



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 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 100138510-001

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 3 Apt Detached Dwelling House at the Rear of 96 Moss Street Keith and Off Sogers Lane

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:	GP Waypoint Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Gordon	Building Name:	
Last Name: *	Philip	Building Number:	6
Telephone Number: *	07717523463	Address 1 (Street): *	Fleurs Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	ELGIN
Fax Number:		Country: *	Moray
		Postcode: *	IV30 1ST
Email Address: *	gordonphilip6@pobroadband.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Newton of Letterfourie
First Name: *	John	Building Number:	
Last Name: *	Robertson	Address 1 (Street): *	Letterfourie
Company/Organisation	John Robertson [North] Ltd	Address 2:	
Telephone Number: *	01542 850 462	Town/City: *	BUCKIE
Extension Number:		Country: *	Moray
Mobile Number:		Postcode: *	AB56 5LB
Fax Number:	01542 850 467		
Email Address: *	John@jrnorth.co.uk		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

96 MOSS STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

KEITH

Post Code:

AB55 5HE

Please identify/describe the location of the site or sites

Northing

850417

Easting

343315

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

The proposals are a significant improvement than the original scheme and far more likely to gain support should a formal application be submitted

Title:

Mr

Other title:

First Name:

Iain

Last Name:

Drummond

Correspondence Reference Number:

18/00818/PE

Date (dd/mm/yyyy):

27/09/2018

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

Site Area

Please state the site area:

255.45

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)

Vacant Garden Ground

Access and Parking

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

Yes No

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

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

Yes No

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

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)? *

2

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

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)

Waste and Recycling Bins will be stored on-site and taken to "Sogers Lane" on collection days

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: Gordon Philip

On behalf of: Mr John Robertson

Date: 27/09/2018

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)

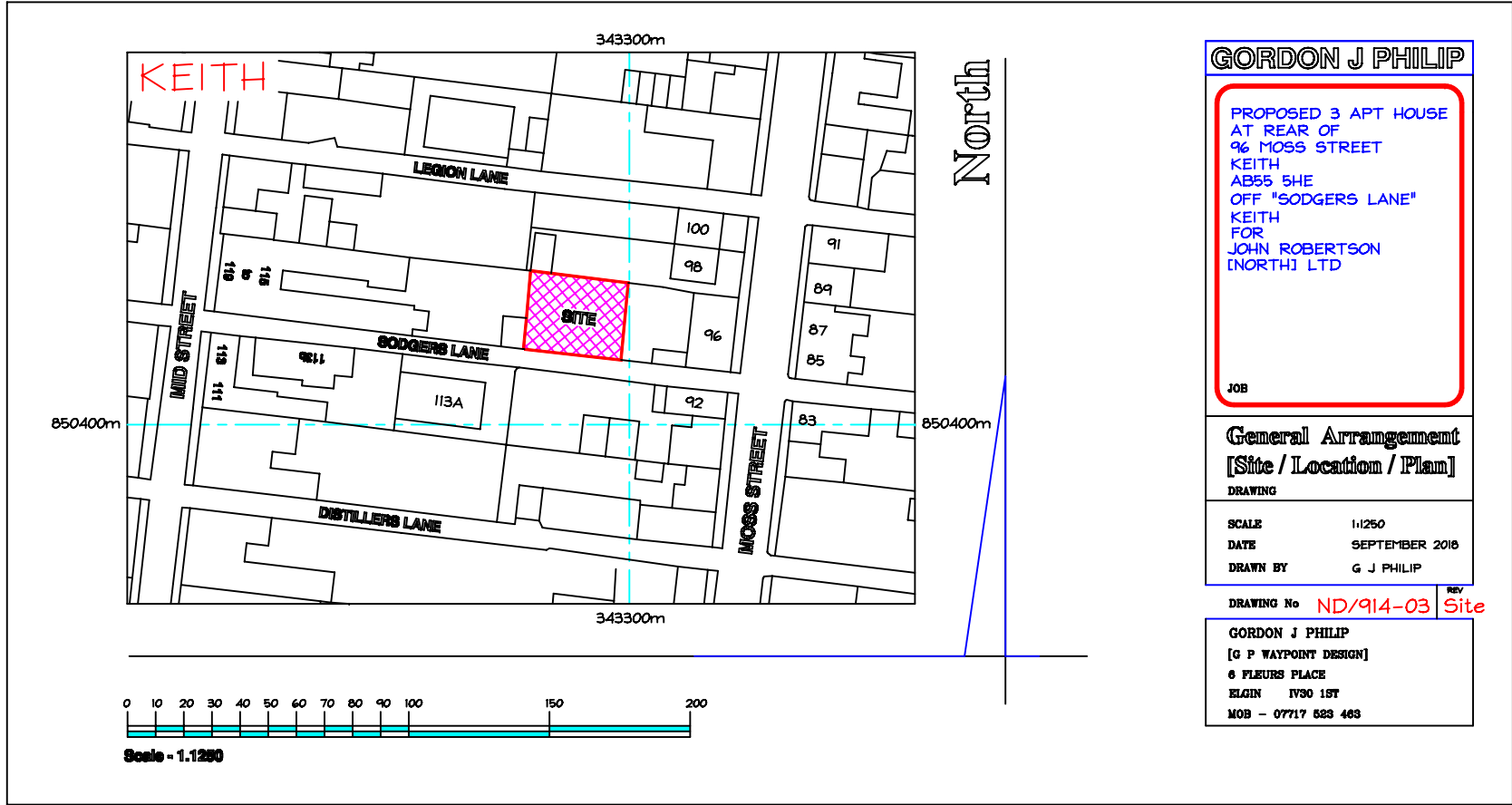
N/A

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 Gordon Philip

Declaration Date: 27/09/2018



GORDON J PHILIP

PROPOSED 3 APT HOUSE
 AT REAR OF
 96 MOSS STREET
 KEITH
 AB55 5HE
 OFF "SODGERS LANE"
 KEITH
 FOR
 JOHN ROBERTSON
 (NORTH) LTD

JOB

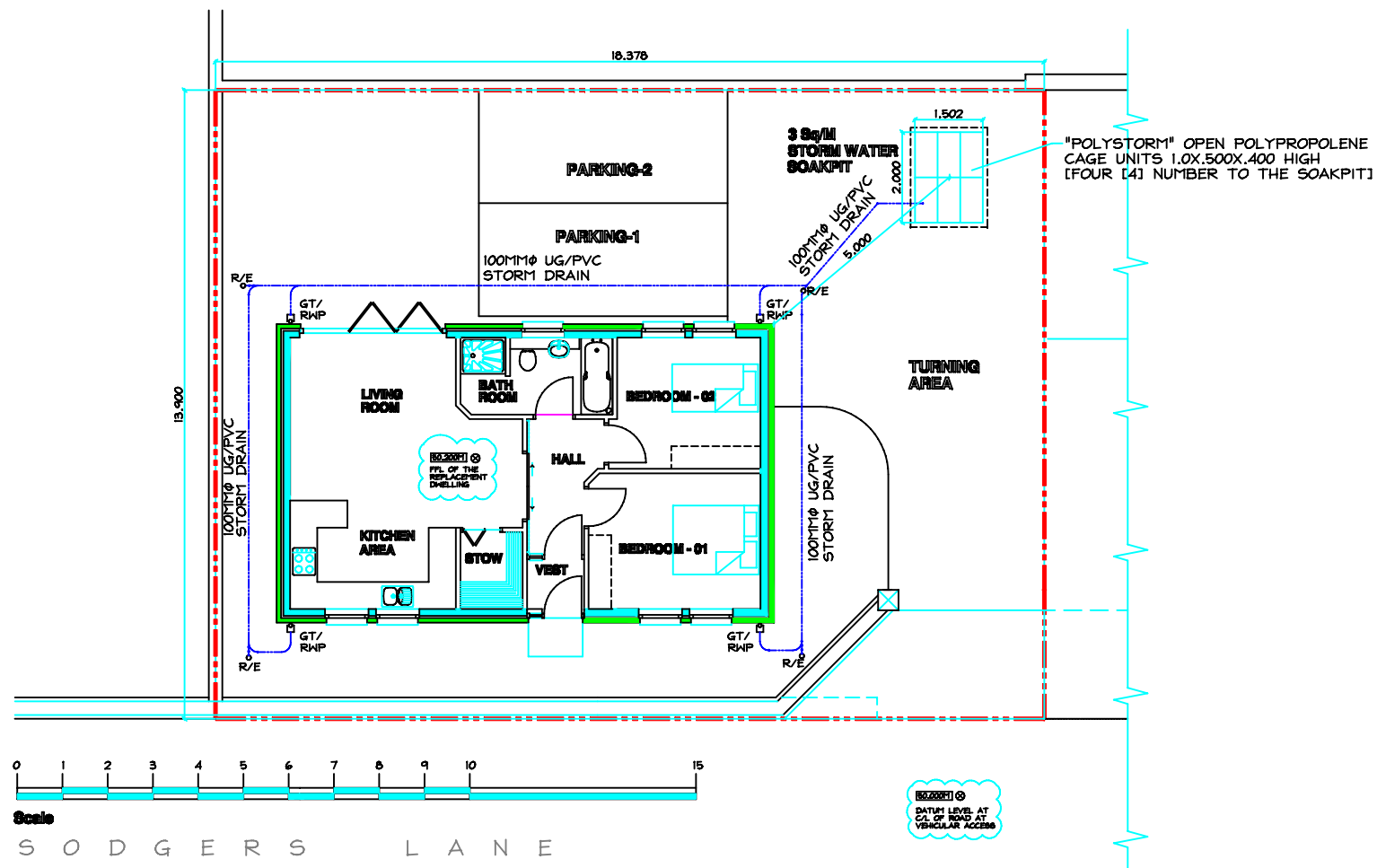
**General Arrangement
 [Site / Location / Plan]**

DRAWING

SCALE 1:1250
 DATE SEPTEMBER 2016
 DRAWN BY G J PHILIP

DRAWING No ND/914-03 ^{REV} Site

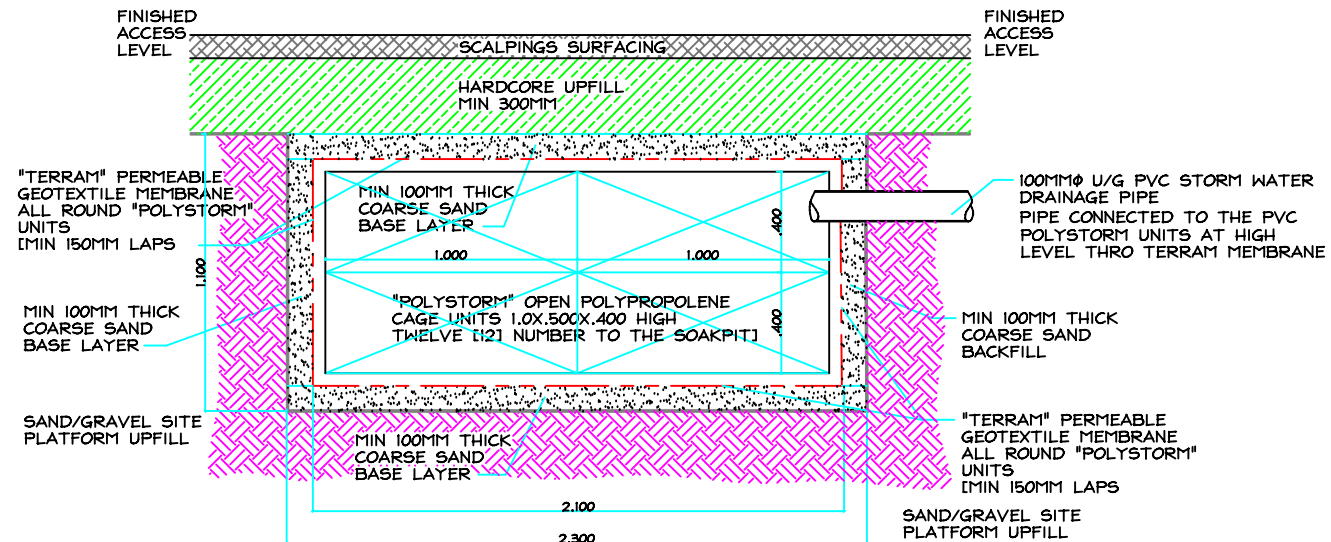
GORDON J PHILIP
 [G P WAYPOINT DESIGN]
 6 FLEURS PLACE
 ELGIN IV30 1ST
 MOB - 07717 528 468



Storm Water Disposal Plan Layout [nts]

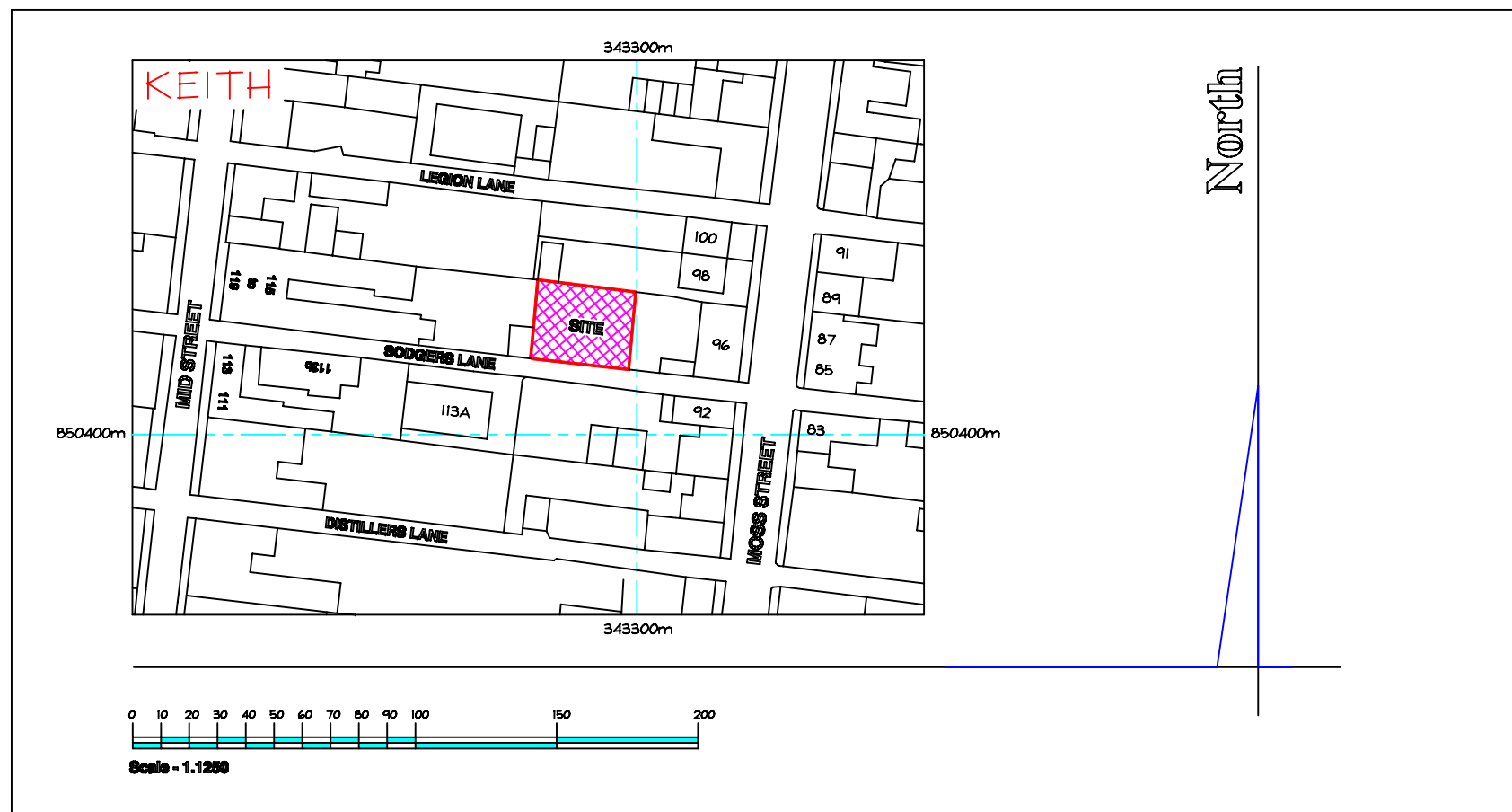
S-W SOAKPIT CONSTRUCTION

PIT EXCAVATED 2.300X1.200X1.800 DEEP
 PLACE AND COMPACT 100MM LAYER OF
 COARSE SAND IN BASE OF PIT
 COVER BASE AND LINE SIDES WITH "TERRAM"
 PERMEABLE GEOTEXTILE MEMBRANES WITH
 MIN 150MM OVERLAPS
 PLACE "POLYSTORM" MODULAR POLYPROPYLENE
 UNITS IN PIT - TWELVE [12] NUMBER
 ENCLOSE THE COMPLETE "POLYSTORM" STRUCTURE
 WITH THE "TERRAM" MEMBRANE
 BACKFILL ROUND SIDES OF STRUCTURE WITH
 COARSE SAND MIN 100MM THICK
 TOP LAYER OF COARSE SAND MIN 100MM THICK
 GRANULAR UPFILL AND SCALPINGS MIN 300MM
 THICK TO MATCH EXISTING SOLUM LEVELS
 100MMØ INLET PIPEWORK TO BE CONNECTED
 THRO "TERRAM" TO "POLYSTORM" ADAPTOR



TYPICAL SECTION THRO STORM / WATER SOAKPIT - 3 SQ/M

Storm Water Soakpit



Location Plan 1:1250

REVISIONS

- B (1) DATUM LEVEL NOTED AT C/L OF ROADWAY AT VEHICULAR ACCESS AND PFL NOTED ON PROPOSED DWELLING FLOOR PLAN
- (11) STORM WATER DISCHARGE TO BE TAKEN TO A SOAKPIT WITHIN THE SITE BOUNDARIES TOP COPY WITH THE 'SUDS' REQUIREMENTS

GORDON J PHILIP

PROPOSED 3 APT HOUSE AT REAR OF 96 MOSS STREET KEITH AB55 5HE OFF "SODGERS LANE" KEITH FOR JOHN ROBERTSON (NORTH) LTD

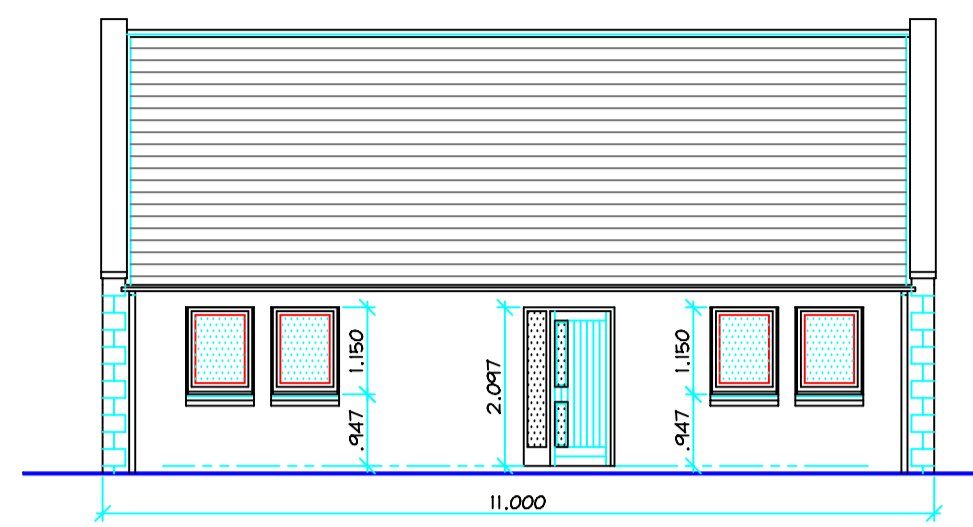
JOB

General Arrangement
 [Site / Location / Plan]
 DRAWING

SCALE 1:1250
 DATE SEPTEMBER 2016
 DRAWN BY G J PHILIP

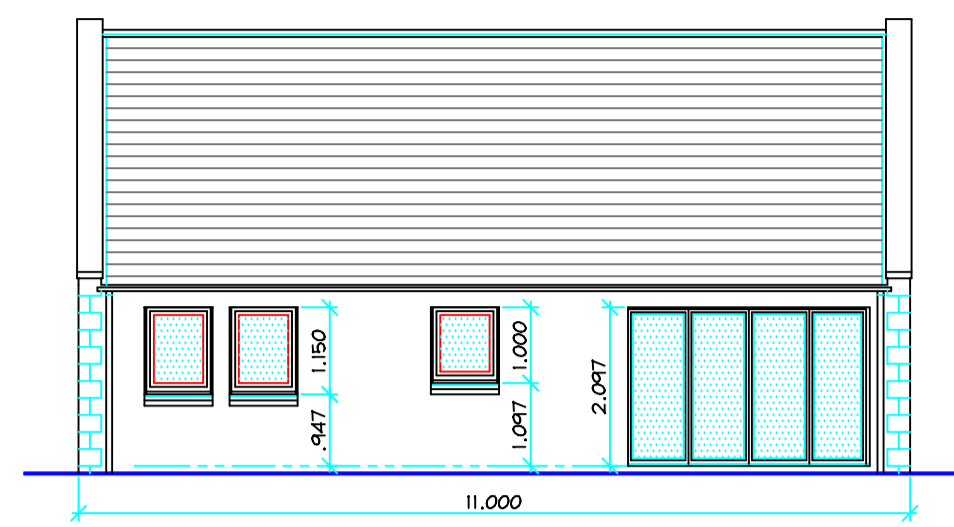
DRAWING No ND/914-03 Site-B

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

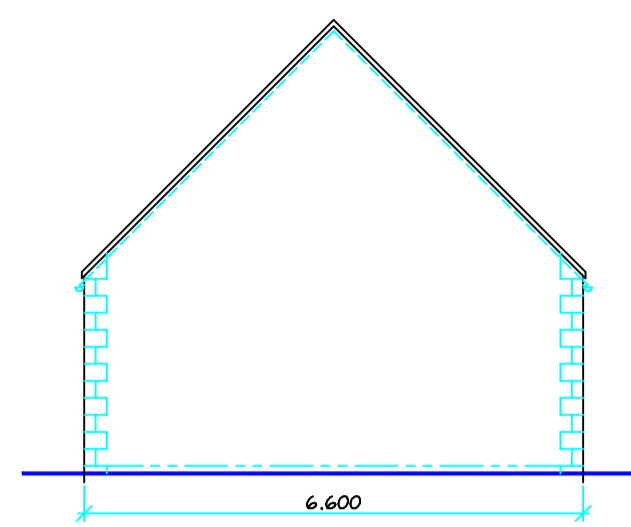


South Elev 1:100

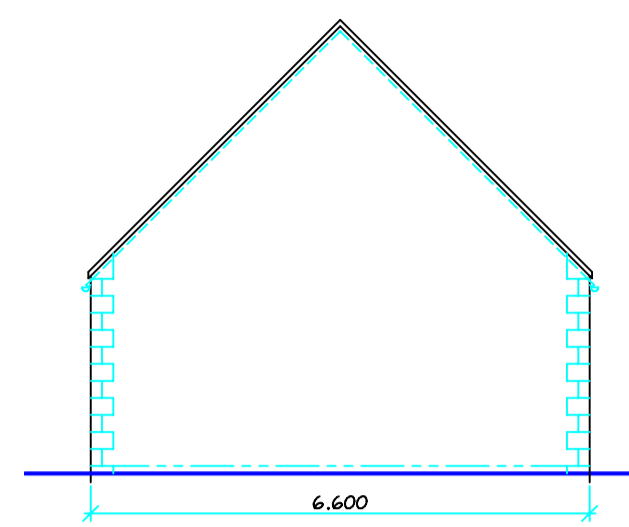
[FACING SODJERS LANE]



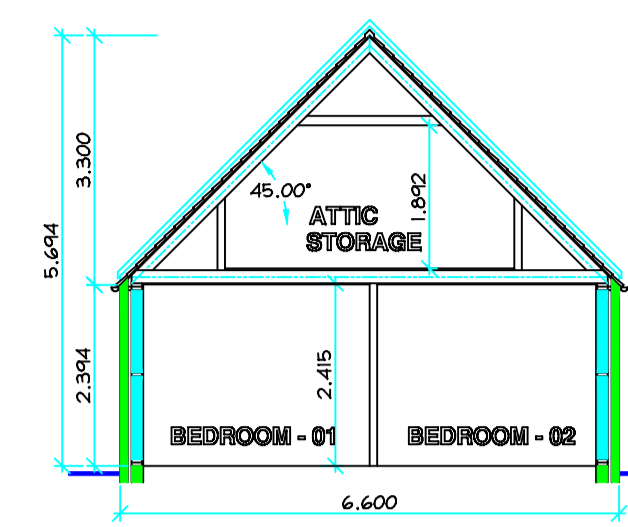
North Elev 1:100



West Elev 1:100



East Elev 1:100



Section 1:100

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

SUGGESTED DWELLING FINISHES

- ROOF**
"CLUPA" OR SIMILAR NATURAL SLATES (GREY)
- WALLING**
"DECAROC" DRY DASH RENDER - (SMALL CHIP) (KHIT)
- FEATURE CORNER RYBANDS**
EXPOSED AGGREGATE PRECAST BLOCKS (GREY GRANITE CHIP)
- CABLE SKEWS**
EXPOSED AGGREGATE PRECAST BLOCKS (GREY GRANITE CHIP)
- WINDOWS**
PVC FRAMED 4 DOUBLE GLAZED (DARK GREY)
- DOORS**
PVC VERTICAL LINING FEATURES (DARK GREY)
- GUTTERS / DOWNPIPES**
PVC (BLACK)

SITE AREA
255,454 SQ/M
0.025 HA
[OR THEREBY]

DWELLING FOOTPRINT
72,600 SQ/M
[OR THEREBY]

VEHICULAR AREA
(INCLUDING 80% OF LAY-BY)
101,565 SQ/M
[OR THEREBY]

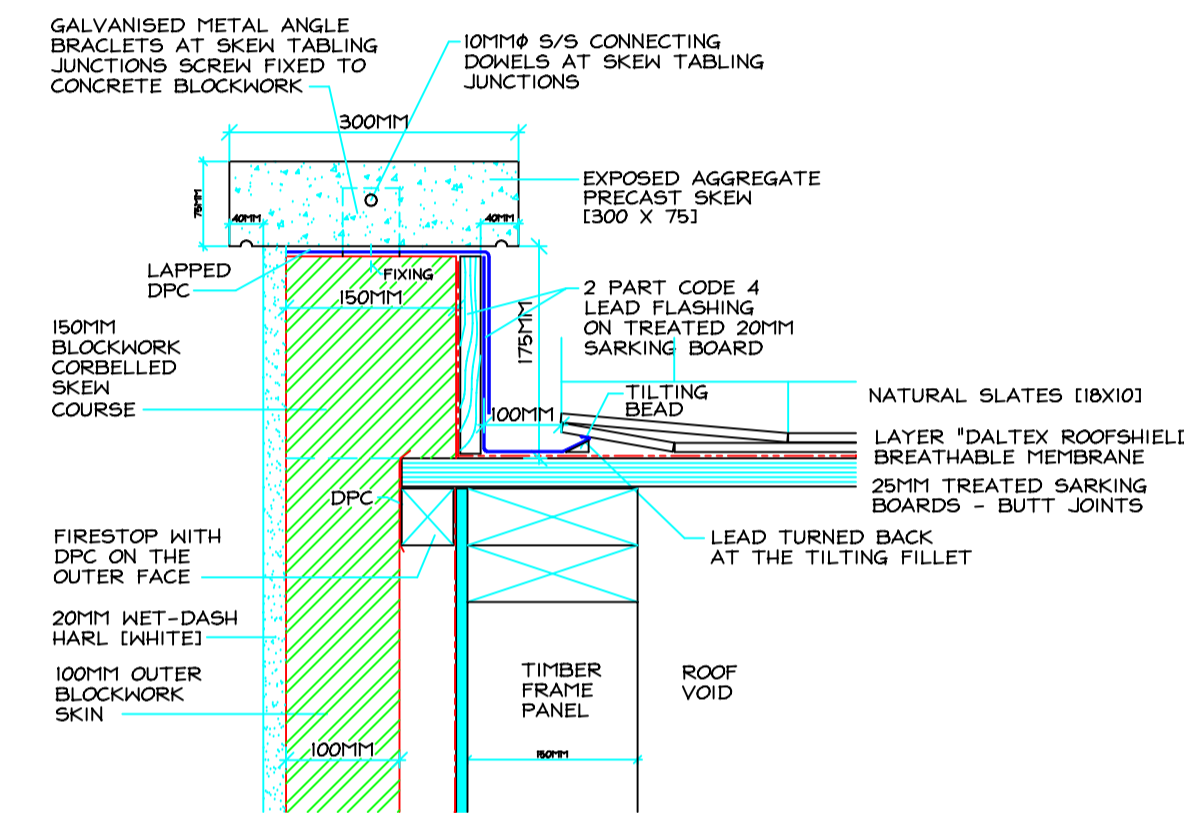
GARDEN AREA
81,289 SQ/M
[OR THEREBY]

SITE AREA
269,211 SQ/M
0.026 HA
[OR THEREBY]

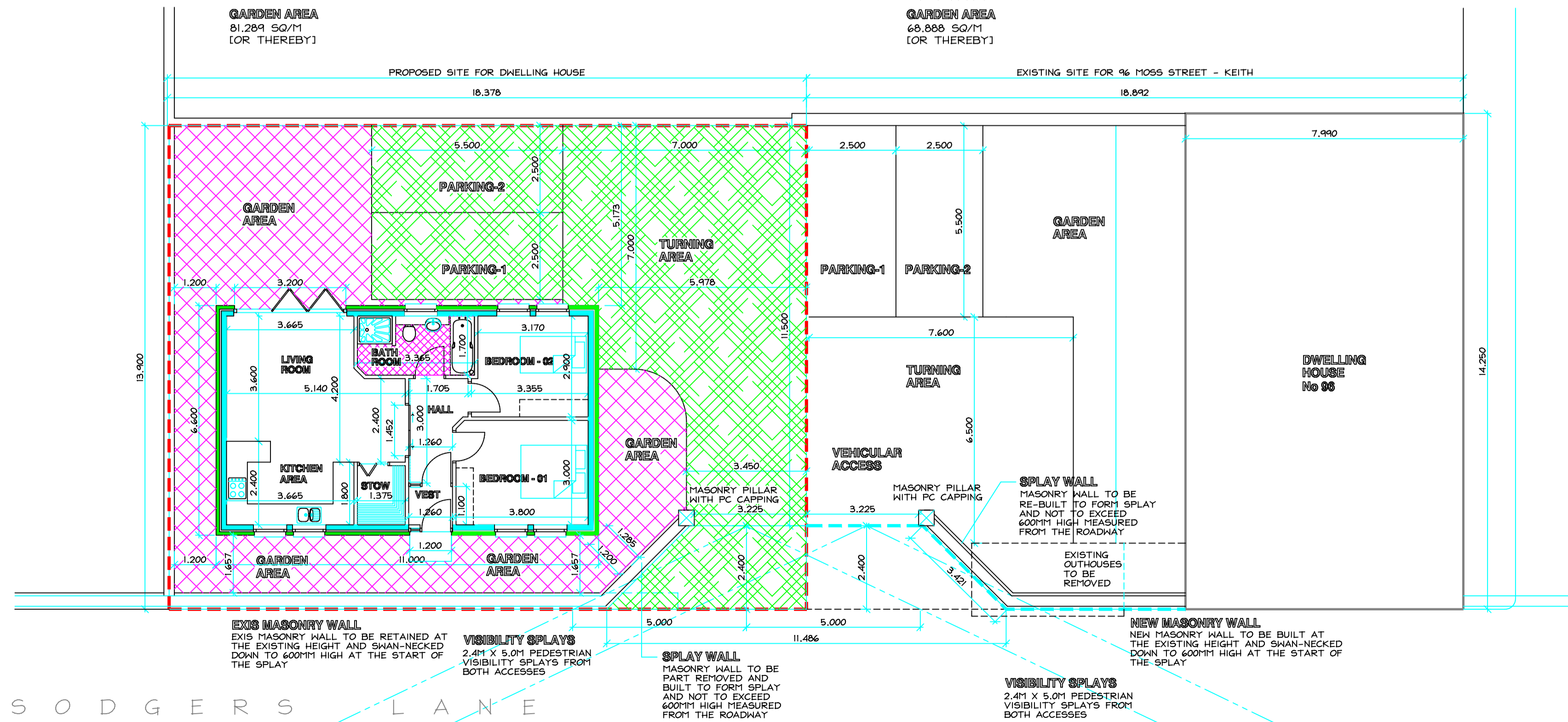
DWELLING FOOTPRINT
113,857 SQ/M
[OR THEREBY]

VEHICULAR AREA
(INCLUDING 80% OF LAY-BY)
86,466 SQ/M
[OR THEREBY]

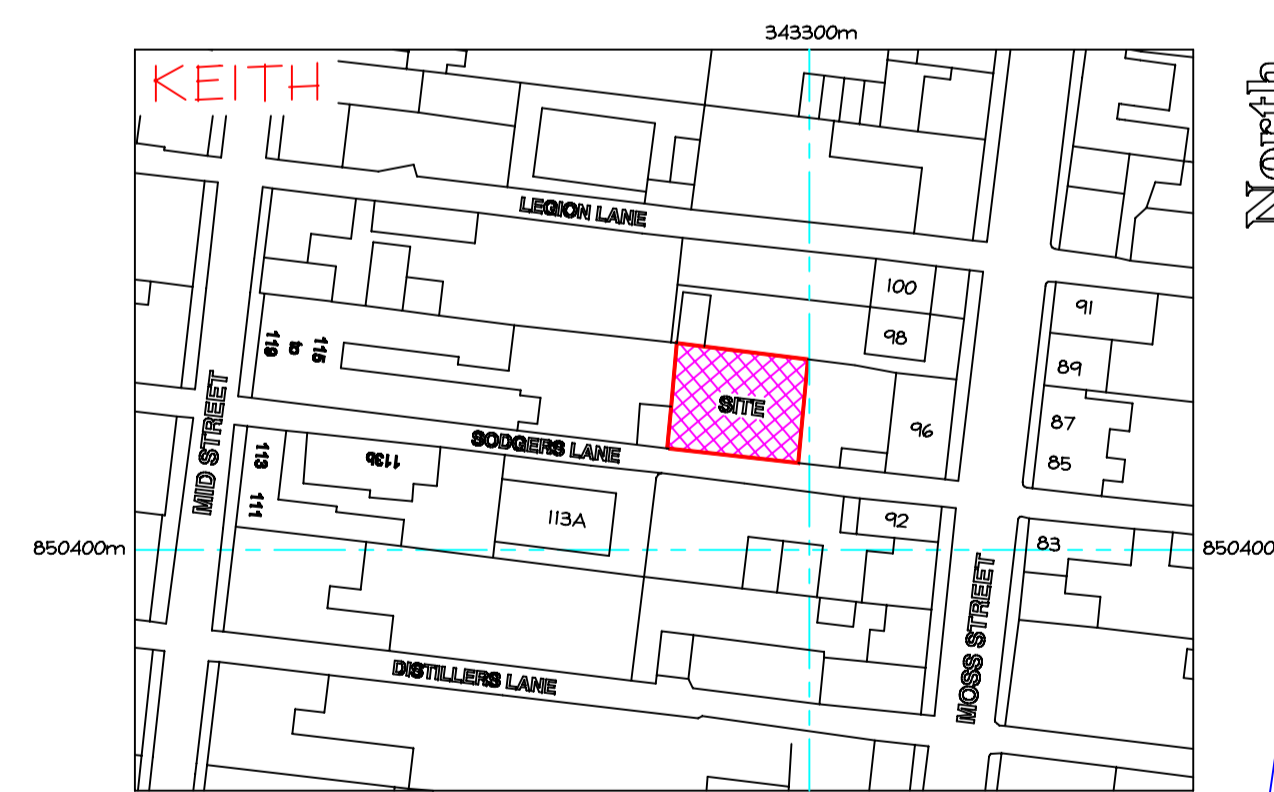
GARDEN AREA
68,888 SQ/M
[OR THEREBY]



Skew Tabling Detail



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



Location Plan 1:1250

REVISIONS

GORDON J PHILIP

PROPOSED 3 APT HOUSE
AT REAR OF
96 MOSS STREET
KEITH
AB55 5HE
OFF "SODJERS LANE"
KEITH
FOR
JOHN ROBERTSON
(NORTH) LTD

JOB

General Arrangement
[Site / Location / Plans]
DRAWING

SCALE 1:100
DATE 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

Consultee Comments for Planning Application 18/01280/APP

Application Summary

Application Number: 18/01280/APP

Address: Site To Rear Of 96 Moss Street Keith Moray

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

Consultee Details

Name: Mr CL Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

Comments

No comments.

Adrian Muscutt

From: DeveloperObligations
Sent: 9 Oct 2018 15:02:01 +0100
To: Shona Strachan
Cc: DC-General Enquiries
Subject: 18/01280/APP Erect dwellinghouse on Site to Rear of 96 Moss Street, Keith
Attachments: 18-01280-APP Erect dwellinghouse on Site to Rear of 96 Moss Street, Keith.pdf

Hi

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

Regards
Hilda

Find us on 
[Moray Council Planning](#)

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

moray
council



Developer Obligations: ASSESSMENT REPORT



MORAY
council

Date: 09/10/2018

Reference: 18/01280/APP

Description: Erect dwellinghouse on Site to Rear of 96 Moss Street, Keith

Applicant: John Robertson (North) Ltd

Agent: GP Waypoint Design

This assessment has been carried out by Moray Council. This assessment is carried out in relation to policy IMP3 Developer Obligations of the Moray Local Development Plan 2015 (LDP) and associated Supplementary Guidance (SG) on Developer Obligations which was adopted on 1 March 2018.

The LDP and SG can be found at 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 Replacement Health Centre in Keith</i>)	
Sports and Recreation	Nil
Total Developer Obligations	

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:

2 bed = 0.8 SRUE

This assessment is therefore based on 0.8 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 Keith Primary School. The school is currently operating at 83% 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 generated by this development are zoned to Keith Grammar School. The school is currently operating at 69% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Secondary Education = Nil

Transport

The Moray Council Transportation Services has confirmed that no developer obligations will be sought for this proposal.

Contributions towards Transport = Nil

Healthcare

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

General Practitioner (GP) and floorspace requirement per GP is 271m².

Healthcare infrastructure requirements have been calculated with NHS Grampian on the basis of national standards and specifications for healthcare facilities and estimating the likely number of new patients generated by the development (based on the average household size of 2.17 persons -Census 2011).

Keith Medical Group is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Keith Medical Group is working well beyond design capacity with no room for expansion on existing site and contributions will be sought towards a Replacement Health Centre.

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

[REDACTED]

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

Existing sports provision within Keith 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.



10th October 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
www.scottishwater.co.uk

Dear Sir/Madam

SITE: AB55 Keith 96 Moss Street Site To Rear Of
PLANNING REF: 18/01280/APP
OUR REF: 767810
PROPOSAL: Erect dwellinghouse on

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 **Herricks** 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

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

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

Surface Water

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

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

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

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

Next Steps:

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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

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

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for

separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

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

Yours sincerely

Lisa Lennox

Development Operations Analyst

Lisa.lennox2@scottishwater.co.uk

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	23rd October 2018
Planning Authority Reference	18/01280/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site To Rear Of 96 Moss Street Keith Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133002140
Proposal Location Easting	343315
Proposal Location Northing	850417
Area of application site (Ha)	255 m ²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PFR4QCBGG2Y00
Previous Application	18/00818/PE 18/00176/APP 13/00472/APP
Date of Consultation	9th October 2018
Is this a re-consultation of an existing application?	No
Applicant Name	John Robertson [North] Ltd
Applicant Organisation Name	
Applicant Address	Newton of Letterfourie Letterfourie BUCKIE Moray AB56 5LB
Agent Name	GP Waypoint Design
Agent Organisation Name	
Agent Address	6 Fleurs Place ELGIN Moray IV30 1ST
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 18/01280/APP

Erect dwellinghouse on Site To Rear Of 96 Moss Street Keith Moray for John Robertson [North] Ltd

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

Please

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

Note: This proposal is for the erection of a new dwelling within the garden grounds of 96 Moss Street Keith. The proposal includes the widening of the existing access to provide access to both the original and proposed dwellings. Access to each dwelling has been shown via the same access but via a separate side by side arrangement with no 'physical' separation and includes alterations to both sides of the access, including lowering/ removal/ setting back of the existing boundary walls.

It is highlighted that the red line site boundary does not include the section of boundary wall to be altered at the eastern side of the access.

Condition(s)

1. Prior to the first occupation of the new dwelling a pedestrian visibility splay 2.4m x 5.0m shall be provided in both directions at both sides of the shared access onto the U180E Sodgers Lane (taken from the back of the carriageway) as shown on submitted drawing ND/914-03 Rev 06; and thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6m above the level of the carriageway.

Reason: To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

2. Notwithstanding the submitted details the existing backing kerbs shall be extended along the back of the existing carriageway across the full width of the extended access (to delineate and protect the edge of the carriageway following the removal of the existing boundary wall). The width of the access shall be as shown on submitted drawing ND/914-03 Rev 06.

Reason: To ensure acceptable infrastructure at the development access

3. Parking provision shall be as follows:

- 2 spaces for the new dwelling
- 2 spaces retained for the existing dwelling

The car parking spaces shall be provided within the site prior to the occupation of the new dwelling. 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.

4. A turning area shall be provided within the curtilage of each 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

5. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the access.

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.

The formation of the required visibility splay(s) will involve works to remove/ lower/ alter the existing boundary wall fronting onto Sodgers Lane. The existing street lighting column appears to be located outwith the extents of the widened access, but within the visibility splay. For the benefit of clarity the street lighting column may remain within the visibility splay.

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

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

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

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into their property.

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

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

Date 22 October 2018

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://publicaccess.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.

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 Moray Council Elgin	Council Reference:-	18/01280/APP
	TS TRBO Reference:-	NE/334/2018

Application made by John Robertson [North] Ltd per GP Waypoint Design, 6 Fleurs Place, ELGIN, Moray, IV30 1ST and received by Transport Scotland on 09 October 2018 for planning permission for erect dwellinghouse located at Site To Rear Of 96 Moss Street, Keith, Moray affecting the A96 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 (A96) 0141 272 7100 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
NORTH EAST
Bear House, Inveralmond Road, Inveralmond Industrial Estate, PERTH, PH1 3TW
01738 448600
NEplanningapplications@bearsotland.co.uk

Operating Company:-

Address:-

Telephone Number:-

e-mail address:-

Transport Scotland Response Date:- 17-Oct-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.

Consultee Comments for Planning Application 18/01280/APP

Application Summary

Application Number: 18/01280/APP

Address: Site To Rear Of 96 Moss Street Keith Moray

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

Consultee Details

Name: Mr EH Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

Comments

Approved unconditionally

Kevin Boyle

REPORT OF HANDLING

Ref No:	18/01280/APP	Officer:	Shona Strachan
Proposal Description/ Address	Erect dwellinghouse on Site To Rear Of 96 Moss Street Keith Moray		
Date:	23/11/18	Typist Initials:	FJA

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Planning And Development Obligations	09/10/18	Obligation required towards Healthcare facilities
Environmental Health Manager	22/10/18	No objection
Transportation Manager	22/10/18	No objection subject to conditions and informatives
Contaminated Land	09/10/18	No objection
Scottish Water	10/10/18	No objection but this does not guarantee connection to Scottish water infrastructure
Transport Scotland	17/10/18	Do not advise against the grant of planning permission

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1: Sustainable Economic Growth	N	
PP3: Placemaking	N	
H1: Housing Land	Y	
H3: Sub division for House Plots	N	
EP5: Sustainable Urban Drainage Systems	N	
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
T2: Provision of Access	N	

T5: Parking Standards	N	
IMP1: Developer Requirements	Y	
IMP3: Developer Obligations	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received TWO		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: The proposal is contrary to Policy H3 of the local development plan with the proposal failing to meet the specified requirements of this policy. Although the site for the proposed dwelling is less than 50% of the original plot, both sites are considerably less than the recommended minimum of 400 square metres excluding access. The proposed site is only 255 square metres including access (lay-by) and the original plot is now only 269 square metres including access (lay-by). The contributor asserts that the proposal is an over-development of the site.</p> <p>Comments (PO): The site does fall short of the required minimum plot size of 400 sqm with the proposal representing an over-development of the site. The proposal will be recommended for refusal on this basis.</p>		
<p>Issue: The proposal is contrary to Policy H3 as it will result in backland and tandem development.</p> <p>Comments (PO): The access for the proposed site and the existing building is via Sodgers Lane which means that the proposal is more reflective of tandem development a form of development which is discouraged by policy H3.</p>		
<p>Issue: Concern about small area of designated garden ground for the new dwelling which is confirmed as approximately 81 sq m on the site plan given the constraints of the site and the requirements for on-site parking provision the contributor is concerned that only 25 sq m of the site could be used as 'useable' garden ground.</p> <p>Comments (PO): Policy H3 specifies a minimum plot size rather than identify a specific garden area size, however, it is apparent that the small areas identified by the contributor reflect the small site size particularly given the on-site requirements for access, parking and drainage.</p>		
<p>Issue: There is a minimum requirement for surface water drainage soakaway to be more than 5m away from the building and boundary of the site. The drawing has a dimension of 5m from the proposed building to the centre of the soakaway, not the edge. It is also only approximately 1m from the boundary of the adjacent property at No.98 Moss Street, with concern noted that this short distance could undermine the boundary wall.</p> <p>Comments (PO): Whilst the comments are noted and reflect the small constrained size, this is a building standards requirement rather than a specific planning policy requirement.</p>		
<p>Issue: This proposal differs from the previously approved application 18/00176/APP for the change of use of the building at 96 Moss Street from an office to a dwelling house and included proposals for a garage to the rear of the property. Concern that the change to this proposal had not been notified and query as to whether the permission under 18/00176/APP would need a new application.</p> <p>Comments (PO): This current application for the erection of a dwelling house would address the change of use issue for the current site (if approved). A new application would not be needed for the resultant changes to the permission granted under 18/00176/APP.</p>		
<p>Issue: The application if approved would set a precedence to allow "edifices" to be built where garages and sheds are located bring overdevelopment and pressures on privacy and access.</p> <p>Comments (PO): Each application is judged on its own individual merits as is the case with this application.</p>		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require applications for planning permission to be determined in accordance with the development plan (i.e. the Moray Local Development Plan 2015 (MLDP)) unless material considerations indicate otherwise. The main planning issues are considered below.

Proposal

Planning permission is sought for the erection of a dwellinghouse on Site To Rear Of 96 Moss Street, Keith.

The total site area for the proposed house plot is 255.45sqm. The proposed house is a small traditionally proportioned two bedroom dwelling which measures 6.6m x 11.0m resulting in a footprint of 72.6 sq m with a ridge height of 5.69m. The proposed material finishes are: grey natural slate, white drydash render for the walls with corner features to be made from exposed aggregate pre-cast blocks in grey granite chip with dark grey PVC windows and doors.

The site will be accessed via Sodgers Lane with a shared access proposed with the 'parent property' at 96 Moss Street, the site plan shows provision for two parking spaces and an onsite turning area with the storm water soakpit located on the turning area. The dwelling would seek a connection to the public mains water supply.

The site plan identifies that the site area for the parent property will be 269.2 sq m and details of the shared access, the on-site parking requirements and garden area are shown. It is noted no formal boundary is proposed to the east adjoining the parent property.

Site Characteristics

The site is located to the rear of 96 Moss Street and has its frontage onto Sodgers Lane. The parent property at 96 Moss Street is located to the east of the site. The site is separated from neighbouring properties to the north and west by existing boundary walls and to the south the existing boundary wall has been altered to provide an access opening. There are neighbouring properties to the south of the site on the opposite side of Sodgers Lane.

The character of the surrounding area is defined by a tight settlement pattern with examples of previous sub-divided plots in the vicinity of the site. The surrounding land uses are predominately residential with commercial uses nearby at Mid Street which is to the west of the site.

The lanes in Keith are an important part of the permeability of the town.

Planning History

In terms of recent planning history, the application site was included as garden ground accommodating a garage under application 18/00176/APP which permitted the change of use of 96 Moss Street from an office to a dwelling as approved on 12 April 2018.

Thereafter, pre-application planning advice was given on a proposal for a dwelling at the rear of 96 Moss Street with the drawings showing an indicative 7.1m high dwelling with accommodation provided over two stories. The response outlined the policy requirements of Policy H3, identifying that the proposed site was considerably short of the required 400 sqm threshold for both the parent and proposed plot. It was also highlighted that the proposed house design would not be acceptable and that a smaller single storey dwelling might be more appropriate.

Subsequently, an email exchange took place wherein revised drawings were provided to show the siting and design arrangement as provided in this current planning application. The advice given was

that the revised proposal was a significant improvement on the original scheme and would be far more likely to gain support. It was also noted that, the proposal would still represent a departure from policy in terms of site size and overall compliance but that this would be weighed against the character of the surrounding area.

However, it is noted here that all preliminary planning advice is provided on the basis that it is without prejudice to the consideration and determination of any future planning application with a full disclaimer provided on the preliminary enquiry response.

Policy Assessment

Principle of Development (H3, IMP1 and H1)

Policy H3 Sub division of House Plots is the most pertinent policy in the assessment of this application. Policy H3 advises that the 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. It is also advised that the development should avoid overlooking and amenity impact on the surrounding properties. Sufficient parking must be provided for the parent and proposed house. Advice is also given on "backland" and "tandem" development both of which are discouraged. Looking at site as applied for it does show all the characteristics of a tandem development where it effectively shares the same access as the parent property and would sit in its former garden area.

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

Policy H1 advises that new housing on land not designated for residential development within settlement boundaries will be acceptable provided the proposal does not adversely impact upon the surrounding area and the requirements of policy IMP1 are met.

In the assessment of this planning application consideration has been given to all the preliminary enquiry advice provided as well as the character of the surrounding area which includes examples of other subdivided sites. However, for the reasons outlined below, these factors do not provide enough of a justification to support a proposal which fails to meet current policy requirements.

The proposed site measures 255.45sqm which is less than 50% of the original plot size (total area of approximately 524.67sqm) and would leave a site area of 269.2sqm for the parent property as required by Policy H3. It is also acknowledged that the house design proposed is proportionate to the site in plan form. However, both the proposed site and the site of the parent property fall significantly below the required 400sqm minimum plot size required by Policy H3. Therefore in this instance, the proposed parcel of land which measures 255.45 sq m is too small to be considered as a suitable house plot and would result in a cramped, over developed site which would fail to achieve an adequate level of amenity for both the proposed site and parent property. As a result the proposal would have an intrusive impact on the site and surrounding area, including neighbouring properties and Sodgers Lane with the network of lanes in Keith providing an important element of the accessibility and permeability of the town. The confines of the site and the need for communal parking have contributed to the absence of hard boundary on the eastern side of the plot adjacent to the parent property. While this is not grounds for refusal the intimate size of the parent and proposed plots will not be aided by the absence of formal boundary between the properties.

Consideration was given to other similar sub-divisions in the wider area. These were predominantly approved under previous local development plans, and under differing policies. Several local development plans ago, the sub-division policy was altered to increase the minimum size of site acceptable up from 300sqm to 400sqm. This was in part due to address the development pressure in Keith where lanes were under increasing pressure to host property sub-divisions. Following a public

inquiry into the emerging policy the reporter agreed that the restriction would help to maintain the residential amenity and built character of Keith.

On this basis the proposal would be contrary to the provisions of Policies H3, IMP1 and H1.

Water and Drainage (EP5, EP10 and IMP1)

The proposed house is to connect to the public sewer and water supply, with provision on site for surface water drainage via a storm water soakpit. Scottish Water has raised no objection but this does not guarantee connection to Scottish water infrastructure and any connection would be the subject of separate liaison between the applicant and Scottish Water at the appropriate juncture.

It is also noted here, that the detailed arrangements and location of the proposed surface water drainage would be assessed under Building Standards regulations but the level of information provided is sufficient for the requirements of Policy EP5.

However, these matters are separate to the main policy objection to the proposal on siting grounds.

Access and Parking (T2 and T5)

Given the sites proximity to the Trunk Road Network, Transport Scotland was consulted on the proposal, it is confirmed in their response that they do not advise against the grant of planning permission.

The Moray Council Transportation Manger has raised no objection to the proposal subject to a number of planning conditions which would cover, the provision and maintenance of the required visibility splay, requirement for an extension to the existing backing kerbs, onsite parking and turning requirements for the new dwelling and the original dwelling as well as acceptable roads drainage measures.

Subject to compliance with the required conditions the proposal would be acceptable in relation to Policies T2 and T5.

However, these matters are separate to the main policy objection to the proposal on siting grounds.

Developer Obligations (IMP3)

An assessment has been carried out in relation to Policy IMP3 Developer Obligations and associated Supplementary Guidance on Developer Obligations. The assessment has identified that developer obligations are required towards healthcare facilities within Keith.

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

Conclusion and recommendation

The proposal is considered to result in a development which by virtue of the small physical size of the site would result in a form of development which does comply with the provision of the MLDP 2015 and is therefore recommended for refusal.

Recommendation

Refuse

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
18/00818/PE	Proposed dwellinghouse on Site To Rear Of 96 Moss Street Keith Moray			
	Decision	ID/PE Answered	Date Of Decision	17/08/18
18/00176/APP	Change of use of office to domestic dwelling at 96 Moss Street Keith Moray AB55 5HE			
	Decision	Permitted	Date Of Decision	12/04/18
13/00472/APP	Conversion of office to house at 96 Moss Street Keith Moray AB55 5HE			
	Decision	Permitted	Date Of Decision	09/05/13

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Herald	Departure from development plan	08/11/18	
PINS	Departure from development plan	08/11/18	

DEVELOPER CONTRIBUTIONS (PGU)

Status	CONT SOUGHT
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DOCUMENTS, ASSESSMENTS etc. *

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

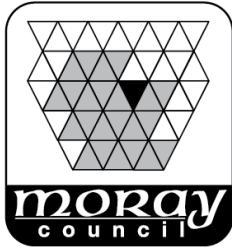
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

S.75 AGREEMENT

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

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

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



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

REFUSAL OF PLANNING PERMISSION

**[Keith And Cullen]
Application for Planning Permission**

TO John Robertson [North] Ltd
c/o GP Waypoint Design
6 Fleurs Place
ELGIN
Moray
IV30 1ST

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:-

Erect dwellinghouse on Site To Rear Of 96 Moss Street Keith Moray

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

Date of Notice: **29 November 2018**

HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
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, Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposal is contrary to policies H3, IMP1 and H1 of the Moray Local Development Plan 2015 because both the proposed site and the site of the parent property fall significantly below the required 400sqm minimum plot size required by Policy H3. Therefore in this instance, the proposed parcel of land which measures 255.45 sq m is too small to be considered as a suitable house plot and would result in a cramped, over developed site which would fail to achieve an adequate level of amenity for both the proposed site and parent property. As a result, the proposal would have an intrusive impact on the site and surrounding area, including neighbouring properties and Sodgers Lane with the network of lanes in Keith providing an important element of the accessibility and permeability of the town. As such the proposal is contrary to the provisions of the Moray Local Development Plan 2015.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
ND/914-03/SITE		Location plan
ND/914-03/SITE	B	Site plan
ND/914-03/06		Elevations and floor plan

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

N/A

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

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

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.

