



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 000136750-001

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)

Proposed erection of dwelling-house with detached garage

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:	Strathdee Properties Ltd.
Ref. Number:	
First Name: *	Stewart
Last Name: *	Reid
Telephone Number: *	01340 881784
Extension Number:	
Mobile Number:	
Fax Number:	01340 881783
Email Address: *	stewart@strathdeeproperties.com

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

Building Name:	Viewfield Farm
Building Number:	
Address 1 (Street): *	Craigellachie
Address 2:	Aberlour
Town/City: *	Elgin
Country: *	UK
Postcode: *	AB38 9QT

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: *	Gavin
Last Name: *	Strathdee
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.

Northing

855726

Easting

323233

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

2937.00

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 land

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)? *

5

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).

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)

Foul water will be taken to a suitable septic tank and then onto an appropriately designed soakaway.
Surface water will be taken to an appropriately designed soakaway.

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)

Recycled material and general refuse will be collected from the track entrance by the local authority collection units.

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

Are you able to identify and give appropriate notice to ALL the other owners? *

☒ Yes ☐ No

Certificate Required

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

Certificate B

Certificates

The certificate you have selected requires you to distribute copies of the Notice 1 document below to all of the Owners/Agricultural tenants that you have provided, before you can complete your certificate.

Notice 1 is Required

☒ I understand my obligations to provide the above notice(s) before I can complete the certificates. *

Land Ownership Certificate

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

I hereby certify that -

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or -

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name: - SM + FA STRATHDEE

Address: -, Viewfield farm, Craigellachie, Aberlour, Scotland, UK, AB38 9QT

Date of Service of Notice: * 13/11/15

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

or -

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Stewart Reid

On behalf of: Mr Gavin Strathdee

Date: 20/11/2015

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 principle 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: Stewart Reid

Declaration Date: 20/11/2015

Submission Date: 20/11/2015

Payment Details

Created: 20/11/2015 11:03

The map shows a section of the River Forth flowing from the top right towards the bottom left. To the left of the river is a large area of green land, mostly covered in trees, representing Birkenhead Wood and Fog Watt Moss. A red arrow points from a red box labeled 'EAST BIRKENBAUD' to a small area on the eastern edge of the Birkenhead Wood. Various other locations are marked, including Birkenhead Cottage, Birkenhead Farm, and Birkenhead Quarry. The map includes a compass rose in the bottom left corner, indicating North, South, East, and West. A scale bar is located in the bottom right corner, showing distances in meters. The map is titled 'Town & Country Planning (Scotland) Act, 1997'.

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

REFUSED

05/01/16

**Development Management
Environmental Services
The Moray Council**

Proposed erection of dwellinghouse with detached garage At East Birkenbaud, Wardend, by Birnie, Elgin, Moray For Mr Gavin Strathdee

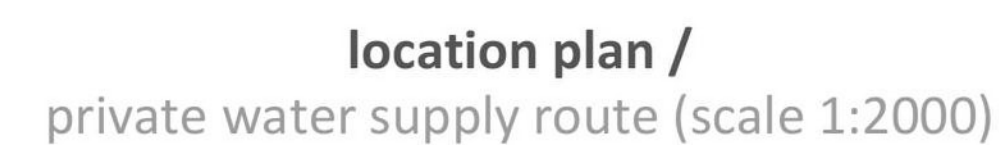


planning drawing - site information



Pink hatched area denotes a Visibility splay which is to be set back 4.5m from the edge of the road and is to be set at 120.00m measured in south west direction and 120.00m measured in north east direction. There are to be no visual obstructions over the height of 600mm (measured from the level of the carriageway) so as to ensure full view of visibility required.

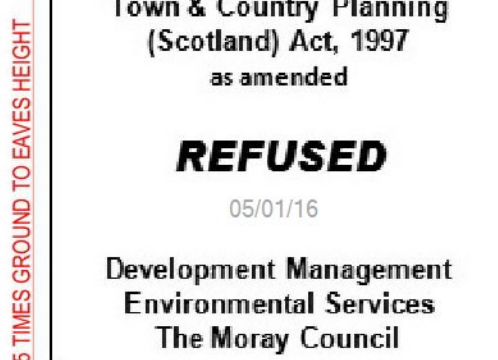
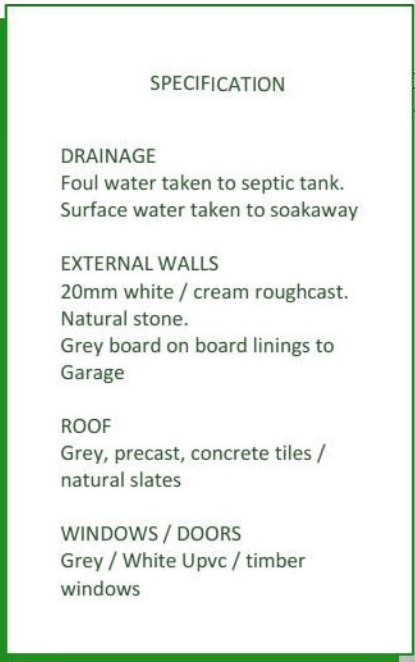
(ENTIRE AREA DENOTED IN PINK IS EITHER UNDER THE CONTROL OF SM & FA STRATHDEE OR IS AN ADOPTED ROAD VERGE)



During the course of developing the site existing trees will be protected, where necessary, by means of a visible taped barrier. Further, control measures will be put in place to ensure non-contamination of the soil.

NOVEMBER 2015

planning drawing - general arrangement



DRAWING DESCRIPTION
PLANNING DRAWING - GENERAL ARRANGEMENT

DRAWN BY S.Reid MCIAT Chartered Architectural Technologist	DATE NOVEMBER 2015
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NOVEMBER 2015

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	9th December 2015
Planning Authority Reference	15/02084/APP
Nature of Proposal (Description)	Erect dwellinghouse with detached garage at
Site	East Birkenbaud Wardend Birnie Elgin Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133069354
Proposal Location Easting	323255
Proposal Location Northing	855724
Area of application site (Ha)	2937 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=N Y5KY1BGAK000
Previous Application	13/02251/APP 09/01543/APP 05/02276/FUL
Date of Consultation	25th November 2015
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Gavin Strathdee
Applicant Organisation Name	
Applicant Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Agent Name	Strathdee Properties Limited
Agent Organisation Name	
Agent Address	Viewfield Farm Craigellachie Aberlour Moray AB38 9QT
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: 15/02084/APP

Erect dwellinghouse with detached garage at East Birkenbaud Wardend Birnie Elgin for Mr Gavin Strathdee

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: 25.11.15
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

Planning Authority Name	The Moray Council
Response Date	9th December 2015
Planning Authority Reference	15/02084/APP
Nature of Proposal (Description)	Erect dwellinghouse with detached garage at
Site	East Birkenbaud Wardend Birnie Elgin Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133069354
Proposal Location Easting	323255
Proposal Location Northing	855724
Area of application site (Ha)	2937 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=N Y5KY1BGAK000
Previous Application	13/02251/APP 09/01543/APP 05/02276/FUL
Date of Consultation	25th November 2015
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Gavin Strathdee
Applicant Organisation Name	
Applicant Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Agent Name	Strathdee Properties Limited
Agent Organisation Name	
Agent Address	Viewfield Farm Craigellachie Aberlour Moray AB38 9QT
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:

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Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 15/02084/APP

Erect dwellinghouse with detached garage at East Birkenbaud Wardend Birnie Elgin for Mr Gavin Strathdee

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: 25.11.15
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 - Private Water Supplies

Planning Authority Name	The Moray Council
Response Date	9th December 2015
Planning Authority Reference	15/02084/APP
Nature of Proposal (Description)	Erect dwellinghouse with detached garage at
Site	East Birkenbaud Wardend Birnie Elgin Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133069354
Proposal Location Easting	323255
Proposal Location Northing	855724
Area of application site (Ha)	2937 m2
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=NY5KY1BGAK000
Previous Application	13/02251/APP 09/01543/APP 05/02276/FUL
Date of Consultation	25th November 2015
Is this a re-consultation of an existing application?	Yes
Applicant Name	Mr Gavin Strathdee
Applicant Organisation Name	
Applicant Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Agent Name	Strathdee Properties Limited
Agent Organisation Name	
Agent Address	Viewfield Farm Craigellachie Aberlour Moray AB38 9QT
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: Environmental Health – Private Water Supplies

Planning Application Ref. No: 15/02084/APP

Erect dwellinghouse with detached garage at East Birkenbaud Wardend Birnie Elgin for Mr Gavin Strathdee

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

- | | Please |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | x
<input type="checkbox"/> |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal | <input type="checkbox"/> |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | x |

HOLDING COMMENTS

- | | |
|---|--------------------------|
| (d) Further information in relation to the proposed private water supply has been requested from the applicant and the application should not be approved nor submitted to committee for determination until the final consultation response clearing the supply has been received from Environmental Health (Private Water Supplies) | <input type="checkbox"/> |
|---|--------------------------|

Reason(s) for objection

Condition(s)

CONDITION: Effective, point of entry ultraviolet treatment and prefiltration to be fitted prior to any occupation of the proposed dwelling

REASON: Towards a wholesome supply of water

Further comment(s) to be passed to applicant

Contact: Ewan McNeil
email address: ewan.mcneil@moray.gov.uk

Date 26.11.2015
Phone No 3330

Consultee: Environmental Health – Private Water Supplies**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.

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Previous Application	13/02251/APP 09/01543/APP 05/02276/FUL
Date of Consultation	25th November 2015
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Gavin Strathdee
Applicant Organisation Name	
Applicant Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Agent Name	Strathdee Properties Limited
Agent Organisation Name	
Agent Address	Viewfield Farm Craigellachie Aberlour Moray AB38 9QT
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
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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: 15/02084/APP

Erect dwellinghouse with detached garage at East Birkenbaud Wardend Birnie Elgin for Mr Gavin Strathdee

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"/> |

Conditions

1. Prior to any development works commencing:
 - i) a detailed drawing (scale 1:500) showing the location and design of a passing place on the section of the U119E Birkenbaud Road between the site access and the A941 (to the Moray Council standards and specification), shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and
 - ii) thereafter the passing place shall be constructed in accordance with the approved drawing prior to any development works commencing (except for those works associated with the provision of the passing place).
2. Prior to any development works commencing:
 - i) a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 4.5 metres by 120 metres and a schedule of maintenance for the splay area shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
 - ii) the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
 - iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.26 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

3. Prior to the commencement of development details shall be submitted for the approval in writing of the Planning Authority, in consultation with the Roads Authority, to ensure no water or loose material shall be permitted to drain or be carried onto the public footpath/carriageway for the life time of the development.
4. Prior to any development works commencing the first 10m of the access track, measured from the edge of the public road, shall be constructed to the Moray Council specification and surfaced with bituminous macadam.
5. Three car parking spaces shall be provided within the site prior to the occupation or completion of the dwellinghouse, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.
6. A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear.

REASONS

1. To enable drivers of vehicles to have adequate forward visibility to see approaching traffic and for two vehicles to safely pass each other ensuring the safety and free flow of traffic on the public road.
2. To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road
3. To ensure acceptable infrastructure at the development access through the provision of details currently lacking.
4. To ensure acceptable infrastructure at the development access
5. To ensure an acceptable development in terms of parking provision and amenity of the area
6. To ensure acceptable development in the interests of road safety

Further information to be passed to applicant

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

Before commencing development the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads (passing place). The applicant will be required to provide technical information, including drawings and drainage calculations. Advice on this matter can be obtained from the Moray Council web site or by emailing transport.develop@moray.gov.uk .

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 85 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

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

No building materials/scaffolding/builder's skip shall obstruct the public road (including

footpaths) without permission from the Roads Authority.

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

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

The formation of the required visibility splay will involve the removal of vegetation and the lowering of ground levels.

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

Date xx December 2015

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.

REPORT OF HANDLING

Ref No:	15/02084/APP	Officer:	Richard Smith
Proposal Description/ Address	Erect dwellinghouse with detached garage at East Birkenbaud Wardend Birnie Elgin		
Date:	05/01/16	Typist Initials:	LRM

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	25/11/15	No objection.
Contaminated Land	25/11/15	No objection.
Transportation Manager	08/12/15	No objection, conditions.
Private Water Supplies	27/11/15	Supply is satisfactory.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
ER2: Development in Woodlands		
Moray Local Development Plan 2015		
PP1: Sustainable Economic Growth		
PP2: Climate Change		
PP3: Placemaking		
H7: New Housing in the Open Countryside	Y	
EP4: Private Water Supplies		
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

- This application seeks detailed planning approval to erect a dwellinghouse and detached garage at a site at East Birkenbaud, Wardend, Birnie, Elgin.
- The proposed house would be a 1 ½ storey design with a 40 degree pitched roof and external material finishes of white/cream roughcast, stone, stone and grey tiles/natural slates. The detached garage (double) would have material finishes of grey timber linings and grey profile metal sheeting.
- Associated works include the formation of a driveway/parking area which would access onto an existing adjacent track, drainage and post and wire fencing. The house would be served by a septic tank and would connect to a private water supply. Landscape proposals include the retention of trees covering 25% of the site and some tree removal within the east area of the site.

The Site

- The site comprises an irregular shaped area of cleared forestry land (part of which is still covered with trees) of 2937 sqm in Birkenbaud Wood to the south of Fogwatt.
- Two of the site boundaries (50%) follow the adjacent track to the south and the prospective boundary of an adjacent approved house site 13/02251/APP (yet to be built) to the west. Forestry land lies to the east and cleared forestry to the south and north.
- The area surrounding the site has been subject of a number of approvals for single house plots in recent years served by the same access track, these include:
13/02251/APP, dated 05/02/14 - this lies immediately to the west
14/00014/APP, dated 27/02/14 - this lies 100m to the west and has been built
11/01526/APP, dated 09/11/11 - this lies 170m to the west
14/00543/APP, dated 22/05/14 - this lies 215m to the west
10/01476/APP, dated 22/12/10 - this lies 400m to the northwest and has been built
There are also three house plots served by the same access within cleared forestry nearby to the north at distances ranging from 200 to 300m from the current application site. A further three houses and an approved plot lie to the south east at distances of between 150 and 230m.

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 and Impact upon Landscape Character

(MLDP 2015 Policies H7, E7 and IMP1, and Supplementary Guidance: 'Housing in the Countryside' MLDP 2015):

Policy H7: New Housing in Open Countryside of the Moray Local Development Plan 2015 contains the necessary criteria for assessing new rural housing in the countryside; these include the requirement that new sites

- a) should 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 (with particular attention being given to proposals where there has been a significant growth in the number of house applications) and
- d) 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.

Policy IMP1: Development Requirements seeks compatibility in terms of scale, density and character and requires new development to integrate into the surrounding landscape.

Associated Supplementary Guidance 'Housing in the Countryside' (Moray Local Development Plan 2015) provides relevant advice (pages 13 to 14) in relation to the issue of cumulative build-up of housing which is pertinent to the current application. This states inter alia that, "...A proposal that contributes to a build-up of development that is considered to undermine the rural character of the locality will not be acceptable. Where a considerable level of development has taken place, another dwelling may adversely impact on the distinctive rural qualities of the area...

For example...successive applications for houses within wooded areas may detrimentally change the rural character of the area. Whilst hidden from view by trees, the cumulative impact of such proposals can alter the rural character and ambience of the area. Increased traffic movements, road junctions, bin collections, etc. can urbanise the countryside and erode its tranquil qualities...

There has been a significant growth in the number of new house applications in specific areas of Moray. Proposals for further development in these areas will be given particular attention in terms of contributing to build-up that could irreversibly alter the character in the locality. These areas include.....Wardend."

The rural housing pattern within this part of the district is characterised by single house plots and clusters of housing dispersed across the countryside to the south of Elgin. The site itself falls within the area of 'Wardend' which has seen a significant growth in single house developments over recent years and is specifically highlighted in Supplementary Guidance as an area where the impact of cumulative build-up of housing requires particular attention. In the case of the current application five house plots have been approved to the west (with 2 built and 3 to be erected), three plots lie within cleared forestry to the north and a further plot (and 3 houses) lie to the south east. The introduction of a further house plot into this locality (in addition to these approved plots and built dwellings) would result in an unacceptable cumulative build-up of residential development that would be detrimental to the rural character of the area. Whilst currently screened by trees the cumulative impact of the proposals in terms of associated activities i.e. increased traffic movements, bin collections etc. would bring further inappropriate suburban development into the area. Given these impacts, the proposal is considered to constitute an inappropriately located site which fails to satisfy the siting criteria of policies H7, IMP1 and associated Supplementary Planning Guidance 'Housing in the Countryside' (MLDP 2015).

Although the proposals are potentially capable of satisfying policy criteria in relation to house design, boundary treatment, 25% tree retention/planting (subject to conditions), these aspects do not override the main policy objection concerning the unacceptable build-up of housing and its associated impact upon the rural character of this rural location.

The proposals raise no amenity or drainage issues.

Development in Woodlands (ER2, H7 and Supplementary Guidance: Trees and Development MLDP 2015)

Policy ER2 Development in Woodlands and associated Supplementary Guidance presume against development proposals which involve the felling of woodland greater than 0.1 ha unless these meet criteria, including provision of compensatory planting. Although the proposal involves some tree removal this is below the threshold of 0.1ha and does not trigger the requirement for compensatory planting. Had the application been recommended for approval, a condition requiring adherence to the proposed landscape/tree retention scheme would have been attached to the decision notice.

Access/Parking (T2 and T5)

Policies T2 and T5 require proposals to provide safe entry and exit for all road users at access junctions, infrastructure improvements where appropriate and off street parking facilities. The proposed plans showing an access onto an existing track and parking infrastructure satisfy these requirements. Following consultation the Transportation Section has raised no objection to the proposal in these respects subject to conditions requiring provision of a passing place (on the public road at a location to be agreed), a satisfactory visibility splay and access improvements, drainage and parking.

Water Supply and Drainage (EP4, EP10 and IMP1)

Proposed drainage arrangements comprising private septic tank/soakaway and surface water soakaway would satisfy policy EP10 and IMP1. Final details would be addressed under the Building Regulations and had the application been recommended for approval, informative advice in this regard would have been attached to the decision notice

Details of the private water supply have been provided as per the requirements of policy EP4 and have been confirmed as satisfactory by Environmental Health.

Recommendation:

The application does not comply with development plan requirements and is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY				
Reference No.	Description			
13/02251/APP	Proposed erection of dwelling-house to replace chalet proposal Birkenbaud Neuk Wardend Elgin Moray			
	Decision	Permitted	Date Of Decision	05/02/14
09/01543/APP	Erect dwellinghouse and double garage at Upper Wardend Wardend By Birnie Elgin Moray			
	Decision	Refuse	Date Of Decision	25/02/10

05/02276/FUL	Erect twelve holiday chalets at Birkenbaud Wood Wardend Elgin Moray			
	Decision	Refuse	Date Of Decision	17/01/07
05/00705/FUL	Erect one holiday chalet on Land At Birkenbaud Wood Birnie Elgin Moray			
	Decision	Permitted	Date Of Decision	20/09/05

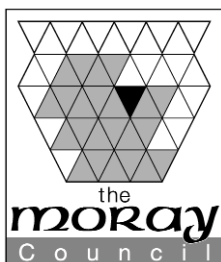
ADVERT			
Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development plan	24/12/15	
PINS	Departure from development plan	24/12/15	

DEVELOPER CONTRIBUTIONS (PGU)	
Status	

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?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
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**

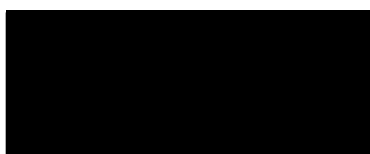
TO Mr Gavin Strathdee
 c/o Strathdee Properties Limited
 Viewfield Farm
 Craigellachie
 Aberlour
 Moray
 AB38 9QT

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 with detached garage at East Birkenbaud Wardend Birnie Elgin

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

Date of Notice: **5th 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 would be contrary to policies H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (MLDP 2015) for the following reasons:

The rural housing pattern within this part of the district is characterised by single house plots and clusters of housing dispersed across the countryside to the south of Elgin. The application site itself falls within the area of 'Wardend' which has seen a significant growth in single house developments over recent years, and is specifically highlighted within Supplementary Guidance as an area where the impact of cumulative build-up of housing requires particular attention. In the case of the current application five house plots have been approved to the west (with 2 built and 3 to be erected), three plots lie within cleared forestry to the north and a further plot (and 3 houses) lie to the south east. The introduction of a further house plot into this locality (in addition to these approved plots and built dwellings) would result in an unacceptable cumulative build-up of residential development that would be detrimental to the rural character of the area. Whilst currently screened by trees the cumulative impact of the proposals in terms of associated activities i.e. increased traffic movements, bin collections etc. would bring further inappropriate suburban development into the area. Given these impacts, the proposal is considered to constitute an inappropriately located site which fails to satisfy the siting criteria of policies H7, IMP1 and associated Supplementary Planning Guidance 'Housing in the Countryside' (MLDP 2015).

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
EAST-BIRKENBAUD/PLANNING/02		Elevations and floor plan
EAST-BIRKENBAUD/PLANNING/LP		Location plan - NTS
EAST-BIRKENBAUD/PALLNING/01		Site and location plan

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

N/A

DETAILS OF MATTERS SPECIFIED IN CONDITIONS

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

N/A

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

N/A

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.