

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	Mr & Mrs	Ref No.	
Forename	John & Isla	Forename	
Surname	Mitchell & Grant	Surname	
Company Name		Company Name	
Building No./Name	4	Building No./Name	
Address Line 1	Maisondieu Place	Address Line 1	
Address Line 2		Address Line 2	
Town/City	Elgin	Town/City	
Postcode	IV30 1RD	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Postal Address or Location of Proposed Development (<i>please include postcode</i>)			
Station Road Urquhart			
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		<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"/>	
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:	
**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:

erect domestic dwellinghouse / detached garage and all associated works

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):

0.3154

Square Metre (sq.m.)

3154

8. Existing Use

Please describe the current or most recent use:

farm field

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:

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?

1

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

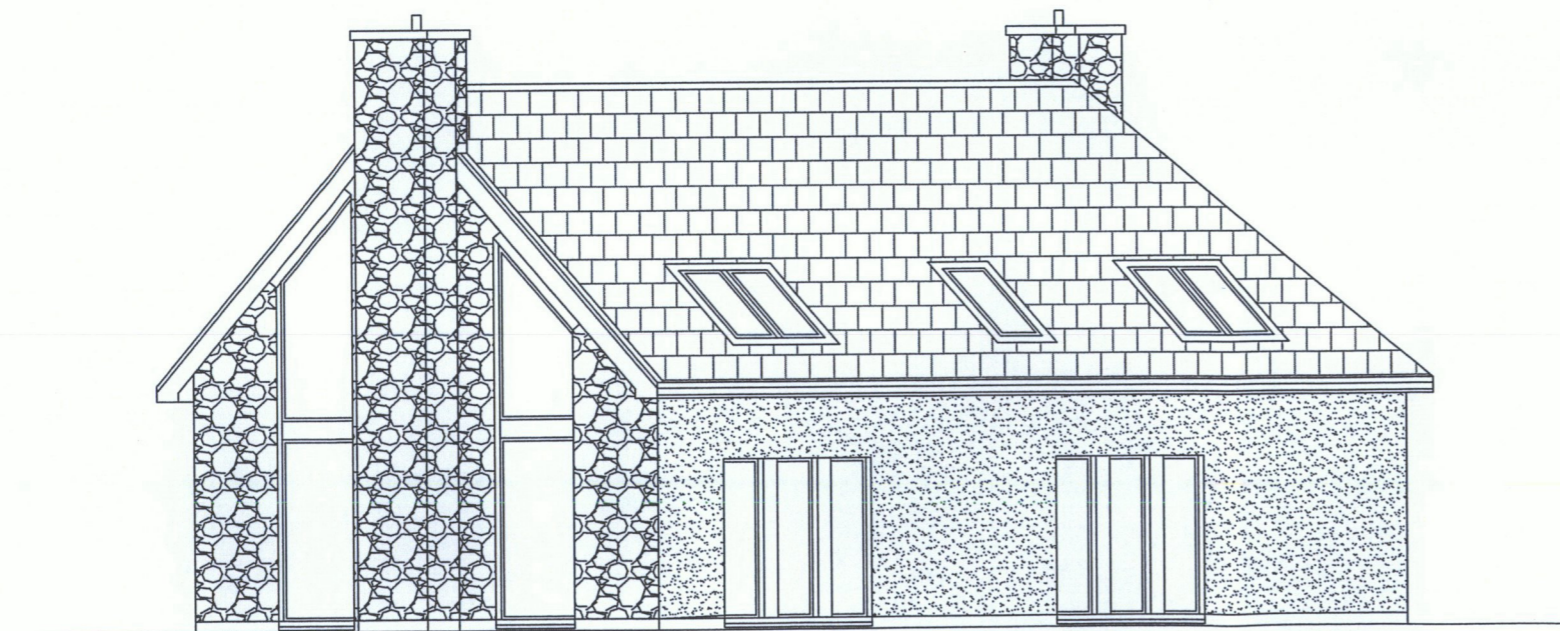
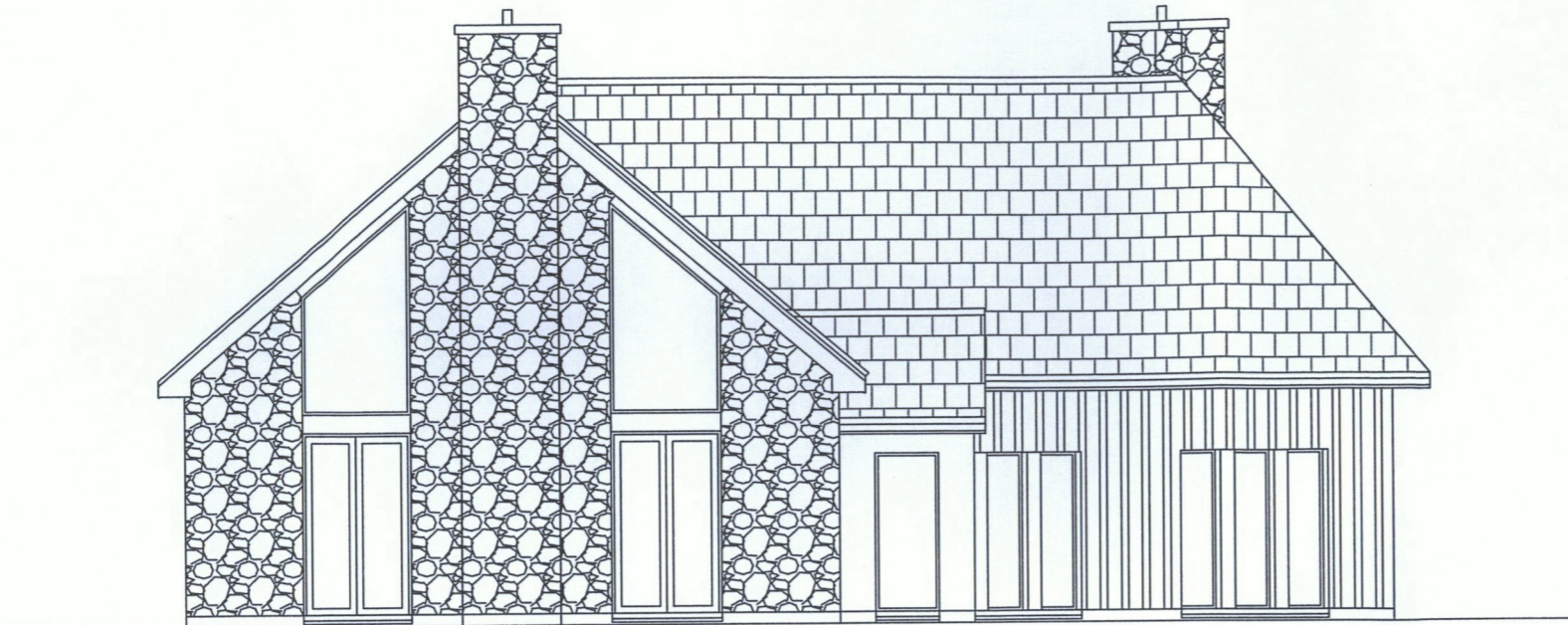
I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

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 Data Protection Legislation.



EXTERNAL FINISH
 roughcast to rear elevation
 natural stone to gable with
 timber cladding to front elevation
 concrete roof tiles - flat profile
 upvc windows

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

REFUSED

13 September 2019

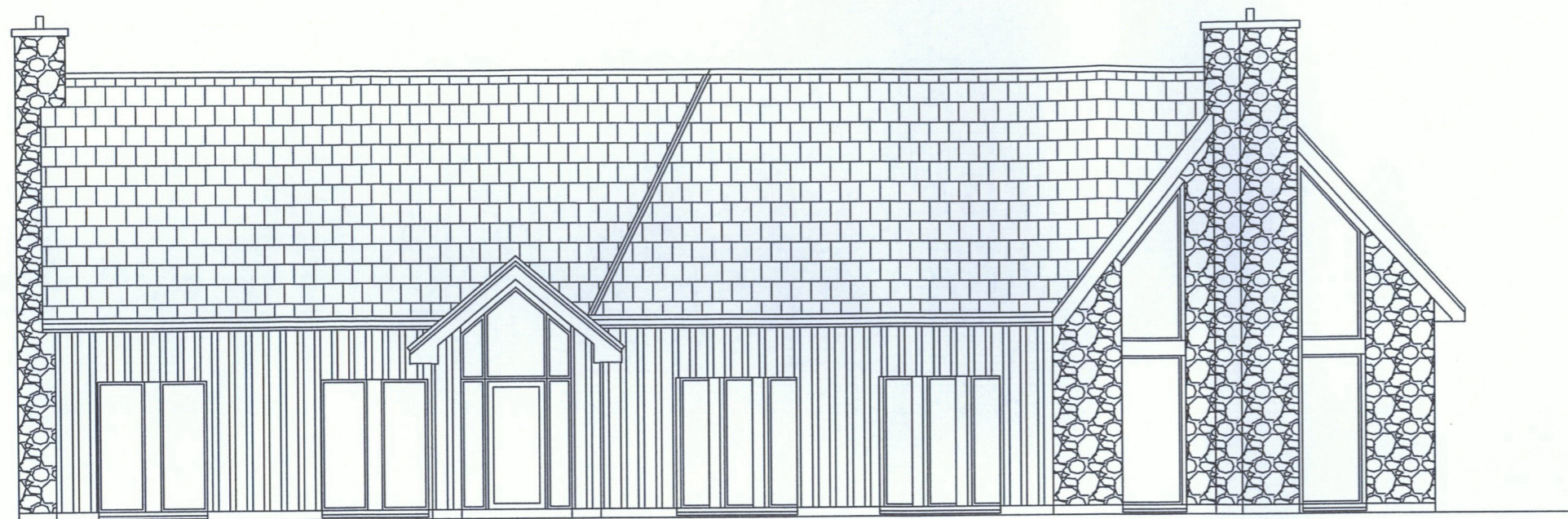
Development Management
 Environmental Services
 The Moray Council

No.	Revision/Issue	date

Client Name and Address
 Mr J Mitchell
 Ms I Grant

Project Name and Address
 Proposed new dwellinghouse
 with all associated works
 at Station Road, Urquhart

Project Urq01	Sheet 3()
Date Jul 19	
Scale 1:100	

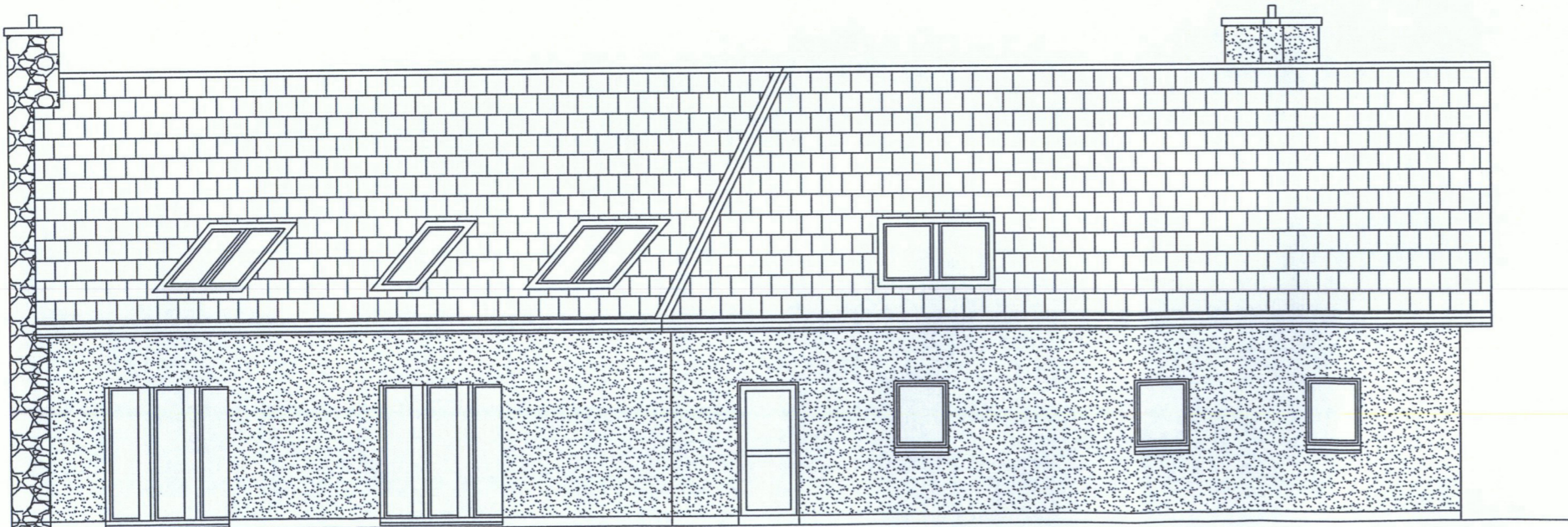


Town & Country Planning
(Scotland) Act, 1997
as amended

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Development Management
Environmental Services
The Moray Council



EXTERNAL FINISH
roughcast to rear elevation
natural stone to gable with
timber cladding to front elevation
concrete roof tiles - flat profile
upvc windows

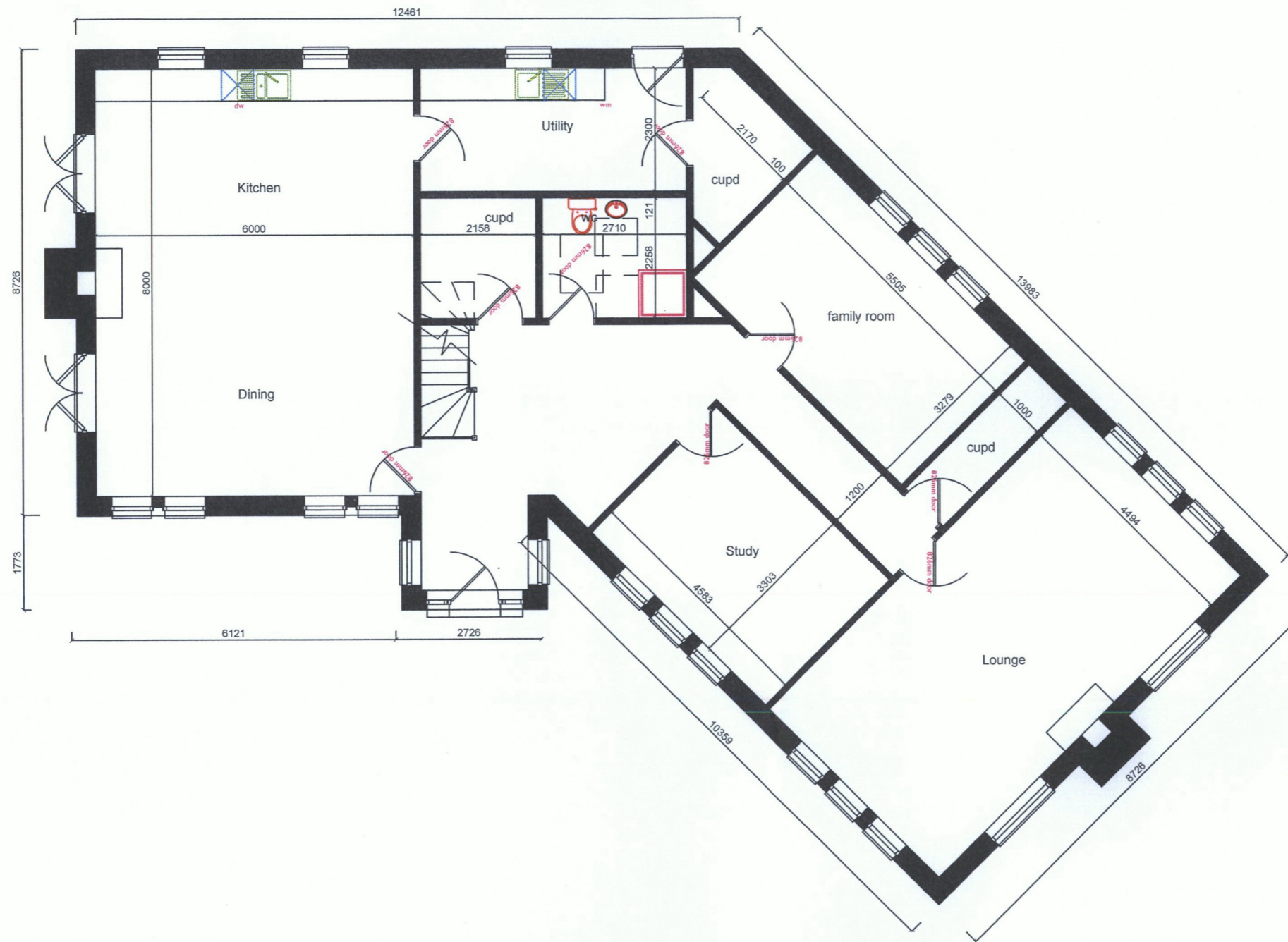
No.	Revision/Issue	date

Client Name and Address
Mr J Mitchell
Ms I Grant

Project Name and Address
Proposed new dwellinghouse
with all associated works
at Station Road, Urquhart

Project Urq01	Sheet 2()
Date Jul 19	
Scale 1:100	

- 8 JUL 2019



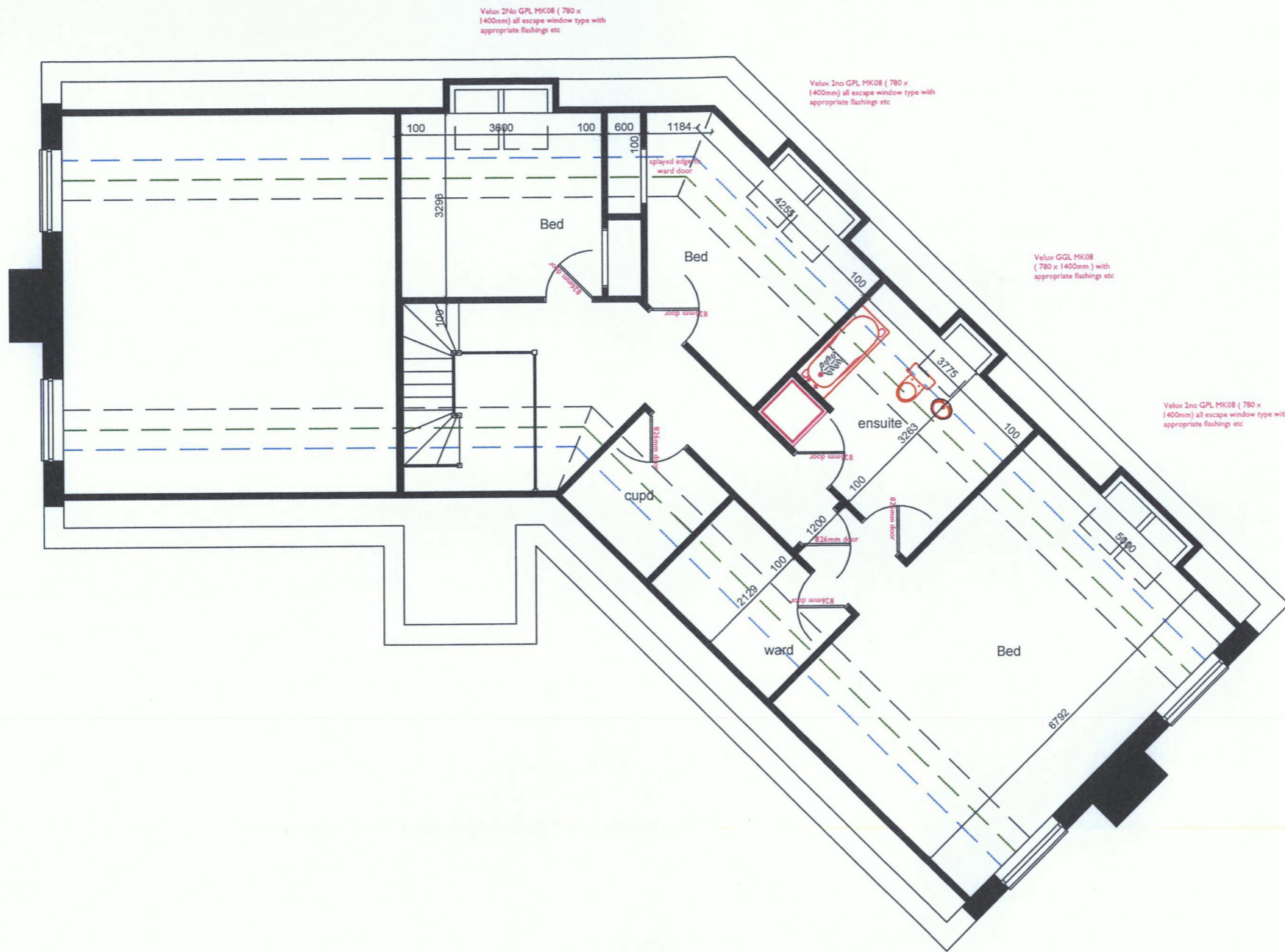
Town & Country Planning
(Scotland) Act, 1997
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REFUSED

13 September 2019

Development Management
Environmental Services
The Moray Council

General Notes		
No.	Revision/Issue	Date
Firm Name and Address		
Mr J Mitchell & Ms I Grant		
Project Name and Address		
Proposed new dwellinghouse with all associated works at Station Road, Urquhart		
Project	Urq 01	Sheet
Date	Jul 19	4()
Scale	1:100	



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

REFUSED

13 September 2019

Development Management
Environmental Services
The Moray Council

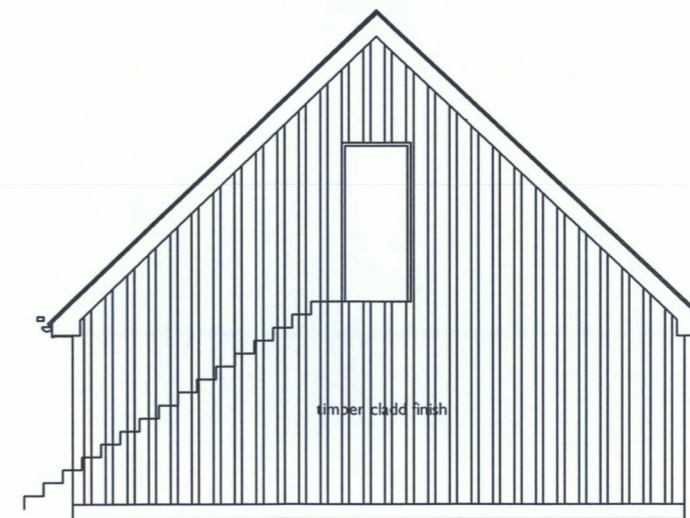
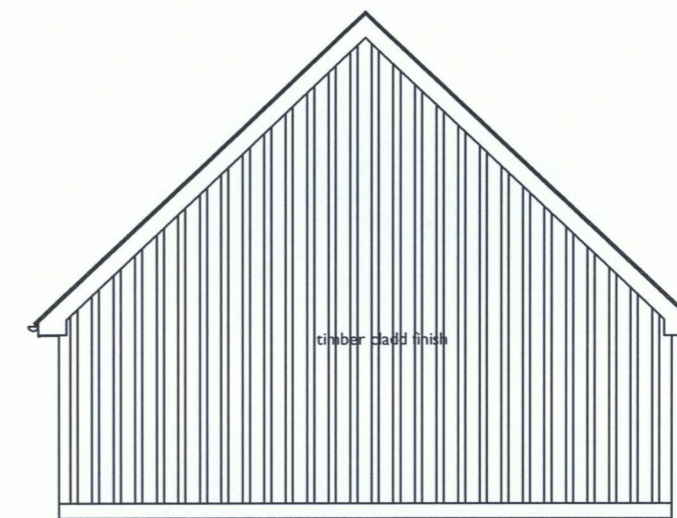
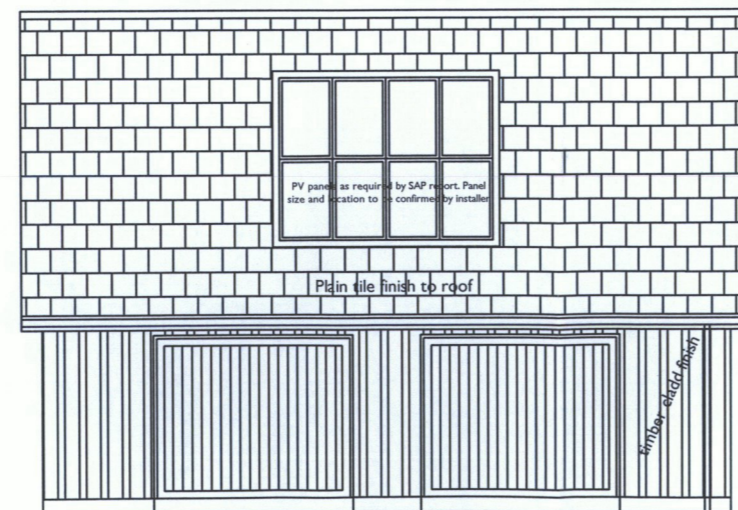
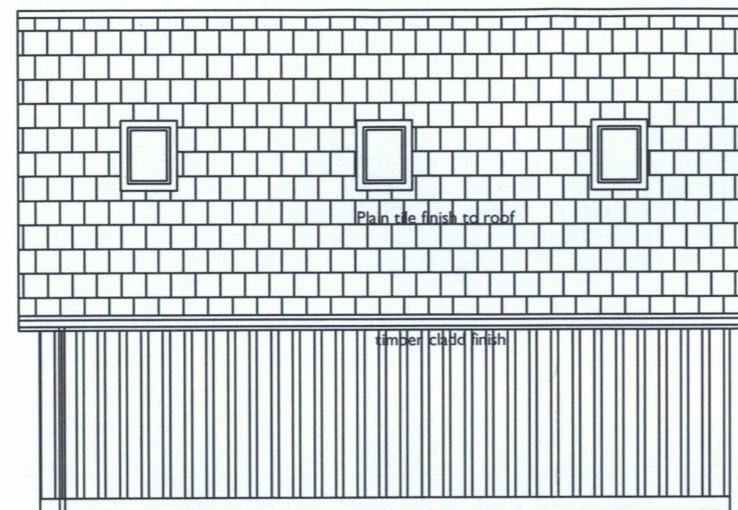
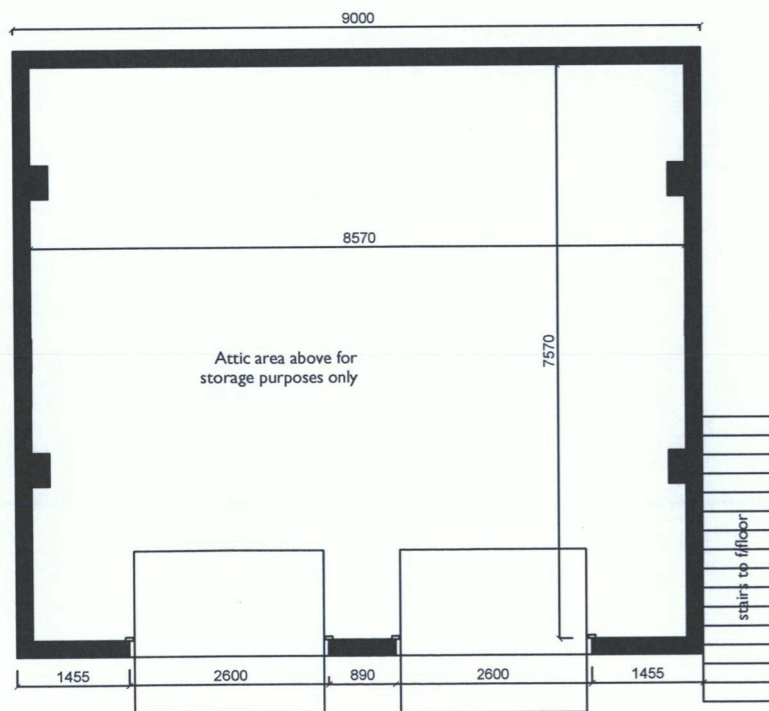
General Notes		
No.	Revision/Issue	Date
Firm Name and Address		
Mr J Mitchell & Ms I Grant		
Project Name and Address		
Proposed new dwellinghouse with all associated works at Station Road, Urquhart		
Project	Sheet	
Urq 01	5()	
Date		
Jul 19		
Scale		
1:100		

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

REFUSED

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Development Management
Environmental Services
The Moray Council

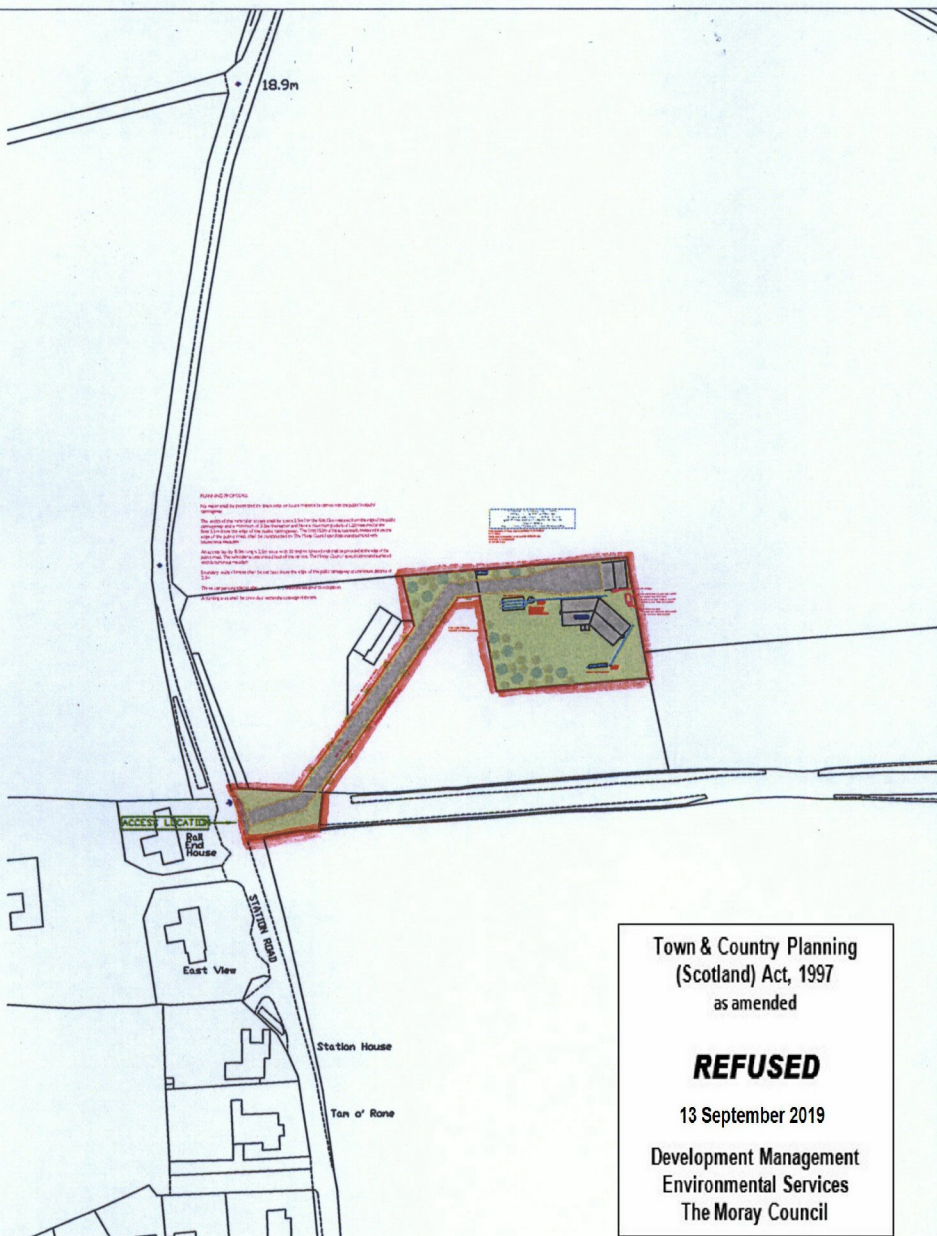


EXTERNAL FINISH
timber cladding to elevation
concrete roof tiles – flat profile

General Notes		
No.	Revision/Issue	Date
Firm Name and Address		
Mr J Mitchell & Ms I Grant		
Project Name and Address		
Proposed new dwellinghouse with all associated works at Station Road, Urquhart		
Project	Sheet	
Urq 01	6()	
Date		
Jul 19		
Scale		
1:100		



Area in question



PLANNING CONDITIONS
 The applicant is proposed to provide on site means to ensure the proposed development is accessible to all. The applicant must provide a minimum of 2% of the total floor area of the development to be reserved for the use of the public as a means of providing access to the development. The applicant must also provide a means of providing access to the development for the public as a means of providing access to the development. The applicant must also provide a means of providing access to the development for the public as a means of providing access to the development.

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

REFUSED

13 September 2019

Development Management
 Environmental Services
 The Moray Council

No.	Revision/Issue	Date

Firm Name and Address

Mr J Mitchell &
 Ms I Grant

Project Name and Address

Proposed new dwellinghouse & garage with all associated works

at Station Road, Urquhart

Project	Urq01	Sheet	LP()
Date	Jul 19		
Scale	1:2500		

PLANNING PROPOSALS

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

The width of the vehicular access shall be a min 5.5m for the first 15m measured from the edge of the public carriageway and a minimum of 3.5m thereafter and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The first 15.0m of the access track, measured from the edge of the public road, shall be constructed to The Moray Council specification and surfaced with bituminous macadam

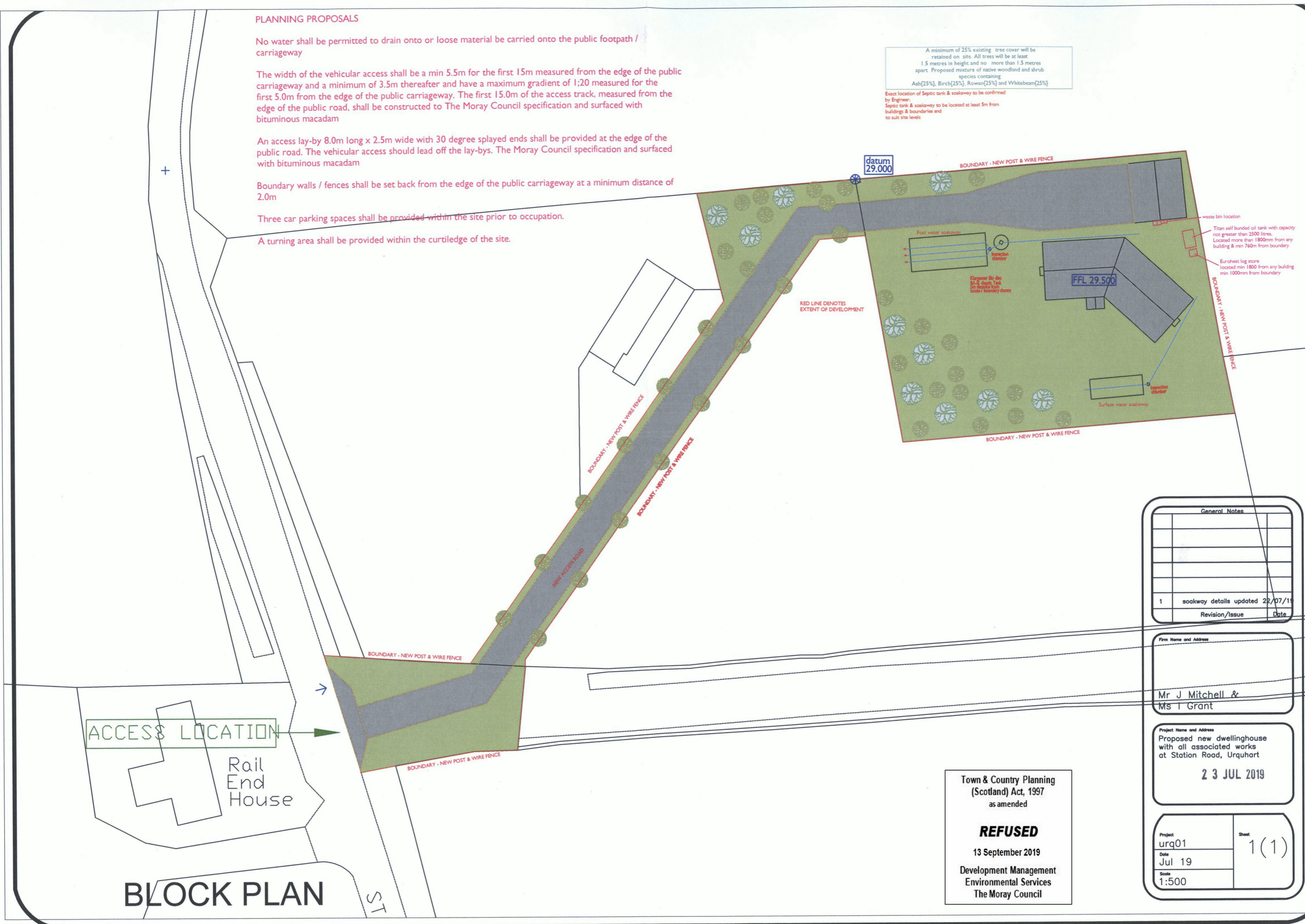
An access lay-by 8.0m long x 2.5m wide with 30 degree splayed ends shall be provided at the edge of the public road. The vehicular access should lead off the lay-bys. The Moray Council specification and surfaced with bituminous macadam

Boundary walls / fences shall be set back from the edge of the public carriageway at a minimum distance of 2.0m

Three car parking spaces shall be provided within the site prior to occupation.

A turning area shall be provided within the curtilage of the site.

A minimum of 25% existing tree cover will be retained on site. All trees will be at least 1.5 metres in height and no more than 1.5 metres apart. Proposed mixture of native woodland and shrub species containing Ash(25%), Birch(25%), Rowan(25%) and Whitebeam(25%)
 Exact location of Septic tank & soakway to be confirmed by Engineer.
 Septic tank & soakway to be located at least 5m from buildings & boundaries and to suit site levels



General Notes	
1	soakway details updated 22/07/19
Revision/Issue	Date

Firm Name and Address
 Mr J Mitchell &
 Ms I Grant

Project Name and Address
 Proposed new dwellinghouse
 with all associated works
 at Station Road, Urquhart
 23 JUL 2019

Town & Country Planning
 (Scotland) Act, 1997
 as amended
REFUSED
 13 September 2019
 Development Management
 Environmental Services
 The Moray Council

Project urq01	Sheet 1(1)
Date Jul 19	
Scale 1:500	

ACCESS LOCATION

Rail
End
House

BLOCK PLAN

ST

PLANTING SPECIFICATION

The existing sub-soil base to be cultivated to a depth of 300mm. All grass lumps, weeds, roots, stones greater than 45mm, bricks and other deleterious material to be removed from site.
 Top-soil to be added and spread to depths of 150mm for grassed areas and 300mm for planted areas, graded as specified in accordance with British Standard BS 3882. The soil shall be friable and of sandy loam texture, with a PH of between 6.0 and 7.5.
 Planting holes to be dug 150mm wider than the root spread. Plants set out in the holes so that the soil level, after settlement, shall be at the original nursery mark on the stem of the plant.
 Tree pits to be dug not less than 1m cube and not smaller than 250mm larger than the overall root spread. Care to be taken to ensure that all sides are permeable and have not been "polished" and that all pits are free draining with 50mm of washed round pea gravel to the base of the tree pits. Backfill for the tree pits to be 20% Peat-free Compost, Fison's or similar approved.
 2 to 5litres of Fison's Peat-Free Planting Compost or similar approved (depending on pot size, 2L = 2L, 3L = 3L etc to a maximum of 5L) to be worked into the backfill. The backfill to be well firmed by treading.
 After planting a slow acting fertiliser will be forked into the top 50mm of soil around each plant, avoiding contact with the stem. The minimum formulation of the fertiliser to be 6:10:18, at a rate of 70gms/sq.m. Immediately after planting, the whole bed to be well watered in.
 All works to be carried out in accordance with appropriate British Standards and codes of practice.

Trees:

Trees have been chosen for their appropriateness to their individual location. Pruning, other than for health and safety reasons, should not be necessary. They should, however, be inspected by a suitably qualified arboriculturalist annually.

- h. An area 1m diameter at the base of the trees shall be kept clear of weed and grass either mechanically or by using an approved herbicide.
- i. Tree stakes and ties should be inspected 3 times per year (Autumn, Winter and Spring).
- j. All dead and diseased branches, or those broken due to malicious action or wind damage should be cleanly removed and the scar cleaned up.
- k. All trees which have been removed or which are found to be dying, severely diseased or damaged will be replaced by trees of similar size and species to those originally planted. These should be replaced as soon as seasonal weather conditions allow.

LANDSCAPE WORKS

A minimum of 25% of foliage / site cover will be retained in accordance with planning guidelines.

Proposed mixture of native woodland and shrub species containing ie Ash, Birch, Rowan, Whitebeam to be utilised in any new planting to replace if necessary

A minimum of 25% existing tree cover will be retained on site. All trees will be at least 1.5 metres in height and no more than 1.5 metres apart. Proposed mixture of native woodland and shrub species containing Ash(25%), Birch(25%), Rowan(25%) and Whitebeam(25%)



General Notes	
Revision/Issue	Date

Firm Name and Address
 Mr J Mitchell &
 Ms I Grant

Project Name and Address
 Proposed new dwellinghouse
 with all associated works
 at Station Road, Urquhart
 23 JUL 2019

Town & Country Planning
 (Scotland) Act, 1997
 as amended
REFUSED
 13 September 2019
 Development Management
 Environmental Services
 The Moray Council

Project urq01	Sheet 7()
Date Jul 19	
Scale 1:500	

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	12th August 2019
Planning Authority Reference	19/00825/APP
Nature of Proposal (Description)	Erect dwellinghouse detached garage and all associated works on
Site	Plot On Station Road Urquhart Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133072375
Proposal Location Easting	328906
Proposal Location Northing	863152
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=PUBS9BBG0D700
Previous Application	
Date of Consultation	29th July 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr John Mitchell And Mrs Isla Grant
Applicant Organisation Name	
Applicant Address	4 Maisondieu Place Elgin Moray IV30 1RD
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Contaminated Land

Planning Application Ref. No: 19/00825/APP

**Erect dwellinghouse detached garage and all associated works on Plot On Station Road
Urquhart Moray for Mr John Mitchell And Mrs Isla Grant**

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

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

Condition(s)

This driveway of this development has been identified from the 1905-1959 Ordnance Survey maps as being located on a former railway. Moray Council does not have any further information as to whether the ground is contaminated. Safe development is the responsibility of the developer. You should consider investigating this matter further prior to proceeding with the proposed works. Should contamination be encountered, contact the Environmental Health section immediately (email contaminated.land@moray.gov.uk, tel 0300 1234561) to agree an appropriate course of action.

Contact:
email address:
Consultee:

Date.....
Phone No

Return response to	consultation.planning@moray.gov.uk
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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.

From: DeveloperObligations
Sent: 31 Jul 2019 15:33:54 +0100
To: Andrew Miller
Cc: DC-General Enquiries
Subject: 19/00825/APP Erect dwellinghouse, detached garage and all associated works on Plot on Station Road, Urquhart
Attachments: 19-00825-APP Erect dwellinghouse on Plot on Station Road, Urquhart.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 applicants.

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



Date: 31/07/2019

Reference: 19/00825/APP

Description: Erect dwellinghouse, detached garage and all associated works on Plot on Station Road, Urquhart

Applicant: Mr John Mitchell and Mrs Isla Grant

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 a New Build Health Centre in Fochabers</i>)	██████████
Sports and Recreation	Nil
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:

3 bed= 1 SRUE

This assessment is therefore based on 1 SRUE.

Developer Obligations Discount for Small Scale Development

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



INFRASTRUCTURE

Education

Primary Education

Pupils generated by this development are zoned to Lhanbryde Primary School. The school is currently operating at 65% functional capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Primary Education = Nil

Secondary Education

Pupils resident in Urquhart are zoned to Milne`s High School. The school is currently operating at 65% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Secondary Education = Nil

Transport

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

Contributions towards Transport = Nil

Healthcare

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

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

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

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

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

[REDACTED]

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

Existing sports provision within Urquhart is considered to be adequate to serve the needs of the residents anticipated to be generated by this development. Therefore, in this instance, no contribution will be required.

Contribution for Sports and Recreation Facilities = Nil



TERMS OF ASSESSMENT

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

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

PAYMENT OF CONTRIBUTIONS

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

INDEXATION

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

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



Consultee Comments for Planning Application 19/00825/APP

Application Summary

Application Number: 19/00825/APP

Address: Plot On Station Road Urquhart Moray

Proposal: Erect dwellinghouse detached garage and all associated works on

Case Officer: Andrew Miller

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 Objections

Allan Park

Consultation Request Notification – Development Plans

Planning Authority Name	Moray Council
Response Date	12th August 2019
Planning Authority Reference	19/00825/APP
Nature of Proposal (Description)	Erect dwellinghouse detached garage and all associated works on
Site	Plot On Station Road Urquhart Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133072375
Proposal Location Easting	328906
Proposal Location Northing	863152
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=PUBS9BBG0D700
Previous Application	
Date of Consultation	29th July 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr John Mitchell And Mrs Isla Grant
Applicant Organisation Name	
Applicant Address	4 Maisondieu Place Elgin Moray IV30 1RD
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

For full Data Protection policy, information and rights please see

http://www.moray.gov.uk/moray_standard/page_119859.html

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

Please respond using the attached form:-

PLEASE COMPLETE AND RETURN WITHIN 48 HOURS
to consultation.planning@moray.gov.uk

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Development Plans

Planning Application Ref. No: 19/00825/APP

Erect dwellinghouse detached garage and all associated works on Plot On Station Road Urquhart Moray for Mr John Mitchell And Mrs Isla Grant

Ward: 04_17 Fochabers Lhanbryde

DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN

(For Structure/Local Plan Comment)

		Page No	Policy No(s)	Yes	No
1	Departure from Moray Local Development Plan 2015	29	H7 <i>New Housing in the Countryside</i>	X	
		43	E9 <i>Settlement Boundaries</i>	X	
		83	IMP1 <i>Developer Requirements</i>	X	
2	Further Discussion Required				

REASONING FOR THIS DECISION:

The proposal is to erect a dwellinghouse and detached garage on Plot on Station Road, Urquhart.

Urquhart Settlement Boundary (Policy E9)

The proposal is for a permanent dwelling immediately outwith the settlement boundary of Urquhart. The settlement boundary represents the limit to which the village can expand during the Local Development Plan period. The proposal comprises the aims of Policy E9 by eroding the distinction between the defined village and the surrounding open countryside which would have a detrimental impact on the rural character of the area. Therefore, the proposal is contrary to Policy E9.

Housing in the Countryside (Policy H7 and IMP1)

Policy H7 *New Housing in the Open Countryside* states that a proposal must be sensitively integrated within the surrounding landform using natural backdrops, particularly

where the sire is clearly visible in the landscape. Policy IMP1 *Developer Requirements* requires that the scale, density and character of new developments must be appropriate to the surrounding area and be sensitively sited and designed.

The proposal is located on a rising landform which has no immediate backdrop and the dwelling would constitute a prominent feature in the landscape. As such, the development is considered an inappropriate, prominent location which would detrimentally alter the rural character of this area due to its landscape and visual impact. As such, the proposal is contrary to Policies H7 and IMP1.

Given that the proposal fails to meet the siting criteria of Policy H7, no assessment has been carried out against the design criteria.

Contact: Darren Westmacott

Date: 30/07/19

Email Address: darren.westmacott@moray.gov.uk

Phone No: 01343 563358

Consultee: Development Plans

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.

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management

Planning Application Ref. No: 19/00825/APP

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

- | | Please |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | x
<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 checked="" 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"/> |

Contact: Leigh Moreton Date 11/09/19
email address: Leigh.moreton@moray.gov.uk Phone No 01343 563773

Consultee: The Moray Council, Flood Risk Management

31st July 2019

Moray Council
Council Office High Street
Elgin
IV30 9BX



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

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

Dear Local Planner

**IV30 Moray Station Road Plot On
PLANNING APPLICATION NUMBER: 19/00825/APP
OUR REFERENCE: 780560
PROPOSAL: Erect dwellinghouse detached garage and all associated works**

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

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

Foul

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

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

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will **not** 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-and-Developers/Connecting-to-Our-Network>**

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

Angela Allison

Angela.Allison@scottishwater.co.uk

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	12th August 2019
Planning Authority Reference	19/00825/APP
Nature of Proposal (Description)	Erect dwellinghouse detached garage and all associated works on
Site	Plot On Station Road Urquhart Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133072375
Proposal Location Easting	328906
Proposal Location Northing	863152
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=PUBS9BBG0D700
Previous Application	
Date of Consultation	29th July 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr John Mitchell And Mrs Isla Grant
Applicant Organisation Name	
Applicant Address	4 Maisondieu Place Elgin Moray IV30 1RD
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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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: 19/00825/APP

Erect dwellinghouse detached garage and all associated works on Plot On Station Road Urquhart Moray for Mr John Mitchell And Mrs Isla Grant

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

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

Condition(s)

1. No development shall commence until:
 - i) a visibility splay 2.4 metres by 90 metres to the North and 70 metres to the South, with all boundaries set back to a position behind the required visibility splay, has been provided in both directions at the access onto the public road; and
 - ii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway.

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

2. Notwithstanding the submitted details prior to the occupation of the dwellinghouse, the first 10m of the access track, measured from the edge of the public carriageway, shall be constructed to the Moray Council specification and surfaced with bituminous macadam. The width of the vehicular access shall be minimum 3.5 metres for the first 5.0 metres measured from the edge of the public carriageway, and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway.

Reason: To ensure acceptable infrastructure at the development access.

3. Prior to the occupation of the dwellinghouse an access lay-by 8.0m long by 2.5m wide with 30 degrees splayed ends shall be provided at the edge of the public road to allow visiting service vehicles to park clear of the public road. The vehicular access should lead off the lay-by. The lay-by must be constructed in accordance with The Moray Council specification and surfaced with bituminous macadam.

Reason: To enable visiting service vehicles to park clear of the public road in the interests

of road safety.

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

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

5. 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.

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

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

Further comment(s) to be passed to applicant

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

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

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

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

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

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

**Contact:LL
email**

address:transport.develop@moray.gov.uk

Consultee: Transportation

Date 15.08.19

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.

FAO of the Manager (Development Management)

Ref Application Number - 19/00825/APP

In regards to the above application we have no objection to the house proposed for this location. We would welcome more neighbours.

We are however concerned regards traffic and access problems.

The road in this area already has a high volume of traffic including large agricultural vehicles, lorries and very fast cars.

This area has no street lighting or pavements and with the increased traffic due to the development of Maverston we already have issues with safety on the road which has been repeatedly passed to the council and the police without any resolve.

With the addition of a house with access directly across from our property we feel our access area will be further used as a passing place and will mean we may have to do remedial work/resurfacing on our boundary.

As the road is frequently used and there is no safety measures in place an additional access area on the other side of the road would increase the risk for pedestrians who use that side of the road to ensure their safety. This road would have access roads in four directions instead of three increasing the risk of collision outside or into our property.

We would welcome a site visit to assess all of the issues highlighted and wonder if an additional access area and obvious increase in traffic both during the build and long term to access the proposed property would warrant road monitoring of speed and volume as part of the assessment.

We hope that the access to the proposed property will be wide enough that our ground will not be used by passing vehicles and would like pavements and lighting to be a serious consideration.

We have previously approached the council about a 20mile an hour zone in this location and wonder if an additional access point on a fast and busy road may be considered to enable access to safely be installed.

We would be happy to discuss this further if required.

Thanks



REPORT OF HANDLING

Ref No:	19/00825/APP	Officer:	Andrew Miller
Proposal Description/ Address	Erect dwellinghouse detached garage and all associated works on Plot On Station Road Urquhart Moray		
Date:	12.09.2019	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
Moray Flood Risk Management	11/09/19	No objections.
Environmental Health Manager	30/07/19	No objections.
Contaminated Land	06/08/19	Informative note recommended in relation to potential contamination of land on which driveway would be sited (former railway).
Transportation Manager	15/08/19	No objections subject to conditions in relation to access and parking.
Scottish Water	31/07/19	No objections
Development Plans (Environment)	31/07/19	Proposal is contrary to Policies H7 and IMP1 (on basis of inappropriate of siting due to lack of backdrop and prominence in landscape) and Policy E9 (on basis of close proximity to Urquhart and subsequent erosion of distinction between settlement and surrounding countryside).
Planning And Development Obligations		Obligations sought towards healthcare (new build health centre in Fochabers).

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
H7: New Housing in the Open Countryside	Y	
E9: Settlement Boundaries	Y	
EP5: Sustainable Urban Drainage Systems	N	

EP10: Foul Drainage	N	
T2: Provision of Access	N	
T5: Parking Standards	N	
IMP1: Developer Requirements	Y	
IMP3: Developer Obligations	N	
PP3 Infrastructure & Services	N	
DP1 Development Principles	Y	
DP4 Rural Housing	Y	
EP6 Settlement Boundaries	Y	
EP12 Management and Enhancement of the	N	
EP13 Foul Drainage	N	

REPRESENTATIONS

Representations Received	YES	
Total number of representations received: ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: Concern regarding volume and speed of traffic on Station Road following development of housing at Maverston, and additional access and house as proposed will result in additional traffic. Subsequent increase in vehicular traffic results in vehicles using driveways of properties on Station Road as passing places, increasing their wear and tear. Pavements and lighting should be provided on the road.</p>		
<p>Comments (PO): The Transportation Manager has raised no objection to the proposal subject to conditions in relation to parking and access at the proposed house, and does not deem further upgrades to the nearby public road necessary.</p>		

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. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

Further consideration of the weight to be attached to the Proposed Plan was considered and agreed at the Planning and Regulatory Services Committee on 29th January 2019, with the Committee agreeing that between June/August 2019 and adoption of the new LDP in mid-2020, the weight to be given to matters set out in the Proposed Plan will vary;

- Where matters set out in the Proposed Plan are subject to unresolved objections which will be

considered through Examination, then those matters will continue to be given minimal weight as a material consideration in the development management process.

- Where matters set out in the Proposed Plan are not subject to unresolved objections, they will be given greater weight as a material consideration in the development management process.

The weight to be given will be considered on a case by case basis and will be agreed by the Development Management Manager and Development Plans Principal Planning Officer.

On 25 June 2019 the Planning & Regulatory Services Committee agreed to give greater weight to sites within the proposed Plan which are not subject to the Examination process from 1 August 2019. In this case the proposal is not subject to a designated site.

The main planning issues are considered below.

Site

The site comprises an area of agricultural ground to the north east of Urquhart, along with a strip of land running south west of it and connecting with Station Road on the north eastern edge of Urquhart.

Proposal

Planning permission is sought for the erection of a one and a half storey house in a dog leg footprint, with detached garage, drainage, access and landscaping. The house would be finished in a mix of roughcast, timber cladding and natural stone to the walls, flat profiled roof tiles and PVCu windows and doors. The detached double garage would be timber clad, with tiles and PV panels to the roof. It would have an upper storage floor accessed via an external staircase to the side. Access would be created from Station Road, diagonally across the field towards the proposed house in the north western corner of the site.

Housing in the Countryside (H7)

As the site falls out with a defined settlement, policy H7 (Housing in the Countryside) is applicable. Policy H7 is supported by Supplementary Guidance - Housing in the Countryside Guidance (SG). In relation to its siting, H7 and the SG contain a number of requirements against which new houses in the countryside are assessed against. In this case, the proposal is considered to be prominently and obtrusively sited within the countryside on the basis the site is located in an open area of agricultural land with no natural backdrop, nor any long established boundaries that would enable it to be adequately integrated without detriment to the rural character of the area. This fails to comply with policy H7 in terms of siting. The application was advertised as a departure from policy H7 in this regard, and subsequently policy IMP1.

The design of the proposed house does comply with policy H7, noting that its roof pitch, proportions, vertical window openings and material finishes are suitable for the rural nature of the development, though a condition would be recommended in relation to samples (given the lack of specific information provided with the application). Nonetheless this does not overcome the siting issues outlined above.

Settlement Boundary (E9)

The settlement of Urquhart (as defined in the MLDP) lies to the south west of the site (directly opposite the access and approximately 90 metres from the proposed house). Policy E9 presumes against development adjacent to settlement boundaries in order to ensure a clear distinction remains between built up areas and the surrounding countryside. The proposal was advertised as a departure from policy E9.

In this case, the proposal is considered to fail to comply with policy E9 on the basis its close proximity to the settlement boundary of Urquhart, along with its inappropriate siting (as outlined under H7) would be detrimental to the clear distinction in place between the village of Urquhart and its

surrounding countryside.

Drainage (EP5, EP10)

Surface water would be treated via a surface water soakaway, in line with the requirements of policy EP5, whilst foul drainage would be treated via a septic tank and soakaway, in line with policy EP10.

Parking and Access (T2, T5)

Access to the site would be via a new access to Station Road. Details have been provided to demonstrate that the visibility can be provided. Subject to conditions as recommended, the proposed access arrangements are considered acceptable and would comply with policy T2. Sufficient parking has also been provided within the curtilage of the site, in line with policy T5.

Developer Obligations (IMP3)

In order to mitigate against any adverse impact a development may have upon existing infrastructure and facilities, policy IMP3 puts in place the provision to seek developer obligations appropriate to reduce, eliminate or compensate for the impact. Following assessment in accordance with the Council's Supplementary Guidance on Developer Obligations (adopted March 2018), obligations have been sought in this instance to mitigate the impact on healthcare. As this application has been recommended for refusal, these obligations were not pursued, however were this application to be approved, then obligations should be sought by means of an appropriate agreement.

Recommendation

Refusal is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description		
	Decision		Date Of Decision

ADVERT

Advert Fee paid?	No	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	Departure from development plan	29/08/19
PINS	Departure from development plan	29/08/19

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?	YES	
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Summary of main issues raised in each statement/assessment/report

Document Name: Drainage Statement

Main Issues: Details the ground conditions on the site and the proposed drainage arrangements.

Document Name: Supporting Statement

Main Issues: Provides applicant's policy justification for proposal and examples of precedent.

S.75 AGREEMENT

Application subject to S.75 Agreement		NO
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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
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Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
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Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
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Summary of Direction(s)

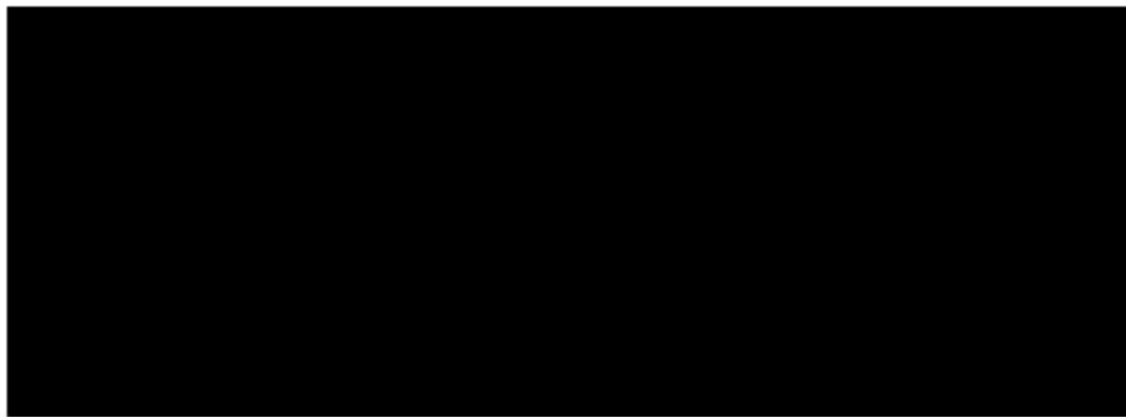


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Fochabers Lhanbryde]
Application for Planning Permission**

TO

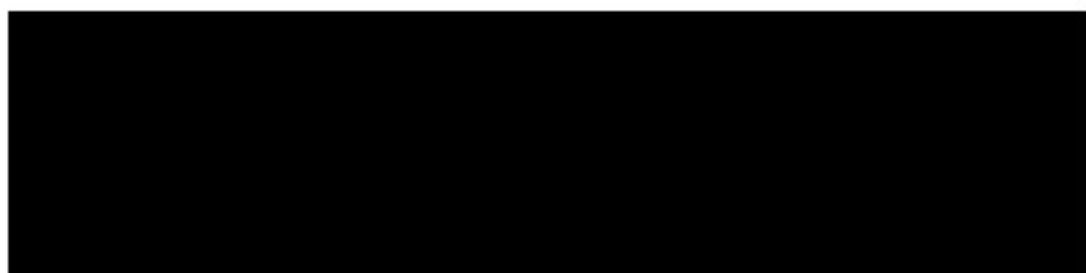


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Erect dwellinghouse detached garage and all associated works on Plot On Station Road Urquhart Moray

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

Date of Notice: **13 September 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 the provisions of the Moray Local Development Plan 2015 because:

1. it would be prominently and obtrusively sited in an open area of agricultural ground with no natural backdrop, nor any long established boundaries that would enable it to be adequately integrated without detriment to the rural character of the area. This is contrary to policies H7 (Housing in the Countryside) and IMP1 (Developer Requirements), as well as the Supplementary Guidance on Housing in the Countryside; and
2. its close proximity to the settlement boundary of Urquhart, along with its inappropriate siting (as outlined above) would be detrimental to the clear distinction in place between Urquhart and its surrounding countryside, contrary to policy E9 (Settlement Boundaries).

Whilst minimal weighting is given to it, the proposal would be contrary to the provisions of the Proposed Moray Local Development Plan 2020 (policies DP1, DP4 and EP6).

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
2		Elevations
3		Elevations
4		Ground floor plan
5		First floor plan
6		Garage elevations and floor plans
LP		Location plan
1(1)		Block plan
7		Landscaping plan
16()		Site sections

**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.

