



the **MORAY** council

The Moray Council Council Office, High Street Elgin IV30 1BX

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Email: development.control@moray.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000137585-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Type of Application

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

We strongly recommend that you refer to the help text before you complete this section.

- ☒ Application for Planning Permission (including changes of use and surface mineral working)
- ☐ Application for Planning Permission in Principle
- ☐ Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erect New Dwelling

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☐ Yes ☒ No

Have the works already been started or completed? *

☒ No ☐ Yes - Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

CM DESIGN

Ref. Number:

First Name: *

CRAIG

Last Name: *

MACKAY

Telephone Number: *

01343 540020

Extension Number:

Mobile Number:

Fax Number:

01343 540020

Email Address: *

office@cmdesign.biz

You must enter a Building Name or Number, or both:*

Building Name:

ST BRENDANS HOUSE

Building Number:

Address 1 (Street): *

SOUTH GUILDRY STREET

Address 2:

Town/City: *

ELGIN

Country: *

UK

Postcode: *

IV30 1QN

Is the applicant an individual or an organisation/corporate entity? *



Individual



Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *

Mr

Other Title:

First Name: *

Chris

Last Name: *

Roberts

Company/Organisation:

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

You must enter a Building Name or Number, or both:*

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

Site Address Details

Planning Authority: Moray Council

Full postal address of the site (including postcode where available):

Address 1:

GREENFIELDS BOGTON
FARM

Address 5:

Address 2:

LHANBRYDE

Town/City/Settlement:

ELGIN

Address 3:

Post Code:

IV30 8LN

Address 4:

Please identify/describe the location of the site or sites.

Northing

860613

Easting

327657

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

Please refer to design statement for details

Title:

Please Select One

Other title:

First Name:

Last Name:

Correspondence Reference
Number:

Date (dd/mm/yyyy):

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

3580.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

Rough Grazing

Access and Parking

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

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting 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 highlighting 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? *

0

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

4

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☒ Yes ☐ No

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

- ☐ Yes – connecting to public drainage network
- ☒ No – proposing to make private drainage arrangements
- ☐ Not Applicable – only arrangements for water supply required

What private arrangements are you proposing? *

- ☐ New/Altered septic tank.
- ☒ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
- ☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: * (Max 500 characters)

Please refer to the Plan and Design Statement for details

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

☒ Yes ☐ No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

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

- ☒ Yes
- ☐ No, using a private water supply
- ☐ No connection required

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

Trees

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

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

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

☒ Yes ☐ No

If Yes or No, please provide further details:(Max 500 characters)

Please refer to plan

Residential Units Including Conversion

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

☒ Yes ☐ No

How many units do you propose in total? *

1

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

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land ? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: CRAIG MACKAY

On behalf of: Mr Chris Roberts

Date: 24/11/2015

☒ Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and County Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan. *

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: CRAIG MACKAY

Declaration Date: 24/11/2015

Submission Date: 24/11/2015

Payment Details

Created: 24/11/2015 14:37



SUPPORTING STATEMENT

NEW DWELLING HOUSE AT
GREENFIELDS, LHANBRYDE,
IV30 8LN

For Mr Chris Roberts



November 2015

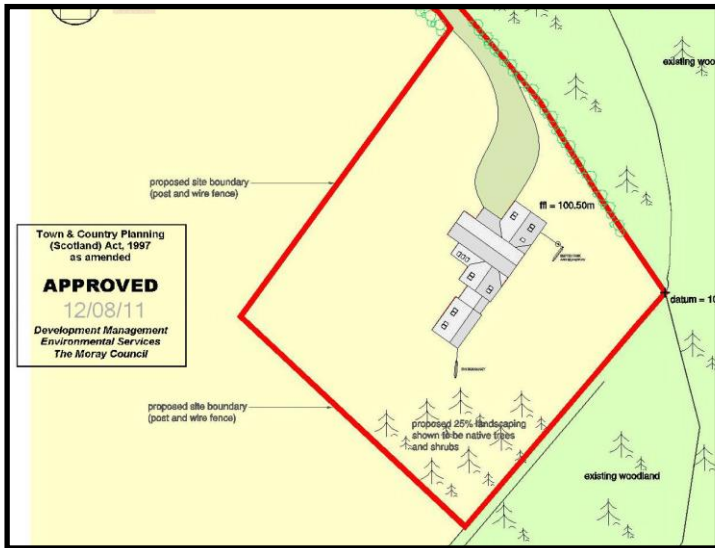
Revision 150063/1

Contents

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- 2 Background to Application
- 3 The Proposal
- 4 The Site
- 5 Development Plan Policy
- 6 Structure Plan Policy
- 7 Local Plan Policy
- 8 National Planning Policy and Guidance
- 9 Conclusion

Enclosures

1. Application drawing – 150063.ROBERTS.04PP
Ground Floor, First Floor, Site, Location Plan & Elevations
2. Application drawing – 150063.01, 150063.02 & 150063.03
3D visualisations of proposals

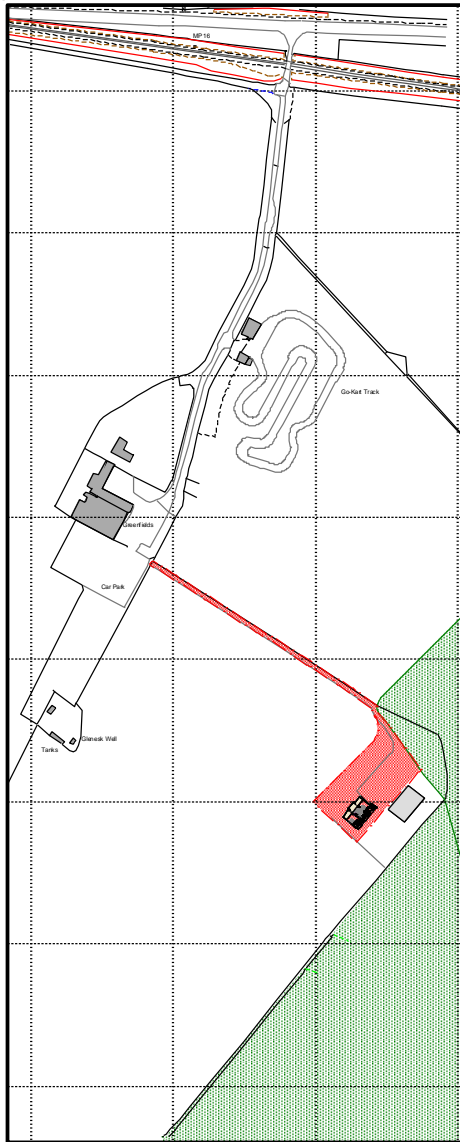


1. Introduction & Background

- 1.1 This supporting statement relates to a detailed Planning Application for a 2 storey country home on a rural site previously approved by The Moray Council.
- 1.2 The previous approval was originally granted in 2011 (Ref Number 11/014013/APP & renewal 14/01574/APP) in which an assessment was issued declaring that “although the house could be considered to be prominent within the surrounding landscape this prominence is offset by the mature forest backdrop.”
- 1.3 The approved application related to a substantial 4 bedroom dwelling extending to over 300m² on the ground floor and 170m² on the first floor. The prominent design featured a large broad gable protruding to the North West and enjoyed both 2 storey and 1½ storey elements.
- 1.4 Upon reflection of the approved design the client decided there was a requirement to reduce the impact on the horizon and wanted look at options to make the profile of the dwelling deeper to contain more multifunctional, useable, space. CM Design were then tasked to design this innovative new dwelling to properly benefit the client’s needs.
- 1.5 A preliminary enquiry was lodged in June 2015 for a newly designed dwelling (Ref Number 15/01108/PE). This preliminary design featured a simple overhanging curved roof and had no protrusions of any form.
- 1.6 The Local Authorities response to the preliminary enquiry included reservations with regards to the design, specifically citing that the “curved roof is not a form that is typical in inland areas”. The response did, however, confirm that Policy H7 is “supportive of innovative modern design”.
- 1.7 Following informal meetings and discussions with all of the relevant parties’ different options were discussed on how to best move forward with the design. The Planning Officer agreed that the design would be looked on

favorably if the mass of the proposal could be broken up to some degree and if the roof was changed to something more traditional.

- 1.8 A revised design was submitted in keeping with previous comments by the Planning Team and a response was provided advising that no further comment could be made without a formal application.
- 1.9 This application now seeks detailed consent for an innovative modern dwelling that sits comfortably within site and landscape around it.



2 Location & Site

- 2.1 The application site is located South East of Greenfields farm. Greenfields farm has recently flourished as a place for recreational and retail development.
- 2.2 Greenfields and the application site are accessed from an existing track which connects to the A96.
- 2.3 The site benefits from a substantial forest backdrop to the North, East and South.
- 2.4 The proposed dwelling sits behind the rise of a hill which hides a significant portion of the project.
- 2.5 There is already a general purpose agricultural building situated 10m East of the proposals.
- 2.6 The previous application approval identified that the site is suitable for development due to having the required 50% boundary enclosures and significant forest backdrop.
- 2.7 The same assessment also identifies that the site and location is suitable for accommodating the prominent design proposed.



3.0 The Proposal

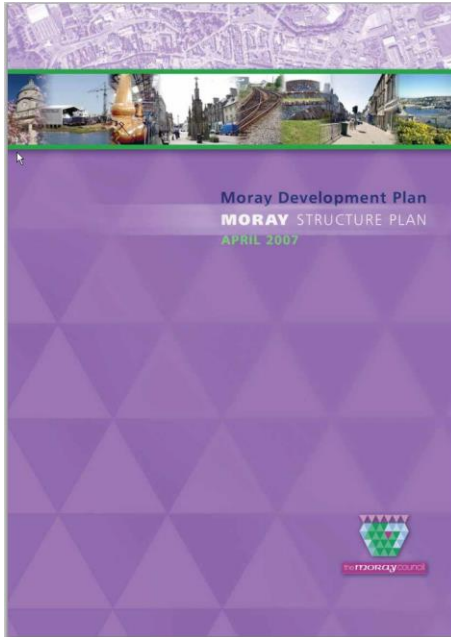
- 3.1 The dwelling type in this application, has been designed to suit the applicants bespoke needs for a multi-functional modern dwelling for himself and his extended family.
- 3.2 The innovative modern design has a central gable expression with two flat roof Sedum flanks either side. The main gable is at a traditional 45° pitch and matches the previously approved gable in proportions and height. The roof and gable expression takes cues from local architectural precedents but seeks to create a modern interpretation of these elements rather than creating bland imitation.
- 3.3 The design solution allows for a deeper house width (front to rear) than would normally be employed or possible. Due to the close proximity of the forest wrapping around the site and the orientation of the dwelling this deep elevation is not evident.
- 3.4 The dwelling is substantially smaller in floor area and overall footprint than the previously approved proposals. With 164m² per floor the proposals are still sufficiently sized to accommodate a large family but are not as exuberantly proportioned as the previously approved dwelling.
- 3.5 The design incorporates a sizeable covered balcony across the entire front of the proposals. This balcony provides sheltered external spaces for the inhabitants to enjoy the outdoors without hindrance from the Scottish weather.
- 3.6 The dwelling utilises traditional materials and includes the use of local stone and vertical timber cladding on the walls and slate to the 45° pitched roof. These materials soften the dwelling's size and link the proposals to architectural precedents in the local vicinity.

- 3.7 All other aspects of the development (such as access, drainage, contaminated land and water supply) are precisely the same as the previous proposals.



4. Development Plan Policy

- 4.1 The Town and Country Planning Act 1997 requires planning applications to be determined in accordance with the Development Plan unless “material considerations” require otherwise.
- 4.2 Development in Moray is steered by the contents of the Moray Structure Plan approved in April 2007 and the Moray Local Development Plan (modified plan) 2015.
- 4.3 The “material considerations” mentioned in 5.1 are not defined by any statute but examples can be found in the Annex to Scottish Government Circular 4/2009 (Appendix 2) as follows.
- National Scottish Planning Policy
 - The environmental impact of a proposal
 - The design of a development and its relationship to its surroundings
 - Access, provision of infrastructure and planning history of the site
 - Views of statutory consultees
 - Legitimate public concern, or support, expressed on relevant planning matters



5.0 Moray Structure Plan 2007

5.1 This document sets out Moray Council's view on strategic planning over a 15 – 20 year period.

5.2 Page 8 of this guidance states a Strategic Aim of the Plan in promoting growth including a commitment to maintain and grow the population and to allow sensitive small scale development **in rural areas**.

5.2 Page 17 of this guidance also lends support to small scale rural development, which help to sustain local services.

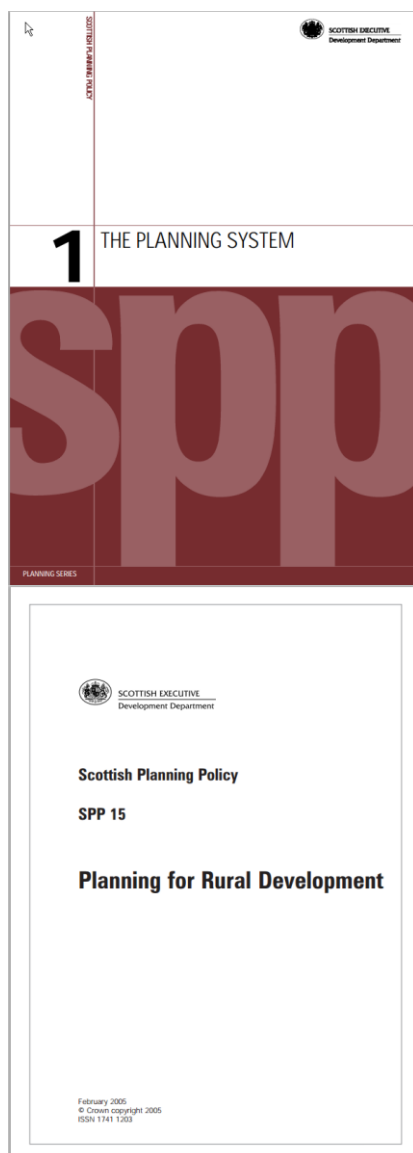
5.3 The Plan also expresses an explicit **presumption in favour** of house building in rural areas on well located and designed sites that have a low environmental impact.

5.4 **This application therefore conforms to the general requirements of The Moray Structure Plan 2007**

6.0 Moray Local Development Plan 2015

- 6.1 The Local Plan directs the majority of new development to established settlements but **allows** for building in the countryside under the terms of specific policies.
- 6.2 The site is located in the countryside **outwith** the towns, villages and designated rural communities which make up the established settlement hierarchy. It is not within any of the specifically designed sensitive landscape areas defined in the Local Plan e.g. Countryside Around Towns, Areas of Great Landscape Value, National Scenic Areas, Coastal Protection Zones and Gardens and Designed Landscapes.
- 6.3 Within the settlement hierarchy and outwith any specific landscape or habitat designations, the lead policy to consider is Policy H7 – New Housing in the Open Countryside.
- 6.4 Policy H7 sets out requirements on the siting and design of new houses in the open countryside on sites which;
- do not detract from the character and setting of existing buildings, or their surrounding areas, when added to an existing grouping,
 - are not overtly prominent (such as on a skyline, on artificially elevated ground, or in open settings such as the central areas of fields). Where an otherwise prominent site is offset by natural backdrops, these will be acceptable in terms of this criterion,
 - have at least 50% of the site boundaries as long established and are capable of distinguishing the site from the surrounding land (for example dykes, hedgerows, watercourses, woodlands, tracks and roadways).

- 6.5 The siting and design criteria in Policy H7 are supplemented by the general criteria based Policy IMP1 – Development Requirements. This policy has a range of requirements applicable to all new developments including the following:
- scale, density and character must be appropriate to the surrounding area
 - development must be integrated into the surrounding landscape
- 6.6 In addition to the requirements of Policies H8 and IMP1, other local policies relating to infrastructure, servicing, and tree requirements are as follows:
- Policy T2 – Provision of Road Access
 - Policy T5 – Parking Standards
 - Policy EP5 – Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)
 - Policy EP 9 – Contaminated Land
 - Policy EP10 – Foul Drainage
 - Policy IMP1 – Development Requirements.
- 6.7 **This application conforms to the requirements of The Moray Local Plan 2008 and in particular Policy H7 in relation to new housing in the countryside**



7. National Planning policy and Guidance

- 7.1 As described in 5.3, National Planning Policy and Guidance is a **material planning consideration** to be taken into account in the consideration of planning applications.
- 7.2 This guidance takes the form of various SPPs (Scottish Planning Policies) and PANs (Planning Advice Notes)
- 7.3 **SPP15 – Planning for Rural Development (2005)**
- 7.4 This SPP supports development in rural areas and encourages planning authorities and agencies involved in rural development to adopt a proactive approach to providing land for development.
- 7.5 This SPP recognises that the countryside should be able to absorb more people who are content to live and work there
- 7.6 Paragraph 18 of this SPP promotes the careful development of considered sites with a general message that there is considerable scope for allowing more housing of this nature in the countryside.
- 7.7 SPP15 sees “fit in the landscape” as a critical planning consideration. This is often the key to making development acceptable (para 27). It states that planning permission should be granted for developments which conform to the principles and objectives described in this statement (Para 37).



8.8 PAN72 – Housing in the Countryside (2005)

- 8.9 PAN72 describes the significant rise in people wishing to live in the accessible areas of our countryside while commuting to work in our town centres and settlements.
- 8.10 It contains guidance in some detail on how to achieve a successful development in the countryside. The PAN acknowledges that there will continue to be a demand for single houses (often individually designed) but these have to be planned with the location carefully selected and designed appropriately to its locality (page 7).
- 8.11 The PAN resists any skyline developments or engineered platforms and requires that any new development should fit well with the surrounding landscape.
- 8.12 The worth and merit of a good backdrop of trees is identified as one of the key factors in accommodating development in the countryside, whilst stating that planting is not intended to screen development.

9. Conclusion

- 9.1 The merits on which the previous planning consent was granted in 2011 remain in this case.
- 9.2 This design statement demonstrates the **conformity** of this application with the current **Development Plan** in terms of general support for small scale development in the countryside and in more specific terms, to the more exacting requirements of **Policy H7** (New Housing in the Countryside).
- 9.3 This innovative modern design can be amenably accommodated by the existing landscape and backdrop and introduces a house which is commensurate with the needs of rural living.
- 9.4 There are sufficient boundaries, backdrop and design features to meet all the requirements of H8, IMP1 and all SPP and PAN notes.
- 9.5 Furthermore, this development will serve to meet the requirement for new housing in Moray and in particular the need to serve those that wish to dwell in our rural areas and sustain the services already provided to homes and settlements in the countryside.



3D VISUALISATION OF DWELLING

Pink line denotes outline of previously approved dwelling

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

REFUSED

18.01.2016

Development Management
Environmental Services
The Moray Council

cmdesign 
Chartered Architect & Planning Consultant

*from conception
to completion...*

ELGIN

St. Brendans, South Guildry Street, Elgin IV30 1QN
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planningconsultancy • architecturaldesign • projectmanagement

Client:

MR ROBERTS

Project:

NEW HOUSE AT GREENFIELDS, LHANBRYDE, IV30 8LN

Date:

05.10.15

Drawing No:

150063.01

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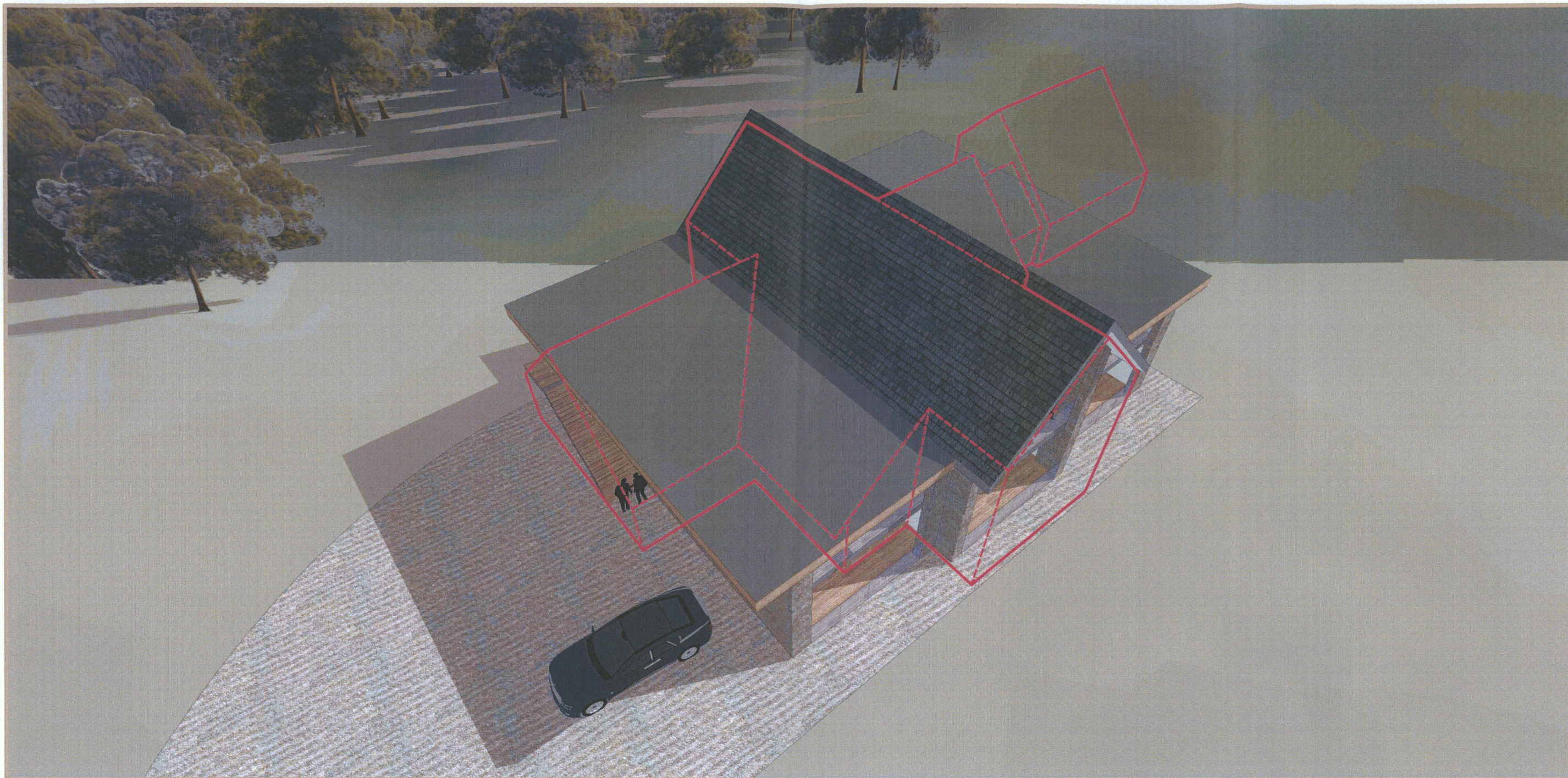
05.10.15

Drawing No:

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Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	9th December 2015
Planning Authority Reference	15/02110/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site At Greenfields Bogton Farm Lhanbryde Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133062340
Proposal Location Easting	327842
Proposal Location Northing	860420
Area of application site (Ha)	3580 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=NYCZN9BGA000
Previous Application	15/01108/PE 14/01574/APP 11/01013/APP
Date of Consultation	25th November 2015
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Chris Roberts
Applicant Organisation Name	
Applicant Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Agent Name	C M Design
Agent Organisation Name	
Agent Address	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Richard Smith
Case Officer Phone number	01343 563256
Case Officer email address	richard.smith@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.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Contaminated Land

Planning Application Ref. No: 15/02110/APP

Erect dwellinghouse on Site At Greenfields Bogton Farm Lhanbryde Moray for Mr Chris Roberts

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 | X |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input type="checkbox"/> |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Adrian Muscutt
email address:
Consultee:

Date.....26/11/15**.....**
Phone No

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://public.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	9th December 2015
Planning Authority Reference	15/02110/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site At Greenfields Bogton Farm Lhanbryde Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133062340
Proposal Location Easting	327842
Proposal Location Northing	860420
Area of application site (Ha)	3580 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=NYCZN9BGAK000
Previous Application	15/01108/PE 14/01574/APP 11/01013/APP
Date of Consultation	25th November 2015
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Chris Roberts
Applicant Organisation Name	
Applicant Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Agent Name	C M Design
Agent Organisation Name	
Agent Address	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Richard Smith
Case Officer Phone number	01343 563256
Case Officer email address	richard.smith@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

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Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 15/02110/APP

Erect dwellinghouse on Site At Greenfields Bogton Farm Lhanbryde Moray for Mr Chris Roberts

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 | X |
| (c) | I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input type="checkbox"/> |
| (d) | Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Kevin Boyle
email address:
Consultee:

Date.....30/11/15.....
Phone No

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://public.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: Jill Paterson
Sent: Fri, 27 Nov 2015 16:54:07 +0000
To: DC-General Enquiries
Cc: Developer Obligations;office@cmdesign.biz
Subject: 15/02110/APP: Developer Obligations Final Response

**Full Planning Permission to Erect Dwellinghouse on Site at Greenfields, Bogton Farm, Lhanbryde
Planning Application Reference: 15/02110/APP**

We have undertaken an assessment of the above application and can advise that no developer obligations are required. Both Lhanbryde Primary and Milne's High are operating within the functional capacities therefore can accommodate pupils from this development.

There may be a requirement for roads contributions towards local improvements however this will be advised by the Transportation Service.

Regards
Jill

Jill Paterson | Principal Developer Obligations Officer |
Legal and Governance | Aberdeenshire Council | C/o Area Office | The Square | Banchory | AB31 5RW

Tel: 01330 825 518
Blackberry: 07836 558071
E-mail: jill.paterson@aberdeenshire.gov.uk

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www.aberdeenshire.gov.uk

SAVE PAPER - Please do not print this e-mail unless absolutely necessary.

Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

**The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To The Moray Council Elgin	Council Reference:-	15/02110/APP
	TS TRBO Reference:-	NE/206/2015

Application made by Mr Chris Roberts per C M Design, St Brendans,69 South Guildry Street,Elgin,Moray,IV30 1QN and received by Transport Scotland on 25 November 2015 for planning permission for erect dwellinghouse located at Site At Greenfields Bogton Farm, Lhanbryde affecting the A96 Trunk Road.

Director, Trunk Roads Network Management Advice

1. The Director does not propose to advise against the granting of permission ☒
2. The Director advises that planning permission be refused (see overleaf for reasons). ☐
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons). ☐

To obtain permission to work within the trunk road boundary, contact the Route Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Route Manager (A96) 0141 272 7100 Network South, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
NORTH EAST
Bear House, Inveralmond Road, Inveralmond Industrial Estate, PERTH, PH1 3TW
01738 448600
NEplanningapplications@bearsotland.co.uk

Operating Company:-

Address:-

Telephone Number:-

e-mail address:-

Transport Scotland Response Date:- 03-Dec-2015

Transport Scotland Contact:- Fred Abercrombie

Transport Scotland Contact Details:-

Trunk Road and Bus Operations, Network Operations - Development Management

Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Telephone Number: 0141 272 7382

e-mail: development_management@transportscotland.gsi.gov.uk

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Trunk Road and Bus Operations, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	9th December 2015
Planning Authority Reference	15/02110/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site At Greenfields Bogton Farm Lhanbryde Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133062340
Proposal Location Easting	327842
Proposal Location Northing	860420
Area of application site (Ha)	3580 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=NYCZN9BGA000
Previous Application	15/01108/PE 14/01574/APP 11/01013/APP
Date of Consultation	25th November 2015
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Chris Roberts
Applicant Organisation Name	
Applicant Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Agent Name	C M Design
Agent Organisation Name	
Agent Address	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Richard Smith
Case Officer Phone number	01343 563256
Case Officer email address	richard.smith@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

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Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 15/02110/APP

Erect dwellinghouse on Site At Greenfields Bogton Farm Lhanbryde Moray for Mr Chris Roberts

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

Please

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

Note: Access to this development would be via a private access onto the A96 Trunk Road. Please consult with Transport Scotland.

Condition(s)

1. A minimum of four 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

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

Further comment(s) to be passed to applicant

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.

Contact: DA

Date 8 December 2015

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

Consultee: TRANSPORTATION

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://public.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

REPORT OF HANDLING

Ref No:	15/02110/APP	Officer:	Richard Smith
Proposal Description/ Address	Erect dwellinghouse on Site At Greenfields Bogton Farm Lhanbryde Moray		
Date:	15.01.2016	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
Transport Scotland	03/12/15	No objection.
BEAR Scotland Limited		Refer to Transport Scotland response.
Developer Obligations Unit	27/11/15	No contribution sought.
Environmental Health Manager	30/11/15	No objection.
Contaminated Land	26/11/15	No objection.
Transportation Manager	08/12/15	No objection, condition parking.
Scottish Water		No response received.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1: Sustainable Economic Growth		
PP2: Climate Change		
PP3: Placemaking		
H7: New Housing in the Open Countryside	Y	
EP9: Contaminated Land		
EP10: Foul Drainage		
T2: Provision of Access		
T5: Parking Standards		
IMP1: Developer Requirements	Y	

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

Detailed approval is sought in this case to erect a dwellinghouse at a site at Greenfields, Bogton Farm, Lhanbryde. The proposed house is an amended design to one previously approved in this location (albeit on a slightly larger site) under application reference 11/01013/APP, and renewed under 14/01574/APP.

The proposed house is a substantial 2 storey modern design with a deep rectangular floor plan, consisting central gable and two flat roofed flanks, with external material finishes of slate, sedum, timber, stone and glazing. The design also incorporates full height glazing and a sizeable balcony along the entire front of the building and a covered walkway along the rear.

The house would be accessed via a private track which leads to Greenfields to the northwest. It would have private foul and surface water drainage arrangements and would connect to the public water supply network.

Although the submissions refer to the proposed planting of minimum 25% site area with trees and vegetation, no specific landscape plan has been submitted at this stage.

A Design Statement has been submitted in support of the application.

The Site and Surroundings

The site measures 0.29 ha (excluding access) and comprises an area of rough/grazing land which forms the upper corner of a field, within open countryside to the southeast of Lhanbryde. An adjacent agricultural shed and woodland lie to the east and south, and open farmland to the west, south west and northwest.

Appraisal

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

Siting/Design and Impact upon Landscape Character (MLDP - Policies H7 and IMP1)

Policy H7: New Housing in the Open Countryside of the Moray Local Development Plan 2015 contains the necessary siting and design criteria for assessing new housing proposals in the countryside. This aims to allow new housing in the open countryside provided it can be easily absorbed into the landscape, and for new development to be low impact and to reflect the character of the surrounding area in terms of scale and design of housing.

In relation to siting, policy criteria requires new house sites to:

- a) Reflect the traditional settlement pattern of the locality and integrate sensitively with the surrounding landform (i.e. not be obtrusive).
- b) Not detract from the character or setting of existing buildings, or their surrounding area.
- c) Not contribute to a build-up of development which changes the character of the area.
- d) To have at least 50% established boundaries.

The policy also contains site-specific criteria requiring at least 25% of plot areas to be planted with trees and design criteria to ensure a satisfactory form of traditional design. These include the requirement for houses to have a roof pitch of between 40-55 degrees, a gable width of no more than 2.5 times the height of the wall from ground to eaves level, uniform external finishes and materials including slate or dark 'slate effect' roof tiles and a vertical emphasis and uniformity to all windows and doors.

The policy advises that exceptions to the above design requirements can be justified on the basis of innovative designs that respond to the setting of the house. Supplementary Guidance on Housing in the Countryside further clarifies this point by advising: "Innovative designs will be acceptable provided they relate to the landscape in which they sit, i.e. they do not overwhelm the rural setting and are truly inspirational" (page 24).

Policy IMP1 Developer Requirements requires new development proposals to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area and to be comply with set criterion (detailed within policy). These include amongst others the requirement for new development to be of a scale and character appropriate to its setting and for development to integrate into the landscape.

Siting - The principle of a house in this location, established by the previous planning consents continues to be acceptable and to satisfy the siting requirements of policy H7, in relation to settlement pattern, build up and boundary treatment. The current design of house of the form and materials proposed however would not integrate sensitively with the surrounding landform, and this is discussed in more detail below.

Design - The submitted house type of the form, massing and proportions proposed would fail to reflect traditional Scottish rural architecture and would neither be low impact nor reflect the character of existing traditional housing in the surrounding area. The design which incorporates a deep plan form, wide flat roofed flank elements and 2 storey full height glazing and balconies across the entire front elevation (features generally more suited to an urban setting) would relate poorly to other traditional buildings in the area and would alter the rural character of this part of the landscape. Any adverse impact in this regard would be heightened further due to the elevated position of the site which is readily visible from the A96 trunk road to the north. On this basis the proposal would represent an inappropriate form of development for this location that would neither integrate sensitively into the landscape nor fit with its rural surrounds, as required by policies H7 and IMP1.

Although the house utilises some traditional materials and would have a footprint smaller than the original (traditional) design, the current proposal is unacceptable in this instance for the reasons already outlined. In addition, although the applicant's Supporting Case contends that the proposal is an innovative modern design, officers take the contrary view in that it has not been adequately demonstrated that the submitted design is innovative or truly inspirational, or that it relates well to the landscape and setting in which it lies.

In relation to landscaping, whilst the submissions refer to the proposed planting of minimum 25% site area with trees and vegetation, no specific landscape plan has been submitted at this stage. Had the application been recommended for approval this matter would have been addressed by condition.

Access/Parking (T2 and T5)

Policies T2 and T5 require development proposals to satisfy certain criteria. These include the provision of safe entry and exit for all road users at access junctions, infrastructure improvements where appropriate and off street parking facilities. The proposed access from the site involving access onto an existing track which joins onto the trunk road to the north continues to meet these provisions.

Both Transport Scotland and the Council's Transportation Section have assessed these elements and have raised no objection to the grant of permission subject to a condition covering provision of parking.

Water Supply and Drainage (Policies EP10 and IMP1)

Proposed drainage arrangements comprising private treatment plant, soakaway and surface water soakaway are acceptable and conform to policy EP10 and IMP1 requirements. Final specifications and details of drainage would be addressed under the Building Regulations, had the application been recommended for approval informative advice in this regard would have been attached to the decision notice

Scottish Water has elected not to provide comments following consultation on the application, and on this basis it is assumed that it has no observations or objections to the application.

Recommendation

Refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
15/01108/PE	Proposed dwellinghouse on Site At Greenfields Bogton Farm Lhanbryde Elgin Moray			
	Decision	ID/PE Answered	Date Of Decision	13/07/15
14/01574/APP	Extend planning consent 11/01013/APP to erect dwellinghouse at Site At Greenfields Lhanbryde Moray			
	Decision	Permitted	Date Of Decision	02/10/14
11/01013/APP	Erect house at Site At Greenfields Lhanbryde Moray			
	Decision	Permitted	Date Of Decision	12/08/11

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development plan No Premises	24/12/15	
PINS	Departure from development plan No Premises	24/12/15	

DEVELOPER CONTRIBUTIONS (PGU)	
Status	None sought

DOCUMENTS, ASSESSMENTS etc. * <i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Design Statement.	
Main Issues:		

S.75 AGREEMENT		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			

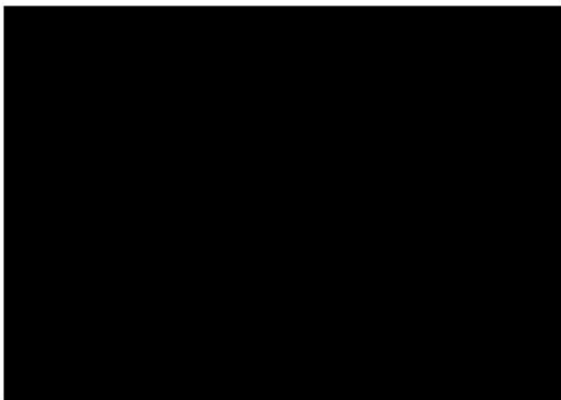


**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

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

TO

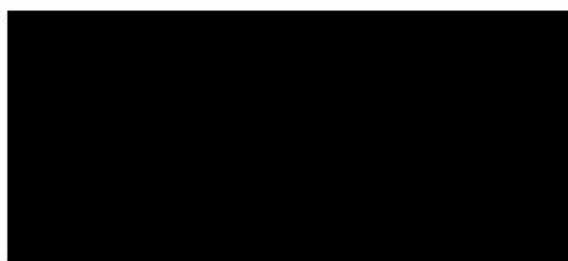


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Erect dwellinghouse on Site At Greenfields Bogton Farm Lhanbryde Moray

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

Date of Notice: **18 January 2016**



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The 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, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposal is contrary to policies H7 and IMP1 of the Moray Local Development Plan (MLDP) 2015) for the following reasons:

The submitted house design of the form, massing and proportions proposed would fail to reflect traditional Scottish rural architecture and would neither be low impact nor reflect the character of existing traditional housing in the surrounding area. The design which incorporates a deep plan form, wide flat roofed flank elements and 2 storey full height glazing and balconies across the entire front elevation (features generally more suited to an urban setting) would relate poorly to other traditional buildings in the area and would alter the rural character of this part of the landscape. Any adverse impact in this regard would be heightened further due to the elevated position of the site, readily visible from the A96 trunk road to the north. On this basis the proposal would represent an inappropriate form of development for this location that would neither integrate sensitively into the landscape nor fit with its rural surrounds, as required by policies H7 and IMP1.

Although the house utilises some traditional materials and would have a footprint smaller than the original (traditional) design, the current proposal is unacceptable in this instance for the reasons already outlined. In addition, although the applicant's Supporting Case contends that the proposal is an innovative modern design, officers take the contrary view in that it has not been adequately demonstrated that the submitted design is innovative or truly inspirational, or that it relates well to the landscape and setting in which it lies.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
150063.ROBERTS.04PP		Elevations floor plans site and location plan
150063.01		3D visualisation of dwelling
150063.02		3D visualisation of dwelling
150063.03		3D visualisation of dwelling

**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, The 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.