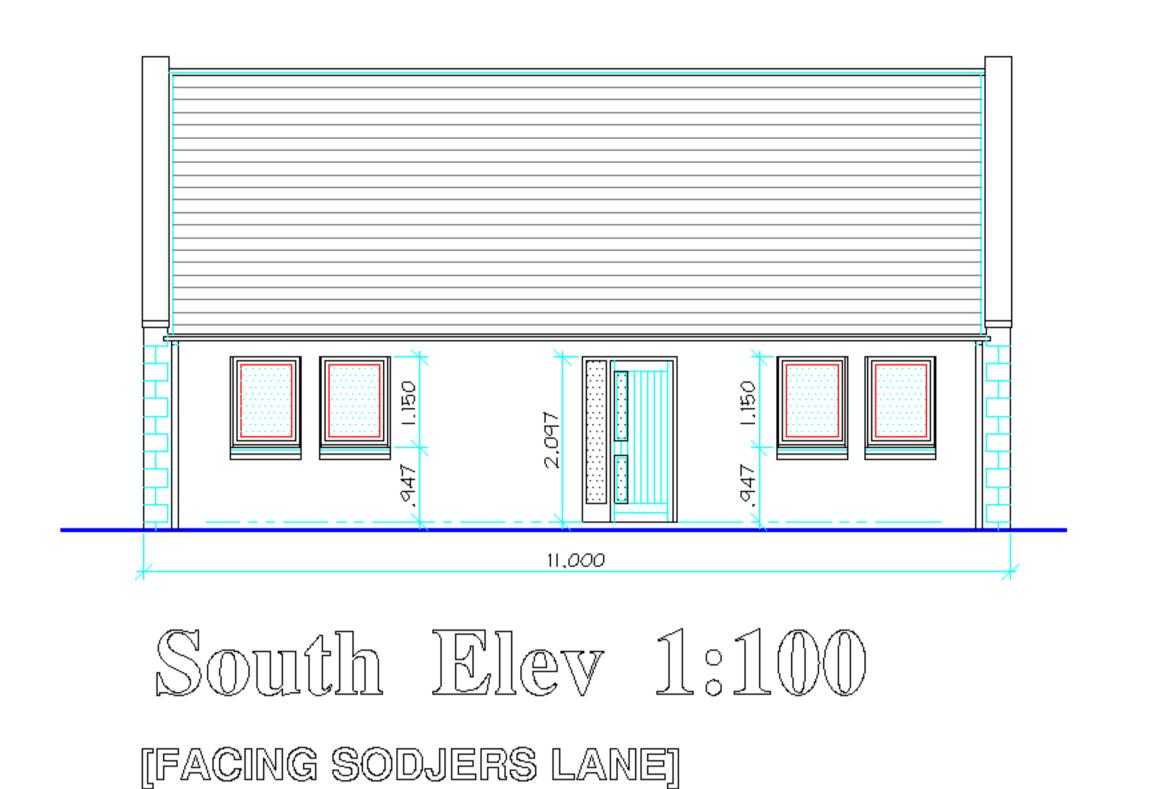


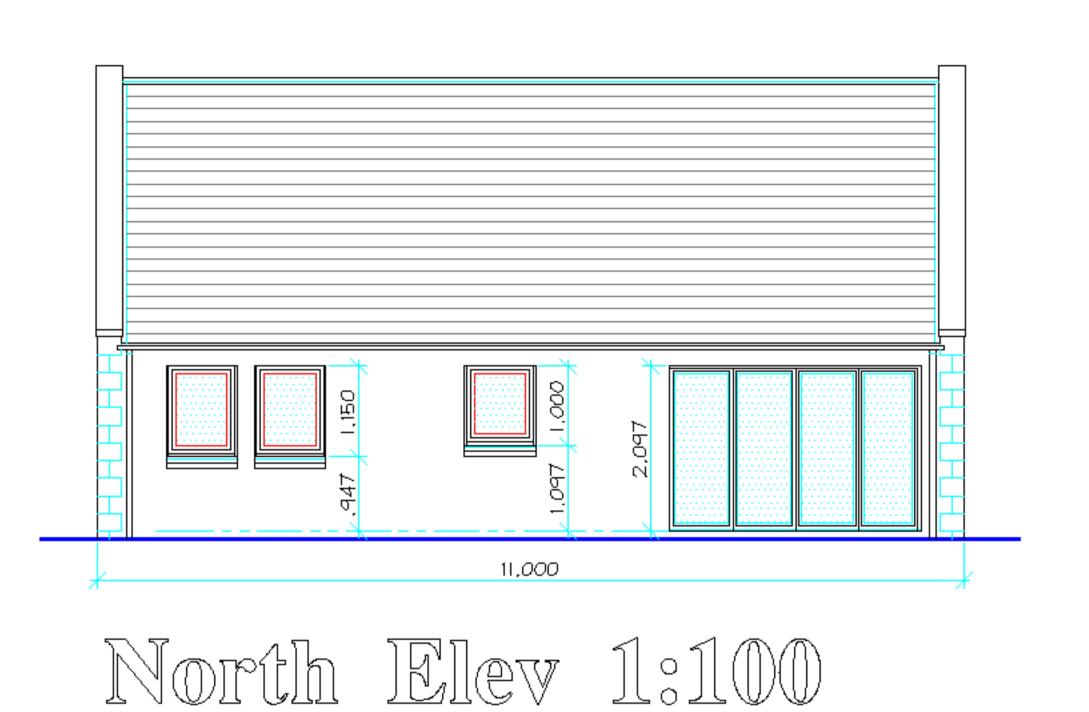
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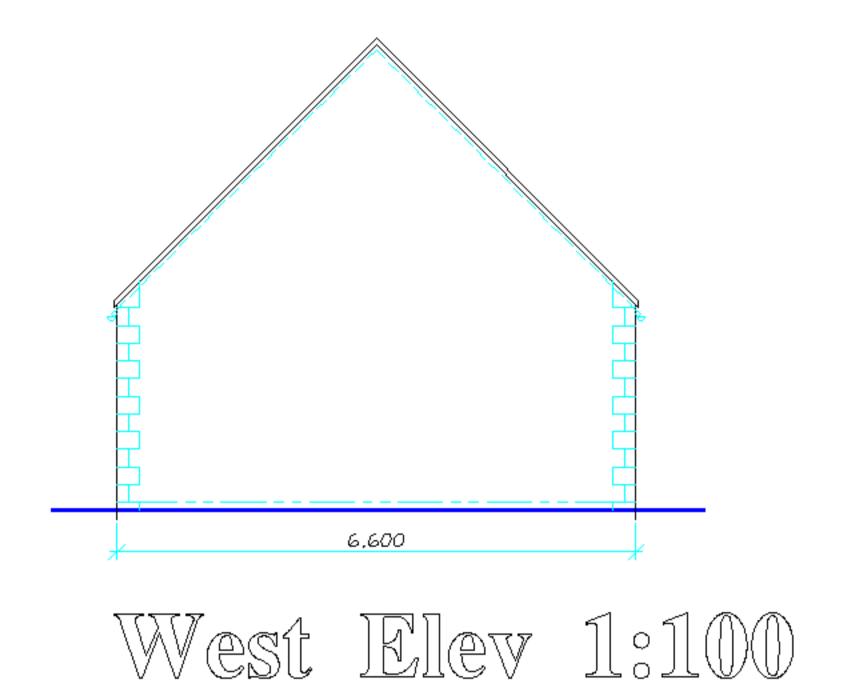
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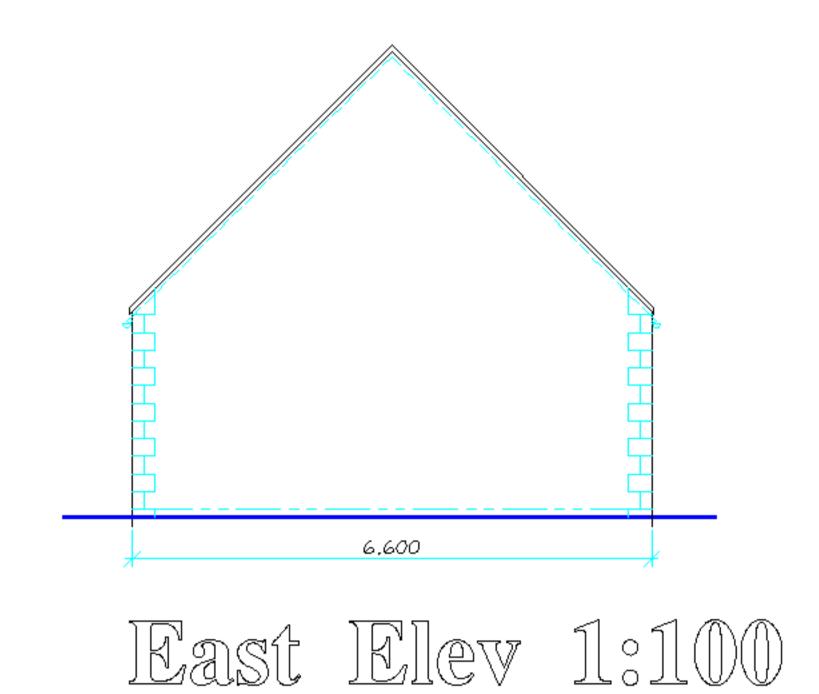
29 November 2018

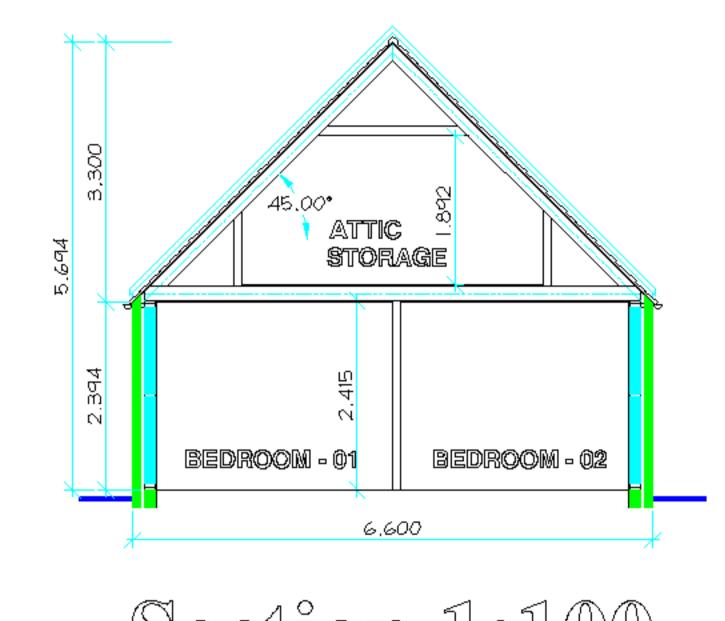
Development Management Environmental Services The Moray Council





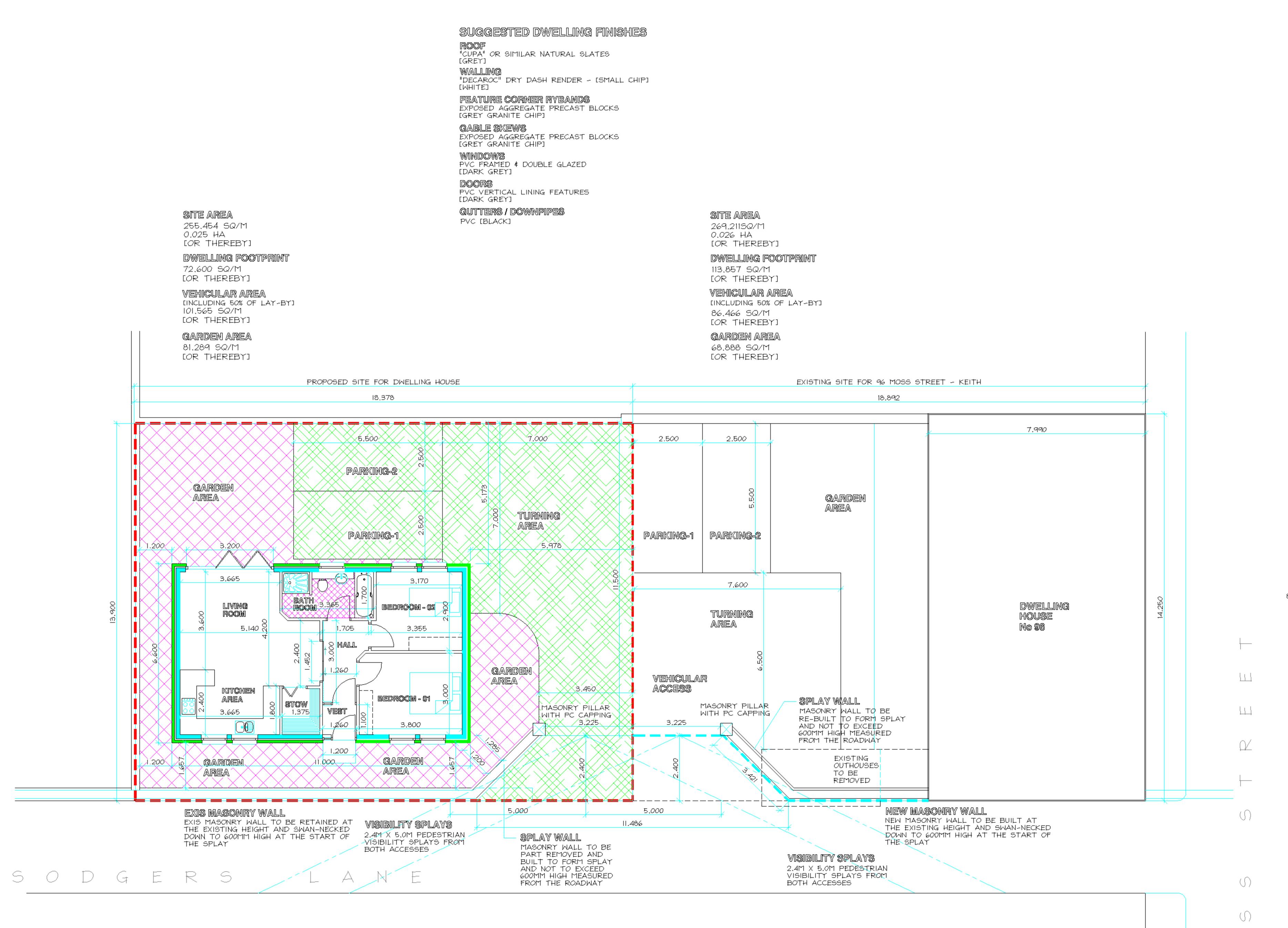




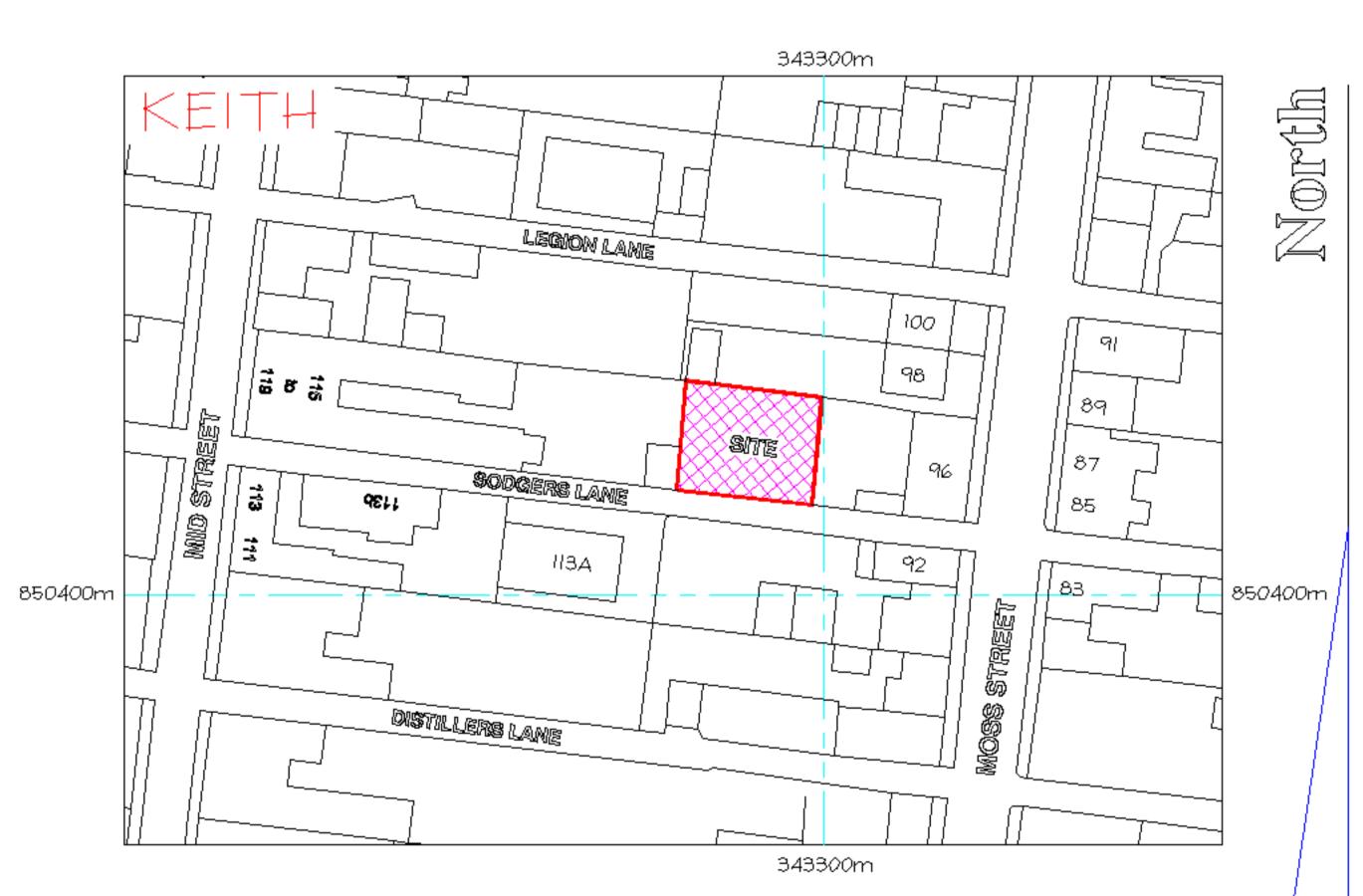


Section 1:100

INIDICATIVE 3 APT SINGLE STOREY DWELLING HOUSE [72.600 Sq/M Footprint]



— EXPOSED AGGREGATE PRECAST SKEW [300 X 75] —2 PART CODE 4 LEAD FLASHING ON TREATED 20MM SARKING BOARD I50MM BLOCKWORK CORBELLED SKEW COURSE NATURAL SLATES [18X10] FIRESTOP WITH DPC ON THE OUTER FACE — LEAD TURNED BACK AT THE TILTING FILLET 20MM WET-DASH HARL [WHITE] TIMBER FRAME PANEL 100MM OUTER BLOCKWORK SKIN ROOF YOID



Location Plan 1:1250

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

REVISIONS

REFUSED

29 November 2018

Development Management **Environmental Services** The Moray Council

JOHN ROBERTSON [NORTH] LTD

1:100 SEPTEMBER 2018 DRAWN BY G J PHILIP

DRAWING No ND/914-03 06

GORDON J PHILIP [G P WAYPOINT DESIGN] 6 FLEURS PLACE ELGIN IV30 1ST MOB - 07717 523 463

DRAWING

G.F. Plan / Site Plan Layout 1:100