

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://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MS	Ref No.	
Forename	Beverley	Forename	David
Surname	A'Court	Surname	Dittman
Company Name		Company Name	
Building No./Name	Innesmhor 148A	Building No./Name	Heron Ridge
Address Line 1	Findhorn	Address Line 1	Rafford
Address Line 2		Address Line 2	
Town/City	Forres	Town/City	Forres
Postcode	IV36 3YL	Postcode	IV36 2RH
Telephone		Telephone	
Mobile		Mobile	07796 263 907
Fax		Fax	
Email		Email	daviddittman123@gmail.com

3. Postal Address or Location of Proposed Development (please include postcode)

Innesmhor 148A Findhorn Forres IV36 3YL
Plot adjacent to Innesmhor, currently known as "The Plot at Innesmhor."

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application

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

Planning Permission

Planning Permission in Principle

Further Application*

Application for Approval of Matters Specified in Conditions*

Application for Mineral Works**

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.

*Please provide a reference number of the previous application and date when permission was granted:

Reference No: Date:

5. Description of the Proposal

Please describe the proposal including any change of use:

Erection of single storey dwelling house

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.)

400m² or thereabouts

Please describe the current or most recent use:

Garden extension. Sole ownership currently being transferred to Ms B. A'Court. (ie. The plot no longer part of the Innesuhor property -)

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?

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)

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:

Waste and recycling bins shown on drawing

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?

one

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

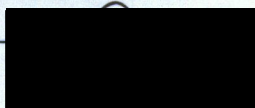
I, the ~~applicant~~ agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

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:

David Dittman

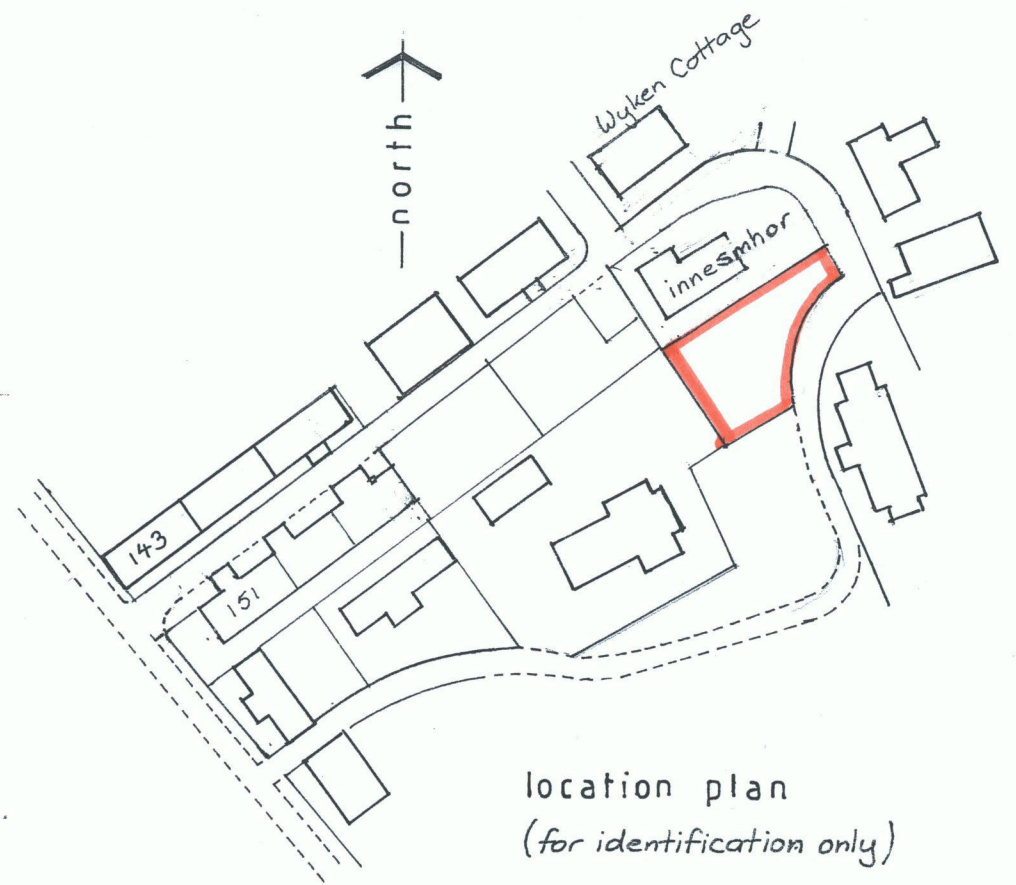
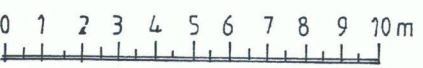
Date:

10/12/18

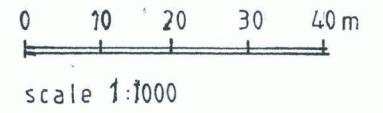
new house adjacent to Innesmhor
 site plan



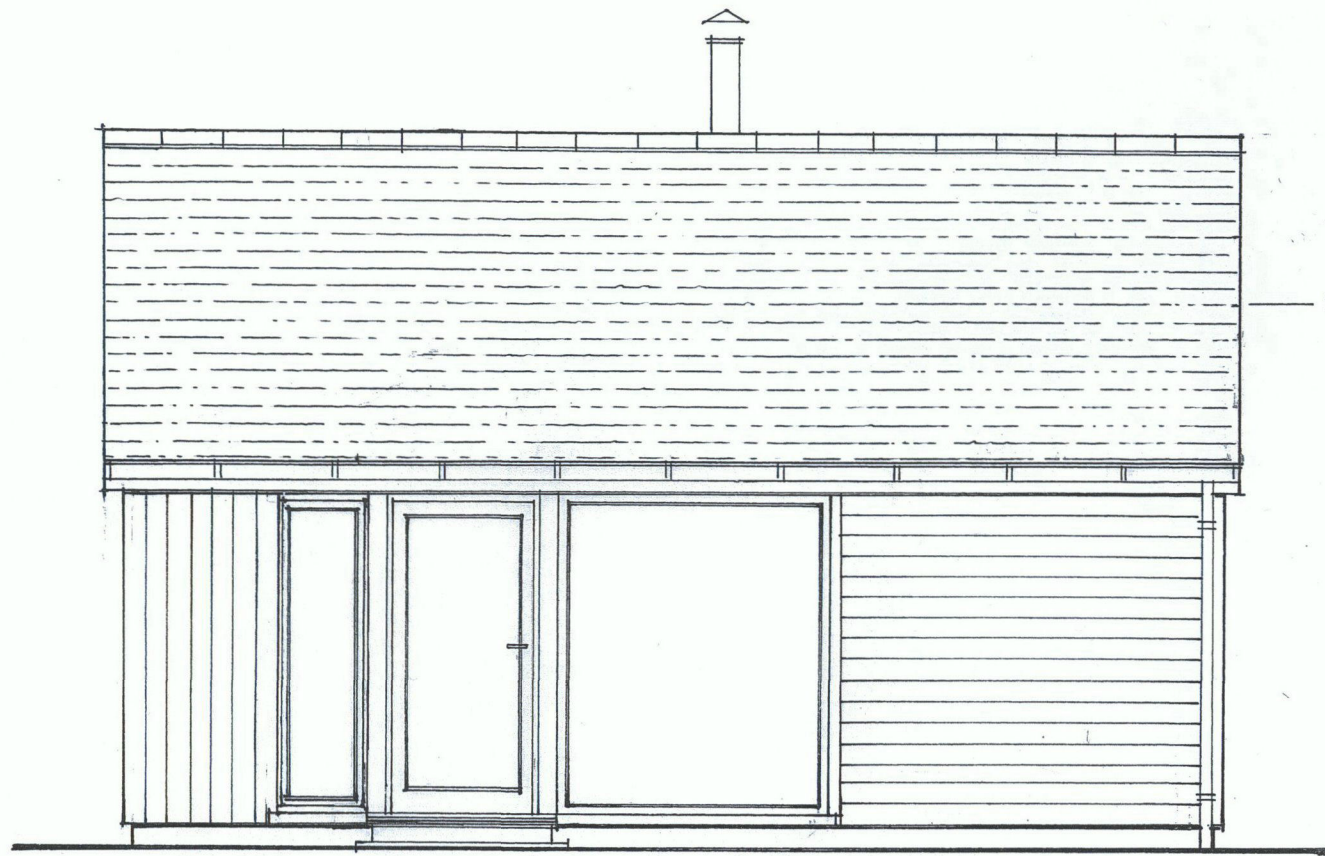
- KEY**
1. Parking for two cars
 2. Dedicated hardstand
 3. Paved pathway
 4. Bins / recycling
 5. Log store
 6. Surface water drain
 7. Soakaway
 8. Foul drain
 9. Public sewer
- Scale 1:200 as drawn**



location plan
 (for identification only)



n e w h o u s e a d j a c e n t t o I n n e s m o r



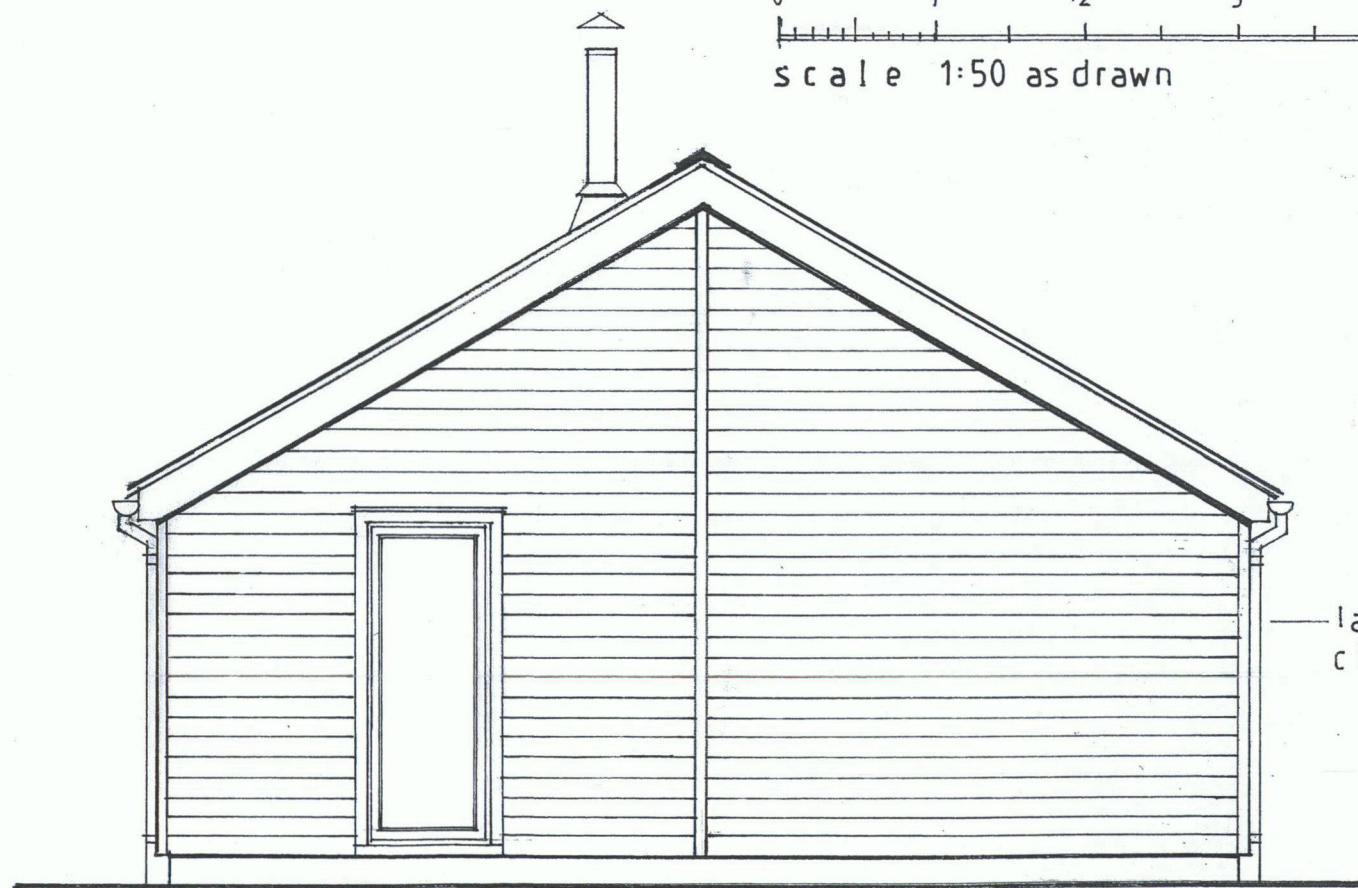
south east

slate roof



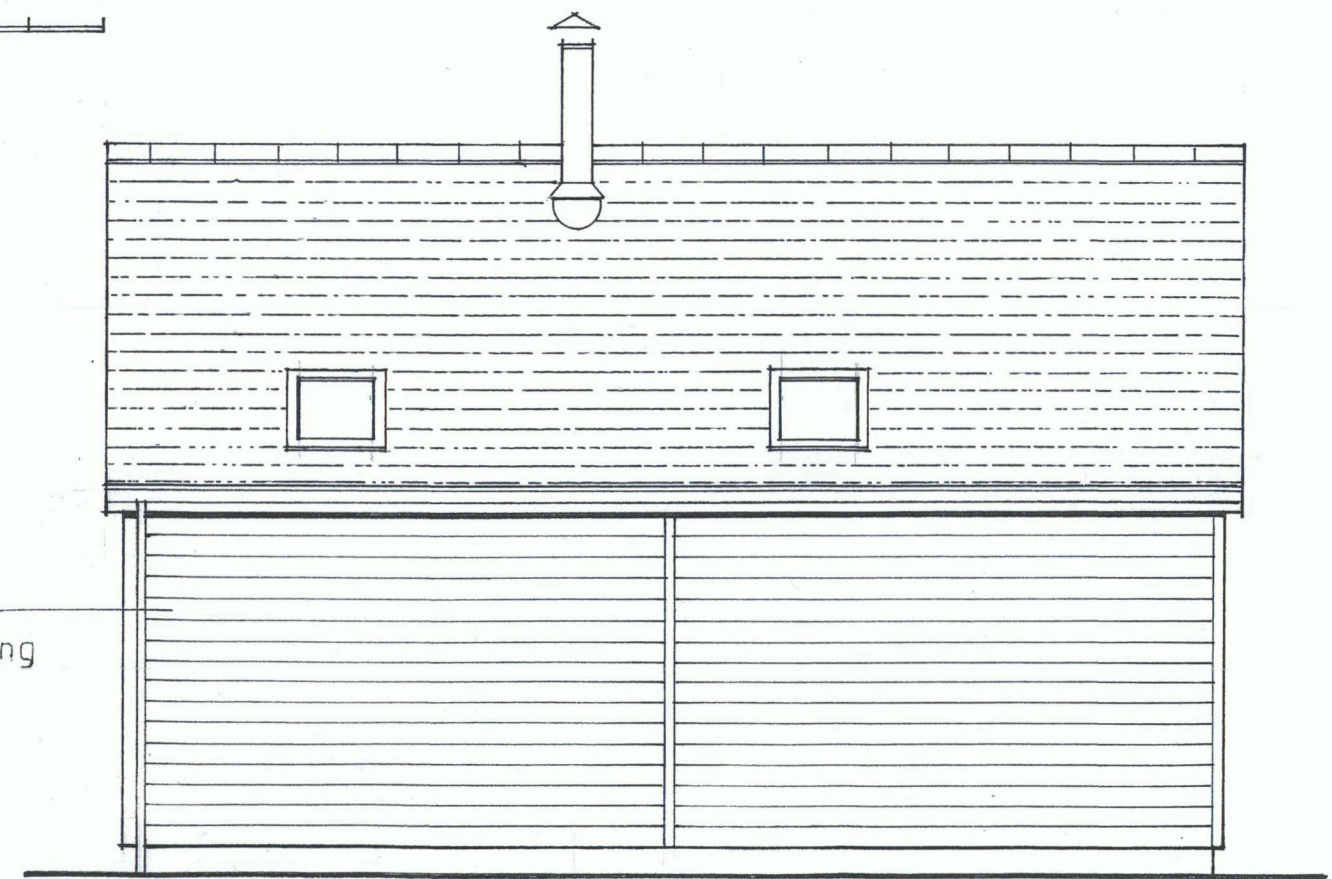
north east

0 1 2 3 4 5
scale 1:50 as drawn



south west

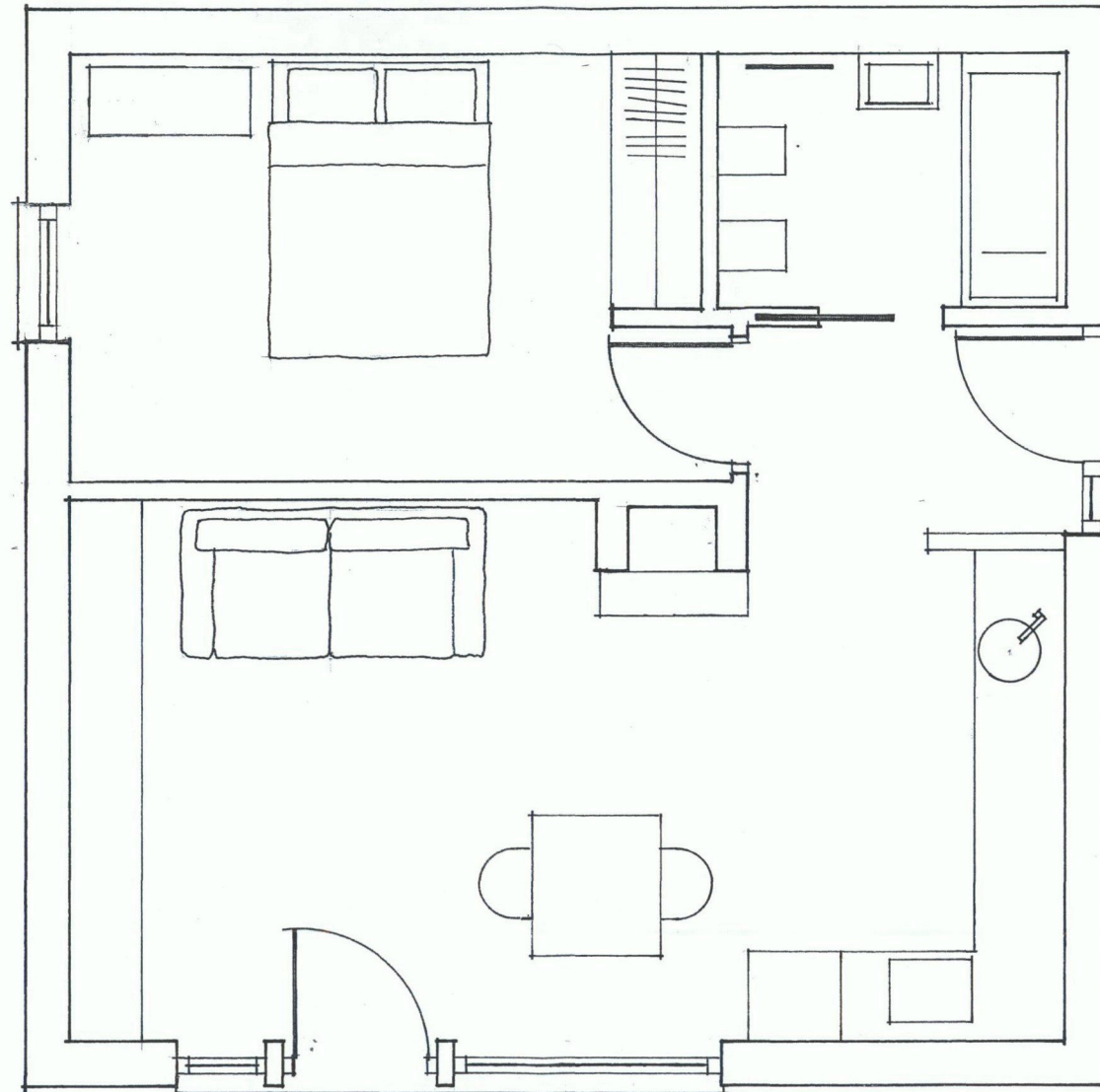
larch
cladding



north west

n e w h o u s e a d j a c e n t t o I n n e s m h a r

f l o o r p l a n



scale 1:50 as drawn

12 DEC 2018
18/01/56/81/008
3

David Dittman
Heron Ridge
Rafford
Forres
IV36 2RH

Moray Council
Planning Department
Council Offices
High street
Elgin

15th January 2019

Dear Sir / Madam

**New House at Innesmhor, Findhorn
Reference 18/01568/APP
Drainage Statement**

In response to your request for a drainage statement I confirm that the proposal is to connect the foul waste to the mains drainage system and the surface water to a soakaway. This is clearly indicated on the submitted site plan.

Regards, David Dittman

From: DeveloperObligations
Sent: Thu, 7 Feb 2019 14:29:52 +0000
To: Joe Taylor
Cc: DC-General Enquiries
Subject: 18/01568/APP Erect dwellinghouse on Plot 1 Innesmhor, Findhorn
Attachments: 18-01568-APP Erect dwellinghouse on Plot 1 Innesmhor, Findhorn.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

Hilda Puskas | Developer Obligations Officer (Development Planning & Facilitation) |
Development Services
hilda.puskas@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) |
[newsdesk](#)
01343 563265

MORAY
council



Developer Obligations: ASSESSMENT REPORT



MORAY
council

Date: 07/02/2019

Reference: 18/01568/APP

Description: Erect dwellinghouse on Plot 1
Innesmhor, Findhorn

Applicant: Mrs Beverly A`Court

Agent: David Dittman

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 extension at Forres Health Centre, 2 Additional Dental Chairs and reconfiguration to existing Pharmacy outlets</i>)	██████████
Sports and Recreation (<i>Contribution towards 3G pitch in Forres</i>)	██████████
Total Developer Obligations	██████████

Breakdown of Calculation

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

1 x 1-bed= 0.6 SRUE

This assessment is therefore based on 0.6 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

Please note that 1 bed units are not included within any calculations for education infrastructure mitigation as 1 bed units are not assumed to generate any pupils.

Contribution towards Primary Education = Nil

Secondary Education

Please note that 1 bed units are not included within any calculations for education infrastructure mitigation as 1 bed units are not assumed to generate any pupils.

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).

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

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

The nearest sports and recreational facilities that serve this development are located in Forres. The Moray Local Development Plan 2015 identifies a requirement for new development to contribute towards additional capacity of sports and recreational facilities. As set out in the Review of Sport, Leisure and Recreation Provision in Moray



(April 2014), current pitch provision in Forres falls below national standards in terms of both quantity and quality. The Review set out the preference is to provide synthetic grass pitches given the ever improving developments of synthetic turf technology, flexibility offered by the surface in terms of game size and capacity for repeated play without detrimental effect.

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

[REDACTED]

[REDACTED]

Contribution for Sports and Recreation

Facilities = [REDACTED]



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.



Consultee Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

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

Consultee Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

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

No comments.

Andrew Stewart

EHO

Consultation Request Notification – Building Standards

Planning Authority Name	Moray Council
Response Date	13th February 2019
Planning Authority Reference	18/01568/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL
Site Postcode	N/A
Site Gazetteer UPRN	000133044609
Proposal Location Easting	304142
Proposal Location Northing	864430
Area of application site (M²)	
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PJMAYIBG0FU00
Previous Application	03/01720/FUL
Date of Consultation	30th January 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mrs Beverly A'Court
Applicant Organisation Name	
Applicant Address	Innesmhor Findhorn Forres Moray IV36 3YL
Agent Name	David Dittman
Agent Organisation Name	
Agent Address	Heron Ridge Rafford Forres Moray IV36 2RH
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Joe Taylor
Case Officer Phone number	01343 563082
Case Officer email address	joe.taylor@moray.gov.uk

PA Response To	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

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: Building Standards

Planning Application Ref. No: 18/01568/APP

Erect dwellinghouse on Plot 1 Innesmhor Findhorn Forres Moray for Mrs Beverly A'Court

In terms of Building Warrant requirements.

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

Contact: Emma Thomas

Date: 31.01.19

email address: emma.thomas@moray.gov.uk

Phone No: 563442

Consultee: Building Standards

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.

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	13th February 2019
Planning Authority Reference	18/01568/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL
Site Postcode	N/A
Site Gazetteer UPRN	000133044609
Proposal Location Easting	304142
Proposal Location Northing	864430
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PJMAYIBG0FU00
Previous Application	03/01720/FUL
Date of Consultation	30th January 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mrs Beverly A'Court
Applicant Organisation Name	
Applicant Address	Innesmhor Findhorn Forres Moray IV36 3YL
Agent Name	David Dittman
Agent Organisation Name	
Agent Address	Heron Ridge Rafford Forres Moray IV36 2RH
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Joe Taylor
Case Officer Phone number	01343 563082
Case Officer email address	joe.taylor@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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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: 18/01568/APP

Erect dwellinghouse on Plot 1 Innesmhor Findhorn Forres Moray for Mrs Beverly A'Court

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"/> |

Condition(s)

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

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

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 development is not directly served by a public road. The applicant should note that it is their responsibility to establish any Rights of Vehicular Access with the party (parties) in control of the private road which serves the site.

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

Date 08 February 2019

email address: Transport.develop@moray.gov.uk

Consultee: TRANSPORTATION

Return response to

consultation.planning@moray.gov.uk

4th February 2019

Moray Council
Council Office High Street
Elgin
IV30 9BX



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

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

Dear Local Planner

IV36 Forres Innesmhor Plot 1
PLANNING APPLICATION NUMBER: 18/01568/APP
OUR REFERENCE: 772448
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

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

Foul

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

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

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not 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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, 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

Emma Taylor

Development Operation Technical Analyst
emma.taylor2@scottishwater.co.uk

Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Road access

Comment: The Applicant does not have Servitude access onto this Plot from the access lane that I own. Applicant has designated two parking places on the plan but has no legal access to the site.

I have had no Neighbour Notification about this development from Moray Council contrary to planning process.

Comments for Planning Application 18/01568/APP

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Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Parking
- Procedures not followed correctly
- Road access

Comment: The Applicant does not have Servitude access onto this Plot from the access lane that I own. Applicant has designated two parking places on the plan but has no legal access to the site.

I have had no Neighbour Notification about this development from Moray Council contrary to planning process.

This plot was the subject of a previous planning application in 2014 which was refused on 16/12/2014 for the following reason:

" The proposal is contrary to the Moray/local Plan 2008 policies H3, H4 and IMP1 as the proposed site is only 207sq/m and would result in a cramped, awkward development which would not reflect the density of development in the immediate vicinity which is characterised by houses in generous plots and would have an adverse impact on the amenity of the surrounding area."

Looking at this new Application the house is slightly smaller, the footprint has been moved towards the edge of the site and two parking places have been designated.

I urge the planning department to refuse this application again.

[REDACTED]

Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

- Community Council/Association Consult
- Contrary to Local Plan
- Legal issues
- Parking
- Poor design
- Precedent
- Road access

Comment: Contrary to the Local Plan. In a Conservation Area.

Road Access.

There is only access to this plot of land by car as it is necessary to cross over private land. All vehicles will need to

Parking.

At least 2 parking spaces needed, there does not appear to be space for these.

Over development of the site

The new plot is very small and will further decrease the size of the original garden

Inappropriate materials/finishes

Moray Local Development Plan>Policy H3>Sub Division for House plots

If the site provided is at least 400 square meters excluding access, if the house style complements the character of the area and the scale and architecture of the parent and neighbouring properties.

The larch wood material for the outer is not a local feature.

Poor Design. Inappropriate materials/finishes

Moray Local Development Plan>Policy H4>House Alterations and Extensions

House Alterations and extensions will normally be approved if the appearance of the house and the surrounding area is not adversely affect in terms of style, scale, proportions or materials.

The larch wood material for the outer is not a local feature and this is a conservation area.

Precedent,

If this building is allowed to go forward it will allow a number of precedents for others to copy.

Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Loss of privacy (being overlooked)
- Over-development of site

Comment: The application for building on the site was refused 2014 as the proposal was contrary to Moray local Plan 2008 polices H3, H4 and IMP1 as the site is only 207sqm. We agreed with the refusal at the time and cannot understand why it would be permissible to build in 2019.

REPORT OF HANDLING

Ref No:	18/01568/APP	Officer:	Richard Smith
Proposal Description/ Address	Erect dwellinghouse on Plot 1 Innesmhor Findhorn Forres Moray		
Date:	19.03.2019	Typist Initials:	LMC

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

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Environmental Health Manager	31/01/19	No objection.
Contaminated Land	01/02/19	No objection.
Transportation Manager	08/02/19	No objection, subject to conditions and informatives.
Scottish Water	04/02/19	No objection, informative advice and caveats regarding capacity and connection.
Planning And Development Obligations	07/02/19	Obligations required, no confirmation of a willingness to pay to obligation received to date.
Building Standards Manager	31/01/19	Warrant required.

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP3: Placemaking		
PP1: Sustainable Economic Growth		
H3: Sub division for House Plots	Y	
EP5: Sustainable Urban Drainage Systems		
EP9: Contaminated Land		
EP10: Foul Drainage		

T2: Provision of Access		
T5: Parking Standards		
IMP1: Developer Requirements	Y	
IMP3: Developer Obligations		
2020 Proposed Local Development Plan		
PP1 Placemaking		
PP2 Sustainable Economic Growth		
PP3 Infrastructure & Services		
DP1 Development Principles		
DP2 Housing		
EP12 Management and Enhancement of the		
EP13 Foul Drainage		

REPRESENTATIONS

Representations Received

YES

Total number of representations received: THREE OBJECTIONS (Two from separate individuals and one from the Findhorn and Kinloss Community Council)

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

Issue: The applicant does not have Servitude access onto the plot from the access lane which is owned by the objector. Access to the plot will require crossing private land.

Comments (PO): Access to the site via the access lane in question is a private legal matter between the applicant and owners of the lane, which does not preclude determination of the application.

Issue: Two parking spaces are shown on plan but the applicant has no legal access to the site. There does not appear to be space for these parking spaces on site.

Comments (PO): See comment above regarding access. The Transportation Section has assessed the proposal and considers that the level of parking provision is adequate and achievable, and has recommended imposition of a planning condition regarding its provision.

Issue: Procedures not followed correctly: Objector has had no neighbour notification.

Comments (PO): Council records show that neighbour notification correspondence was sent out to

<p>the objector in accordance with procedures.</p>
<p>Issue: The plot was subject to a previous application in 2014 which was refused; the refusal reason was that it was contrary to policies of the Moray Local Plan 2008 at the time, as it was only 207sqm and would result in cramped, awkward development which did not reflect density of surrounding development which is characterised by houses in generous plots and would have an adverse impact on the amenity of the surrounding area. Notes that new application is for a slightly smaller house, the footprint has been moved towards the edge of the site and two parking spaces have been designated.</p> <p>Comments (PO): Each planning application is considered on its individual merits, against current development plan policy and any other material considerations. The previous refused application was determined under a different local plan and differs from the current proposal, in terms of site area, layout and house design.</p>
<p>Issue: Over-development of site. Proposed plot is very small and will decrease size of original garden. Contrary to Local Plan.</p> <p>Comments (PO): Refer to observations section below.</p>
<p>Issue: Loss of privacy (being overlooked).</p> <p>Comments (PO): The proposal would not give rise to any adverse amenity impacts. Refer to observations section below.</p>
<p>Issue: Policies H3 Sub-division for House Plots and H4 House Alterations and Extensions require proposed house styles to complement the character of the area and scale and architecture of parent and neighbouring properties, and to be acceptable in terms of style, scale, proportions or materials. The larch wood material is not a local feature and the proposal is located in a conservation area.</p> <p>Comments (PO): The proposed use of larch as an external finish is acceptable in this location. The site is not located in the Findhorn Conservation Area, although this does lie to the immediate west of the site.</p>
<p>Issue: Precedent: Approval will set a precedent for others to follow.</p> <p>Comments (PO): Precedent is not a justifiable reason to refuse planning permission.</p>

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

This application seeks planning permission to erect a dwelling house on garden ground at Innesmhor, Findhorn.

The proposed house is a single storey design (containing 1 bedroom, kitchen/living space and WC/bathroom) with square footprint (52sqm), 30 degree high pitched roof (4.7m to ridge) and external material finishes of larch cladding and natural slate. It would also have a wood burner chimney flue.

The application includes water, foul and surface water drainage arrangements involving a connection to the public water supply, foul and drainage network, and on plot soakaway (SUDs), and parking for two cars.

The Site and Surroundings

The site is located within the settlement of Findhorn as identified in the Moray Local Development Plan 2015 (MLDP).

The site is garden ground associated with the parent property, Innesmhor to the north and currently comprises a parking area/hardstanding, lawn, and trees and shrubs. The application form describes the use of the site as a garden extension to this house and that sole ownership is currently being transferred to the applicant (i.e. with the plot no longer being part of the Innesmhor property).

The site extends to approx. 358sqm and is irregular in shape. The combined size of both Innesmhor and the site is approx. 817sqm.

The site is served by a private track which loops around the north, south and east of the site. There are houses immediately to the east, northeast, southeast and southwest of the site.

Appraisal

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 Plan 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Plan was approved as the "settled view" of the Council and minimal weight will be given to the Proposed Plan, with the 2015 MLDP being the primary consideration.

Siting and Character (H3 and IMP1)

The proposal involves the creation of a new house plot through subdivision of an existing residential property and therefore requires assessment against policies H3 and IMP1 of the MLDP.

Policy H3 Sub Division for House Plots states that proposals for subdivision for housing plots in settlements where there is no specific embargo will be acceptable if the plot subdivision is less than 50% of the original plot, the site provided is at least 400sqm (excluding access), and if the house style complements the character of the area and scale and architecture of the parent property and neighbouring properties. It further states that the built up area of the plot should avoid overlooking and maintain the amenity of the parent property and surrounding properties, and should include sufficient on-plot parking for both the new and parent properties. The policy further states that 'backland' development will be acceptable where it meets the above conditions but proposals for 'tandem' development (i.e. backland development proposed immediately behind an existing house served by the same access) will only be permitted in exceptional circumstances because of unacceptable impacts upon the amenity of the dwelling at the front of the site.

Policy IMP1 Developer Requirements requires new development to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area and to comply with set criteria. This includes the requirement for development to be appropriate to the surrounding area in terms of scale, density and character.

The site is not located within any of the identified settlements where there is an embargo on plot subdivision as defined in Policy H3 (Craigellachie, Dallas, Kingston and Urquhart). It has a frontage onto the existing private road and is not considered to be backland or 'tandem' development. The existing plot area is approximately 817sqm and an area of 358sqm has been identified for the new house. The proposed house site is less than 50% of the overall plot but falls below the 400sqm area (excluding access) required by the policy. There are examples of plots of around the size proposed but these are generally associated with traditional cottages in the older part of the village. The proposed plot is smaller than that of the parent plot and those of the larger modern houses to the east, northeast/southeast and southwest. The current proposed house is modest, but the limited size of the plot (which fails minimum site area criteria) would mean that it would lead to cramped development that would not reflect the density of development in the immediate vicinity, which is

characterised by larger dwellings in more spacious plots. This deviation from the density of development in this part of Findhorn would be detrimental to the character and amenity of the surrounding area and contrary to policies H3 and IMP1, and on this basis the application is recommended for refusal.

Design and Materials (H3 and IMP1)

The proposed house is of broadly traditional design, with a simple footprint, modest ridge height and external material finishes of timber cladding and natural slate. There are other timber clad buildings present in the surrounding area, and the building of the style and finish proposed would normally sit comfortably in this context. The house is modest with a footprint of 52sqm, however as is noted above the identified plot and building would not reflect the density of development in the immediate vicinity.

Amenity (H3 and IMP1)

The proposed new house is positioned to the south of and close to the existing house, Innesmhor, however due to its modest ridge height there would be no significant loss of sunlight or daylight to the existing. Similarly, since there are no windows in the north elevation facing the existing house no overlooking/loss of privacy would occur. Although the application does not include details of fencing, particularly along the mutual boundary with the existing house, had the application been recommended for approval the provision of a 1.8m high timber fence would have been imposed by condition to protect privacy. The site of the proposed new house is adequately separated from existing houses to the east, northeast, southeast and southwest and as such the proposal will not give rise to any unacceptable impacts in terms of privacy and overlooking for these neighbouring houses.

Access and Parking (T2 & T5)

The existing house and the proposed house would be accessed onto a private road. The maintenance and use of the private road is a civil matter for the relevant parties.

Following consultation, the Transportation Section has raised no objection subject to a condition requiring the provision of two parking spaces for the proposed house. This level of provision is acceptable for the scale of development proposed and meets Council's parking standards and policy T5. Had the application been recommended for approval, the condition would have been attached to the formal decision notice.

Whilst the application identifies no retained parking provision for the existing house (which is outside the red line boundary), from observations on site there is scope for this to be provided in the north eastern part of the existing garden.

Drainage and Water Supply (EP5, EP10 and IMP1)

Proposed connections to the public foul and water drainage network and an on-plot soakaway for dealing with surface water are appropriate and satisfy the requirements of policies EP5, EP10 and IMP1. Detailed drainage arrangements would be also assessed under the Building Regulations. Scottish Water has not objected to the proposal but has identified the need for separate discussion between the applicant and Scottish Water direct regarding availability of capacity and connection arrangements.

Developer Obligations (IMP3)

An assessment has been carried out and an obligation has been identified towards healthcare and sports and recreation. Had the application been recommended for approval, an upfront payment would have been taken prior to issue of the decision. At the time of writing this report the applicant has not confirmed agreement to the payment.

Recommendation

The proposal falls below the minimum site area criteria of 400sqm (excluding access) as required by policy H3 for new house plots formed through subdivision, and is considered to be too small to adequately accommodate the proposed development in this location without impacting upon the character and amenity of the surrounding area. Although the current proposed house is modest, the limited size of the plot would mean that it would lead to cramped development that would fail to reflect the density of development in the immediate vicinity, characterised by larger dwellings in more spacious plots. This deviation from the density of development in this part of Findhorn would be detrimental to the character and amenity of the surrounding area and contrary to policies H3 and IMP1, and on this basis the application is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description					
03/01720/FUL	Enlargement of house at Innesmhor Findhorn Forres Moray IV36 3YL					
	<table border="1"><thead><tr><th>Decision</th><th>Permitted</th><th>Date Of Decision</th></tr></thead><tbody><tr><td></td><td></td><td>18/09/03</td></tr></tbody></table>	Decision	Permitted	Date Of Decision		
Decision	Permitted	Date Of Decision				
		18/09/03				

ADVERT

Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
PINS	Planning application affecting LB/CA No Premises Departure from development plan	05/03/19
Forres Gazette	Planning application affecting LB/CA No Premises Departure from development plan	05/03/19

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

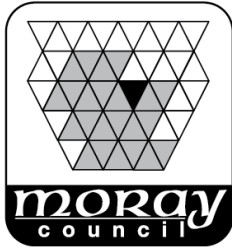
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

S.75 AGREEMENT		
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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)			
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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

**[Forres]
Application for Planning Permission**

TO Mrs Beverly A'Court
c/o David Dittman
Heron Ridge
Rafford
Forres
Moray
IV36 2RH

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 Plot 1 Innesmhor Findhorn Forres Moray

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

Date of Notice: **19 March 2019**



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 and IMP1 of the Moray Local Development Plan (MLDP) 2015 for the following reasons:

The proposal falls below the minimum site area criteria of 400sqm (excluding access) as required by policy H3 for new house plots formed through subdivision, and is considered to be too small to adequately accommodate the proposed development in this location without adversely impacting the character and amenity of the surrounding area. Although the current proposed house is modest, the limited size of the plot would mean that it would lead to cramped development that would fail to reflect the density of development in the immediate vicinity, which is characterised by larger dwellings in more spacious plots. This deviation from the density of development in this part of Findhorn would be detrimental to the character and amenity of the surrounding area and contrary to policies H3 and IMP1, and on this basis the application is recommended for refusal.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Site and location plan
		Elevations
		Floor plan

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.