

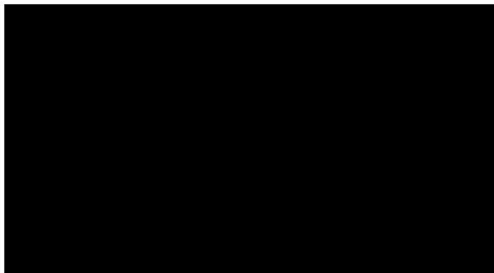


**MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**REFUSAL OF PLANNING PERMISSION**

**[Heldon And Laich]  
Planning Permission in Principle**

TO



With reference to your application for planning permission in principle 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:-

**Sub divide site for dwellinghouse and form new vehicle access at Stanes  
Cunningston Elgin Moray**

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

Date of Notice: **9 July 2024**



**HEAD OF ECONOMIC GROWTH AND DEVELOPMENT**

Economy, Environment and Finance  
Moray Council  
PO Box 6760  
ELGIN  
Moray  
IV30 1BX

**IMPORTANT**  
**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

By this Notice, the 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 Policies NPF Policies 14, 16 & 4, and, MLDP Policies DP1, part f & Policy EP3 part b) of the Development Plan because: The proposal to create an additional house site in the garden grounds of the existing parent property Stanes would appear incongruous to the existing site layout and fail to reflect and respect the existing character of the site. The proposal would therefore have a detrimental impact on the quality of the built environment at this site and be detrimental to the character and surrounding area which is part of the Burghead to Lossiemouth Coast Special Landscape Area which requires high quality siting characteristics for all development. The proposal would therefore be contrary to Policies NPF Policies 14, 16 & 4, and, MLDP Policies DP1, part f & Policy EP3 part b) of the Development Plan.

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

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

Reference	Version	Title
STANES/SITE01		Site plan
STANES/LOC01		Location plan
STANES/VIS01		Visibility splay

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

Amended site plan submitted showing a reduced house footprint.

**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.scot/eplanningClient](http://www.eplanning.scot/eplanningClient)

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.

## REPORT OF HANDLING

<b>Ref No:</b>	24/00428/PPP	<b>Officer:</b>	Shona Strachan
<b>Proposal Description/ Address</b>	Sub divide site for dwellinghouse and form new vehicle access at Stanes Cummingston Elgin Moray		
<b>Date:</b>	04/07/2024	<b>Typist Initials:</b>	DJP

### 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

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Moray Flood Risk Management	26/06/24	No objection subject to a condition which would require a full detailed drainage design with any detailed planning application which should detail the grey water system integration.
Planning And Development Obligations	20/03/24	Developer Obligations Assessment identifies obligations towards: Demand Response Transport Healthcare Affordable Housing Contribution is also required.
Environmental Health Manager	18/03/24	No objection
Contaminated Land	21/03/24	No objection
Transportation Manager	26/03/24	No objection subject to conditions for safe access and parking.
Scottish Water	28/03/24	No objection subject to their Pre-Development Enquiry Process at the appropriate juncture.
Aberdeenshire Council Archaeology Service	26/03/24	No objections

### DEVELOPMENT PLAN POLICY

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
<b>National Planning Framework 2023</b>		
NPF1 - Tackling the Climate	N	

NPF2 - Climate mitigation and adaptation	N	
NPF3 - Biodiversity	N	
NPF4 - Natural Places	Y	
NPF5 - Soils	N	
NPF12 - Zero waste	N	
NPF13 - Sustainable transport	N	
NPF14 - Design, quality and place	Y	
NPF16 - Quality homes	Y	
NPF18 - Infrastructure first	N	
NPF20 - Blue and green infrastructure	N	
NPF22 - Flood risk	N	
NPF23 - Health and safety	N	
<b>Moray Local Development Plan 2020</b>		
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	
DP2 Housing	N	
EP3 Special Landscape Areas	Y	
EP12 Management and Enhancement Water	N	
EP14 Pollution Contamination Hazards	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		
<b>Issue:</b> This proposal will completely ruin view.  <b>Comments (PO):</b> There is no right to a view in planning terms. It is not a material consideration.		
<b>Issue:</b> Noise of construction will cause a huge burden to our ability to work from home.  <b>Comments (PO):</b> Whilst it is acknowledged that building works can cause noise disruption, this is of a timebound nature and measures can be put in place to control hours of works etc. Ultimately construction noise is not a material planning reason to refuse a planning application.		

**Issue:** Carnan has been missed off the plan between Avron Bank and Edoras.

**Comments (PO):** The purpose of the location plan is to identify the application site. The location plan meets the requirements to do this and meets the requirements of the planning application validation.

## **OBSERVATIONS – ASSESSMENT OF PROPOSAL**

### **Legislative Framework**

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan, namely the adopted National Planning Framework 4 and adopted Moray Local Development Plan 2020 (MLDP 2020) unless material considerations indicate otherwise.

The main planning issues are considered below:

### **Proposal**

This application seeks planning permission in principle to sub divide existing house site for dwellinghouse and form new vehicle access at Stanes Cummingston.

As this is an application for planning permission in principle detailed design information has not been provided. The site plan does show an indicative position and footprint for the proposed dwelling and also shows the site access, as well as a new access to be formed for the existing property. During the course of the application an amended site plan was submitted to show a reduced house footprint. This plan is indicative and forms the basis for this assessment.

The site plan also shows the position and footprint of the existing garage which is to be removed. The proposed dwelling is shown to be sited over the footprint of the garage. Drainage is to be connected to the existing mains pipes with a rain water harvesting system to be installed on site, this grey water can be used for W/C flushing and garden maintenance. Access will be to the south onto the main B9040 public road, the proposal would entail the installation of a new access for the existing property.

### **Site**

The property Stanes is a traditionally designed and proportioned single storey dwelling positioned centrally within its plot. Whilst the property is not listed it does have an elegance arising from its traditional design and setting within the plot.

As shown on the site plan, under this proposal the existing property would be sub divided to the east of the site and would entail the removal of the existing flat roofed garage with the proposed house to be positioned at this location. Beyond the site boundary to the east is a narrow access lane with the existing neighbouring property beyond, this eastward neighbouring property is a narrow spanned small proportioned cottage. The public road is to the south of the site which is lined with existing properties and the parent to the west. The garden ground of the property extents to the north and includes a change in level.

Under the terms of the MLDP 2020 Cummingston falls with the Burghead to Lossiemouth Coast Special Landscape Area.

### **Policy Assessment**

**Siting and Impact of the Development NPF Policies 14, 16 & 4, and, MLDP Policies DP1, part f & Policy EP3 part b**

**NPF4 Policy 14** requires that development proposals be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. It also states that development proposals will be supported where they are consistent with the six qualities of successful places; Healthy,

Pleasant, Connected, Distinctive, Sustainable and Adaptable. NPF Policy 14 states that proposals which are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places will not be supported.

**NPF Policy 16** is supportive of quality homes for proposals which are for small scale opportunities within existing settlement boundaries.

**Policy DP1, part f)** sets out specific requirements for sub divide garden plots. Specifying that: proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m<sup>2</sup>, excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and advises that the resultant plot density and layout reflects the character of the surrounding area.

**Policies NPF4 and MLDP (EP3) Policy EP3** seek to preserve special landscape areas, specifically Policy EP3 part b) applies to urban areas and requires proposal to meet the relevant terms of Policy DP1 and to reflect the traditional settlement character in terms of siting and design.

The existing property Stanes is a traditionally designed and proportioned single storey dwelling positioned centrally within its plot. Whilst the property is not listed it does have an elegant pleasantness arising from its traditional design and its position centrally within the plot. The proposal to remove an existing inconsequential ancillary garage and sub divide the garden ground to create an additional house site in the grounds of the existing dwelling would appear cramped and incongruous to the existing layout and fail to reflect and respect the existing character of the site. The proposal would therefore be detrimental to the character of the site and its surrounds which is part of the Burghead to Lossiemouth Coast Special Landscape Area which requires high quality siting characteristics for all development.

As a result, the existing garden ground of the property Stanes is not considered to be a suitable sub divide house plot. The proposal therefore fails to comply with NPF Policies 14, 16 & 4, and, MLDP Policies DP1, part f & Policy EP3 part b)

#### **Design and Amenity Considerations NPF Policies 14, 16 & 4, and, MLDP Policies DP1, part f & Policy EP3 part b**

As detailed above, whilst it is considered that the proposal would undermine the existing high quality character of the site, it is recommended that should the application go on to be approved that any house design should be of restricted height and limited footprint with traditional materials and finish. This is to help ensure an acceptable design and appearance and limit amenity impacts in relation to any over bearing impacts from a dwelling being sited in an existing garden. However, these matters are considered separate from and does not override the policy objection to the proposal based on the inappropriate siting of the proposal.

#### **Water and Drainage NPF 20 & 22 / MLDP 12 & 13**

Scottish Water has confirmed no objection to the proposal and any connections required for drinking and foul connection would be the subject of separate liaison between the applicant and Scottish Water at the appropriate juncture should the application go on to be approved.

The application has been supported by a drainage assessment which has been accepted by Moray Flood Risk Management the surface water drainage proposal is considered acceptable for planning permission in principle and further details would be sought as part of any future detailed application. Compliance with Drainage requirements is separate from and does not override the policy objection to this proposal based on its inappropriate siting.

#### **Access and Parking NPF 13 / MLDP DP1**

The Transportation Manager has raised no objection to the proposal subject to conditions for safe secure access for the existing and proposed dwelling. The Transportation Manager, is satisfied that

these can be achieved. However, this is separate from the policy objection to the proposal based on its unacceptable siting.

#### **Developer Obligations and Affordable Housing NPF 18 / MLDP PP3 & DP1**

The Assessment identifies that Developer Obligations towards demand responsive transport and healthcare is required. An affordable housing contribution is also required.

The applicant has confirmed willingness to accept the obligations and the contribution, these aspects would be secured by a Section 75 Agreement should the application go on to be approved. The proposal would therefore acceptable under the requisite requirements of policies. However, this is separate from the policy objection to the proposal based on its unacceptable siting.

#### **Climate Change, Soils and Biodiversity NPF 1, 2, 3 & 5**

The proposal seeks to further develop an already developed house site within an existing settlement boundary. Therefore the proposal is not considered to be significantly detrimental to the global nature and climate crisis. Specific requirements for biodiversity enhancement could be requested as part of any detailed design proposals. However, these matters are separate from and do not override the unacceptable siting of the development.

#### **Conclusion and Recommendation**

In this instance, the proposal has failed to comply with the terms of Policies NPF Policies 14 & 4, and, MLDP Policies DP1, part f & Policy EP3 part b). The proposal for the subdivision of garden ground to create an additional dwelling would fail to reflect and respect the character of the site and therefore would be detrimental to the character of the site and the surrounding area which is part of the Burghead to Lossiemouth Coast Special Landscape Area which requires high quality siting characteristics to be achieved.

#### **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

N/A

#### **HISTORY**

Reference No.	Description			
07/01152/FUL	Take down and replace existing timber conservatory with new UPVC conservatory at Stanes Cummington Burghead Elgin Moray			
	Decision	Permitted	Date Of Decision	03/07/07

#### **ADVERT**

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

#### **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

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

Document Name: Drainage Assessment

Main Issues: Provides detail of proposed drainage design which will include a grey water system.

**S.75 AGREEMENT**

Application subject to S.75 Agreement

NO

Summary of terms of agreement:

Location where terms or summary of terms can be inspected:

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

Section 30

Relating to EIA

NO

Section 31

Requiring planning authority to provide information and restrict grant of planning permission

NO

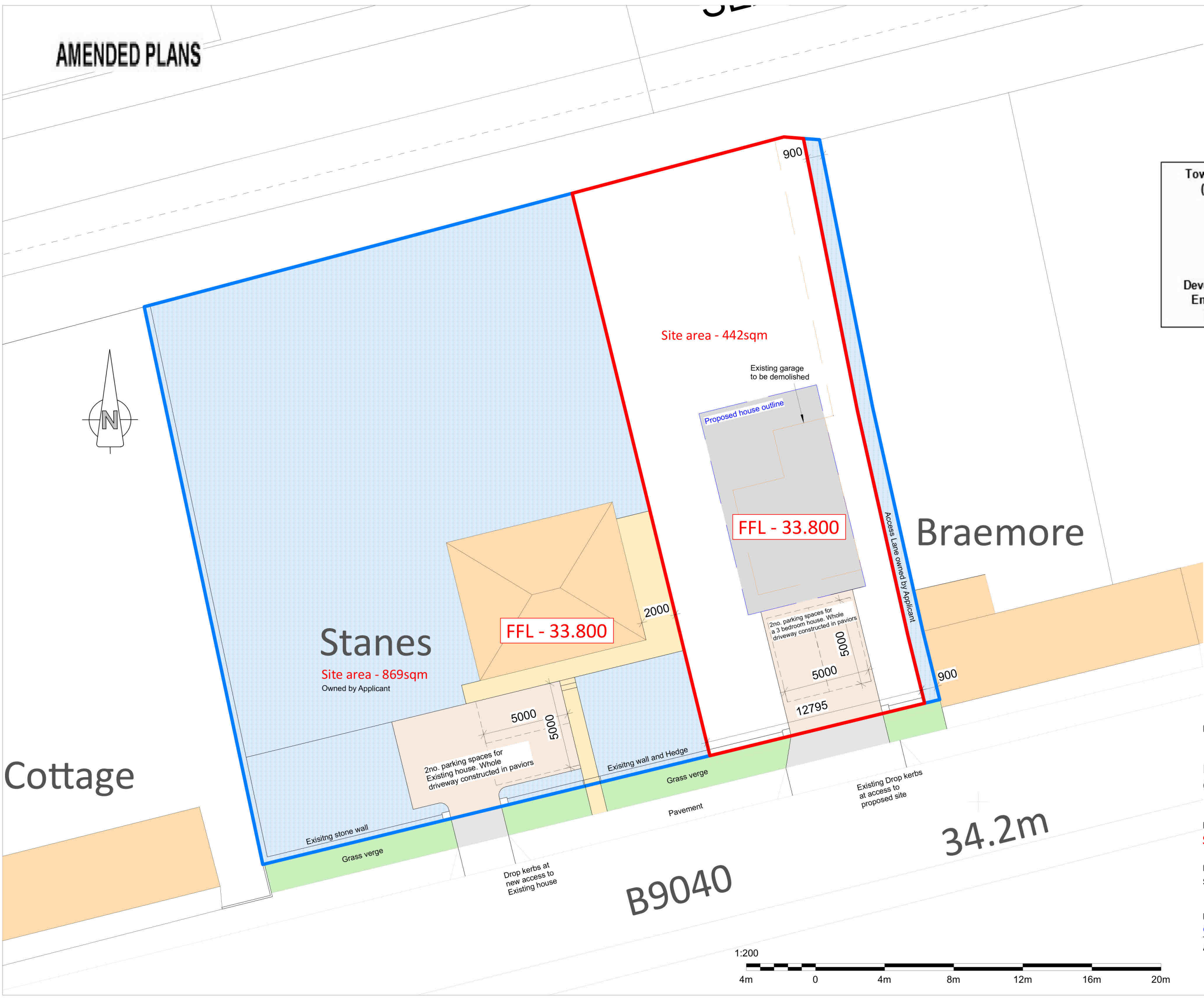
Section 32

Requiring planning authority to consider the imposition of planning conditions

NO

Summary of Direction(s)

AMENDED PLANS



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

**REFUSED**

09 July 2024

Development Management  
Environmental Services  
The Moray Council



t - (01343) 835600 f - (01343) 835700  
e - info@tullochofcummingston.co.uk  
web - www.tullochofcummingston.co.uk

PROJECT

Form plot adjacent to Stanes  
Cummingston

DRAWING DESCRIPTION  
**Site Plan**

DRAWING no.  
Stanes / Site 01

SCALE  
1:200 (A3)

DRAWN BY  
**CB**

DATE  
MAR 2024

A Boundary amended

24.05.24



## Christopher

---

**From:** John Tulloch  
**Sent:** 27 May 2024 17:56  
**To:** Shona Strachan  
**Cc:** Christopher  
**Subject:** FW: 24/00428/PPP: Stanes Cummingston  
**Attachments:** Rowandale.pdf; 20240524\_092642.jpg; 20240524\_164149.jpg; Moray Council - floor plans.pdf; Pluscarden Road, Elgin.PNG; 2201299APP-Site plan.pdf; Stanes - Site Plan A3 - revA.pdf

Hi Shona,

Chris has forwarded on your email regarding the above application.

I have spoken to the clients (the owners son and daughter) who are obviously not happy with this and minded to carry on and have the application determined and submit an appeal to the LRB if the decision is a refusal.

It may not be relevant from a planning perspective but the application was submitted to provide the option for the current owner of the house who is in her nineties to downsize into a smaller more energy efficient bungalow with a much more manageable garden area. We felt there would be no loss of amenity to the existing bungalow as there are no windows looking directly onto the new plot and there is still a more than sizeable garden area left to the rear and west facing side. There would actually have been the potential of forming a plot to the western side as well within the remaining garden area and still comply with the plot subdivision areas of 400m<sup>2</sup> to each but the intention was not to over develop or maximise its potential but to provide the sole option of downsizing to a smaller home.

The clients have pointed out that just two doors along a similar plot subdivision has taken place which has squeezed a new 3 level house into an even narrower plot of land (see Rowandale site plan attached with front and rear photos) and they feel this has set a precedent and in the interests of consistency can't understand why their proposal should be treated any differently.

We did actually carry out another similar plot division a few years back at 70 Pluscarden Road in Elgin (see attached details again), this also had an existing centrally positioned house with the new plot formed to the side, again with an even narrower plot frontage, this plot had outline consent when the owners purchased it and we had to try and design in a bungalow to suit which was admittingly a bit of a challenge!

Last year we also had an application permitted in the village on a similar width plot (2201299APP) and this house had barely 900mm width on one side and 1200mm to the other so considerably tighter than our current proposals.

Our existing application shows a proposed footprint area that is actually much larger than what would be required for Mrs Noble's requirements so I have asked Chris to prepare a new site plan (attached) showing what would be a fairly standard sized 2 bedroom bungalow on it to be more representative of what would actually be formed on site should this proceed through outline planning. We have also positioned it further away from the exiting house whilst still leaving part of the lane for access purposes and a reasonable space to the side of the proposed new bungalow and increased 2m width to the side of the existing home, this will leave the proposed single storey house over 6m away from the existing bungalow so this should not in any way be deemed "cramped" especially in relation to the other properties highlighted above.

Hopefully what we have shown will be more acceptable and given the above comments be considered fairly given the circumstances and changes made, I will ask Chris to upload the new site plan to the planning portal, will this have to be readvertised again?

Please let me know your thoughts,

Regards

John

**John Tulloch**  
Managing Director  
Tulloch of Cummingston Ltd

A: Tulloch House, Forsyth St, Hopeman. IV30 5ST  
E: [www.tullochofcummingston.co.uk](http://www.tullochofcummingston.co.uk)  
T: 01343 835600  
M: 07917 080500



---

**From:** Christopher <[christopher@tullochofcummingston.co.uk](mailto:christopher@tullochofcummingston.co.uk)>  
**Sent:** Thursday, May 23, 2024 2:30 PM  
**To:** John Tulloch <[john@tullochofcummingston.co.uk](mailto:john@tullochofcummingston.co.uk)>  
**Subject:** FW: 24/00428/PPP: Stanes Cummingston

---

**From:** Shona Strachan <[Shona.Strachan@moray.gov.uk](mailto:Shona.Strachan@moray.gov.uk)>  
**Sent:** Thursday, May 23, 2024 2:17 PM  
**To:** Christopher <[christopher@tullochofcummingston.co.uk](mailto:christopher@tullochofcummingston.co.uk)>  
**Subject:** 24/00428/PPP: Stanes Cummingston

Hi Chris,

Having considered the proposal in detail and following discussion with the DM Manager, I can advised that should this case proceed to determination it will be refused as being determinantal to the character of the site. Given the presence of the existing traditional single storey property located centrally in the plot any development proposals to be sited on what is ancillary grounds to the existing property will appear cramped and incongruous to the existing layout.

Please can you advise if you/your client would wish the application to proceed to determination to afford the opportunity for a review of the case by the LRB?

Many thanks,

**Shona Strachan** | Development Management, Planning Officer | Economic Growth and Development  
[shona.strachan@moray.gov.uk](mailto:shona.strachan@moray.gov.uk) | [website](#) | [facebook](#) | [twitter](#) | [newsdesk](#)  
01343 563303





Rowandale – OS map





Rowandale – Front Elevation



Rowandale – Rear Elevation





29 April 2024

Project No: 315097

Drainage Assessment:  
Proposed Dwelling within land adjacent to Stanes, Main  
Street, Cummingston IV30 5XY

Prepared for:  
**C/O Christopher Bremner**  
Tulloch of Cummingston  
Tulloch House  
Forsyth Street  
Hopeman  
IV30 8ST

Contents Amendment Record

This report has been issued and amended as follows:

Revision	Description	Date	Signed
1.0	First Issue	29 April 2024	G Mackintosh



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Registered in Scotland No: SC 163378    info@mabbett.eu    www.mabbett.eu

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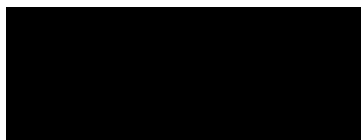
## Acknowledgement

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This report has been prepared for the sole and exclusive use of Tulloch of Cummingston in accordance with the scope of work presented by Mabbett & Associates Ltd (Mabbett) via email dated 28<sup>th</sup> March 2024. This report is based on information and data collected by Mabbett. Should any of the information be incorrect, incomplete or subject to change, Mabbett may wish to revise the report accordingly.

This report has been prepared by the following Mabbett personnel:

MABBETT & ASSOCIATES LTD

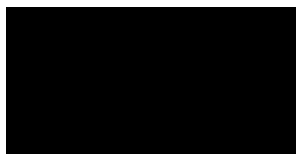


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Gary Mackintosh, BSc  
Principal Engineer

This report has been reviewed and approved by the following Mabbett personnel:

MABBETT & ASSOCIATES LTD



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David Clark, BSc (Hons)  
Project Manager and Environmental Consultant

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## Section 1.0 Introduction

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Mabbett & Associates Ltd (Mabbett) was commissioned by Tulloch of Cummingston to undertake an assessment of the surface water treatment and management options for proposed new dwelling to be formed in land adjacent to exiting property, Stanes, Main Street, Cummingston.

### 1.1 Introduction to Surface Water Treatment

With regard to surface water treatment and dispersal, Regulation 3.6 of the Building (Scotland) Regulations 2004, as reproduced below, states that:

*Every building and hard surface within the curtilage of a building, must be designed and constructed with a surface water drainage system that will:*

- (a) ensure the disposal of surface water without threatening the building and the health and safety of the people in and around the building; and*
- (b) have facilities for the separation and removal of silt, grit and pollutants.*

Section 3.6.3 of the Technical Handbook provides methods of discharging surface water that, if employed, would meet the requirements of the authorities.

With regard to SEPA's requirements, General Binding Rule (GBR) 10, in pursuance of the Water Environment (Controlled Activities) (Scotland) Regulations 2011, states that the provision of a sustainable urban drainage system (SUDS) is required unless the discharge arises from a single house or if the discharge is to be made to coastal waters. GBR10 and the relevant associated rule is outlined overleaf.

## **GBR10:**

- a) *Discharge of surface water run-off from a surface water drainage system to the water environment from:*
- i. *Up to 60 hectares of land used for residential premises;*
  - ii. *Land used for non-residential premises or yards, except where the buildings or yards are in an industrial estate;*
  - iii. *Land used as a motorised vehicle parking area with up to 1,000 parking spaces;*
  - iv. *Metalled roads other than motorways and A roads;*
  - v. *Waterbound roads; or*
- b) *Discharge of water run-off from a construction site to the water environment where the site, including any constructed access tracks does not:*
- i. *Exceed 4 hectares;*
  - ii. *Contain a road or track length in excess of 5 km; or*
  - iii. *Including any area of more than 1 hectare or any length of more than 500 metres on ground with a slope in excess of 25°.*

## **Rules:**

- d) *the discharge must not contain any water run-off from any built developments, the construction of which is completed on or after 01 April 2007, or from construction sites operated on or after 01 April 2007, unless:*
- i. *during construction those developments are drained by a SUD system or equivalent systems equipped to avoid pollution of the water environment;*
  - ii. *following construction those developments are drained by a SUD system equipped to avoid pollution of the water environment;*
  - iii. *the run-off is from a development that is a single dwelling and its curtilage; or*
  - iv. *the discharge is to coastal water.*

(Source; SEPA: The Water Environment (Controlled Activities) (Scotland) Regulations 2011 - A Practical Guide) Version 9.2, December 2022.

## Section 2.0 Site Profile and Ground Assessment

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### 2.1 Existing Site

Stanes is located to the north of Main Street, Cummingston at or about NGR NJ 13496 69033

The SEPA Flood Map identifies the site and surrounding area as having no specific risk from fluvial or pluvial flooding during a 1:200year event.

### 2.2 Existing Ground Conditions

Trial pits were carried out by Mabbett on 10<sup>th</sup> April 2024 to assess the suitability of the existing soils for the use of infiltration as a method of surface water management.

The trial pits were excavated to a depth of 1.5m which confirmed ground conditions of brown, firm to stiff, slightly sandy, silty, Clays proved to the depth of the excavations.

There was no evidence of contamination of water table present during the excavations.

### 2.3 Location of Services

There are no known services located within the site boundary.

### 2.4 Other Implications of Plot Size or Vegetation

Any infiltration device for sewage or wastewater must be located:

- at least 50m from any spring, well or borehole used as a drinking water supply, and
- at least 10m horizontally from any watercourse (including any inland or coastal waters), permeable drain, road or railway.

Any infiltration system and any treatment plant must also be located:

- at least 5m from a building, and
- at least 5m from a boundary.

The location of any septic tank or treatment plant must ensure that a desludging tanker can gain access to a working area that:

- will provide a clear route for a suction hose from the tanker to the tank,
- is not more than 25 m from the tank where it is not more than 4m higher than the invert level of the tank, and
- is sufficient to support a vehicle axle load of 14 tonnes.

There should be no notable vegetation that might interfere with any system proposed or vice versa.

## 2.5 Infiltration Testing

Infiltration testing carried out to BRE 365 Digest for the purpose of evaluating the length and position of a traditional soakaway was undertaken by Mabbett during the site visit.

Weather conditions during the visit were dry/overcast.

The conditions were not considered abnormal for the time of year.

The testing proved unsuccessful as a result of the clay-based soils, it was concluded the site was not conducive to the installation of any form of disposal system based on infiltration.

As a result of these findings, an alternative solution based on achieving a discharge of appropriately attenuated and treated surface water to a watercourse is required to be investigated.

## Section 3.0 Surface Water

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### 3.1 Minimum System Requirements

In pursuit of compliance with Regulation 3.6 of the Building (Scotland) Regulations 2004, Section 3.6.3 of the Technical Handbook provides methods of discharging surface water that, if employed, would meet the requirements:

- (a) *a SUD system designed and constructed in accordance with clause 3.6.4;*
- (b) *a soakaway constructed in accordance with:*
  - *clause 3.6.5;*
  - *the guidance in BRE Digest 365, 'Soakaway Design', or*
  - *National Annex NG 2 of BS EN 752-4: 1998;*
- (c) *A public sewer provided under the Sewerage (Scotland) Act 1968;*
- (d) *An outfall to a watercourse, such as a river, stream or loch or coastal waters, that complies with any notice and/or consent by SEPA, or*
- (e) *If the surface water is from a dwelling, to a storage container with an overflow discharging to either of the 4 options above.*

The area to be drained consists of the roof of the dwelling and associated hardstandings.

### 3.2 Recommendation - Surface Water

It is proposed that the surface water makes discharges to the existing sewer located within the public road. There are sewers located within main street to the south of the site and within Seaview Road to the north. The final connection location will be determined by Topography and Scottish Water Preference.

Scottish Water Policy requires that there is to be no increase in flow to the existing system up to and including a 1:30 year event.

In line with good practice and CIRIA/Local Authority policy it is proposed to install Rainwater Harvesting as a sustainable method of surface water management for the proposed new roof area. The rainwater harvesting tank is to be used for general garden maintenance, car washing and grey water use within the property (w/c flushing for example). The tank will require an overflow to be attenuated by means of an orifice plate which will discharge to the public sewer.

Standard rainwater harvesting sizing based on manufacturers recommendations can be shown as:

Cleaning use based on 2.5m<sup>3</sup> per person per annum = 7,500Litres

Garden water use is estimated as 150Litres/m<sup>2</sup> per annum in the UK. Garden size of 150m<sup>2</sup> (estimated based on size of proposed plot) = 22,500Litres

A buffer storage of 20 Days has been applied.

Tank Size is calculated as Demand \* Buffer/365 = 1,643Litres

To comply with Scottish Water policy, the tank will also require to manage surface water flows up to and including a 1:30year event.

Based on a discharge rate of 0.5l/s and a proposed roof area of 150m<sup>2</sup> (allowing for extra over), the storage volume required for a 1:30year event with 42% allowance for climate change is 1.89m<sup>3</sup>.

The nearest available standard tank size of 3000litres would be suitable for installation.

The final tank design will be a bespoke design carried out by the chosen manufacturer to meet the requirements outlined within this report. The current application is for Planning Permission in Principle and therefore the sizing within this report would require to be reviewed following the final house design.



## Section 4.0    Disclaimer

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## Section 5.0 References

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Building (Scotland) Regulations 2004

The Scottish Building Standards: Technical Handbook 2019: Domestic

British Standard BS6297:2007 Code of Good Practice for the Design and Installation of Drainage Fields for use in Wastewater Treatment

British Water Code of Practice: Flows and Loads 4 - Sizing Criteria, Treatment Capacity for Sewage Wastewater Treatment Systems, 2013

The Water Environment (Controlled Activities) (Scotland) Regulations 2011

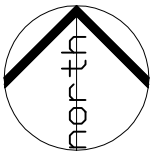
SEPA: The Water Environment (Controlled Activities) (Scotland) Regulations 2011 - A Practical Guide) Version 9.2, December 2022.

SEPA: Regulatory Method WAT-RM-03: Regulation of Sewage Discharges to Surface Water.

SEPA: Regulatory Method WAT-RM-04 Regulation of Indirect Sewage Discharges to Groundwater

Environment Act 1995

## **Appendix 1: Test Hole/Location**



Rev.	Description	Drawn	Date
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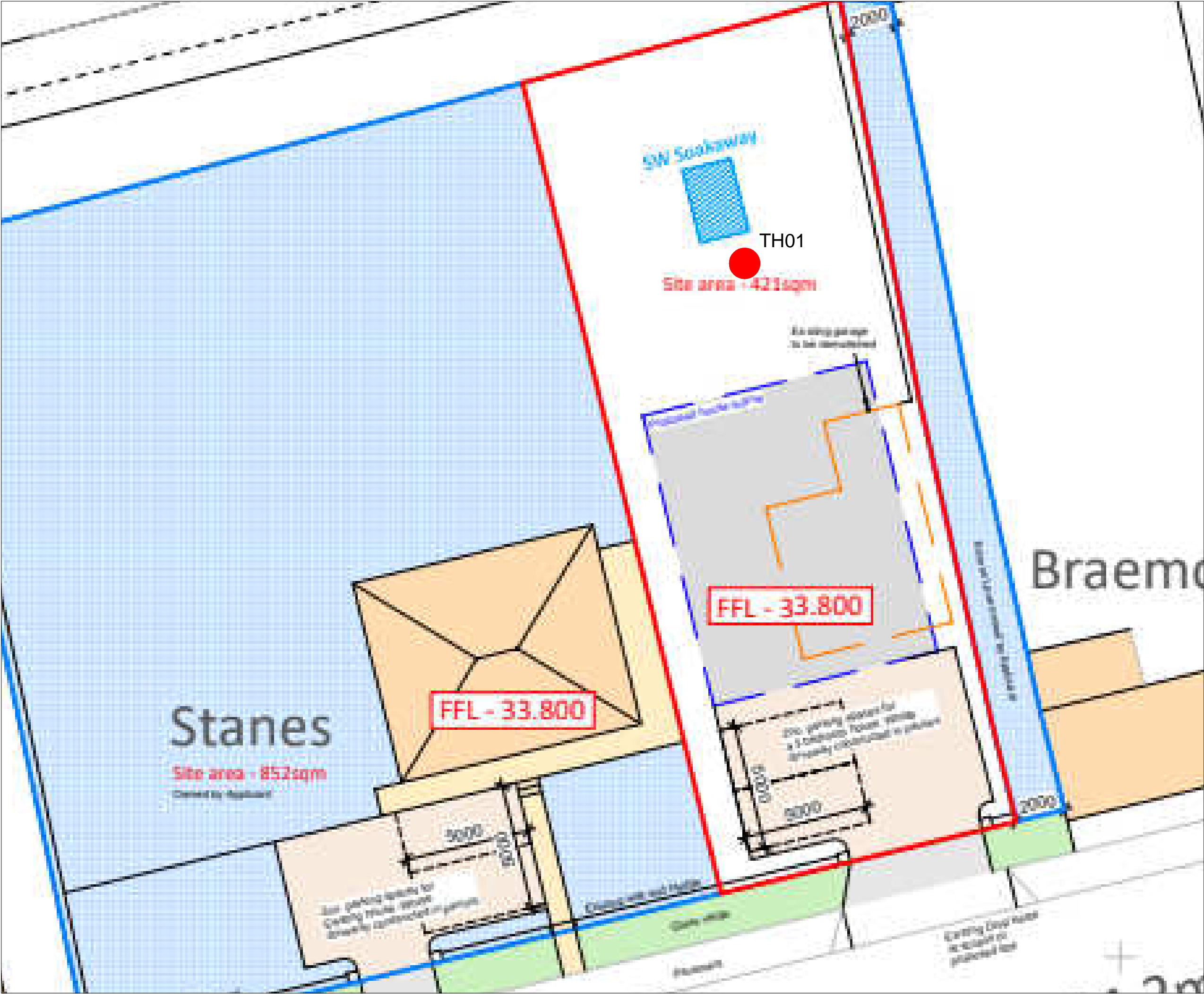
Client  
Tulloch of Cummingston

Project  
Proposed Dwelling  
Site Adj to Stanes  
Cummingston

Drawing  
Test Hole Location

Status  
Issue

Scale	NTS	Sheet	A3
Drawn	GM	Check	DC
Date	29.4.24	Rev	X
Drawing No:	315097 PL01		



## **Appendix 2: Storage Calculations**



Design Settings

Rainfall Methodology	FSR	Maximum Time of Concentration (mins)	30.00
Return Period (years)	30	Maximum Rainfall (mm/hr)	50.0
Additional Flow (%)	0	Minimum Velocity (m/s)	1.00
FSR Region	Scotland and Ireland	Connection Type	Level Soffits
M5-60 (mm)	14.000	Minimum Backdrop Height (m)	0.200
Ratio-R	0.300	Preferred Cover Depth (m)	1.200
CV	0.750	Include Intermediate Ground	✓
Time of Entry (mins)	5.00	Enforce best practice design rules	✓

Nodes

Name	Area (ha)	T of E (mins)	Cover Level (m)	Depth (m)
Storage	0.015	5.00	100.000	2.000

Simulation Settings

Rainfall Methodology	FSR	Analysis Speed	Normal
FSR Region	Scotland and Ireland	Skip Steady State	x
M5-60 (mm)	14.000	Drain Down Time (mins)	240
Ratio-R	0.300	Additional Storage (m³/ha)	20.0
Summer CV	0.750	Check Discharge Rate(s)	x
Winter CV	0.840	Check Discharge Volume	x

Storm Durations

15	30	60	120	180	240	360	480	600	720	960	1440
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Return Period (years)	Climate Change (CC %)	Additional Area (A %)	Additional Flow (Q %)
30	42	0	0

Node Storage Online Hydro-Brake® Control

Flap Valve	x	Objective	(HE) Minimise upstream storage
Replaces Downstream Link	✓	Sump Available	✓
Invert Level (m)	97.500	Product Number	CTL-SHE-0032-5000-1000-5000
Design Depth (m)	1.000	Min Outlet Diameter (m)	0.075
Design Flow (l/s)	0.5	Min Node Diameter (mm)	1200

Node Storage Depth/Area Storage Structure

Base Inf Coefficient (m/hr)	0.00000	Safety Factor	2.0	Invert Level (m)	98.000
Side Inf Coefficient (m/hr)	0.00000	Porosity	1.00	Time to half empty (mins)	21

Depth (m)	Area (m²)	Inf Area (m²)	Depth (m)	Area (m²)	Inf Area (m²)	Depth (m)	Area (m²)	Inf Area (m²)
0.000	3.0	0.0	1.000	3.0	0.0	1.001	0.0	0.0



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File:  
Network: Storm Network  
Gary Mackintosh  
29.04.24

Page 2  
Site Adj to Stanes  
Main Street  
Cunningston

**Results for 30 year +42% CC Critical Storm Duration. Lowest mass balance: 100.00%**

Node Event	US Node	Peak (mins)	Level (m)	Depth (m)	Inflow (l/s)	Node Vol (m³)	Flood (m³)	Status
60 minute winter	Storage	50	98.602	0.602	2.6	1.8964	0.0000	OK
Link Event (Upstream Depth)	US Node	Link	Outflow (l/s)	Discharge Vol (m³)				
60 minute winter	Storage	Hydro-Brake®	0.5	3.8				