



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: development.control@moray.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100281607-001

The online reference 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: \*

- 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)

Renew planning consent to erect dwellinghouse on Site Adjacent to Birkenbaud Cottage, Fogwatt, Elgin

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

Has the work already been started and/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:	Grant and Geoghegan Ltd.		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Neil	Building Name:	Unit 4 Westerton Road Business
Last Name: *	Grant	Building Number:	<input type="text"/>
Telephone Number: *	07769744332	Address 1 (Street): *	4 Westerton Road South
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	KEITH
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	AB55 5FH
Email Address: *	neil@ggmail.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	per grant and geoghegan
First Name: *	W	Building Number:	<input type="text"/>
Last Name: *	Miller	Address 1 (Street): *	Unit 4 Westerton Road Business
Company/Organisation	<input type="text"/>	Address 2:	4 Westerton Road South
Telephone Number: *	<input type="text"/>	Town/City: *	KEITH
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	AB55 5FH
Fax Number:	<input type="text"/>		
Email Address: *	neil@ggmail.co.uk		

## Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Site Adjacent to Birkenbaud Cottage, Fogwatt, Elgin

Northing

856363

Easting

323610

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

1959.00

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 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 change to public paths, public rights of way or affecting any public right 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

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

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: \*

New septic tank to soakaway

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

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) REGULATION 2013

One Certificate must be completed and submitted along with the 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: Neil Grant

On behalf of: Mr W Miller

Date: 15/07/2020

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country 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 development (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 Country 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.

If Other, please specify: \* (Max 500 characters)

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 type="checkbox"/> Yes | <input checked="" 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)

Site Investigation & Drainage Assessment

## 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.

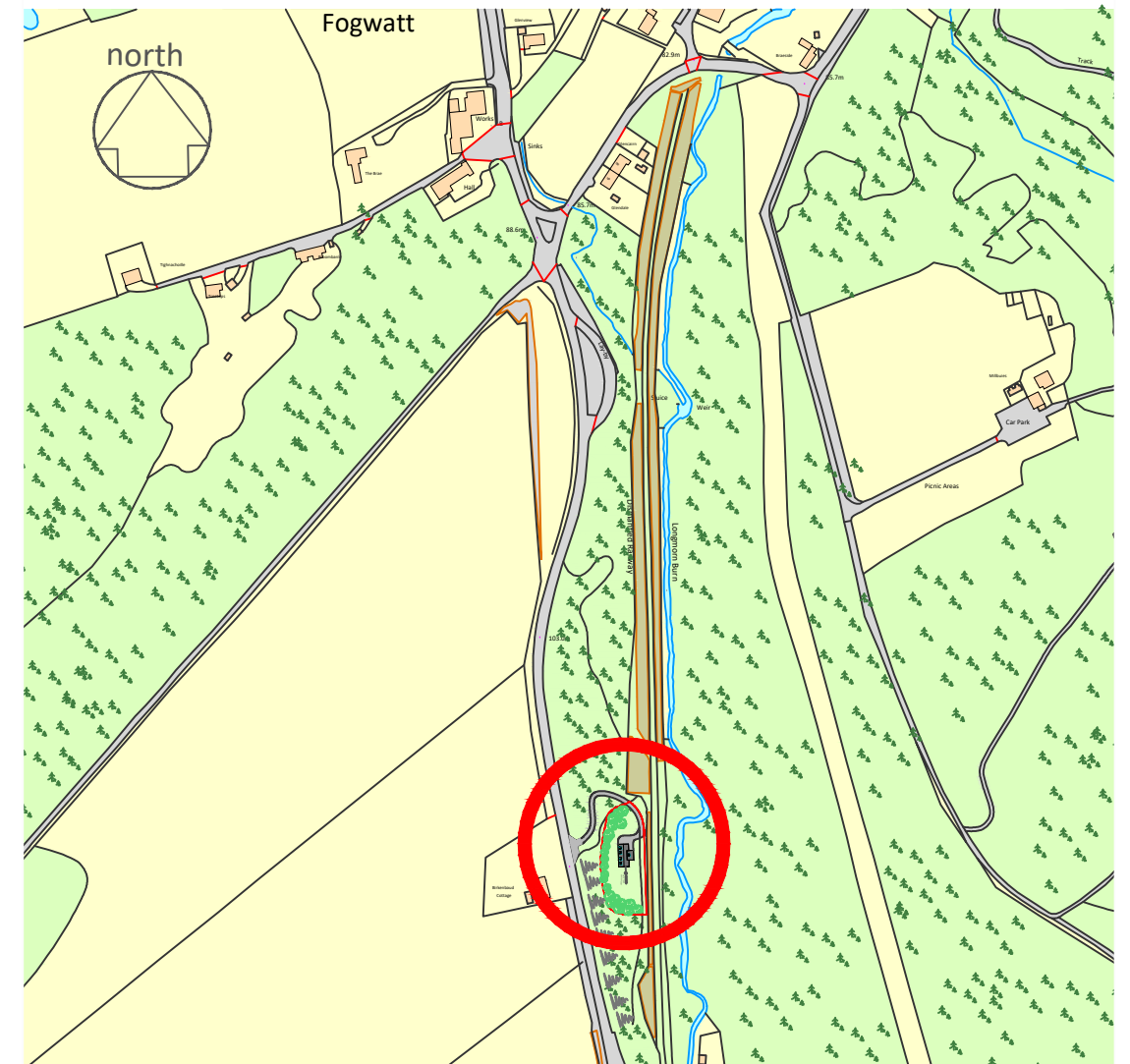
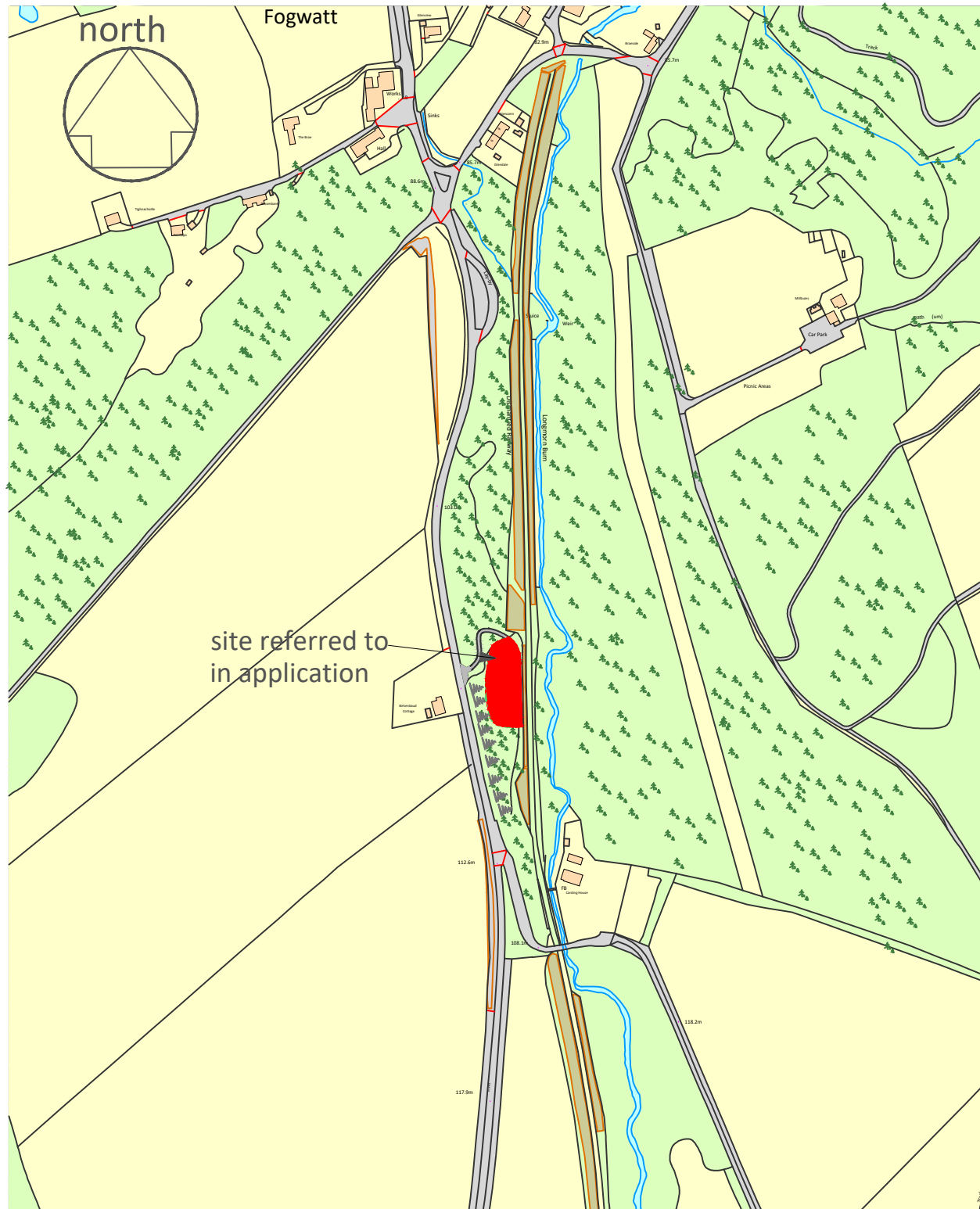
Declaration Name: Mr Neil Grant

Declaration Date: 15/07/2020





# Site adjacent to Birkenbaud Cottage, Fogwatt, Elgin



os map

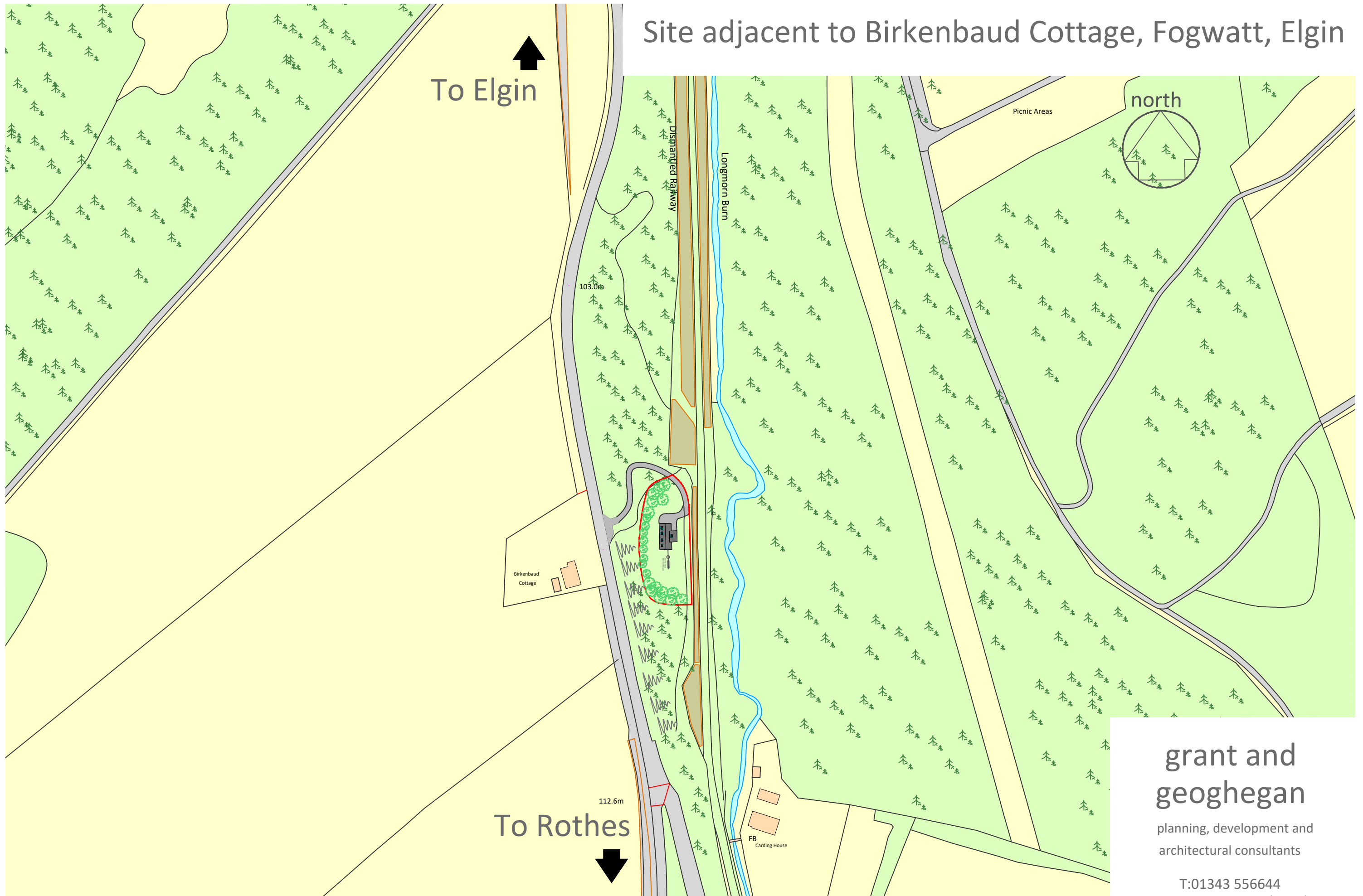
grant and  
geoghegan

planning, development and  
architectural consultants

T:01343 556644  
E:enquiries@gmail.co.uk



# Site adjacent to Birkenbaud Cottage, Fogwatt, Elgin



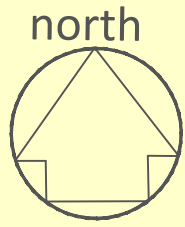
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# Site by Fogwatt



Land under control of applicant

Proposed mixture of native woodland and shrub species containing Ash, Birch, Rowan and Whitebeam to cover 25% of site area

Birkenbaud Cottage

Land under control of applicant

Site Boundaries to be defined by post and wire fence

SEPTIC TANK AND SOAKAWAY

grant and geoghegan

planning, development and architectural consultants

T:01343 556644  
E:enquiries@gmail.co.uk



Gary Mackintosh  
Email: [gmsurveys@gmail.com](mailto:gmsurveys@gmail.com)  
Tel: 07557431702

# gmsurveys

Surveys, Setting-Out Civil Engineering Design

## Site Investigation & Drainage Assessment

SITE ADJ TO BIRKENBAUD COTTAGE

Gary Mackintosh Bsc  
[gmsurveys@gmail.com](mailto:gmsurveys@gmail.com)

## Contents

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***Client:***

Billy Miller Contractor and Plant Hire Ltd

***Site Address:***

Site Adj to Birkenbaud Cottage

Fogwatt

By Elgin

***Planning Reference:***

TBC

***Date:***

23<sup>rd</sup> March 2020

***Job Number:***

0650

***Company Information:***

Assessment completed by:

Gary Mackintosh Bsc

**GMCSurveys**

34 Castle Street

Forres

Moray

IV36 1PW

Email: gmcsurveys@gmail.com

Telephone: 07557431702

### ***Site Description:***

The site is located adjacent to Birkenbaud Cottge to the east side of the A941, south of Fogwatt, by Elgin. The proposals are to erect a single private dwelling and associated infrastructure.

The SEPA Flood maps have been consulted which indicate that the site lies out with any areas of fluvial flooding during a 1:200year event. The plans do however indicate significant surface water flooding within the site boundary. The site has a medium to steep gradient rising from east to west turning to a sharp slope at the site boundary rising to the west towards the A941. The former rail line embankment forms the east boundary. In order to gain access to the site the levels would require raising in the east area of the site to meet the level of the embankment to the east which will alleviate some of the potential water being trapped within the site. There is still the potential for surface waters to enter the site from the sharp slope to the west therefore mitigation measures will be required to ensure that the property and surrounding area is not adversely impacted during a 1:200year event.

GMC Surveys have been asked to carry out a site investigation in order to provide a drainage solution for the proposed development.

### ***Soil Conditions:***

Excavations were carried out using a mechanical digger on 24<sup>th</sup> February 2020 in order to assess the existing ground conditions and carry out infiltration and percolation testing for the dispersal of foul and surface waters via soakaways.

The trial pits were excavated to a depth of 2.0m. The pits were left open and no ground water was encountered. The excavations provided existing ground conditions of:

200 - 300mm Topsoil with some roots, Light brown/orange loose to medium dense very gravelly Sands to a depth of 700mmbgl overlying light brown medium dense sandy rounded gravels with occasional cobbles proved to the depth of the excavations.

There was no evidence of fill material, contamination or water table present within the test holes.

### ***Percolation/Soakaway Testing:***

Percolation testing was carried out in full accordance with BS6297: 2007 + A1: 2008 and as described in Section 3.9 of the Scottish Building Standards Technical Handbook (Domestic) and the results can be found in the table below.

	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	Mean
<b>Date of Test</b>	<b>24/02/2020</b>	<b>24/02/2002</b>	<b>24/02/2020</b>	
TP01	1620s	2460s	2820s	2300s
TP02	2160s	2880s	3360s	2800s
<b>Average Soil Vp</b>	<b>17.00s/mm</b>			

### ***Infiltration testing:***

Infiltration testing was carried out in full accordance with BRE digest 365. The results can be found in the table below.

<b>Infiltration Test</b>	<b>Pit Dimensions (w/l)</b>	<b>Test Zone (mbgl)</b>	<b>Infiltration Rate (m/s)</b>
INF01	1.0m x 1.0m	1.0 – 1.8	$4.97 \times 10^{-5}$

### ***Conclusion and Recommendations:***

Based on the onsite investigations it can be confirmed that the underlying soils are suitable for the use of standard stonefilled soakaways as a drainage solution for both foul and surface waters.

The Vp rate is above the maximum threshold of 15s/mm therefore a 'standard' septic tank will be required to accommodate the foul water flows.

### ***Foul Water Discharge via Soakaway:***

The current proposals within the current application are for an indicative house design only therefore for the purposes of this report, a four bed property has been assumed. The minimum base area for the soakaway can therefore be shown as:

$$A = V_p \times PE \times 0.25 \text{ Therefore}$$

$$A = 17.00 \times 6 \times 0.25 = 25.50\text{m}$$

This area can be provided with soakaway plan dimensions of 5.1m x 5.0m at a depth of 0.45m below invert level, alternative dimensions may be used ensuring that the minimum base area of **25.50m<sup>2</sup>** is maintained.

### ***Surface Water Dispersal via Soakaway:***

Please see attached surface water calculations detailing the requirement and suitability for soakaway dimensions of **5.0m x 2.0m at a depth of 1.5m** below the invert level based on the proposed contributing area of 180m<sup>2</sup> (roof area from plans) up to a 1 in 30year event with 35% allowance for climate change.

Soakaway Details can be found in Appendix B.

In addition to the roof area and as noted within the introduction, surface water mitigation is recommended to prevent runoff entering the site from the slope to the west.

Please see calculations below detailing the suitability of a swale with infiltration beneath with dimensions of 89m in length x 0.75m width and 1.4m depth. The swale details can be found in Appendix B.

The Foul Water and Surface Water soakaway sizes together with the swale will require to be reviewed and confirmed on completion of the final house design to ensure all required features can be accommodated.

SEPA and Building Regulations require that infiltration systems (soakaways) are located at least:

- 50m from any spring, well or borehole used as drinking water supply
- 10m horizontally from any water course and any inland and coastal waters, permeable drain (including culvert), road or railway
- 5m from a building or boundary



MasterDrain  
SW 16.52

**gmcsurveys**  
Surveys, Setting Out Civil Engineering Design

Shireen Villa, 34 Castle Street  
Forres IV36 1FN  
email: gmcsurveys@gmail.com  
Mobile: 07557 431 702

Job No. <b>0650</b>
Sheet no. <b>1</b>
Date <b>23/03/20</b>
By <b>GM</b>
Checked
Approved

Project **Site Adj to Birkenbaud Cottage, Fogwatt**  
Title **Surface Water Soakaway**

**Rectangular pit design data:-**

Pit length = 5 m	Pit width = 2 m
Depth below invert = 1.5 m	Percentage voids = 30.0%
Imperm. area = 180 m <sup>2</sup>	Infiltr. factor = 0.00005 m/s
Return period = 30 yrs	Climate change = 35%

**Calculations :-**

Surface area of soakaway to 50% storage depth (not inc. base):-

$$a_{s50} = 2 \times (\text{length} + \text{width}) \times \text{depth}/2 = 10.5 \text{ m}^2$$

Outflow factor :  $O = a_{s50} \times \text{Infiltration rate} = 0.000525 \text{ m/s}$

Soakaway storage volume :  $S_{\text{actual}} = \text{length} \times \text{width} \times \text{depth} \times \% \text{voids}/100 = 4.5 \text{ m}^3$

Duration	Rainfall mm/hr	Inflow m <sup>3</sup>	Depth (hmax) m	Outflow m <sup>3</sup>	Storage m <sup>3</sup>
5 mins	106.0	1.6	0.48	0.16	1.43
10 mins	82.1	2.5	0.71	0.31	2.14
15 mins	68.5	3.1	0.87	0.47	2.61
30 mins	48.2	4.3	1.13	0.94	3.39
1 hrs	32.3	5.8	1.31	1.89	3.93
2 hrs	21.1	7.6	1.27	3.78	3.80
4 hrs	13.5	9.7	0.73	7.56	2.18
6 hrs	10.4	11.2	0.00	11.34	0.00
10 hrs	7.5	13.4	0.00	18.90	0.00
24 hrs	4.2	18.1	0.00	45.36	0.00

Actual volume :  $S_{\text{actual}} = 4.500 \text{ m}^3$

Required volume :  $S_{\text{reqd.}} = 3.930 \text{ m}^3$

Soakaway volume storage OK.

Minimum required  $a_{s50}$  : 9.17 m<sup>2</sup>

Actual  $a_{s50}$  : 10.50 m<sup>2</sup>

Minimum depth required: 1.31 m

Time to maximum 1 hrs

Emptying time to 50% volume =  $t_{s50} = S_{\text{reqd}} \times 0.5 / (a_{s50} \times \text{Infiltration rate}) = 01:02 \text{ (hr:min)}$

Soakaway emptying time is OK.



MasterDrain  
SW 16.52

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Job No. <b>0650</b>		
Sheet no. <b>2</b>		
Date <b>23/03/20</b>		
By <b>GM</b>	Checked	Approved

Project <b>Site Adj to Birkenbaud Cottage, Fogwatt</b>
Title <b>Surface Water Soakaway</b>

**Location hydrological data (FSR):-**

Location	= FOGWATT	Grid reference	= NJ2357
M5-60 (mm)	= 15.8	r	= 0.24
Soil index	= 0.15	SAAR (mm/yr)	= 870
WRAP	= 1	Area	= Scotland and N. Ireland

**Soil classification for WRAP type 1**

- i) Well drained permeable sandy or loam soils and shallower analogues over highly permeable limestone, chalk, sandstone or related drifts;
- ii) Earthy peat soils drained by dykes and pumps;
- iii) Less permeable loamy over clayey soils on plateaux adjacent to very permeable soils in valleys.

N.B. The rainfall rates are calculated using the location specific values above in accordance with the Wallingford procedure.



MasterDrain  
SW 16.52

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Job No. <b>0650</b>		
Sheet no.		<b>1</b>
Date <b>23/03/20</b>		
By	Checked	Approved
<b>GM</b>		

Project **Site Adj to Birkenbaud Cottage, Fogwatt**  
Title **Proposed Swale Requirements**

**Data:-**

**Location hydrological data (FSR):-**

Location	= FOGWATT	Grid reference	= NJ2357
M5-60 (mm)	= 15.8	r	= 0.24
Soil index	= 0.15	SAAR (mm/yr)	= 870
WRAP	= 1	Area	= Scotland and N. Ireland

Soil classification for WRAP type 1

- i) Well drained permeable sandy or loam soils and shallower analogues over highly permeable limestone, chalk, sandstone or related drifts;
- ii) Earthy peat soils drained by dykes and pumps;
- iii) Less permeable loamy over clayey soils on plateaux adjacent to very permeable soils in valleys.

**Design data:-**

Safety factor = 1.5 - No damage or inconvenience (SF=1.5)  
Fill porosity = 0.45 - Clean stone (porosity = 0.4 - 0.5)

Equivalent porosity (n1) = 0.45

Area drained = 1363 m<sup>2</sup>

Infiltration coefficient = 0.178 m/hr  
Effective inf. coeff (q) = 0.1186667

Return period = 200 yrs

Climate change factor = 35%

**Calculations :-**

Perimeter of pit = (2 x Excavation Width)+(2 x Excavation Length)  
Area of base = Excavation Width x Excavation Length  
Infiltration area = (Area of base)+(Perimeter of pit x Hmax)  
Temporary constant 'a'  
= (Area of base / perimeter)-((AreaDrained x Rainfall depth /1000)/(Perimeter/Inf. coeff))  
Temporary constant 'b' = (Perimeter/Inf. coeff) / (Area of base x porosity)  
Hmax = a\*((EXP(-1 x b x Duration of storm))-1)

Note: The Hmax calculation is iterated to a maximum value of Hmax.

Note: Duration of storm in hours, Rainfall depth in mm/hr x Climate Change factor.

**Results :-**

Emptying time to 50% volume = 0:43 (hr:min)

**hMax (Depth) = 1.4 metres**

Time to maximum = 0:01 hr:min

Rainfall at maximum = 49.93mm/hr

Width (m) = 0.75

Length (m) = 89.0

Total Infiltration area = 318.2m<sup>2</sup> (base area + sidewall area).

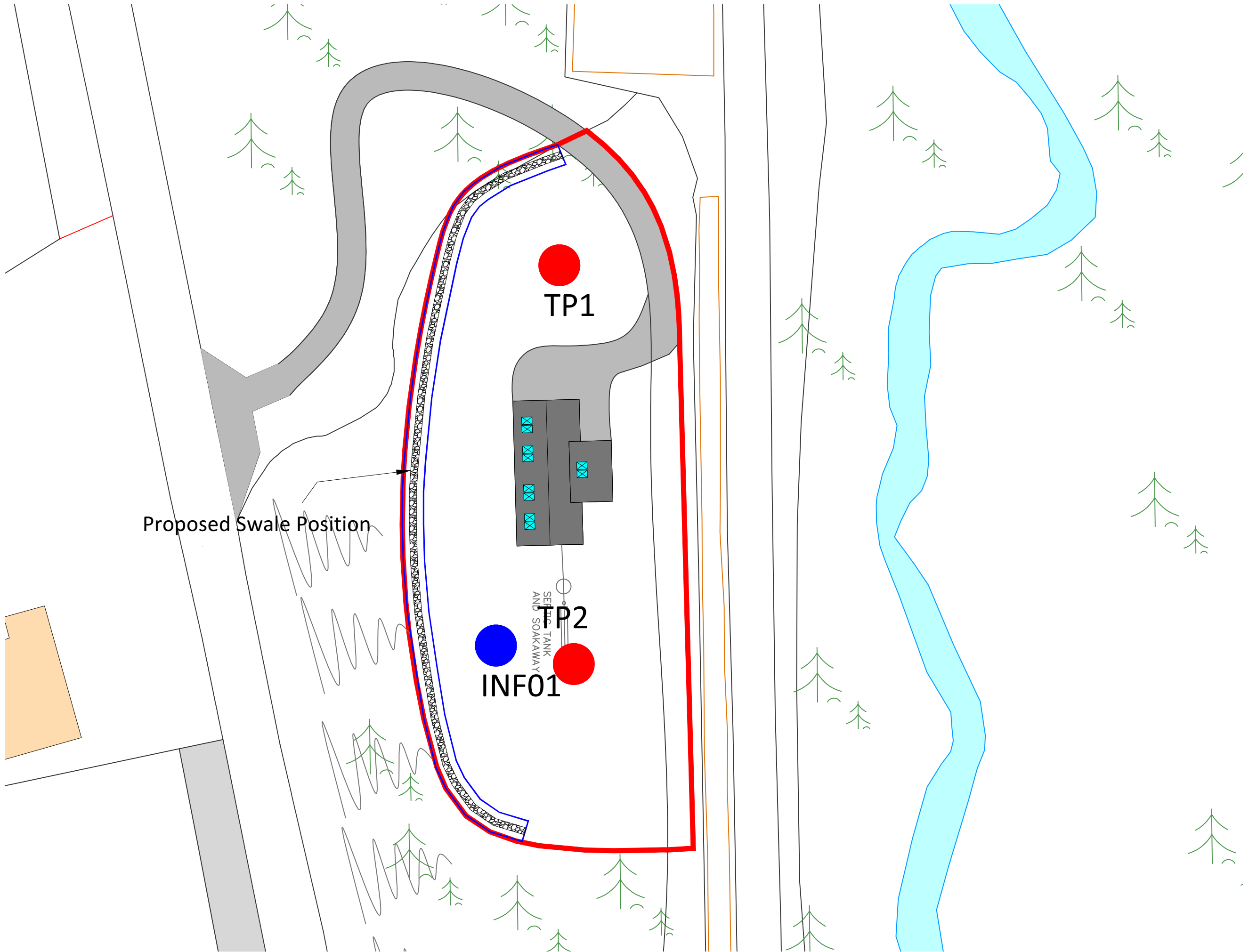
Total available volume = 42.08m<sup>3</sup>

N.B. The rainfall rates are calculated using the location specific values above in accordance with the Wallingford procedure. Formulae and methods from CIRIA 156.

**APPENDIX A**

Test Hole Location





Proposed Swale Position

TP1

TP2  
INF01

SEEDING TANK  
AND SOAKAWAY

REV.	DESCRIPTION:	BY:	DATE:
STATUS: ISSUE			

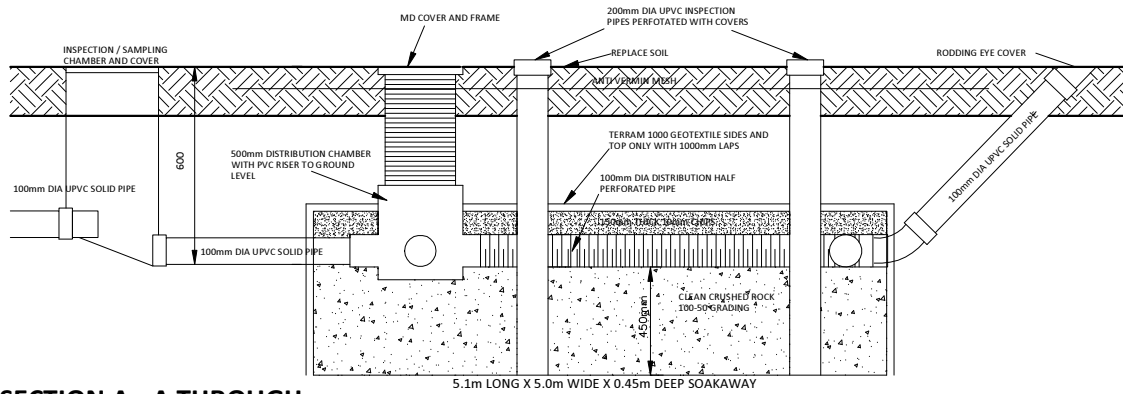
**gmcsurveys**  
 Surveys, Setting Out, Civil Engineering Design  
 T: 07557 431 702  
 E: gmcsurveys@gmail.com

CLIENT:  
**Billy Miller**  
 Contractor and Plant Hire Ltd

SITE: Site Adj to Birkenbaud Cottage Fogwatt, By Elgin			
TITLE: Test Hole Location/ Site Plan			
SCALE AT A4: NTS	DATE: MAR20	DRAWN: GM	CHECKED:
PROJECT NO: 0650	DRAWING NO: Appendix A	REVISION: -	

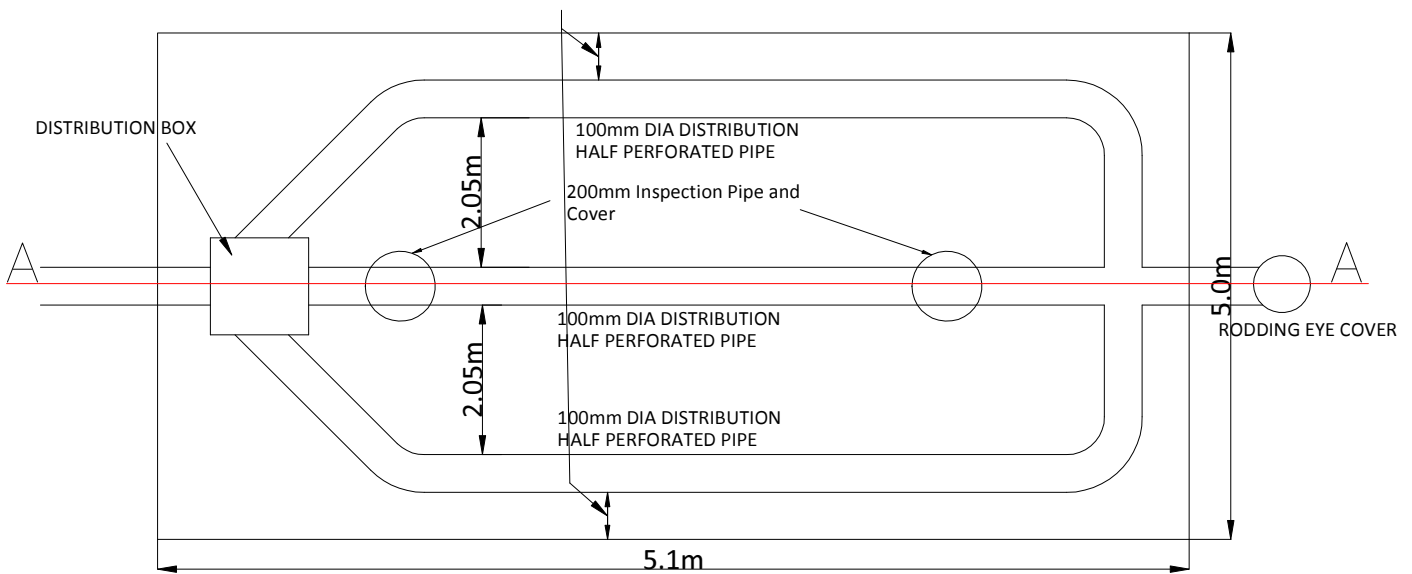
**APPENDIX B**

Soakaway/Swale Details and Certificates



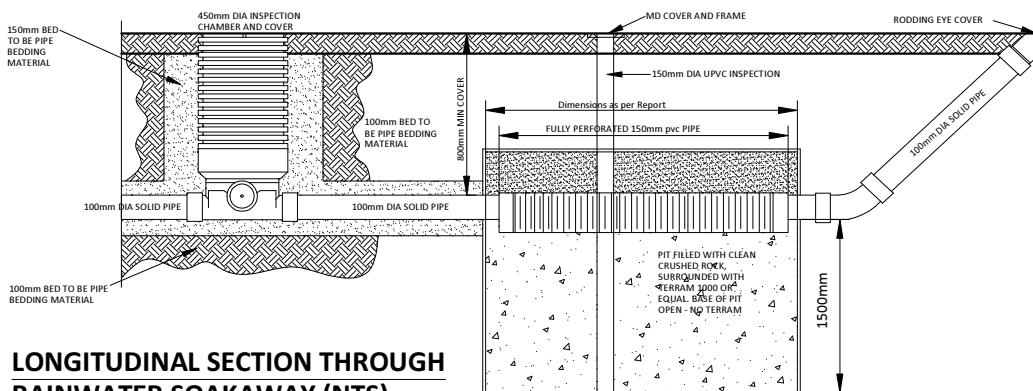
**SECTION A - A THROUGH  
FOUL WATER SOAKAWAY (NTS)**

300mm FROM EDGE OF SOAKAWAY  
TO PIPE AROUND PERIMETER



**PLAN VIEW  
SOAKAWAY ARRANGEMENTS (NTS)**

REV:	DESCRIPTION:	BY:	DATE:
STATUS:		ISSUE	



**LONGITUDINAL SECTION THROUGH  
RAINWATER SOAKAWAY (NTS)**

**gmcsurveys**

Surveys, Setting Out, Civil Engineering Design

T: 07557 431 702

E: gmcsurveys@gmail.com

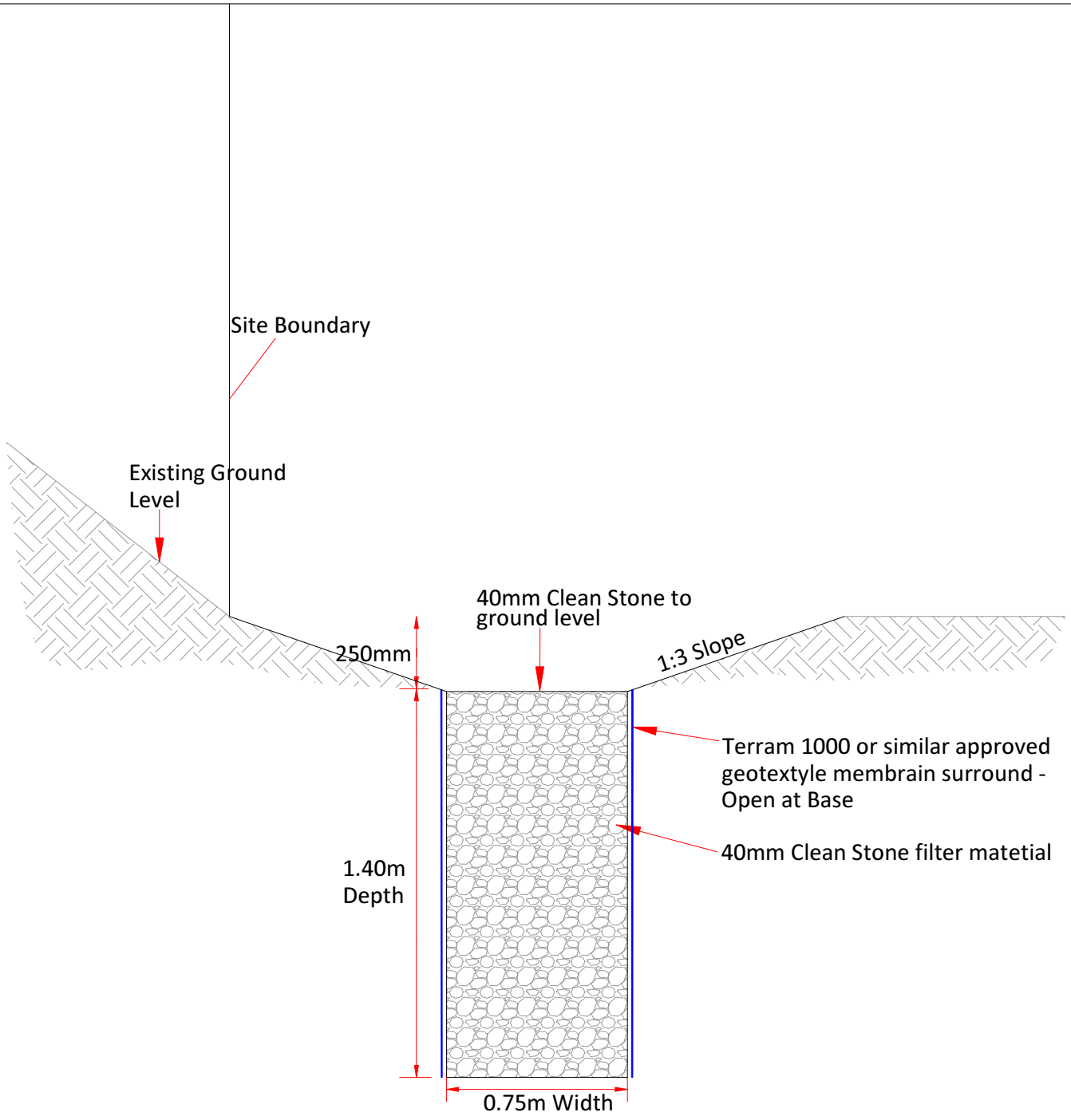
CLIENT:

**Billy Miller  
Contractor and Plant Hire Ltd**

SITE:  
**Site Adj to Birkenbaud Cottage  
Fogwatt, By Elgin**

TITLE:  
**Soakaway Details**

SCALE AT A4: NTS	DATE: MAR20	DRAWN: GM	CHECKED:
PROJECT NO: 0650	DRAWING NO: Appendix B1	REVISION:	-



Section Thugh Cut Off Infiltration Bed

REV:	DESCRIPTION:	BY:	DATE:
STATUS:			ISSUE

**gmcsurveys**  
 Surveys, Setting Out, Civil Engineering Design  
 T: 07557 431 702  
 E: gmcsurveys@gmail.com

CLIENT: Billy Miller  
 Contractor and Plant Hire Ltd

SITE: Site Adj to Birkenbaud Cottage  
 Fogwatt, By Elgin

TITLE: Swale Details

SCALE AT A4: NTS	DATE: MAR20	DRAWN: GM	CHECKED:
PROJECT NO: 0650	DRAWING NO: Appendix B2	REVISION:	-

**Certificate For Proposed Sub – Surface Soakaways**  
**Foul Water**

Applicants Name: Billy Miller Contractor and Plant Hire Ltd  
Address: 1 Chanonry St, Elgin, IV30 6NF  
Site Address: Site Adj to Birkenbaud Cottage, Fogwatt  
Date of Tests: 24<sup>th</sup> February 2020  
Weather Conditions: Dry/Clear

**Percolation Test/Soakaway Sizing:**

	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	Mean
<b>Date of Test</b>	<b>24/02/2020</b>	<b>24/02/2020</b>	<b>24/02/2020</b>	
TP01	1620s	2460s	2820s	2300s
TP02	2160s	2880s	3360s	2800s
<b>Average Soil Vp</b>				<b>17.00s/mm</b>

Location: TP1  
Average Soil Vp: 17.00s/mm  
PE: 6  
Base Area (min): 25.50m<sup>2</sup>

I hereby certify that I have carried out the above tests in full accordance with BS6297: 2007 + A1: 2008 and as described in Section 3.9 of the Scottish Building Standards Technical Handbook (Domestic)

Signed: G Mackintosh      Gary Mackintosh BSc.      Date: 23<sup>rd</sup> March 2020

Company: GMC Surveys, 34 Castle Street, Forres, Morayshire. IV36 1PW

**gmcsurveys**  
34 castle Street  
Forres  
Moray  
IV36 1PW  
T: 07557 431 702  
E: gmcsurveys@gmail.com

**Certificate For Proposed Sub – Surface Soakaways**  
**Surface Water**

Applicants Name: Billy Miller Contractor and Plant Hire  
Address: 1 Chanonry St, Elgin, IV30 6NF  
Site Address: Site Adj to Birkenbaud Cottage, Fogwatt  
Date of Tests: 24<sup>th</sup> February 2020  
Weather Conditions: Dry/Clear

Trial Pit Test – Surface Water:

Depth of Excavation: 1.8  
Water Table Present: No

Infiltration Test:

Location: INF01  
Infiltration Test Zone: 1.0 – 1.8mbgl  
Infiltration Rate (m/s):  $4.97 \times 10^{-5}$   
Contributing Area: 180m<sup>2</sup>  
Soakaway Size: 5.0m x 2.0m x 1.5 below the invert of the pipe (30year)

I hereby certify that I have carried out the above tests in accordance with the procedures specified in BRE Digest 365:1991.

Signed: G Mackintosh      Gary Mackintosh BSc.      Date: 23<sup>rd</sup> March 2020

Company: GMC Surveys, 34 Castle Street, Forres, Morayshire. IV36 1PW

**gmcsurveys**

34 castle Street

Forres

Moray

IV36 1PW

T: 07557 431 702

E: gmcsurveys@gmail.com

**From:** DeveloperObligations  
**Sent:** 28 Jul 2020 09:17:11 +0100  
**To:** DC-General Enquiries  
**Cc:** Fiona Olsen  
**Subject:** 20/00879/PPP Erect dwelling house on Site Adjacent To Birkenband Cottage  
Birnie Moray  
**Attachments:** 20-00879-PPP Erect dwellinghouse on Site Adjacent To Birkenband Cottage  
Birnie.pdf

Hi

Please find attached the developer obligations assessment that has been undertaken for the above planning application. A copy of the report has been sent to the applicant.

Regards,

**Beatrice Roka** | Senior Infrastructure Growth/Obligations Officer (Strategic Planning and Development) |  
Economic Growth and Development

[Beatrice.Roka@moray.gov.uk](mailto:Beatrice.Roka@moray.gov.uk) | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) |  
[newsdesk](#)

01343 563265







# Developer Obligations & Affordable Housing: ASSESSMENT REPORT



**MORAY**  
council

**Date:** 28/07/2020

**Reference:** 20/00879/PPP

**Description:** Erect dwelling house on Site Adjacent to Birkenband Cottage, Birnie Moray

**Applicant:** Mr W Miller

**Agent:** Grant And Geoghegan Limited

This assessment has been carried out by Moray Council. For developer obligations, the assessment is carried out in relation to policy PP3 Infrastructure and Services of the adopted Moray Local Development Plan 2020 (MLDP2020) and Supplementary Guidance (SG) on Developer Obligations which was adopted on 1 March 2018. And, for affordable housing, the assessment is carried out in relation to policy DP2 Housing of the MLDP2020. Affordable housing is a policy requirement not a developer obligation however for ease of reference the Affordable Housing contribution is included within this assessment.

The MLDP2020 can be found at [www.moray.gov.uk/MLDP2020](http://www.moray.gov.uk/MLDP2020) and the Developer Obligations SG can be found at <http://www.moray.gov.uk/downloads/file118481.pdf>.

## Summary of Obligations

Primary Education ( <i>Contribution towards Linkwood Primary School</i> )	██████████
Secondary Education	Nil
Transport	Nil
Healthcare ( <i>Contribution towards 5 Additional Dental Chairs and Pharmacy</i> )	██████████
Sports and Recreation	Nil
<b>Total Developer Obligations</b>	██████████
Affordable Housing	██████████
<b>TOTAL</b>	██████████

## Breakdown of Calculation

For developer obligations, proposals are assessed on the basis of Standard Residential Unit Equivalents (SRUE) which is a 3-bedroomed residential unit. This application is considered to comprise of the following:

3 bed = 1 SRUE

The assessment for developer obligations is therefore based on 1 SRUE.



Moray Council **DEVELOPER OBLIGATIONS**





## Developer Obligations Discount for Small Scale Development

A discount of 80% will be applied to the contribution for single unit developments to reflect their small scale nature.

## INFRASTRUCTURE

### Education

#### Primary Education

This development generates 0.3 primary school pupils (1 SRUE x 0.3 primary pupils per SRUE). Pupils generated by this development are zoned to Linkwood Primary School and contributions will be sought towards the new build primary school. Therefore:

[REDACTED]

A contribution towards the land value for the serviced school site is also sought for the proportion of pupils attributable to this application. Based on a land value of [REDACTED] serviced site, the value proportioned to this development is:

[REDACTED]

[REDACTED]

[REDACTED]

**Contribution towards Primary Education =**

[REDACTED]

#### Secondary Education

Pupils generated by this development are zoned to Elgin High School. The school is currently operating at 80% capacity and the

additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

**Contribution towards Secondary Education = Nil**

### Transport

The Moray Council Transportation Services has confirmed that no developer obligations will be sought for this proposal.

**Contributions towards Transport = Nil**

### Healthcare

Healthcare Facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities. The recommended number of patients is 1500 per General Practitioner (GP) and floorspace requirement per GP is 271m<sup>2</sup>.

Healthcare infrastructure requirements have been calculated with NHS Grampian on the basis of national standards and specifications for healthcare facilities and estimating the likely number of new patients generated by the development (based on the average household size of 2.17 persons -Census 2011).

Linkwood Medical is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Linkwood Medical is currently operating at capacity. An additional Health Centre, 5 Additional Dental Chairs and an Additional Pharmacy will be required to accommodate the increase in population that is a direct result of development in Elgin and surrounding area. In





the interim, Linkwood Medical has been reconfigured to form additional consulting space and the additional patients arising from this development can be accommodated on this basis.

Contributions will be sought towards the additional dental chairs and pharmacy.

Contributions are calculated based on a proportional contribution of [REDACTED] per SRUE for the dental chairs and [REDACTED] per SRUE for the pharmacy.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Contribution towards Healthcare=** [REDACTED]

### Sports and Recreational Facilities

#### *Sports and Recreation Facilities*

Existing sports provision within Birnie is considered to be adequate to serve the needs of the residents anticipated to be generated by this development. Therefore, in this instance, no contribution will be required.

**Contribution for Sports and Recreation Facilities = Nil**

---

## **AFFORDABLE HOUSING**

The average market value of a serviced plot for 1 Affordable Unit is [REDACTED] Contributions

are based on 25% of the total number of units proposed in the application:

[REDACTED]

Therefore, the total contribution towards affordable housing is:

[REDACTED]

Affordable housing is a policy requirement not a developer obligation and will not be subject to negotiation.





## TERMS OF ASSESSMENT

This assessment report is valid for a period of 6 months from the date of issue.

Please note that any subsequent planning applications for this site may require a re-assessment to be undertaken on the basis of the policies and rates pertaining at that time.

## PAYMENT OF CONTRIBUTIONS

Remittance of financial obligations can be undertaken either through the provision of an upfront payment or by entering into a Section 75 agreement. The provision of an upfront payment will allow a planning consent to be issued promptly. However, where the amount of developer contributions are such that an upfront payment may be considered prohibitive a Section 75 will likely be required. The payment of contributions may be tied into the completion of houses through a Section 75 Agreement or equivalent, to facilitate the delivery of development. Please note that Applicants are liable for both the legal costs of their own Legal Agent fees and Council's legal fees and outlays in the preparation of the document. These costs should be taken into account when considering the options.

## INDEXATION

Developer obligations towards Moray Council infrastructure are index linked to the General Building Cost Price Index (BCPI) as published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors (RICS) from Q3, 2017 and obligations towards NHS Grampian infrastructure are index linked to All in Tender

Price Index (TPI) as published by the Royal Institute of Chartered Surveyors (RICS) from Q2, 2017.



# **Consultee Comments for Planning Application 20/00879/PPP**

## **Application Summary**

Application Number: 20/00879/PPP

Address: Site Adjacent To Birkenband Cottage Birnie Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

## **Consultee Details**

Name: Mr CL Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

## **Comments**

Approved unconditionally



## Consultation Request Notification – Development Plans

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	4th August 2020
<b>Planning Authority Reference</b>	20/00879/PPP
<b>Nature of Proposal (Description)</b>	Erect dwellinghouse on
<b>Site</b>	Site Adjacent To Birkenband Cottage Birnie Moray
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133069366
<b>Proposal Location Easting</b>	323168
<b>Proposal Location Northing</b>	856212
<b>Area of application site (M<sup>2</sup>)</b>	1959
<b>Additional Comments</b>	Concern with regard to build up. Site is just outwith designated Pressurised and Sensitive Area under MLDP 2020. Previously withdrawn and previously consulted Dev Plans on earlier app.
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QDJSPFBGFMB00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QDJSPFBGFMB00</a>
<b>Previous Application</b>	20/00414/PPP 11/01549/PPP
<b>Date of Consultation</b>	21st July 2020
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr W Miller
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Per Agent
<b>Agent Name</b>	Grant And Geoghegan Limited
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	Unit 4 Westerton Road Business Centre 4 Westerton Road South Keith AB55 5FH
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Fiona Olsen
<b>Case Officer Phone number</b>	01343 563189
<b>Case Officer email address</b>	fiona.olsen@moray.gov.uk

<b>PA Response To</b>	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.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit [http://www.moray.gov.uk/moray\\_standard/page\\_121513.html](http://www.moray.gov.uk/moray_standard/page_121513.html)

For full Data Protection policy, information and rights please see [http://www.moray.gov.uk/moray\\_standard/page\\_119859.html](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-



**PLEASE COMPLETE AND RETURN WITHIN 48 HOURS**  
to [consultation.planning@moray.gov.uk](mailto:consultation.planning@moray.gov.uk)

## **MORAY COUNCIL PLANNING CONSULTATION RESPONSE**

**From: Development Plans**

**Planning Application Ref. No: 20/00879/PPP**

**Erect dwellinghouse on Site Adjacent To Birkenband Cottage Birnie Moray for Mr W Miller**

**Ward: 04\_17 Fochabers Lhanbryde**

### **DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN**

*(For Structure/Local Plan Comment)*

		<b>Page No</b>	<b>Policy No(s)</b>	<b>Yes</b>	<b>No</b>
<b>1</b>	<b>Departure from Moray Local Development Plan 2020</b>		DP4 Rural Housing	X	
<b>2</b>	<b>Further Discussion Required</b>				

**REASONING FOR THIS DECISION:**

## **POLICY COMMENTS**

The proposal is for an individual house in the countryside. This response focuses on DP4 – Rural Housing and specifically an assessment of whether the proposal constitutes unacceptable cumulative build up.

### **Planning History**

There is a previous planning consent for a house on this site (11/01549/PPP) which has now lapsed. It should be noted that this proposal was determined under the terms of the Moray Local Plan 2008 and the housing in the countryside policy has changed since this proposal was assessed. Planning application (20/00878/PPP) for a single house was submitted under the previous Moray Local Development Plan 2015 and subsequently withdrawn.

The Moray Local Development Plan (LDP) 2020 was formally adopted on 27 July 2020 and the proposal is therefore assessed against the relevant policies within the LDP

### **DP4 Rural Housing and Cumulative Build-Up Guidance Note.**

The site is immediately outwith a Pressurised and Sensitive Area, however this does not preclude consideration of cumulative build up. The Cumulative Build Up Guidance Note within the LDP 2020 sets out cumulative build up indicators to identify build up and assist assessment of when it is becoming unacceptable and these indicators are applicable across the whole of Moray.

Immediately adjacent to the site to the south there is a newly constructed house (16/00615/APP) and planning consent for a further house north of the site (12/01280/AMC) and another planning application (20/00879/PPP) further to the south which is currently pending consideration. It is considered that the level of development in the immediate vicinity of this site means the number of new houses would overwhelm the presence of older buildings, such that the new houses are the predominant component of the landscape. An additional house in this location therefore contributes to unacceptable build-up of development and would have a detrimental impact on the rural character of the area

**Contact: Emma Gordon**  
**email address:emma.gordon@moray.gov.uk**  
**Consultee: Development Plans**

**Date 30 July 2020**  
**Phone No 01343 5623292.**

<b>Return response to</b>	<b>consultation.planning@moray.gov.uk</b>
---------------------------	---

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://publicaccess.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.



# Consultee Comments for Planning Application 20/00879/PPP

## Application Summary

Application Number: 20/00879/PPP

Address: Site Adjacent To Birkenband Cottage Birnie Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

## Consultee Details

Name: Mr EH Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

## Comments

Approved Unconditionally - Andy Stewart



**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Environmental protection manager

**Planning Application Ref. No: 20/00879/PPP  
Erect dwellinghouse on Site Adjacent To Birkenband Cottage Birnie Moray for Mr W  
Miller**

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

- |   | <b>Please</b>                        |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <b>x</b><br><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            | <br>x                                |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <br><br>                             |
| (d) Further information is required in order to consider the application as set out below                                 | <br><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: Ian M Douglas on behalf of Grant Speed**

email address:ian.douglas@moray.gov.uk

Date27/07/19.....

.....

Phone

No

7049.....



**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Moray Access Manager

**Planning Application Ref. No:** 20/00879/PPP

**Erect dwellinghouse on Site Adjacent To Birkenband Cottage Birnie Moray for Mr W Miller**

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

- |   | <b>Please</b>                        |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <b>x</b><br><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            | <b>X</b>                             |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below |                                      |
| (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:** Ian M Douglas

**email address:** ian.douglas@moray.gov.uk

**Date** 27/07/2020.....

**Phone** ..... **No**  
7049.....



**MORAY COUNCIL  
PLANNING CONSULTATION RESPONSE**

**From:** The Moray Council, Flood Risk Management

**Planning Application Ref. No:** 20/00879/PPP

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

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

This development will require the drainage assessment. The drainage assessment provided follows an appropriate methodology. It will however need to be bespoke to include the details of the final design of the property.

Further information on requirements for the drainage assessment can be found in "Moray Council Flood Risk Management Supplementary Guidance for Flood Risk and Drainage" - [www.moray.gov.uk/downloads/file124411.PDF](http://www.moray.gov.uk/downloads/file124411.PDF).

Contact: Richard Knight Date 23/07/2020

email address: Richard.knight@moray.gov.uk Phone No

**Consultee:** The Moray Council, Flood Risk Management



Wednesday, 22 July 2020



Local Planner  
Development Services  
Moray Council  
Elgin  
IV30 1BX

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Steps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: Site Adjacent To Birkenband Cottage, , Birnie, IV30 4NN**  
**PLANNING REF: 20/00879/PPP**  
**OUR REF: DSCAS-0018562-VND**  
**PROPOSAL: Erect dwellinghouse**

**Please quote our reference in all future correspondence**

## Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

## Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Badentinan Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.
- ▶ The nearest public main is approx. 650m from the proposed site.

## Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.



SW Public  
Published  
To find out more about connecting your  
the water and waste water supply visit:



### So, how are we doing?

We'd love to know what we're doing well or could do better. We promise we're listening, [click here](#) to tell us...



## Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

---

## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.



- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

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## **Next Steps:**

### ▶ **All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### ▶ **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### ▶ **Trade Effluent Discharge from Non Dom Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.



- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Planning Application Team**

Development Operations Analyst

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

**Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*



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## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	4th August 2020
<b>Planning Authority Reference</b>	20/00879/PPP
<b>Nature of Proposal (Description)</b>	Erect dwellinghouse on
<b>Site</b>	Site Adjacent To Birkenband Cottage Birnie Moray
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133069366
<b>Proposal Location Easting</b>	323168
<b>Proposal Location Northing</b>	856212
<b>Area of application site (M<sup>2</sup>)</b>	1959
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QDJSPFBGFMB00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QDJSPFBGFMB00</a>
<b>Previous Application</b>	20/00414/PPP 11/01549/PPP
<b>Date of Consultation</b>	21st July 2020
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr W Miller
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Per Agent
<b>Agent Name</b>	Grant And Geoghegan Limited
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	Unit 4 Westerton Road Business Centre 4 Westerton Road South Keith AB55 5FH
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Fiona Olsen
<b>Case Officer Phone number</b>	01343 563189
<b>Case Officer email address</b>	fiona.olsen@moray.gov.uk
<b>PA Response To</b>	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.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit [http://www.moray.gov.uk/moray\\_standard/page\\_121513.html](http://www.moray.gov.uk/moray_standard/page_121513.html)

For full Data Protection policy, information and rights please see [http://www.moray.gov.uk/moray\\_standard/page\\_119859.html](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-

## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Transportation Manager

**Planning Application Ref. No:** 20/00879/PPP

**Erect dwellinghouse on Site Adjacent To Birkenband Cottage Birnie Moray for Mr W Miller**

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

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

*Note: This proposal is for the erection of a new dwelling to be served via an existing access which is to serve a number of plots. One of the plots has already been occupied, and the access has been partly surfaced and a Lay-by constructed. The visibility splay to the north passes directly over the front garden of the recently developed plot, but earthworks have been completed and the visibility splay provided. However the required forward visibility splay does not appear to have been provided. The required visibility splays also have not been submitted for this proposal, and on that basis the following conditions would apply. The applicant should note that visibility splay drawings were previously accepted for an earlier associated planning application served via this access (12/01280/AMC).*

#### **Condition(s)**

1. No development shall commence until 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 215 metres with all boundaries set back to a position behind the required visibility splays and a schedule of maintenance for the splay area has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and thereafter 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 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.

Reason: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users through the provision of details currently lacking.

2. No development shall commence until a detailed drawing (scale 1:200 or 1:500 which shall also include details to demonstrate control of the land ) showing the works required to provide a forward visibility splay from the south of 215 metres and a schedule of maintenance for the splay area has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and thereafter the forward 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 thereafter the forward 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.

Reason: To enable acceptable vehicular access to the development in the interests of road safety through the provision of details currently lacking.

3. No development shall commence until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority showing the provision of 2 car parking spaces for a dwelling with three bedrooms or less, or 3 spaces for a dwelling with four bedrooms or more; and identifying the location where a future Electric Vehicle (EV) fast charging unit is to be connected to an appropriate electricity supply (minimum output 7kw and with a minimum of one parking space accessible to and located within 5 metres of the future charger unit); including details (written proposals and/or plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future fast charging unit. Thereafter the car parking spaces and EV fast charger cabling and ducting shall be provided in accordance with the approved drawing prior to the first occupation of the dwelling house and thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety and the provision of infrastructure to support the use of low carbon transport.

4. Prior to the occupation of the dwelling house the vehicular access shall be constructed to the Moray Council specification and surfaced with bituminous macadam for a minimum of the first 10m of the access track, measured from the edge of the public carriageway. The width of the access shall be 5.5m for the first 15 metres measured from the edge of the public road and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway.

Reason: To ensure acceptable infrastructure at the development access.

5. No water shall be permitted to drain or loose material be carried onto the public carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the access

6. A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear.

Reason: To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road

**Further comment(s) to be passed to applicant**

The formation of the required visibility splay will involve the removal of gorse and vegetation and the lowering of the bank/verge on the opposite side of the carriageway.

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

Before starting any work on the existing public road (including works to lower the verge/bank) the applicant is obliged to apply for a road opening permit in accordance with Section 56 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](mailto: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.

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.

Contact: AG  
email address: [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)  
**Consultee: TRANSPORTATION**

Date 24 July 2020

<b>Return response to</b>	<b><a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a></b>
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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://publicaccess.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**

<b>Ref No:</b>	20/00879/PPP	<b>Officer:</b>	Fiona Olsen
<b>Proposal Description/ Address</b>	Erect dwellinghouse on Site Adjacent To Birkenband Cottage Birnie Moray		
<b>Date:</b>	07/10/20	<b>Typist Initials:</b>	FJA

### **RECOMMENDATION**

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

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Environmental Health Manager	21/07/20	No Objections
Contaminated Land	29/07/20	No Objections
Transportation Manager	24/07/20	No Objections subject to conditions and informatives
Scottish Water	22/07/20	No Objections
Planning And Development Obligations	28/07/20	Contributions Sought
Moray Access Manager	27/07/20	No Objections
Environmental Protection Manager	27/07/20	No Objections
Moray Flood Risk Management	28/07/20	Drainage Assessment required.
Strategic Planning And Development	30/07/20	Objection – The proposed dwellinghouse would contribute to an unacceptable build-up of housing in the immediate vicinity of this site and overwhelm the presence of older buildings and allow new housing to become the predominant component of the landscape in this area.

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
PP1 Placemaking	N	Complies
PP2 Sustainable Economic Growth	N	Complies
PP3 Infrastructure and Services	N	Complies
DP1 Development Principles		See below

DP4 Rural Housing		See below
EP7 Forestry Woodland and Trees	N	Complies
EP12 Management and Enhancement Water	N	Complies
EP13 Foul Drainage	N	Complies
EP14 Pollution Contamination Hazards	N	Complies

## REPRESENTATIONS

Representations Received	YES
Total number of representations received ONE	
Names/Addresses of parties submitting representations	
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.	
Summary and Assessment of main issues raised by representations	
<b>Issue:</b> Wildlife flora and fauna to be completely protected. <b>Comments (PO):</b> This is an application for planning permission in principle on a site which is an existing scrubland/woodland. All trees are to be retained on site.	
<b>Issue:</b> Steadings may have resident bats and birds. <b>Comments:</b> This site does not have any existing buildings/structures on it. All on the site are to be retained.	
<b>Issue:</b> Species of mammal are in danger of extinction and should be protected. <b>Comments:</b> The proposal is not anticipated to impact upon any protected species .	
<b>Issue:</b> Every application should have an ecological impact survey supplied <b>Comments:</b> Where a European Protected Species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan is required to accompany the planning application. In this case as no building is to be demolished or any trees to be removed, a survey has not been required.	

## 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 adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below

### Proposal

The application seeks planning permission in principal to erect a new dwellinghouse and associated services.

### Site

The site is an existing parcel of overgrown land (with trees present) adjacent to Birkenband Cottage Birnie, Moray. It measures approx. 1959sqm.

To the immediate north of the site lies a newly constructed dwellinghouse (16/00615/APP refers) Further to the north lies an extant planning permission for a new house (12/01280/AMC refers). That permission has been implemented and will not lapse but the house has not been built to date. Finally, another application for a new dwellinghouse is currently under consideration which also lies to the north (20/00878/PPP refers)



To the west of the site lies a 'Pressurised and Sensitive' area as identified within the MLDP 2020.

### **Planning History**

There was a previous planning consent for a house on this site (11/01549/PPP). No application to deal with matters specified in condition was lodged and this permission lapsed in November 2014. A planning application (20/00414/PPP) for a single house was submitted under the previous Moray Local Development Plan 2015 and subsequently withdrawn.

### **Policy Assessment (MLDP 2020)**

#### **Siting (DP1, DP4)**

Policy DP4 refers to new housing in the open countryside and outlines that a spatial strategy has been developed to direct new housing to the least sensitive locations by identifying pressurised and sensitive areas and areas of intermediate pressure. The proposed site is immediately beyond the boundary of an identified 'Pressurised and Sensitive Area' and therefore is assessed under the siting criteria for 'Areas of Intermediate Pressure'.

This criteria requires that there must be existing landform, mature trees, established woodland or buildings of a sufficient scale to provide acceptable enclosure, containment and backdrop for the proposed new house (not including drain, ditches, fencing and road/tracks). The proposed site sits below the level of the public road to the west and therefore is shielded from view and also afforded a sufficient hillside backdrop. There are also a significant number of trees on either side of the site which provide acceptable containment to meet the first siting criteria of policy DP4.

DP4 also requires that a new house must not create ribbon development, contribute to an unacceptable build-up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location. As outlined, there is a neighbouring newly constructed house to the north of the site (16/00615/APP refers) and further to the north lies an extant consent for a dwellinghouse (12/01380/AMC refers). When taken together with these neighbouring plots, it is considered that the proposed dwellinghouse would contribute to an unacceptable build-up of housing in the immediate vicinity of this site. If approved, it would overwhelm the presence of older buildings and allow new housing to become the predominant component of the landscape, which would irreversibly alter the established rural character of the area.

Although the site is beyond the boundary of the identified 'Pressurised and Sensitive Area', this does not preclude consideration of cumulative build up. The Cumulative Build Up Guidance Note within the MLDP 2020 sets out cumulative build up indicators to identify build up and assist in assessing when it is becoming unacceptable and these indicators are applicable across the whole of Moray. In particular here, the addition of a new house on this site would also result in ribbon development which would join up other existing developments (to the north of the site) which would be contrary to the traditional dispersed settlement pattern.

Although there was previously planning permission in principle for a house on this site (11/01549/PPP refers), this permission was never commenced and has since lapsed. It is also noted that the original application in 2011 was considered at the same time as the neighbouring plot to the north (the newly constructed dwellinghouse - 16/00615/APP). However, the 2011 application was considered against the 2008 Moray Local Plan which contained no specific exclusions on the build-up of new housing in the countryside. This application has been assessed against the Moray Local Development Plan 2020 (MLDP 2020) which specifically excludes development which would create ribbon development or contribute to a build-up of new housing. As a result, the proposal for a new house on this site, although contained sufficiently by existing landform and trees, would create ribbon development and contribute to an unacceptable build up in this area which would irreversibly alter the rural character of the area. As a result the proposal is contrary to policies DP1 and DP4 and therefore the application is recommended for refusal.

### **Design and Materials (DP1, DP4)**

This is an application for Planning Permission in Principle only and therefore should the application be approved, the design and materials of the proposed house would be matters specified in conditions, to be assessed as part of a further application. These conditions would need to ensure that the design requirements of policies DP1 and DP4 were met.

### **Amenity, Landscaping and Trees (DP1, DP4)**

Policy DP1 requires that the scale, density and character of all development be appropriate to the surrounding area, be integrated into the surrounding landscape and not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity. Policy DP4 requires that 15% of new house plot must be landscaped with native tree species to assist the development to integrate sensitively.

If the application were to be approved, boundary treatments and landscaping would be matters controlled by condition.

Existing trees lie on the site. The agent has confirmed that no trees are to be removed from the site as part of the development. Should the application be approved, this matter would also be controlled by condition.

### **Core Paths (PP3)**

A disused railway line lies immediately to the east of the site and has been identified as an Aspirational Core Path. The Moray Access Manager was consulted on this application and has raised no objections. Comments were provided under a previously withdrawn application for this site (20/00413/PPP) which recommended that a condition be added to any final consent that the route should remain free of any obstruction in order to allow for potential future development of a cycle route. Therefore should the application be approved, this matter would require to be controlled by condition in line with policy PP3.

### **Access & Parking (DP1)**

Moray Council Transportation Section have been consulted and have raised no objections subject to a series of conditions and informatives to be added to any final consent and therefore proposal would be considered acceptable in terms of the access and parking requirements of policy DP1.

### **Drainage & Water Supply (DP1, EP12, EP13)**

Details of a foul water treatment and soakaway are shown on the submitted plans. A Site Investigation and Drainage Assessment have been submitted which describe the proposed drainage arrangements and testing undertaken to ensure the site can be adequately drained. Moray Flood Risk Management have been consulted on the application and have raised no objections, however further details would require to be provided upon receipt of a full planning application.

It is proposed to connect the dwellinghouse to the public water supply. Scottish Water have been consulted and have raised no objections.

Therefore the proposal would meet the drainage and water supply requirements of policy DP1, EP12 and EP13.

Should the application be approved the agreed drainage design would also require to be a matter controlled by condition.

### **Developer Obligations and Affordable Housing (PP3, DP2)**

A Developer Obligation towards healthcare and primary education and is sought as part of the application. An affordable housing contribution is also sought. The applicant has confirmed willingness to pay both of these, should the application be approved.

## Recommendation

The proposal for a house in this location would create ribbon development and contribute to an unacceptable build of housing which would irreversibly alter the rural character of the area and as result is contrary to policies DP1 and DP4 and refusal is recommended.

## OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

N/A

## HISTORY

Reference No.	Description		
20/00414/PPP	Erect dwellinghouse on Site Adjacent To Birkenband Cottage Fogwatt Moray		
	Decision	Withdrawn	Date Of Decision 01/06/20
11/01549/PPP	Planning Permission in Principle for new dwellinghouse at Site By Fogwatt Moray		
	Decision	Permitted	Date Of Decision 25/11/11

## ADVERT

Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	No Premises	20/08/20
PINS	No Premises	20/08/20

## DEVELOPER CONTRIBUTIONS (PGU)

Status	N/A
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## DOCUMENTS, ASSESSMENTS etc. \*

\* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Site Investigation and Drainage Assessment	
Main Issues:	Outlines testing undertaken to confirm ground suitability for both foul and surface water soakaways.	

## 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)			



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

**PERMISSION FOR DEVELOPMENT**

**[Elgin City North]  
Application for Planning Permission**

TO Mr Philip Scott  
c/o Grant And Geoghegan Limited  
Unit 4  
Westerton Road Business Centre  
4 Westerton Road South  
Keith  
AB55 5FH

With reference to your application for planning permission under the above-mentioned Act as amended, Moray Council in exercise of its powers hereby **GRANT** planning permission for the following development:-

**Retrospective consent to erect domestic garage at Cedarwood Sheriffmill Road Elgin Moray**

in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, and where appropriate, subject to the condition(s) and reason(s) as set out in the attached schedule.

This permission does not carry with it any necessary consent or approval to the proposed development under the building regulations or other statutory enactments and the development should not be commenced until all consents have been obtained.

Date of Notice: **7 October 2020**



Pp \_\_\_\_\_

**Head Economic Growth and Development Services**

Economy, Environment and Finance

Moray Council

Council Office

High Street

ELGIN

Moray IV30 1BX

## IMPORTANT NOTE

**YOU ARE OBLIGED TO COMPLY WITH THESE CONDITIONS AND NOTES**

### SCHEDULE OF CONDITIONS

By this Notice the Moray Council has **GRANTED PLANNING PERMISSION** for this proposal subject to conditions as appropriate to ensure implementation of the proposal under the Town & Country Planning (Scotland) Act 1997, as amended. **It is important that these conditions are adhered to and failure to comply may result in enforcement action being taken.**

#### CONDITION(S)

Permission is granted subject to the following conditions: -

- 1 The drainage design details as identified in the submitted Site Investigation & Drainage Assessment (dated 05 July 2020) and approved as part of the development shall be implemented in full within 6 months of the date of this decision.

**Reason:** To ensure that surface water drainage is provided timeously and complies with the principles of SUDs in order to protect the water environment.

- 2 The garage hereby approved shall be used solely for purposes incidental to the enjoyment of the existing house known as 'Cedarwood', Sheriffmill Road, and for no other purpose or use.

**Reason:** In order to enable the Planning Authority to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or an adverse impact on the amenity of the area.

#### REASON(S) FOR DECISION

The Council's reason(s) for making this decision are:-

The proposal accords with the relevant provisions of the development plan and there are no material considerations that indicate otherwise.

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

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

Reference	Version	Title
019/21234/02		Location plan
019/21234/03		Elevations and floor plan
019/21234/01		Site plan

## **IMPORTANT NOTES ABOUT THIS DECISION**

### **DURATION OF THIS PERMISSION**

In accordance with Section 58 (i) of the Town and Country Planning (Scotland) Act 1997 as amended, the development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.

If the development has not commenced within this period then this permission shall lapse unless there is a specific condition attached to this permission which varies the stated timescale.

### **COMMENCEMENT AND COMPLETION OF THE DEVELOPMENT**

The following are statutory requirements of the Town & Country Planning (Scotland) Act 1997, as amended. Failure to meet their respective terms represents a breach of planning control and may result in formal enforcement action. Copies of the notices referred to below are attached to this permission for your use.

**NOTIFICATION OF INITIATION OF DEVELOPMENT** - S.27A of the 1997 Act, as amended requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, as soon as practicable after deciding the date they will start work on the development, give notice to the planning authority of that date. This ensures that the planning authority is aware that the development is underway and can follow up on any suspensive conditions attached to the permission. Therefore, prior to any work commencing on site, the applicant/developer must complete and submit to the Moray Council, as planning authority, the attached Notification of Initiation of Development.

**NOTIFICATION OF COMPLETION OF DEVELOPMENT** - S.27B of the 1997 Act, as amended requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority. This will ensure that the planning authority is aware that the development is complete and can follow up any planning conditions. Therefore, on completion of the development or as soon as practicable after doing so, the applicant/developer must complete and submit to the Moray Council, as planning authority the attached Notification of Completion of Development.

**NOTIFICATION OF COMPLETION OF PHASED DEVELOPMENT** – Under S.27B(2) of the 1997 Act, as amended where permission is granted for phased development, the permission is subject to a condition (see Schedule of Conditions above) requiring the applicant/developer as soon as practicable after each phase to give notice of that completion to the planning authority. This will allow the planning authority to be aware that particular phase(s) of the development is/are complete. When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.

### **ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT**

The following notes are provided for your information including comments received from consultees:-

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

Please contact the Building Standards Duty Officer in order to ascertain whether a Building Warrant will be required for these proposals between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail [buildingstandards@moray.gov.uk](mailto:buildingstandards@moray.gov.uk)

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

N/A

### **DETAILS WHERE DIFFERENT TIME-PERIOD(S) FOR DURATION OF PLANNING PERMISSION IMPOSED (S.58/59 of 1997 ACT)**

N/A

### **TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION**

The terms, or summary of terms of the Agreement can be inspected at:-

N/A

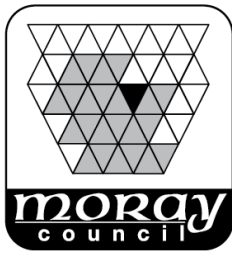
### **NOTICE OF APPEAL**

#### **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](http://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.





## MORAY COUNCIL

### NOTIFICATION OF INITIATION OF DEVELOPMENT

Section 27A Town and Country Planning (Scotland) Act 1997

Application Number **20/00894/APP**

Date Decision Issued

Location and Description of Development      Retrospective consent to erect domestic garage at Cedarwood Sheriffmill Road Elgin Moray

**Please note that all suspensive conditions must be discharged prior to commencement of development**

<b>Date works are to Commence</b>	
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**Name, Address and contact details of developer**

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**The Full name and Address and contact details of the landowner, if a different person**

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**Where an agent is appointed, their full name and contact details**

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.....

.....

Signed

Name (Print)

Date

**Please complete and return this form to:**

**Development Management & Building Standards Manager, Moray Council, PO Box 6760, Elgin, Moray, IV30 1BX**

**OR**

**E-mail: [development.control@moray.gov.uk](mailto:development.control@moray.gov.uk)**



## MORAY COUNCIL

### NOTIFICATION OF COMPLETION OF DEVELOPMENT

Section 27A Town and Country Planning (Scotland) Act 1997

Application Number **20/00894/APP**

Date Decision Issued

Location and Description of Development      Retrospective consent to erect domestic garage at Cedarwood Sheriffmill Road Elgin Moray

<b>Date of completion of works</b>	
------------------------------------	--

**Name, Address and contact details of developer**

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**The Full name and Address and contact details of the landowner, if a different person**

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**Where an agent is appointed, their full name and contact details**

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Signed

Name (Print)

Date

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**Please complete and return this form to:**

**Development Management & Building Standards Manager, Moray Council, PO Box 6760, Elgin, Moray IV30 1BX**

**E-mail: [development.control@moray.gov.uk](mailto:development.control@moray.gov.uk)**