

Supporting Document for Notice of Review to

13/01569/APP

Alter the existing Planning Permission to build a Bruce House Type on what will become Plots 20 & 21 and change condition 3 to suit the new phasing proposals R1 Corsemaul Drive Dufftown Moray

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We are seeking a review for the removal of Condition 5 i) & 5 ii) within the granted planning permission as its contents are not planning issues affecting these plots. We would like the following matters to be taken into account within the review.

In summary, the provision of new road gullies on Mount Street, out with the development, is not an infrastructural improvement required by the live planning permissions granted for the site. As the application was simply to amend the house types and phasing of the existing permission (plus the infrastructure onsite already meets the requirements of 2008 Moray Local Plan Policy IMP1) onerous and unnecessary conditions should not be retrospectively imposed.

There is no requirement for the SUDS system to be installed to Scottish Water standards – the installed system is a privately maintained system in accordance with previous legal agreements with the Moray Council and is governed by Building Control, not planning.

1. The works requested are out with the areas delineated within the planning application – see attached drawing.
2. The alleged flooding described in Transportation's consultation occurs out with the site; the proposed houses will have no effect on the potential flooding of the public adopted road outside of the development, uphill of the proposed properties.
 - a. The owners of the site have not been shown any evidence to suggest that there is:
 - i. Flooding at 26 Mount Street; or
 - ii. This flooding is caused by these unbuilt houses.
3. The application is an amendment to house types and phasing conditions of an existing live planning permission (91/0929/FUL) that has no requirement for additional Infrastructure provision out with the curtilage of the whole site.
4. There was no consultation prior to the condition being granted despite it being offered/sought by the applicant's agent. Consultation would have led to misconceptions being resolved and clarification that was sought, given therefore removing the need for this unnecessary condition.
5. The infrastructure serving the plots is sufficient and in accordance with Policy IMP 1, not contrary to it.
 - a. The SUDS system for the existing houses and whole development is already installed, does not need to be installed to Scottish Water standards and has a legally enforceable private maintenance agreement through the registered Deed of Conditions in place – as previously stipulated by the Moray Council.
(see condition 16 on Page 3 of enclosed Road Construction Consent relating to the development road, now constructed and adopted, serving these proposed properties).
6. The proposed development will not create a hazard for road users as Surface Water is fed into a private drainage network as agreed. As a result Condition 8 of the granted planning permission sufficiently ensures that surface water runoff from the plots will not create a hazard for road users. There is no requirement for additional conditions.

7. Surface Water drainage for the Plots is a building control matter as stated on page 5 of the report of handling.
8. Transportation's interests lies with the road gullies which feed into this drainage network. The road gullies lie on a publically adopted road out with the proposed properties and flow into a privately maintained soakaway; in accordance with the original RCC for the development.
9. Lastly, these plots now fall within Phase 1 of the development, as a result of the granting of planning permission and changing of the phasing.
 - a. As such the condition should be removed as it doesn't apply to Phase 1, this is supported within page 2 of Transportation's consultation response which incorrectly refers to 2no plots in Phase 2.

We may be presenting new information with the submission of the Road Construction Consent Document; however, it is unclear what information has been put forward to the planner as there was no prior consultation regarding the condition requiring review.

If it is new material, we believe it should be considered within the review as it demonstrates that the existing surface water system and associated soakaway has been constructed, and is maintained as, a private system, in accordance with a previous legal document with the Moray Council and there is no requirement for it to be vested by Scottish Water.