

# APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997  
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application  
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS  
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details	2. Agent's Details (if any)
Title	Ref No.
Forename	Forename
Surname	Surname
Company Name	Company Name
Building No./Name	Building No./Name
Address Line 1	Address Line 1
Address Line 2	Address Line 2
Town/City	Town/City
Postcode	Postcode
Telephone	Telephone
Mobile	Mobile
Fax	Fax
Email	Email
<b>3. Postal Address or Location of Proposed Development (please include postcode)</b>	
<div style="border: 1px solid black; padding: 5px; margin: 0 auto; width: 80%;">                     KIMBERLEE, THE HAUGHS, ROTHES, ABERLOUR. AB38 7AW.                 </div>	
<p>NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.</p>	
<b>4. Type of Application</b>	
What is the application for? Please select one of the following:	
Planning Permission	<input checked="" type="checkbox"/>
Planning Permission in Principle	<input type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>
<p>NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.</p>	
*Please provide a reference number of the previous application and date when permission was granted:	
Reference No:	Date:
18/00685/APP.	WITHDRAWN 28/18.

\*\*Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

### 5. Description of the Proposal

Please describe the proposal including any change of use:

ELECT NEW GARAGE .

Is this a temporary permission?

Yes  No

If yes, please state how long permission is required for and why:

—

Have the works already been started or completed?

Yes  No

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

—

### 6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes  No

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting  Telephone call  Letter  Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes  No

Please provide a description of the advice you were given and who you received the advice from:

Name:  Date:  Ref No.:

### 7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):  Square Metre (sq.m.)

## 8. Existing Use

Please describe the current or most recent use:

GARDEN GROUND.

## 9. Access and Parking

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

Yes  No

*If yes, please show in your drawings the position of any existing, altered or new access and explain 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 changes to public paths, public rights of way or affecting any public rights of access?

Yes  No

*If yes, please show on your drawings the position of any affected areas and explain 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?

4+

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

4+

*Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)*

## 10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes  No

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

Yes, connecting to a public drainage network   
No, proposing to make private drainage arrangements   
Not applicable – only arrangement for water supply required

What private arrangements are you proposing for the new/altered septic tank?

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

*Please show more details on your plans and supporting information*

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)   
Other private drainage arrangement (such as a chemical toilets or composting toilets)

*Please show more details on your plans and supporting information.*

Do your proposals make provision for sustainable drainage of surface water?

Yes  No

Note:- Please include details of SUDS arrangements on your plans

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

Yes  No

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

### 11. Assessment of Flood Risk

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

Yes  No

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

If yes, briefly describe how the risk of flooding might be increased elsewhere.

### 12. Trees

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

Yes  No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

### 13. Waste Storage and Collection

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

Yes  No

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

### 14. Residential Units Including Conversion

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

Yes  No

If yes how many units do you propose in total?

—

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

**15. For all types of non housing development – new floorspace proposed**

Does your proposal alter or create non-residential floorspace?

Yes  No

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

**16. Schedule 3 Development**

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

**17. Planning Service Employee/Elected Member Interest**

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

Yes  No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes  No

If you have answered yes please provide details:

**DECLARATION**

I, ~~the applicant~~/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, ~~the applicant~~/agent hereby certify that the attached Land Ownership Certificate has been completed

I, ~~the applicant~~/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes  No  N/A

Signature:

Name:

Date:

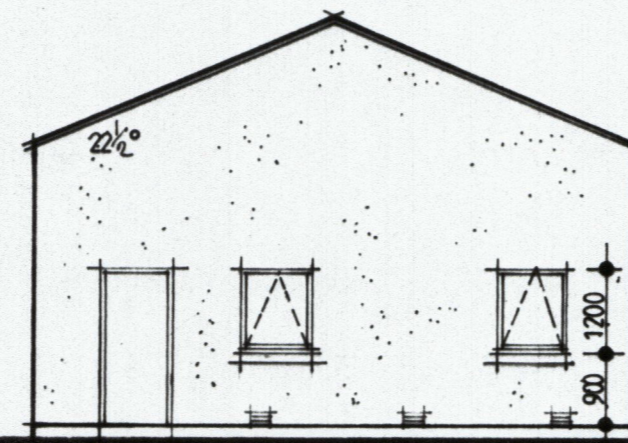
Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.





Front elevation 1-100

2x 3.6m wide by 3.2m high roller shutter doors to frontage



Side elevation 1-100

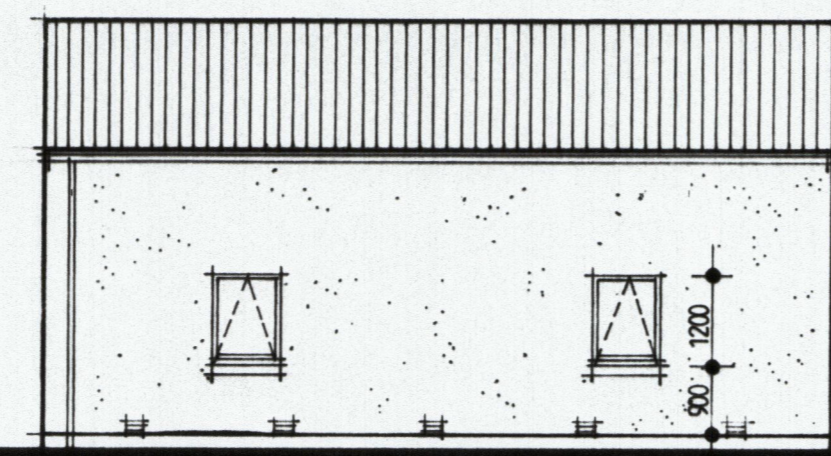


Side elevation 1-100

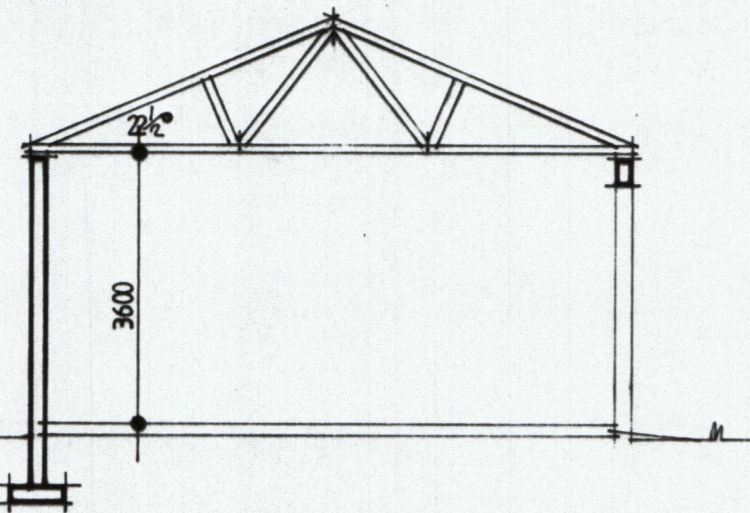
Roof finished with dark green polyester coated box profiled metal sheeting with black pvc gables and down pipes

Walls finished with buff coloured dry dash roughcast with smooth cement render base course around building

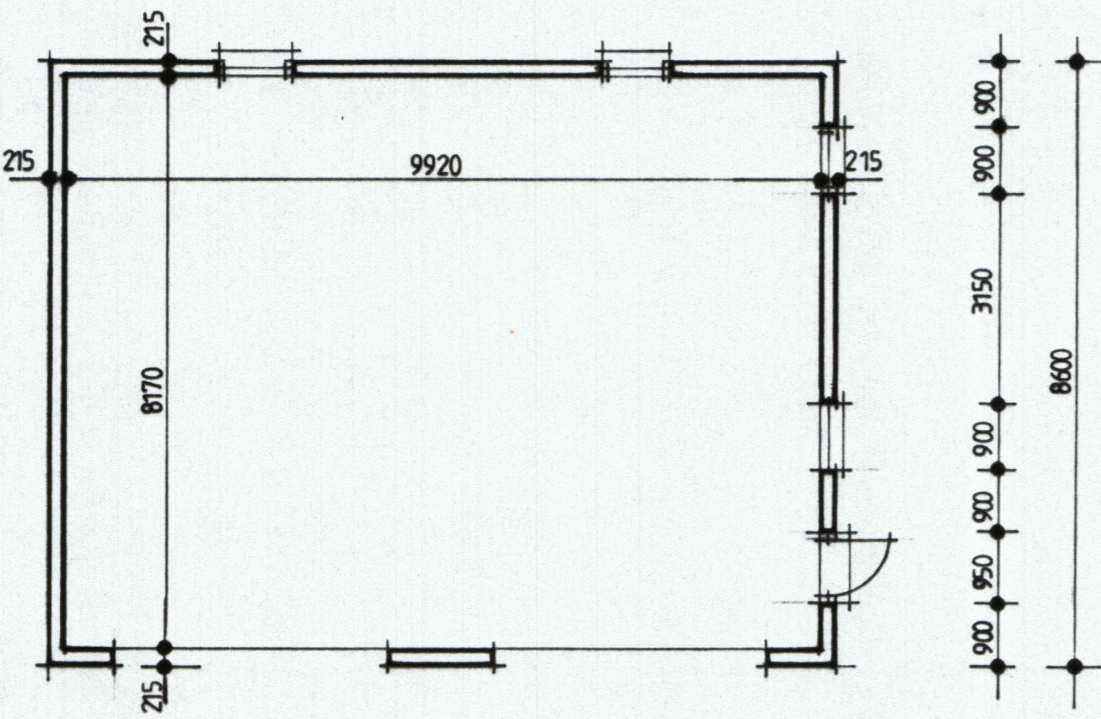
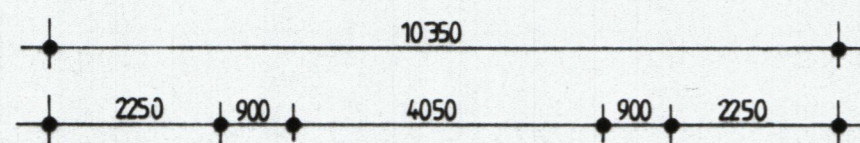
225x150mm GI louvred front vents to be incorporated at 2.0m c/c around perimeter of building at floor level



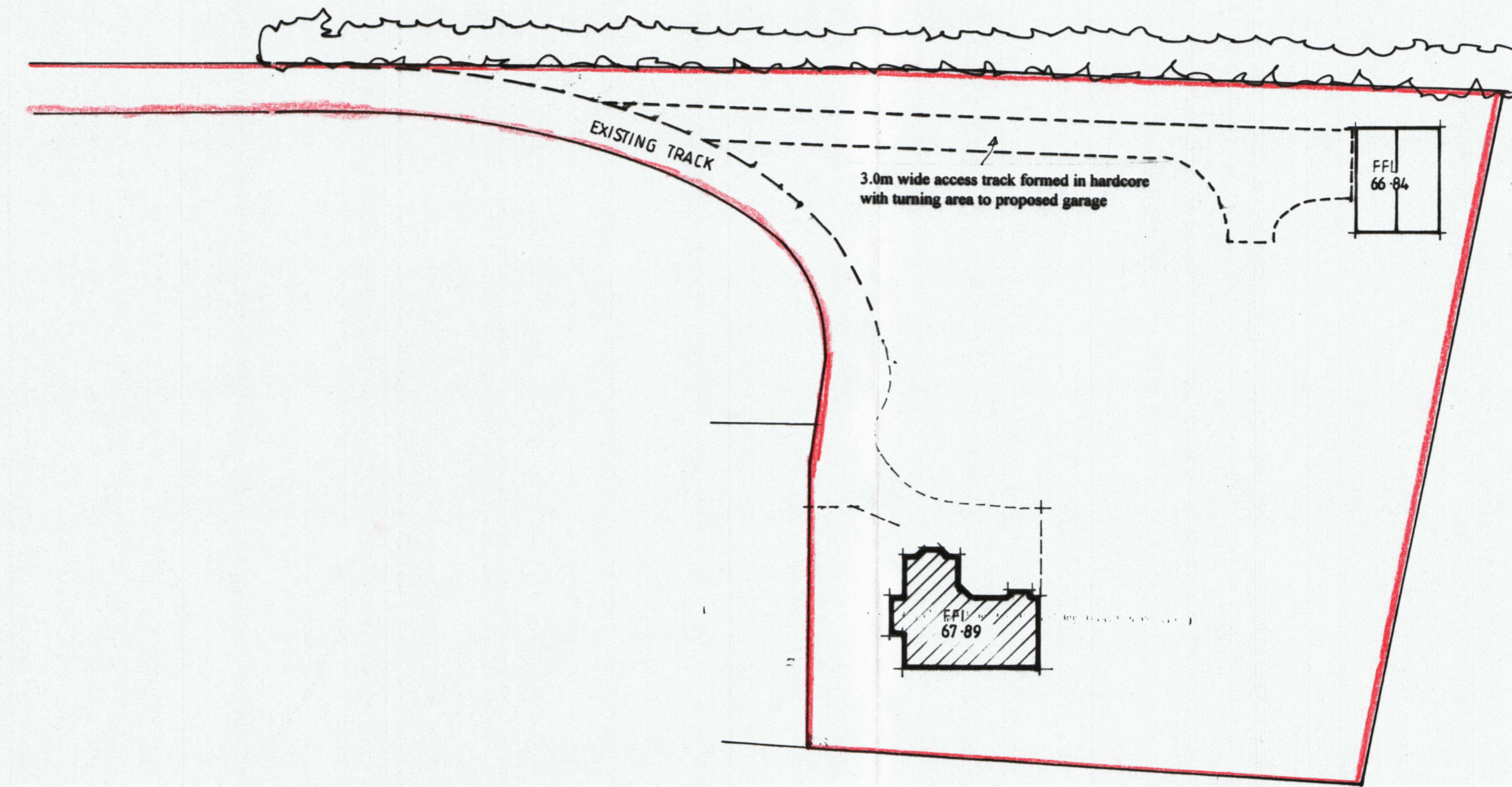
Rear elevation 1-100



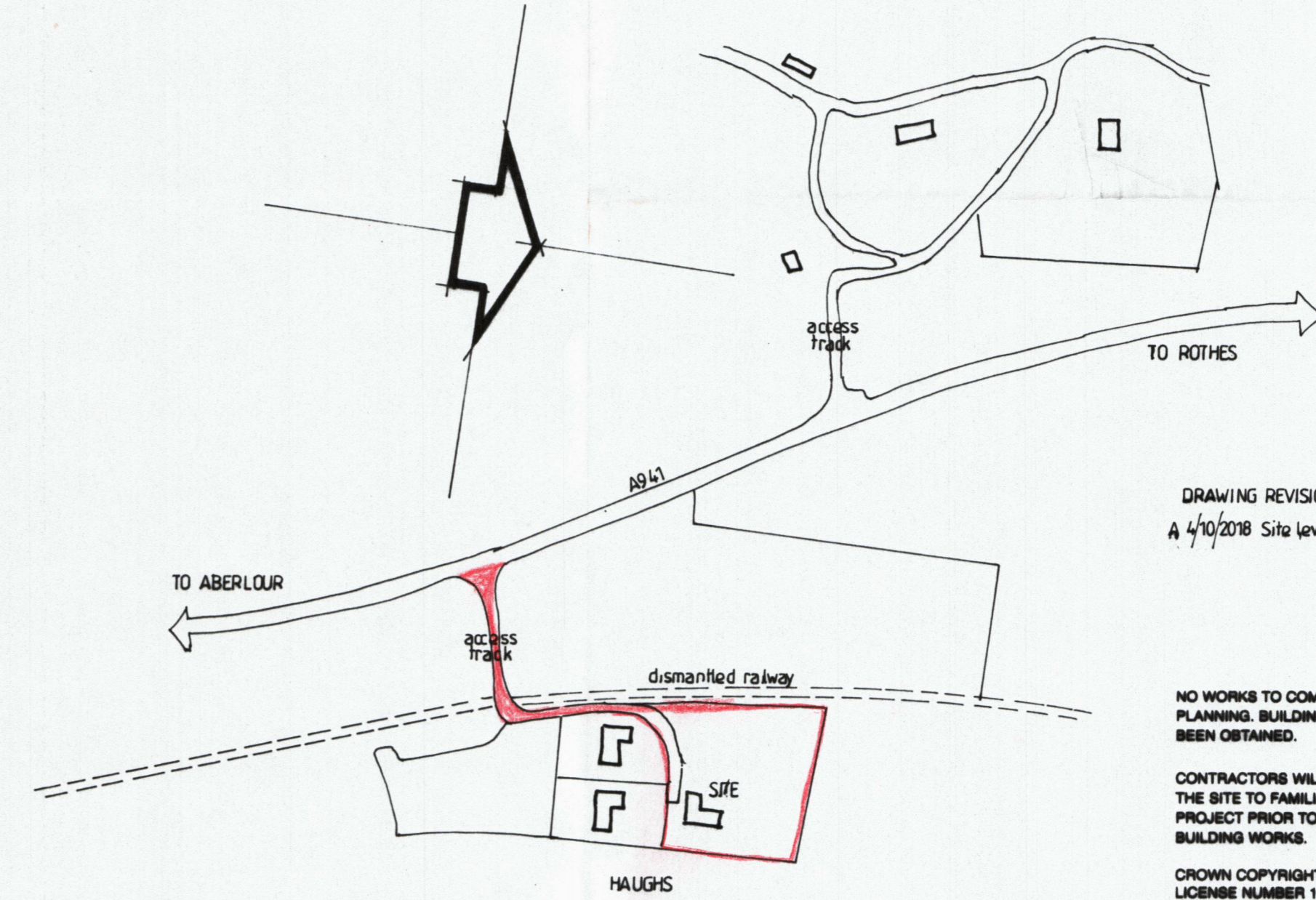
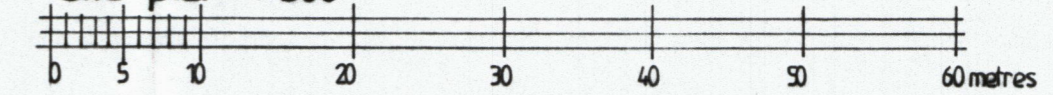
Cross section AA 1-100



Floor plan 1-100



Site plan 1-500



Location plan 1-2500  
OS Grid Ref NJ 279 478

DRAWING REVISIONS  
A 4/10/2018 Site levels amended

NO WORKS TO COMMENCE ON SITE UNTIL THE RELEVANT PLANNING, BUILDING WARRANT OR GRANT APPROVAL HAS BEEN OBTAINED.

CONTRACTORS WILL HAVE DEEMED TO HAVE VISITED THE SITE TO FAMILIARIZE THEMSELVES WITH THE PROJECT PRIOR TO SUBMITTING ANY ESTIMATE FOR BUILDING WORKS.

CROWN COPYRIGHT. ALL RIGHTS RESERVED.  
LICENSE NUMBER 100041146

ANY DEVIATIONS TO THE APPROVED PLANS TO BE REPORTED TO THIS OFFICE.  
CONTRACTORS TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING BUILDING WORKS GIVEN DIMENSIONS ONLY TO BE USED. DO NOT SCALE PLANS.

ANY ROOF TRUSS TYING INTO AN EXISTING ROOF TO BE CHECKED ON SITE BY CONTRACTOR TO ENSURE HEIGHTS MEET CORRECTLY.

CLIENT Mr I Jenkins	SCALE 1-100	DRAWN BY IR	DATE May 2018
PROJECT Proposed garage/workshop at Kimberlee, The Haughs, Rothies, Aberlour AB38 7AW			PROJECT No. 17-67 A



ARCHITECTURAL  
DESIGN CONSULTANTS

TELEPHONE No. 01343 842635  
MOBILE No. 07766 315501  
EMAIL: ctkplans@aol.com  
WEB: www.plans-plus.co.uk  
PARTNERS: COLIN & CATRIONA KEIR

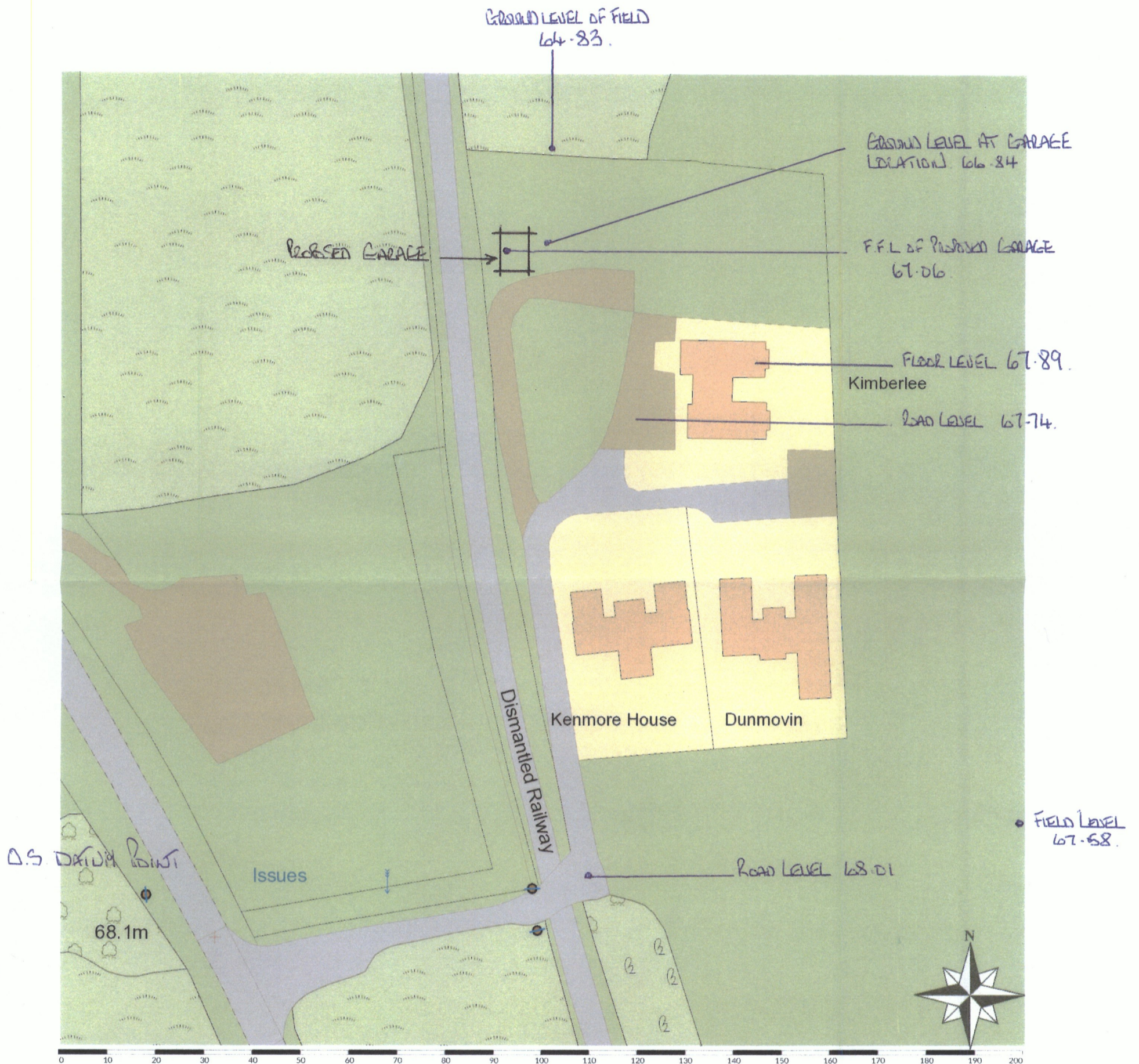
MAIN STREET OFFICES: URQUHART, BY ELGIN, IV30 8LG





02/10/2018

KIMBERLEE, A941 FROM B9102 AT DANDALEITH TO HIGH STREET IN ROTHES, ROTHES, AB38 7AW



Scale: 1:1250 | Area 4Ha | Grid Reference: 327916,847822 | Paper Size: A4



Mapping contents © Crown copyright and database rights 2018 Ordnance Survey 100035207



18/01323/APP  
08 NOV 2018



## Consultation Request Notification – Building Standards

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	29th October 2018
<b>Planning Authority Reference</b>	18/01323/APP
<b>Nature of Proposal (Description)</b>	Erect garage at
<b>Site</b>	Kimberlee Rothes Aberlour Moray AB38 7AW
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133055318
<b>Proposal Location Easting</b>	327957
<b>Proposal Location Northing</b>	847880
<b>Area of application site (Ha)</b>	m2
<b>Additional Comments</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="http://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=PGBNR7BG0FU00">http://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=PGBNR7BG0FU00</a>
<b>Previous Application</b>	18/00685/APP 13/02202/APP 10/00621/APP
<b>Date of Consultation</b>	15th October 2018
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr Ian Jenkins
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Kimberlee Rothes Aberlour Moray AB38 7AW
<b>Agent Name</b>	Plans Plus
<b>Agent Organisation Name</b>	Plans Plus
<b>Agent Address</b>	Main Street URQUHART By Elgin Moray IV30 8LG
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Cathy Archibald
<b>Case Officer Phone number</b>	01343 563101
<b>Case Officer email address</b>	cathy.archibald@moray.gov.uk

<b>PA Response To</b>	consultation.planning@moray.gov.uk
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**NOTE:**

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

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

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](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](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-

# MORAY COUNCIL PLANNING CONSULTATION RESPONSE

**From: Building Standards**

**Planning Application Ref. No: 18/01323/APP**

**Erect garage at Kimberlee Rothes Aberlour Moray for Mr Ian Jenkins**

In terms of Building Warrant requirements.

- |  | <b>Please</b>            |
|--|--------------------------|
| (a) <b>A Building Warrant is required</b>  | <b>x</b>                 |
| (b) A Building Warrant is not required (IBS008)  | <b>x</b>                 |
| (c) A Building Warrant will not be required but must comply with Building Regulations.(IBS009) | <input type="checkbox"/> |
| (d) Comments .....   | <input type="checkbox"/> |

.....  
.....  
.....  
.....

**Contact: William Clark**  
**email address: [william.clark@moray.gov.uk](mailto:william.clark@moray.gov.uk)**  
**Consultee: Building Standards**

**Date 18.10.2018**  
**Phone No 01343 563291**

<b>Return response to</b>	<b><a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a></b>
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://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.



# Consultee Comments for Planning Application 18/01323/APP

## Application Summary

Application Number: 18/01323/APP

Address: Kimberlee Rothes Aberlour Moray AB38 7AW

Proposal: Erect garage at

Case Officer: Cathy Archibald

## 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 objections

Adrian Muscutt, CLO





**MORAY COUNCIL  
PLANNING CONSULTATION RESPONSE**

**From:** The Moray Council, Flood Risk Management  
**Planning Application Ref. No:** 18/01323/APP

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

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

**Reason(s) for objection**

The site is subject to considerable fluvial and surface water flooding. Any structures built on the site would be at severe risk of flooding and increase the flood risk to surrounding properties. This is the same advice that was provided in the previous application response (18/0685/APP).

**Further information required to consider the application**

A Flood Risk Assessment would be required to assess the suitability of the development.

- The FRA should demonstrate that the development is not at risk of flooding during a 1:200 year flood event (including an allowance for climate change, refer UK Climate Projections 2009). A key requirement of the FRA is that it must consider all sources of flooding (with the specific exclusion of internal sewer flooding as defined in The Flood Risk Management (Scotland) Act 2009) and demonstrate how mitigation methods will be managed. The FRA will be required to demonstrate that any flood risk associated with the development can be managed now and for the lifetime of the development, taking into account the potential effects of climate change. It should also demonstrate that the development will not increase the risk of flooding elsewhere.
- As set out in SPP "Land raising should only be considered in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area. Compensatory storage may be required. "
- The adoption of flood mitigation measures may be acceptable in some circumstances (such as a Brownfield site) but avoidance would be the Council's primary objective.
- In circumstances where mitigation is considered acceptable, the developer must demonstrate the measures will not increase flood risk elsewhere. Mitigation measures should include an allowance for freeboard and climate change.

Contact: James Ross Date 15/10/2018  
email address: James.ross@moray.gov.uk Phone No 01343 563771

**Consultee:** The Moray Council, Flood Risk Management



Our ref: PCS/161771  
Your ref: 18/01323/APP

If telephoning ask for:  
Jim Mackay

20 November 2018

Cathy Archibald  
The Moray Council  
Development Services  
Environmental Services Dept.  
Council Office, High Street  
Elgin  
IV30 1BX

By email only to: [consultation.planning@moray.gov.uk](mailto:consultation.planning@moray.gov.uk)

Dear Ms Archibald

**Town and Country Planning (Scotland) Acts**  
**Planning application: 18/01323/APP**  
**Erect garage**  
**Kimberlee Rothas Aberlour Moray**

Thank you for your consultation on this planning application specifically requesting our advice on flood risk, which SEPA received on 15 October 2018. Further information was also submitted from the agent on 5 November 2018. We note this consultation follows the advice provided on related application 18/00685/APP (our ref: PCS/160129 (27 July 2018)).

Please note that SEPA does not usually provide site-specific flood risk advice on “Small scale extensions, domestic garages or garden sheds”. The position with this application is a little different in that the garage proposed is a separate building in the floodplain, but nevertheless we refer you to our “[SEPA standing advice for planning authorities and developers on development management consultations](#)” (LUPS-GU8) and advise you follow the advice of your flood colleagues.

We provide the following brief information to assist your consideration of the application with your colleagues:

The information provided confirms the proposed location of the garage/workshop is entirely within the functional floodplain of the River Spey, at medium to high risk of flooding from the River Spey and will reduce the capacity of the floodplain. A 1 in 200 year flood level of 67.73mAOD has previously been established for the area. The ground levels in the vicinity of the proposed building are 66.84mAOD. The proposed finished floor level for the garage is 67.06mAOD which is higher than the ground level but still less than the flood level. While this reduces flood risk to the new building, land raising in the functional floodplain is generally not considered acceptable as it reduces the storage capacity of the functional floodplain which has a long term impact elsewhere. Given the size of the proposed development, the impact on the floodplain from this alone is not significant, but it does not serve to avoid the piecemeal reduction of the floodplain. Further

mitigation has been suggested using low level vents to ensure the garage still floods. These measures may offset some of the negative effects of building in the floodplain but only if implemented and maintained.

If you have any queries relating to this letter, please contact me by telephone on 01349 860315 or e-mail at [planning.aberdeen@sepa.org.uk](mailto:planning.aberdeen@sepa.org.uk).

Yours sincerely

Jim Mackay  
Planning Unit Manager North  
Planning Service

ECopy to: [ctkplans@aol.com](mailto:ctkplans@aol.com) and [cathy.archibald@moray.gov.uk](mailto:cathy.archibald@moray.gov.uk)

*Disclaimer*

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

## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	29th October 2018
<b>Planning Authority Reference</b>	18/01323/APP
<b>Nature of Proposal (Description)</b>	Erect garage at
<b>Site</b>	Kimberlee Rothes Aberlour Moray AB38 7AW
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133055318
<b>Proposal Location Easting</b>	327957
<b>Proposal Location Northing</b>	847880
<b>Area of application site (Ha)</b>	m <sup>2</sup>
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="http://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=PGBNR7BG0FU00">http://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=PGBNR7BG0FU00</a>
<b>Previous Application</b>	18/00685/APP 13/02202/APP 10/00621/APP
<b>Date of Consultation</b>	15th October 2018
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr Ian Jenkins
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Kimberlee Rothes Aberlour Moray AB38 7AW
<b>Agent Name</b>	Plans Plus
<b>Agent Organisation Name</b>	Plans Plus
<b>Agent Address</b>	Main Street URQUHART By Elgin Moray IV30 8LG
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Cathy Archibald
<b>Case Officer Phone number</b>	01343 563101
<b>Case Officer email address</b>	cathy.archibald@moray.gov.uk

<b>PA Response To</b>	consultation.planning@moray.gov.uk
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For full terms please visit [http://www.moray.gov.uk/moray\\_standard/page\\_121513.html](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](http://www.moray.gov.uk/moray_standard/page_119859.html)

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Please respond using the attached form:-

**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Transportation Manager

**Planning Application Ref. No: 18/01323/APP**

**Erect garage at Kimberlee Rothes Aberlour Moray for Mr Ian Jenkins**

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

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

*Transportation has no objections to the proposed garage.*

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

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

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

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

**Contact: DA/AG**

**email address: [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)**

**Consultee: TRANSPORTATION**

**Date 15 October 2018**

**Return response to**

**[consultation.planning@moray.gov.uk](mailto: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.





## **REPORT OF HANDLING**

<b>Ref No:</b>	18/01323/APP	<b>Officer:</b>	Cathy Archibald
<b>Proposal Description/ Address</b>	Erect garage at Kimberlee Rothes Aberlour Moray		
<b>Date:</b>	30/11/2018	<b>Typist Initials:</b>	DM

### **RECOMMENDATION**

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

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Contaminated Land	16/10/18	No objection
Transportation Manager	15/10/18	No objection subject to informative
Building Standards Manager	25/10/18	A Building Warrant is required
Scottish Environment Protection Agency	20/11/18	<p>Objection</p> <p>The information provided confirms the proposed location of the garage/workshop is entirely within the functional floodplain of the River Spey, at medium to high risk of flooding from the River Spey and will reduce the capacity of the floodplain. A 1 in 200 year flood level of 67.73mAOD has previously been established for the area. The ground levels in the vicinity of the proposed building are 66.84mAOD. The proposed finished floor level for the garage is 67.06mAOD which is higher than the ground level but still less than the flood level. While this reduces flood risk to the new building, land raising in the functional floodplain is generally not considered acceptable as it reduces the storage capacity of the functional floodplain which has a long term impact elsewhere.</p>

		<p>Given the size of the proposed development, the impact on the floodplain from this alone is not significant, but it does not serve to avoid the piecemeal reduction of the floodplain.</p> <p>Further mitigation has been suggested using low level vents to ensure the garage still floods. These measures may offset some of the negative effects of building in the floodplain but only if implemented and maintained.</p>
Moray Flood Risk Management	17/10/18	<p>Objection</p> <p>The site is subject to considerable fluvial and surface water flooding. Any structures built on the site would be at severe risk of flooding and increase the flood risk to surrounding properties. This is the same advice that was provided in the previous application response (18/00685/APP).</p>

<b>DEVELOPMENT PLAN POLICY</b>		
<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
IMP1: Developer Requirements	Y	
EP9: Contaminated Land	N	
BE1: Sch Monuments and Nat Designations	N	
EP7: Control of Develop in FloodRiskArea	Y	

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

### **OBSERVATIONS – ASSESSMENT OF PROPOSAL**

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

## **The Proposal**

The application seeks planning permission for:

- A single storey pitched roof detached double garage with 2 No roller shutter doors measuring approx. 3.6m wide by 3.2m high.
- The external measurements are approx. 10.4m by 8m, 3.9m to eaves and measures 5.7m to the (ridgeline of the roof).
- External material finishes are: walls finished with buff coloured dry dash roughcast with smooth cement render base course around building. Roof finished with dark green polyester coated box profiled metal sheeting with black PVC rhones and pipes. 225mm x 250mm GI louvered floor vents.
- To be incorporated at 3m c/c around perimeter of building at floor level.
- A 3m wide access track formed in hardcore with turning area taken from the existing track to the proposed garage.
- Windows look out to the front and rear of the garage to the surrounding area.
- The garage is positioned approx. 7.35m to the front/side of the existing house.

## **Site and Surrounds**

The site is located at Kimberlee The Haughes approx.. 1 km south of Rothes and sits in an area with two other houses. The River Spey lies a short distance away from the proposed garage.

As Kimberly is some distance and upstream from the Rothes flood alleviation scheme it may not protect the properties.

The location is bound by an area of mature trees to the west between the site and the A941.

## **Policy Assessment**

### **Impact upon the surrounding locality (IMP1)**

The proposal is required to be assessed against IMP1: Development Requirements in terms of style, scale, proportions, materials and the potential impact on the surrounding area. The main issue for consideration is whether the proposed garage will have any adverse effects or impacts on the amenity of the existing house and the surrounding area, including any neighbouring dwellings.

In terms of scale, design and material finishes the garage is considered acceptable. It is in keeping with the parent house and is considered that it would not have a significant adverse impact on the house or the surrounding locality. Given its location and distance of the neighbouring adjacent properties it will not have a significant adverse impact on sunlight or daylight and no significant overlooking or privacy issues in relation to this application. It is noted that since the original approval of the parent property, additional land has been taken into the garden ground and is maintained as such. Whilst this land approved as part of the existing house, this assessment focussed on the proposed garage can find no significant harm to the character or amenity of the area from the proposed garage.

### **Flood issues (EP7 and IMP1)**

The site is an area of flood risk (1 in 200 year event) as identified on the SEPA flood risk maps. Moray Flood Risk Management (MFRM) object to the siting of the building in this location. That construction in this area would increase the risk of flood risk to surrounding properties.

Scottish Planning Policy states (paragraph 255) that "the planning system should promote flood avoidance by safeguarding flood storage and conveying capacity, and locating development away from functional floodplain and medium to high risk areas". It further defines that "for planning purposes the functional floodplain will generally have a greater than 0.5% (1:200) probability of flooding in any year". Therefore built development should not take place on the functional floodplain.

This application is for the erection of a detached garage in association with the property "Kimberley". Although some types of small scale extensions to existing properties are considered to be outwith the

scope of Scottish Planning Policy, in this particular case the proposed garage is a separate, relatively large building which is located away from the property of Kimberley. Therefore the proposed garage would fall under the definition minor development. Local development plan policy EP7 Control of Development in Flood Risk Areas states that development that would be at risk of flooding or would displace flood water elsewhere should not be permitted. Given the potential for flooding in this locality, it not considered the development of a garage in this location would be appropriate. Consultation with SEPA and the Moray Councils own Flood Risk Management Team identifies this area as one where flood level have historically occurred a level that would surround the proposed building. SEPA did suggest that the building design could be altered to aid the flow of water through the building, in addition to other flood mitigate measures

This also conflicts with the aims of policies EP7 and IMP1 i) where development should avoid areas at risk of flooding.

### Access and Parking (T2 & T5)

There is sufficient space within the site to provide adequate parking and turning in this case the site can meet the Council's parking standards and therefore Transportation has not been consulted. The access onto the public road is unaltered. A visit to the site demonstrated that there would adequate space to access the parking the garage would create.

### Conclusion

On the basis of the above information it is considered that the proposal does not comply with policies EP7 and IMP1 of the Moray Local Plan and therefore the application is recommended for refusal.

## OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY				
Reference No.	Description			
18/00685/APP	Erect domestic garage at Kimberlee Rothes Aberlour Moray AB38 7AW			
	<b>Decision</b>	Withdrawn	<b>Date Of Decision</b>	22/08/18
13/02202/APP	Extend planning permission (ref 10/00621/APP original ref 04/00931/FUL) to erect house on Plot 4 The Haughs Rothes Moray			
	<b>Decision</b>	Permitted	<b>Date Of Decision</b>	22/01/14
10/00621/APP	Extend planning permission to erect a dwellinghouse (04/00931/FUL) on Plot 4 The Haughs Rothes Moray			
	<b>Decision</b>	Permitted	<b>Date Of Decision</b>	27/01/11
04/00931/FUL	Erect new dwellinghouse on Plot 4 The Haughs Rothes Aberlour Banffshire			
	<b>Decision</b>	Permitted	<b>Date Of Decision</b>	31/05/05

ADVERT		
Advert Fee paid?	N/A	
Local Newspaper	Reason for Advert	Date of expiry

DEVELOPER CONTRIBUTIONS (PGU)	
Status	N/A

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

[Speyside Glenlivet]  
Application for Planning Permission

TO

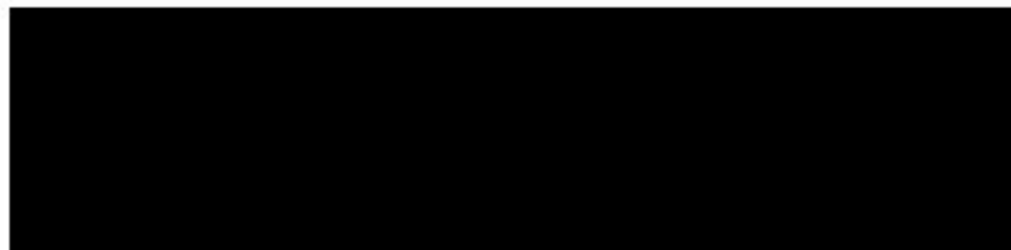


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Erect garage at Kimberlee Rothes Aberlour Moray**

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

Date of Notice: **3 December 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 the adopted Moray Local Development Plan 2015 policies EP7 and IMP1 on flood risk grounds where the proposal would lie entirely within the medium likelihood (0.5% annual probability or 1 in 200 years) flood extent of the SEPA Flood Maps. The proposed garage would therefore be at medium to high risk of flooding and in a location that would contribute toward increased flood risk to surrounding properties via displacement of flood plain capacity.

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

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

Reference	Version	Title
17~67	A	Elevations floor plan site and location plan
		Levels for garage

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

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