



the **MORAY** council

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

Tel: 01343 563 501

Fax: 01343 563 263

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 000135931-001

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)

New house site within vacant ground at Bracany Park, Fogwatt

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:

Wittets Ltd

Ref. Number:

First Name: *

Cynthia

Last Name: *

McKay

Telephone Number: *

01343 543 237

Extension Number:

Mobile Number:

Fax Number:

01343 540 542

Email Address: *

cm@wittets.co.uk

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

Building Name:

Building Number:

26

Address 1 (Street): *

Hay Street

Address 2:

Town/City: *

Elgin

Country: *

UK

Postcode: *

IV30 1NQ

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: *

Raymond

Last Name: *

Wiles

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:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

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

Site at Bracany Park, Fogwatt, Elgin

Northing

857134

Easting

323523

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)

Pre-application advice response.

Title:

Mr

Other title:

First Name:

Maurice

Last Name:

Booth

Correspondence Reference Number:

15/01388/PE

Date (dd/mm/yyyy):

17/08/15

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)

Querying why access onto the A941 would not be permitted.

Title:

Ms

Other title:

First Name:

Diane

Last Name:

Anderson

Correspondence Reference Number:

Date (dd/mm/yyyy):

14/07/15

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:

1990.00

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)

Undeveloped gap site.

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.

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).

What private arrangements are you proposing for the New/Altered septic tank? *

- ☒ Discharge to land via soakaway.
- ☐ Discharge to watercourse(s) (including partial soakaway).
- ☐ Discharge to coastal waters.

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

Septic tank to ground soak-away within garden.

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.

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: Cynthia McKay

On behalf of: Mr Raymond Wiles

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. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

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

Applicant access statement

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: Cynthia McKay

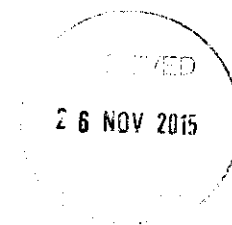
Declaration Date: 24/11/2015

Submission Date: 24/11/2015

Payment Details

████████████████████

Created: 24/11/2015 12:20



PROPOSED NEW HOUSE AT FOGWATT

for Mr R Wiles

DESIGN STATEMENT

A preliminary enquiry was submitted in connection with the proposed site and a response received on 17th August 2015.

The proposals have taken account of the advice given which refers to IMP1 which refers to policies, IMP1, H3 and the Fogwatt Rural Grouping settlement.

In relation to IMP1 and H3, whilst the proposed house site is not a sub division of an existing plot, the design has endeavoured to accord with the settlement pattern and character of the existing development. There are varying house plots within the existing development and the proposed area of plot is larger than some of the existing plots and smaller than others. The size area of 1980m² is a significant area although as stated within the preliminary enquiry the proposed plot is irregularly shaped. Due to the concerns within the preliminary enquiry, the site has been fully surveyed, levels taken and a house position shown which can be designed to minimise outlook on existing properties. The house would be one and a half storey, with finishes to accord with the character of surrounding properties. The existing screening of hedging to the existing west boundary, and existing trees to be retained to the north, we would assist with maintaining amenity. Of the two dwellings nearest to the proposed site, the gable of no. 3 Bracany Park only a small window at ground floor level, and the gable of Bracany has no windows. It would be proposed that there would be no bedroom windows at the first floor level facing north from the proposed dwelling.

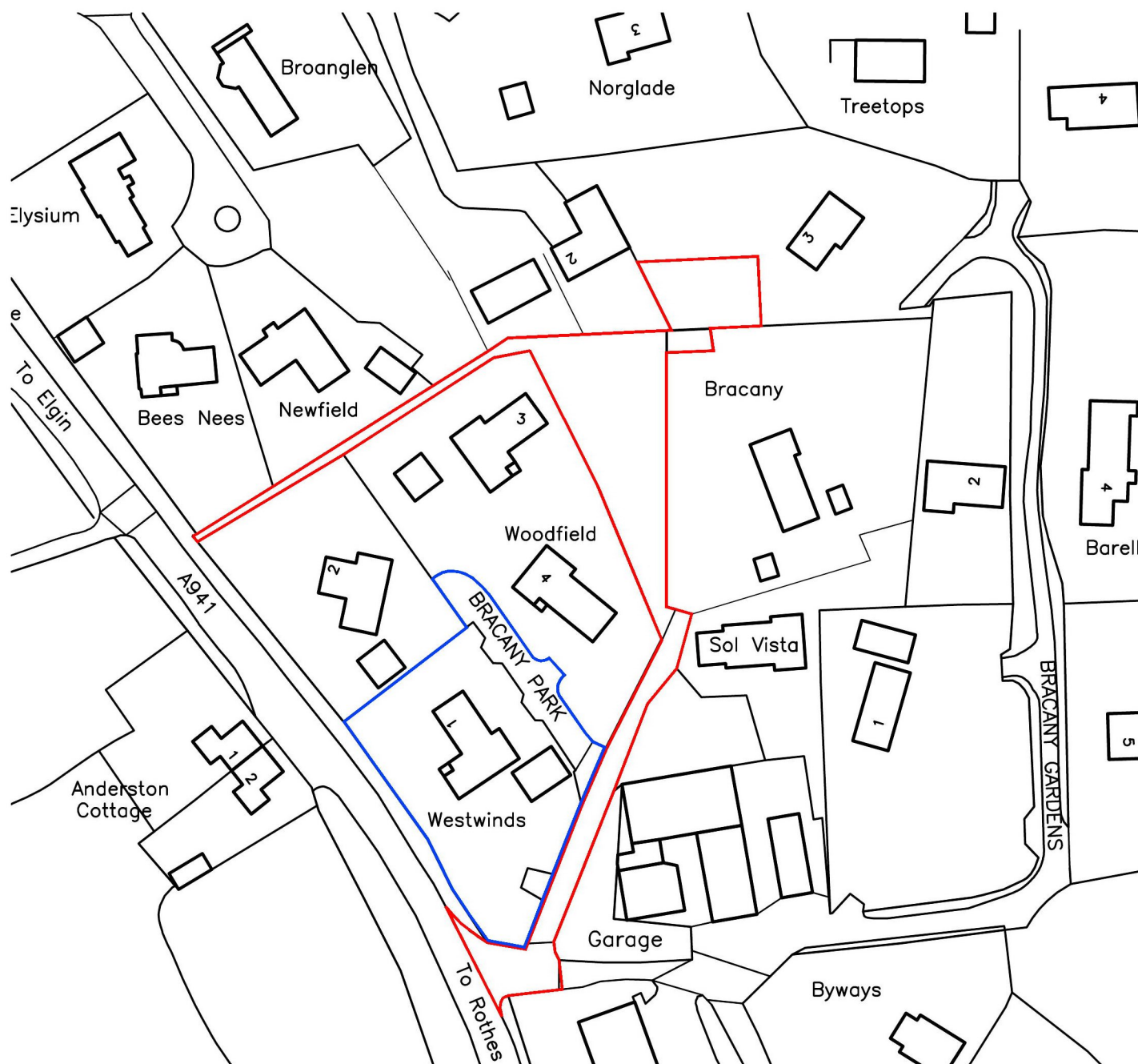
From the layout shown it can be seen that a house of the size that would be expected in such a location could be suitably accommodated on the site.

In relation to the Fogwatt Rural Grouping Settlement statement within the local plan there is mention of the possible need for a foul drainage porosity test and flood risk assessment to be undertaken if required. These would be undertaken if requested within the application consultations. Whilst not referred to within the preliminary requirement, it has also been noted from the Fogwatt statement that use of the existing access adjacent to Neil Miler's Garage would not be acceptable for additional dwellings. A letter is included with the application which provides anecdotal information in relation to the lack of accidents caused by the junction, and it would be intended to have further consultation with Transportation as part of the application to clarify the particular road safety concern. In initial discussions with Transportation, it is understood that the main concern was in relation to turning at the junction, and the proposals could be extended to approving the junction which would not only satisfy Transportation in relation to this application, but also provide improvements to existing users.

There does not appear to be any problems with visibility at the junction for the 50mph speed limit through the village.



USE GIVEN DIMENSIONS ONLY
COPYRIGHT RESERVED



New house site adjacent to
Bracany, Fogwatt by Elgin
for Mr R Wiles

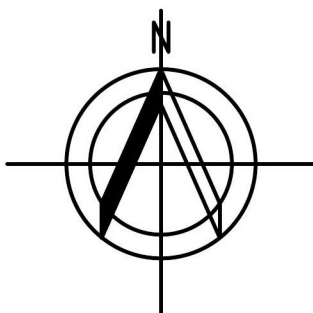
WITTETS
ARCHITECTS

LOCATION PLAN

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

REFUSED
21/01/16

Development Management
Environmental Services
The Moray Council



26 Hay St, Elgin, Moray IV30 1NQ

T 01343 543237

e info@wittets.co.uk

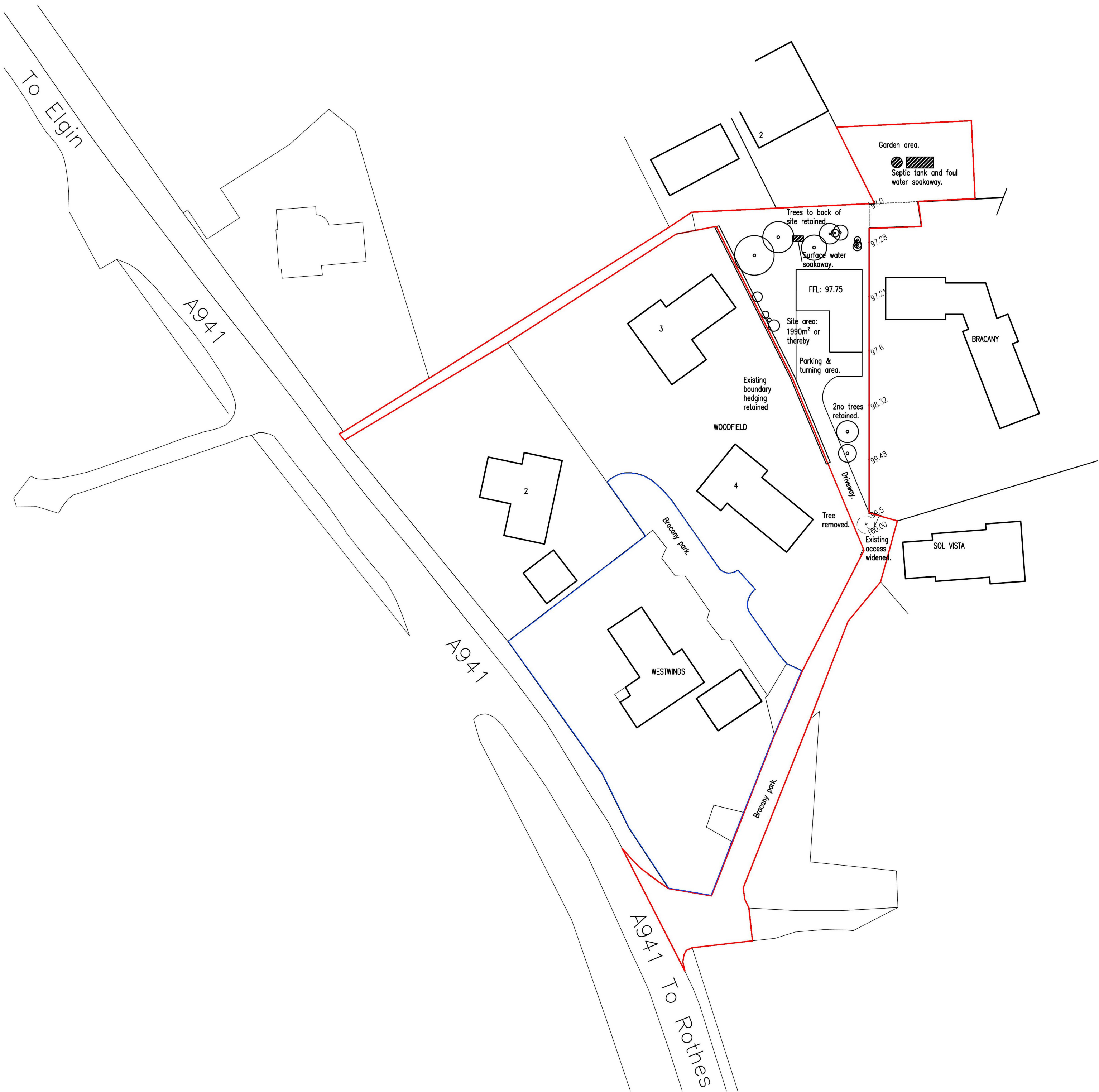
F 01343 540542

www.wittets.co.uk

1:1250 at A4

NOV 2015

15:27:03



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

REFUSED

21/01/16

Development Management
Environmental Services
The Moray Council

WITTETS

ARCHITECTS

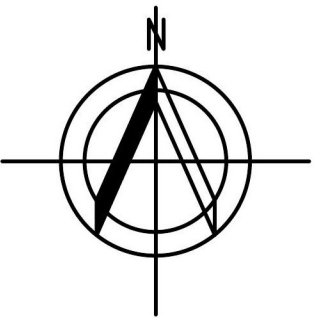
26 Hay St, Elgin, Moray IV30 1NQ
T 01343 543237 F 01343 540542
e info@wittets.co.uk www.wittets.co.uk

House site at Westwinds,
Fogwatt for
Mr R J Wiles

PLANNING
Site Plan

1:500 at A2
NOV 2015

15:27:02a



Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	16th December 2015
Planning Authority Reference	15/02106/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Land Adjacent To Bracanny Bracany Park Longmorn Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133069154
Proposal Location Easting	323528
Proposal Location Northing	857150
Area of application site (Ha)	1990 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=NYCZHTBGAK000
Previous Application	15/01387/PE 15/01388/PE
Date of Consultation	2nd December 2015
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Raymond Wiles
Applicant Organisation Name	
Applicant Address	Westwinds Fogwatt Elgin IV30 8FJ
Agent Name	Wittets Architects
Agent Organisation Name	Wittets Limited
Agent Address	26 Hay Street ELGIN Moray IV30 1NQ
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Maurice Booth
Case Officer Phone number	01343 563274
Case Officer email address	maurice.booth@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: 15/02106/PPP

Erect dwellinghouse on Land Adjacent To Bracanny Bracany Park Longmorn Moray for Mr Raymond Wiles

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.....04/12/15**.....**
Phone No

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://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 – Development Plans

Planning Authority Name	The Moray Council
Response Date	17th December 2015
Planning Authority Reference	15/02106/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Land Adjacent To Bracanny Bracany Park Longmorn Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133069154
Proposal Location Easting	323528
Proposal Location Northing	857150
Area of application site (Ha)	1990 m2
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=NYCZHTBGAK000
Previous Application	15/01387/PE 15/01388/PE
Date of Consultation	3rd December 2015
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Raymond Wiles
Applicant Organisation Name	
Applicant Address	Westwinds Fogwatt Elgin IV30 8FJ
Agent Name	Wittets Architects
Agent Organisation Name	Wittets Limited
Agent Address	26 Hay Street ELGIN Moray IV30 1NQ
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Maurice Booth
Case Officer Phone number	01343 563274
Case Officer email address	maurice.booth@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:-

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

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Development Plans

Planning Application Ref. No: 15/02106/PPP

**Erect dwellinghouse on Land Adjacent To Bracanny Bracany Park Longmorn Moray
for Mr Raymond Wiles**

Ward: 04_07 Fochabers Lhanbryde

DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN

(For Structure/Local Plan Comment)

		Page No	Policy No(s)	Yes	No
1	Departure from Moray Local Development Plan 2015		H5 Development Within Rural Grouping H1 Housing Land T2 Provision of Access ER2 Development in Woodlands IMP1 Developer Requirements	X X X X X	
2	Further Discussion Required				

REASONING FOR THIS DECISION:

This proposal will be considered against policies H5 Development Within Rural Groupings, H1 Housing Land, T2 Provision of Access, ER2 Development in Woodlands, IMP1 Developer Requirements, PP3 Placemaking, EP10 Foul Drainage and T5 Parking Standards of the Moray Local Development Plan 2015. The site does not appear to form part of an existing “plot” but can be considered to be backland development under the terms of policy H3 Sub division for House Plots. The policies will be supported by the Rural Groupings and Trees and Development supplementary guidance documents.

H5 Development Within Rural Groupings/ Rural Grouping Supplementary Guidance -

The proposed development is likely to have an adverse effect on the character and environmental amenity of the area. The Rural Grouping supplementary guidance states that “for road safety reasons, no further development will be permitted which proposes to use the access point onto

the A941 at Neil Millers Garage”; this has been addressed under policy T2 below. Any development will require the felling of a large number of trees. The trees currently provide screening for the existing single storey houses within the vicinity of the site.

H1 Housing Land-

The proposed site is white land with the Rural Grouping boundary. Policy H1’s section “Windfall sites within settlements” outlines criteria for the development of these sites. The proposal will not meet these criteria as it is likely to have an adverse impact upon the surrounding environment and due to the access issues at the junction of the A941 and Neil Millers Garage, which is addressed under policy T2, there will be inadequate infrastructure available.

H3 Sub division for House Plots-

The proposal is subject to policy H3 as it can be considered backland development. The proposal does not meet the conditions outlined in the proposal as removing the woodland to develop the site is likely to have an impact on the amenity of the surrounding properties.

T2 Provision of Access-

The access to be used for the site is off the A941 at Neil Millers garage. The Rural Grouping supplementary guidance states that “for road safety reasons, no further development will be permitted which proposes to use the access point onto the A941 at Neil Millers Garage”. Transportation has been consulted and they have objected to the proposal on access grounds due to the history of accidents around the junction and state that any intensification of the junction would be detrimental to the safety of the road. The proposal does not provide safe entry and exit from the development for all road users due to this constraint.

ER2 Development in Woodlands-

The proposal will be assessed against policy ER2 as it involves removing woodland to create the site for the house. Policy ER2 states that the “Woodland removal will only be supported where it can be demonstrated that the impact on the woodland is clearly outweighed by social or economic benefits of national, regional and local importance”. This policy implements the Scottish Government Control of Woodland Removal policy. The proposal for a private house will not provide any social or economic benefits. It is also likely that the proposal will have an adverse effect on the amenity and biodiversity of the area.

The Trees and Development supplementary guidance should be used in conjunction with policy ER2. A Tree Survey must be submitted and a Tree Protection Plan produced to preserve the mature trees on the site.

A felling licence may also be required to legally remove the woodland if the total volume of woodland removed exceeds 5m³ per quarter; Forestry Commission Scotland should therefore be consulted. Any woodland removed will be subject to the Council’s compensatory planting agreement with the Woodland Trust.

IMP1 Developer Requirements-

The proposal will be considered against policy IMP1 as new development will require to be sited, designed and serviced appropriately. The proposal is likely to have an impact on the character of the area as it will not be integrated into the landscape; the natural environment will be removed to make way for the house site.

Safe access to the site has also not been considered as the Rural Grouping supplementary guidance prevents any new development that will be using the proposed access road.

The developer must also submit the appropriate surveys and assessments prior to planning consent. A Tree Survey with Protection Plan and British Standards Test to assess the ground conditions suitability for a septic tank should be submitted.

PP3 Placemaking-

The proposal will be assessed against policy PP3. The proposed site will require the removal of the existing woodland, impacting upon the character and potentially adversely altering the identity of the area. The current lack of design information makes any further comment difficult.

EP10 Foul Drainage-

The proposal will be assessed against policy E10. It proposes to use a septic tank for foul drainage, however the Rural Grouping supplementary guidance states that “due to the uncertainty of local ground conditions and fear of ground water pollution from domestic septic tanks, the Council require a full British Standard test to be carried out on all site proposed for development”.

T5 Parking Standards-

The proposal will be assessed against policy T5. The house design will need to incorporate a sufficient number of parking spaces within the grounds. Transportation should be consulted to ensure the proposal meets the relevant parking standards.

Conclusion-

The proposal is a departure from policies H5 Development Within Rural Groupings, H1 Housing Land, T2 Provision of Access, ER2 Development in Woodlands and IMP1 Developer Requirements.

The proposal does not meet the criteria outlined in policy T2 for providing safe entry and exit to a development as there is restriction on the use of the proposed access road for new development in the Rural grouping supplementary guidance.

The proposal is a departure from policy ER2 as the impact on the woodland is not outweighed by social or economic benefits of national, regional and local importance and no details of compensatory planting have been provided. A Tree Survey and Tree Protection Plan must also be submitted. The proposal is also a departure from policy IMP1 as the proposal has not been sensitively sited taking into account the character of the surrounding area. The proposal has also not considered the impact on the access to the site, or the Rural Grouping supplementary guidance restricting further development using the proposed access road. The departures from policies T2, ER2 and IMP1, means that the proposal is also a departure from policy H1 and H5 as the road infrastructure will not allow additional development. The development will also have an impact on the character and environmental amenity of the area.

The planning application is contrary to the policies outlined above.

The developer must also submit further details on the design of the proposal to comply with PP3 Placemaking, a British Standards Test must be submitted to assess the potential ground pollution to comply with EP10 and provide details of the parking arrangements on the site to comply with policy T5.

POLICY COMMENTS

Contact: Michael Main
email address: michael.main@moray.gov.uk
Consultee: Development Plans

Date.....16/12/2015.....
Phone No563265.....

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://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	16th December 2015
Planning Authority Reference	15/02106/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Land Adjacent To Bracanny Bracany Park Longmorn Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133069154
Proposal Location Easting	323528
Proposal Location Northing	857150
Area of application site (Ha)	1990 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=NYCZHTBGAK000
Previous Application	15/01387/PE 15/01388/PE
Date of Consultation	2nd December 2015
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Raymond Wiles
Applicant Organisation Name	
Applicant Address	Westwinds Fogwatt Elgin IV30 8FJ
Agent Name	Wittets Architects
Agent Organisation Name	Wittets Limited
Agent Address	26 Hay Street ELGIN Moray IV30 1NQ
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Maurice Booth
Case Officer Phone number	01343 563274
Case Officer email address	maurice.booth@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: Environmental Health Manager

Planning Application Ref. No: 15/02106/PPP

Erect dwellinghouse on Land Adjacent To Bracanny Bracany Park Longmorn Moray for Mr Raymond Wiles

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...03/12/15.....
Phone No

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

From: Maurice Booth
Sent: 22 December 2015 15:56
To: Planning Consultation
Subject: FW: The Moray Council Planning Application Consultation for 15/02106/PPP

Could this be attached as a consultation response in the DMS please.

Maurice

-----Original Message-----

From: Hay, David [<mailto:David.Hay@forestry.gsi.gov.uk>]
Sent: 22 December 2015 13:38
To: Maurice Booth
Subject: FW: The Moray Council Planning Application Consultation for 15/02106/PPP

Maurice,

It's a very small site - 0.1ha - it does appear in the NFI.

However it doesn't appear in the NWSS or AWI - although its size would preclude it from these surveys, from the aerial photos it looks like an urban broadleaf copse of trees, maybe in a garden?

FCS LIS Info

<http://scotland.forestry.gov.uk/supporting/grants-and-regulations/land-information-search>
http://map.environment.scotland.gov.uk/landinformationsearch/lis_map.html

FCS Map Browser (NFI)

http://maps.forestry.gov.uk/imf/imf.jsp?site=fcscotland_ext&

We won't need to issue a licence if planning approval is given - but compensatory planting should be required as a condition of any approval as adopted in the LDP..

If the area in question is not within the red line boundary or is not within a garden (oxford dictionary definition) then a felling licence will be required. If in doubt the applicant can give us a call and we can arrange a support visit.

If you require clarification or additional information please give me a call. I working on the 23rd.

Kind regards

David

David Hay MICFor
Woodland Officer (Moray)

Forestry Commission Scotland
Grants an Regulations
Grampian Conservancy

david.hay@forestry.gsi.gov.uk

01466 794542 (switchboard)

01224 441207 (direct)

07733308259 (Mobile)

www.forestry.gov.uk/scotland

www.facebook.com/forestrycommissionscotland

www.twitter.com/fcscotlandnews

Forestry Commission Scotland is the Scottish Government's forestry advisor and regulator.

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Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	16th December 2015
Planning Authority Reference	15/02106/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Land Adjacent To Bracanny Bracany Park Longmorn Moray
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Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=NYCZHTBGAK000
Previous Application	15/01387/PE 15/01388/PE
Date of Consultation	2nd December 2015
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Raymond Wiles
Applicant Organisation Name	
Applicant Address	Westwinds Fogwatt Elgin IV30 8FJ
Agent Name	Wittets Architects
Agent Organisation Name	Wittets Limited
Agent Address	26 Hay Street ELGIN Moray IV30 1NQ
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Maurice Booth
Case Officer Phone number	01343 563274
Case Officer email address	maurice.booth@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: Transportation Manager

Planning Application Ref. No: 15/02106/PPP

Erect dwellinghouse on Land Adjacent To Bracanny Bracany Park Longmorn Moray for Mr Raymond Wiles

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
X |
| (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 type="checkbox"/> |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

Reason(s) for objection

Policies

T2 Road Access

IMP1 (c) Development Requirements

Rural Groupings - Fogwatt

Background

The proposed development would intensify the use of an existing access on a stretch of the A941 Main Road, Fogwatt which carries significant traffic movements. The access is known locally as the 'Neil Miller Garage' access and is specifically mentioned in the Moray Local Development Plan 2015 which states in the text for Fogwatt that:

'For road safety reasons, no further housing development shall be permitted which proposes to use the access point onto the A941 at Neil Millers Garage.'

The A941 at this location is subject to a 50mph speed limit and has restricted forward visibility as it passes through a series of bends and changes in level.

Accident data has been inspected and there are 7 recorded accidents on the section of the A941 within the 50 mph speed limit for the period covering 2010 to 2014. Of these accidents 2 were located at the 'Neil Miller Garage' access.

The existence of this access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs. However the intensification of that interference which the proposed development would engender would be detrimental to road safety.

Reason for Objection(s)

The proposed development, if permitted, would involve the intensification of use of an existing vehicular access onto A941 Main Road Fogwatt where forward visibility is restricted by the vertical and horizontal alignment of the road and by adjacent obstructions and would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.

Contact: DA
email address:
transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

Date 11 December 2015

Return response to	consultation.planning@moray.gov.uk
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Received by e-mail

2nd December 2015

Dear Sir,

We object in principle to the proposed plan to erect a dwelling house on the small plot of land adjacent to our property at Bracany Park and suggest that the land should remain as it is for the following reasons:-

Bracany Park is a countryside development with four good sized plots accommodating bungalow style houses on each. When it was developed the land of the proposed site with mature trees had to be left as a natural screening between the development and the surrounding houses. The area is used every day by residents at Bracany Park for dog exercise to avoid the very busy main road and the trees are also home to red squirrels.

Given the small size and awkward shape of the Plot of land the height and proximity of a one and a half storey house would be overbearing on our property and others and completely out of character with the existing properties at Bracany Park. The entrance and driveway to the house would run immediately behind our boundary and our back garden hedge, where we like to relax with peace and quiet, and would mean constant noise of vehicles entering and exiting the site. ***(please note that on the proposed Plan it states that the hedge should be retained, this hedge is not on the proposed plot but inside our boundary!)***

We also recognise there could be a real road safety issue with visiting and service vehicles as the road entering the proposed site is not wide enough to park and has no facility for turning to enable vehicles to enter and exit the road. Another safety issue is the fact that the entrances to properties, Bracany, immediately to the left and Solvista, directly opposite would mean three entrances/exits all culminating on the same corner. The vehicles entering Solvista at the moment have to reverse out of the drive and do a three point turn on the road! Another entrance/exit could cause problems and even accidents.

These are our comments and we would like you to please consider these before allowing the proposal of a large house on a very small plot which would be totally out of character and appearance with the surrounding dwellings and sizeable plots.

Yours Faithfully,

Mr & Mrs Kenneth & Maureen Davies

Received by e-mail 18.12.15

Dear Sirs,

With reference to your letter of 27/11/15 Ref. no. 15/02106/PPP regarding neighbour notification we would like our objections noted regarding this planning application.

1. Contrary to Moray Development Plan - Rural Groupings 33 Fogwatt

This states that no further housing developments shall be permitted for road safety reasons at the "Neil Miller" junction.

The access to Bracany Park is a single track road with no passing places or turning areas and this secondary junction is within 5 metres of the Neil Miller junction with the A941. A result of the combination of this layout along with poor visibility sight lines for drivers is there are already instances where traffic has to stop on the A941 to allow for vehicle access and egress. The junction road is currently in poor condition and will only further deteriorate with increased vehicular traffic. It is also an unadopted road with little or no maintenance carried out by the proposer.

The proposer's design statement mentions anecdotal evidence of a lack of road traffic accidents at the junction. Unfortunately the reality is this is not supported by local community council meeting minutes and local media reports.

2. The appearance and plot layout of the proposed one and a half storey dwelling is not in keeping with the character of the existing plots with their single storey dwellings located well within their site boundaries and hence would be overbearing. The design statement is again misleading in that it only mentions overlooking our gable with little or no windows. No mention is made that the more predominant outlook would be on to three of our bedroom windows. This would be at detriment to the rural amenity currently afforded to us.

3. The proposer's plan states the existing hedge to the west of their boundary would be retained. We wish to indicate that the hedge is not on the proposer's plot and are within the boundary of existing sites. The boundary is in fact a post and wire fence.

4. Access to the plot is narrow and restricted. We are concerned how vehicles will gain access for service, property maintenance e.g. septic tank emptying, goods deliveries. We would also request confirmation the proposed septic tank complies with Scottish Water regulations.

5. Most urban developments have an area of green amenity. In this rural setting one of the last pieces of green amenity is being urbanised.

The above comments are our main concerns regarding the proposed development and we would appreciate if the council will give these full consideration.

Regards,

Mr & Mrs G Kearney





04 DEC 2015

K. B. McLaren,



Application number 15/02106/PPP
Erect dwelling house on land adjacent
To Bracanny, Bracany Park, Longmorn,
Moray.

The Manager (Development Management),

I am the owner of Dalriada, 3 Bracany Gardens, Fogwatt IV30 8SY.

I am disturbed to learn that the septic tank and soakaway for the above proposed project is going to be situated on land at the rear of my house. Not only is it very close to my house it is over 900mm (3 feet) above the level of my property there is no mention of this fact.

I would like to bring this to the attention of everyone involved in this proposed project as I do not Want any foul water or anything else soaking down to my property and coming close to my house, bedroom windows, back door and garage.

I would also say that this would mean a lot of trees and bushes being taken down and cleared up which is going to seriously affect the large population of wildlife in this area including a community of red squirrels which are regular visitors to our gardens.

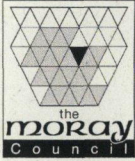
I have enclosed a copy of the site plan for neighbour notification showing the location of my property in relation to the proposed development.

K.B.McLaren

Site Plan for Neighbour Notification purposes only

Town and Country Planning

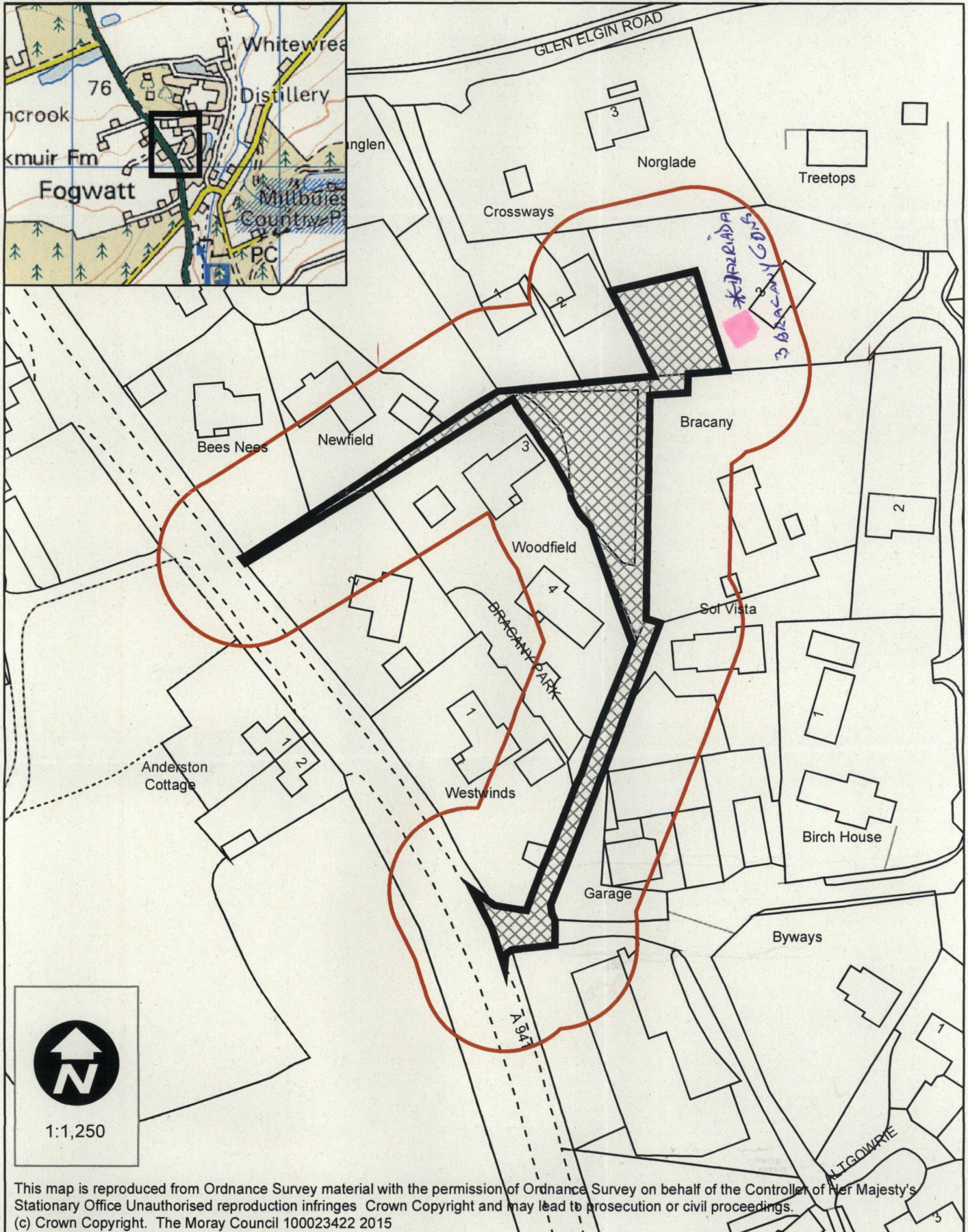
(Development Management Procedure)(Scotland) Regulations 2008



Planning Application Reference Number:

15/02106/PPP

04 DEC 2015



Received by e-mail

Dear Sirs

With reference to the current application submitted by Mr Ray Wiles for a new house in Fogwatt we wish to raise concerns for the following reasons.

Plot Boundaries

The “plot” boundaries are taking an irregular form with inclusion of various land sections currently owned by Mr Wiles. The “plot” having boundaries with multiple neighbours, we have concerns that any future disputes could become overly complicated.

Existing Path Designation

The area that borders our land is currently a path and is used at times by Mr Wiles and his wife and causes upset to dogs in each household as they become startled. We are not comfortable with this area being included as part of the plot boundary and any increase in “traffic” along this path as it is quite unnerving for all concerned when you become aware of persons being there.

Fenceline

Both our and our neighbours fence at Newfield were erected within the original fence line, the original fence we believe has since been removed by Mr Wiles and therefore the extent of this area marked should be checked before consent given. The original Strainer posts do exist either end. We would also ask for confirmation if there will be a new fence erected by Mr Wiles as part of the planning condition?

General

We have visited the plot and whilst the footprint is extensive the proximity to other properties is concerning and the fact that this is to be a 1 ½ storey dwelling, I would expect this will affect their light and outlook.

We appreciate some of our comments may appear personal but it is difficult to explain our concerns otherwise, we understand if some remarks are deleted but would ask that you try to see through these comments and if necessary guide us on how to communicate effectively.

Yours

Mr and Mrs Munro

[REDACTED]

[REDACTED]

Comments for Planning Application 15/02106/PPP

Application Summary

Application Number: 15/02106/PPP

Address: Land Adjacent To Bracanny Bracany Park Longmorn Moray

Proposal: Erect dwellinghouse on

Case Officer: Maurice Booth

Customer Details

Name: Mr Kenneth Roberts

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Drainage
- Height of proposed development
- Loss of privacy (being overlooked)
- Over-development of site
- Reduction of natural light
- Road access
- Road safety
- View affected

Comment: 1. Plot is small for a 1, 1/2 storey house, adjacent properties are single storey.

2. The majority of trees will have to be removed damaging wildlife habitat used by Bats, Squirrels and Magpies.

3. Access to the plot is narrow and further development will only exacerbate the removal of surface water. At present adjacent properties direct surface water onto my driveway.

4. Any further development using the entrance at Neil Miller Garage contravenes the Moray Council's own guidelines. Road safety being a concern.

5. The proposed building will completely block the winter sun from the west onto my property. Sunlight is currently blocked from the east and south due to recent developments.

6. The proposed soakaway and septic tank site will require further mature tree removal damaging wildlife habitat.

7. The main wall of the proposed building will be approx 1 meter from our boundary and approx 5 meters from our annex. This might be acceptable in an urban setting but inappropriate here.

This land has remained undeveloped for at least the last 45 years due to it being too small, has been used by children and now by endangered wildlife. Bits of land are being cobbled together to

make money!!.

RECEIVED BY E-MAIL

REFERENCE: 15/02106/PPP SITE PLAN LAND ADJACENT TO BRACANY, FOGWATT.

ACCESS & PARKING:

1. A VERY NARROW ACCESS TO THE NEW SITE. How will the new site access be widened as it says on the plan details? This will be at the corner of our boundary wall and entrance gate and there is no spare room.
2. HOW WILL PLANT AND BUILDERS VEHICLES ACCESS THE SITE? It looks too narrow and could present a high risk of damage to our own boundary.
3. HOW WILL EMERGENCY VEHICLES AND DELIVERIES ACCESS THE SITE? If the road is blocked while deliveries are offloaded we will not be able to exit our property for work or appointments.
4. WILL THERE BE PARKING FOR VISITORS TO THE SITE? There is no public on-street parking available.
5. MORAY DEVELOPMENT PLAN: RURAL GROUPINGS, No.33 FOGWATT
No further housing development shall be permitted for road safety reasons at the Neil Miller junction - Fogwatt. Despite a comment to the contrary in the 'Design Statement' just a few weeks ago there was a serious accident on the A941 at the Neil Miller junction.

THE NEW HOUSE SITE:

6. PROPOSED SITE & HOUSE SIZE. Again, despite what the 'Design Statement' says the new site is smaller than all the other properties in Bracany Park, but the actual house would be bigger than all the other houses which are bungalows. Certainly not 'low impact housing' - it would result in a cramped, over developed appearance. Houses in Bracany Park are typically 1-storey high. Therefore a one-and-a-half storey house would have an exaggerated visual impact, towering above the adjacent properties of Woodfield and Bracany, especially once the current tree screening is removed. Squeezed into a small plot like this the new building would also block out our precious winter sunlight to the west, and no more sunsets.
7. SCAFFOLDING. There does not appear to be sufficient space on the east side to accommodate scaffolding.
8. TOO CLOSE TO OUR BOUNDARY AND LOSS OF PRIVACY. With a blank wall proposed for Bracany and Bracany Annex to look at at such close quarters instead of trees and wildlife, this is just as undesirable as windows looking down into our rooms. Is any of this acceptable in a rural village? The over developed and cramped nature of the proposed site would adversely impact the character of our small settlement.
9. VISUAL AMENITY AND PRIVACY. We should have a right to retain a rural village environment with adequate space between our properties and not have to suffer from a lack of space and privacy.
10. THE NUMBER OF PROPERTIES AT BRACANY PARK AND BRACANY GARDENS HAS INCREASED ONE BY ONE IN RECENT YEARS. However, if there had been an overall development plan for Bracany Park from the beginning I imagine it would have included green space among the houses to prevent overcrowding. If green spaces can be prescribed for developments in towns, why not here too, this is the last patch of undeveloped land in our area. Children grew up playing here, dogs were walked here.

SERVICES:

11. TELEPHONE LINE. What will happen to our existing telephone and internet connection? It currently crosses the middle of the site via an overhead cable, which is the copper type. And if the new property were to be added to our line, will this cause a further degradation of our service?

12. MAIN ELECTRIC CABLE. What route will a new electric power line take for the proposed house? At Bracany we already have two undesirable power line transformers on our property and our boundary to the south, serving a number of properties in the area, we do not want any more.

13. DOMESTIC REFUSE. Our communal Wheelie Bin storage stand is very limited for space and if there are too many they will block our exit as there is nowhere else for them to go.

WOODLAND TREES & WILDLIFE:

14. WOODLAND CLEARANCE. The existing woodland to be cleared from the site is a community of trees which have weathered the storms and supported us and each other against wind and snow damage. If over 25% of these trees are removed this will risk the remaining trees, including those in our property, along our west boundary, being exposed to high winds and heavy snow, resulting in breakage and trees falling over. As a consequence it could cost us hundreds, or even thousands of pounds to put right.

15. AN IMPORTANT OPEN AREA OF GREEN SPACE. The building of a house here would result in the loss of an important open area of green space to the detriment of the character of the settlement and our enjoyment of sunlight. We have gradually become hemmed in on all sides by the arrival of other buildings blocking our sunlight to the south and the east.

16. SUBURBANISATION. Our rural environment is being eroded by suburbanisation. This is our last remaining natural open space right in the heart of our neighbourhood and a busy green corridor for wildlife. It will have a big impact on the red squirrels that come down here in the winter to feed at our bird tables. Without the trees they will not come. If all the mature trees are removed this will have a huge impact on visiting wildlife as well as the visual amenity of the area. The site map shows just how central it is to surrounding properties at Bracany Park.

17. LOCAL WILDLIFE. Red squirrels, bats, woodpeckers, coal tits, gold crests, badgers, owls, frogs, and many more are here and their environment needs protecting.

SEPTIC TANK & DRAINAGE:

18. MORAY DEVELOPMENT PLAN: RURAL GROUPINGS, 33 FOGWATT. Fogwatt ground water and rainwater restrictions. Regardless of this, the increase in new building on land hereabouts is adding more pressure to the already fragile water table in this area. We already have significant amounts of rainwater running off the Bracany Park access road and the property to the south of Bracany, running straight into our garden. We don't need any more.

19. SEPTIC TANK EMPTYING. How will the septic tank area for the new house be accessed for emptying? The septic tank and soakaway area is located to the north of our property and beside our neighbour at Dalriada. Hopefully not while parked out on our shared access road. The property Dalriada, which is just below the site for the septic tank, has had water table issues.

20. CLEARANCE OF THE SEPTIC TANK SITE. A septic tank here will require the land to be cleared of trees and cause further destruction to some beautiful mature Scots Pine trees which are ever popular with woodpeckers, owls and red squirrels, and provide wildlife with shelter from the north wind. The loss of the trees on this site would have a significant adverse visual impact and undermine the stability of the mature trees in our own garden along that northern boundary, as we would lose the natural protection from the north wind.

Sadly, our new view would be of Glen Elgin Road properties and orange street lights, which the trees are currently screening and we would have to put up blinds at our windows. It is not what we moved out here for nearly 18 years ago and now as we retire.

Regards

Michela Roberts



Comments for Planning Application 15/02106/PPP

Application Summary

Application Number: 15/02106/PPP

Address: Land Adjacent To Bracanny Bracany Park Longmorn Moray

Proposal: Erect dwellinghouse on

Case Officer: Maurice Booth

Customer Details

Name: Mrs Michela Roberts

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Drainage
- Dust
- Height of proposed development
- Inadequate plans
- Inappropriate materials/finishes
- Lack of landscaping
- Legal issues
- Loss of privacy (being overlooked)
- Noise
- Over-development of site
- Parking
- Poor design
- Precedent
- Procedures not followed correctly
- Reduction of natural light
- Road access
- Road safety
- Traffic
- View affected

Comment: In case there is any doubt on the status of my submission by email on the 4th December; I would like to clarify that I do OBJECT to the proposal to build a house on the land adjacent to Bracany at Fogwatt, for all the reasons given in my letter by email to the Case Officer Maurice Booth.

Regards

Mrs Michela Roberts

REPORT OF HANDLING

Ref No:	15/02106/PPP	Officer:	Maurice Booth
Proposal Description/ Address	Erect dwellinghouse on Land Adjacent To Bracany Bracany Park Longmorn Moray		
Date:	21/01/16	Typist Initials:	FJA

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	04/12/15	No objection
Contaminated Land	04/12/15	No objection
Transportation Manager	11/12/15	Objections on grounds of additional traffic to dangerous access – see ‘Observations’
Scottish Water		No response
Development Plans (Environment)		Objection to proposals in relation to policies H5,ER2, E4,IMP1 and H3 – see Observations
Forestry Commission	22/12/15	General comments provided, but no objection

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
E4: Trees and Development		
ER2: Development in Woodlands		
Fogwatt		
Moray Local Development Plan 2015		
H5: Development Within Rural Groupings	Y	
EP9: Contaminated Land		
IMP1: Developer Requirements	Y	
EP10: Foul Drainage		

T2: Provision of Access		
T5: Parking Standards		

REPRESENTATIONS		
Representations Received 6	YES	
Total number of representations received		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the Data Protection Act.		
Summary and Assessment of main issues raised by representations		
<p>Issue: Access to site inadequate, queries over how it will be widened, problems from builder's vehicles during construction, problems with obstruction to neighbouring properties and lack of on-street parking. Junction onto the main road and there have been serious accidents there. No room for vehicle turning. Problems with emergency vehicle access.</p> <p>Comments (PO): Problems during building operations would be of only a very limited duration. The access to the site is very restricted but should be adequate for the single house proposed. The need to achieve the necessary on-site parking and turning would be one of the matters contributing to the difficulty of achieving satisfactory development of the site in relation to its cramped nature. Although constrained the access should be of an adequate standard for the proposed house, as it is assumed to be for the existing houses.</p> <p>The issue of the access onto the main road is considered in the Observations, and features in one of the reasons for refusal.</p>		
<p>Issue: Fogwatt settlement precludes further development. Proposals would have a detrimental impact on the natural and built character of the settlement. Site is cramped and proposals would result in over-development</p> <p>Comments (PO): See 'Observations'</p>		
<p>Issue: Problems over impact of above ground services and access impact on existing services.</p> <p>Comments (PO): This is not considered to be a significant issue.</p>		
<p>Issue: Impact on wheelie bin storage</p> <p>Comments (PO): This is not likely to be a significant issue.</p>		
<p>Issue: Detrimental impact from loss of trees. Trees provide protection to neighbouring properties.</p> <p>Comments (PO): See 'Observations'. Whatever protection it is claimed that the trees give to the neighbouring houses is not considered to be a material planning issue.</p>		
<p>Issue: Detrimental impact from loss of trees on wildlife</p> <p>Comments (PO): Whilst there may be some limited impact in this respect it is not considered that this would be likely to be materially significant.</p>		
<p>Issue: Problems from surface and foul drainage.</p> <p>Comments (PO): The requirement in relation to septic tank provision would be properly dealt with under separate building standards and Scottish Environmental Protection Agency legislation.</p>		
<p>Issue: Loss of view and problems from height of development</p> <p>Comments (PO): Loss of view is not a planning matter. As a PPP height is not a matter that has been detailed in relation to the current application.</p>		
<p>Issue: Procedures not followed correctly, legal issues and dust.</p> <p>Comments (PO): There is no evidence the procedures followed are flawed, and the nature of the legal issues is not clarified in relation to the objection where this is indicated. Dust would not be an issue with the type of development proposed.</p>		

Issue: Procedures not followed correctly, legal issues and dust.

Comments (PO): There is no evidence the procedures followed are flawed, and the nature of the legal issues is not clarified in relation to the objection where this is indicated. Dust would not be an issue with the type of development proposed.

Issue: Query over site boundaries and fence line.

Comments (PO): Issues in this respect would be private matters for the relevant parties to resolve between themselves.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the approved Moray Structure Plan 2007 and the adopted Moray Local Development Plan 2015 unless material considerations indicated otherwise. In this case the main planning issues are considered below.

The Proposal

The application is a 'PPP' (Planning Permission in Principle') with indicative details only of a house footprint.

The Site

The proposal site is a long narrow triangle of land in two parts. The main area, where the house would be sited is 58m long and 28m wide tapering to a point at its southern end where the access to the site would be gained via the 170m long existing narrow vehicular access road leading from the main A941 at Fogwatt. At the back north-east corner there is an additional corner of land lying to the rear of the neighbouring house 'Bracany', measuring some 22m x 14m. It is in this latter area that it is indicated the proposed septic tank would be.

There is also a long, narrow (80m) pedestrian access from the site running between the backs of neighbouring houses to the main road.

The site falls gently (by 3m) over its length to the north.

Loss of Trees and Impact on Setting (ER2,E4)

There are a number of mature trees on the site that comprise a woodland setting in relation to the overall area. Although below the 0.1 ha area for which compensatory planting would be a consideration it is considered that the development of the site as proposed with the inevitable removal of the trees would have an adverse impact on the natural and visual amenity value of the site and therefore would breach policy ER2, Development in Woodlands and E4 Trees and Development.

Impact on Character and Amenity (IMP1,H5, Fogwatt Settlement Statement)

It is noted that policy H3 in relation to backland development does not properly apply since this policy is only concerned with subdivision for house plots, and the site is now separately defined area not associated with an existing house curtilage (whatever it may once have been). The site also has a road frontage, albeit at the very narrow end of the triangular area involved.

However, the site is relatively narrow and largely landlocked by the surrounding properties. Although details of a house have not been provided it is likely that any reasonably sized house would result in a cramped form of development and hence would have a detrimental impact on the character of the overall setting. This detrimental impact would be added to by the loss of an undeveloped area that contributes to the relatively low density character of the area. Based on this it is not considered that development of the site would fit the character of the area in terms of policy H5, Development Within Rural Groupings.

Traffic Impact (IMP1, T2 and Fogwatt Settlement Statement)

The proposed development would intensify the use of an existing access on a stretch of the A941 main road which carries significant traffic movements. The access is known locally as the 'Neil Miller Garage' access and is specifically mentioned in the Moray Local Development Plan 2015 which states in the text for Fogwatt that: 'For road safety reasons, no further housing development shall be permitted which proposes to use the access point onto the A941 at Neil Millers Garage.' The A941 at this location is subject to a 50mph speed limit and has restricted forward visibility as it passes through a series of bends and changes in level. Accident data has been inspected and there are 7 recorded accidents on the section of the A941 within the 50 mph speed limit for the period covering 2010 to 2014. Of these accidents 2 were located at the 'Neil Miller Garage' access.

The existence of this access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs. However the intensification of that interference which the proposed development would engender would be detrimental to road safety. The proposed development, if permitted, would involve the intensification of use of an existing vehicular access onto A941 Main Road Fogwatt where forward visibility is restricted by the vertical and horizontal alignment of the road and by adjacent obstructions and would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development

Drainage and Flooding (IMP1, Fogwatt Settlement Statement)

The proposal site is not within an area of Fogwatt identified as being at risk from flooding.

The requirement in relation to septic tank provision would be properly dealt with under separate building standards and Scottish Environmental Protection Agency legislation.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

There are no other material considerations that would alter this assessment.

HISTORY

Reference No.	Description			
15/01387/PE	Proposed dwellinghouse on Vacant Ground Off Bracany Park Fogwatt			
	Decision		Date Of Decision	
15/01388/PE	Proposed dwellinghouse on Site Adjacent To Bracany Fogwatt Elgin Moray			
	Decision	ID/PE Answered	Date Of Decision	11/08/15

ADVERT

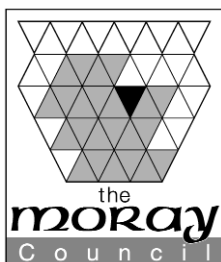
Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development planNo Premises	11/01/16	
PINS	Departure from development planNo Premises	11/01/16	

DEVELOPER CONTRIBUTIONS (PGU)	
Status	None required

DOCUMENTS, ASSESSMENTS etc. *		
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Summary of main issues raised in each statement/assessment/report	YES	
The agent has provided supporting comments in relation to the impact of the proposals and the advice by Transportation. These comments have been considered, and the further comments made in relation to the accident information provided has been considered by Transportation.		

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]
Planning Permission in Principle**

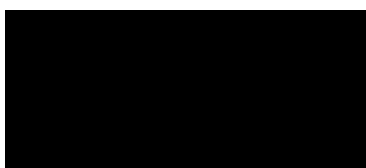
TO Mr Raymond Wiles
c/o Wittets Architects
26 Hay Street
ELGIN
Moray
IV30 1NQ

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:-

**Erect dwellinghouse on Land Adjacent To Bracany Bracany Park Longmorn
Moray**

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

Date of Notice: **21st 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 Councils reason(s) for this decision are as follows: -

1. The proposal would be contrary to The Moray Local Development Plan 2015 policies IMP1, T2 and the Fogwatt Settlement Statement for the following reasons :
 - (i) The proposed development would involve the intensification of use of an existing vehicular access onto A941 Main Road Fogwatt where forward visibility is restricted by the vertical and horizontal alignment of the road and by adjacent obstructions and would be likely to give rise to conditions detrimental to the road safety of road users
2. The proposal would be contrary to The Moray Local Development Plan 2015 policies IMP1, H5, E4 and ER2 for the following reasons :
 - (i) Due to the shape and landlocked nature of the site any reasonably sized house would result in a cramped form of development and hence would have a detrimental impact on the character of the overall setting of the rural grouping. This detrimental impact would be added to by the loss of an undeveloped area that contributes to the relatively low density character of the area.
 - (ii) removal of the trees would have an adverse impact on the natural and visual amenity value of the site.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
15:27:03		Location plan
15:27:02	A	Site plan

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

DETAILS OF MATTERS SPECIFIED IN CONDITIONS

Approval, consent or agreement has been GRANTED for the following matter(s):-

The matter(s) was/were specified in conditions imposed on the earlier grant of planning permission:

**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.