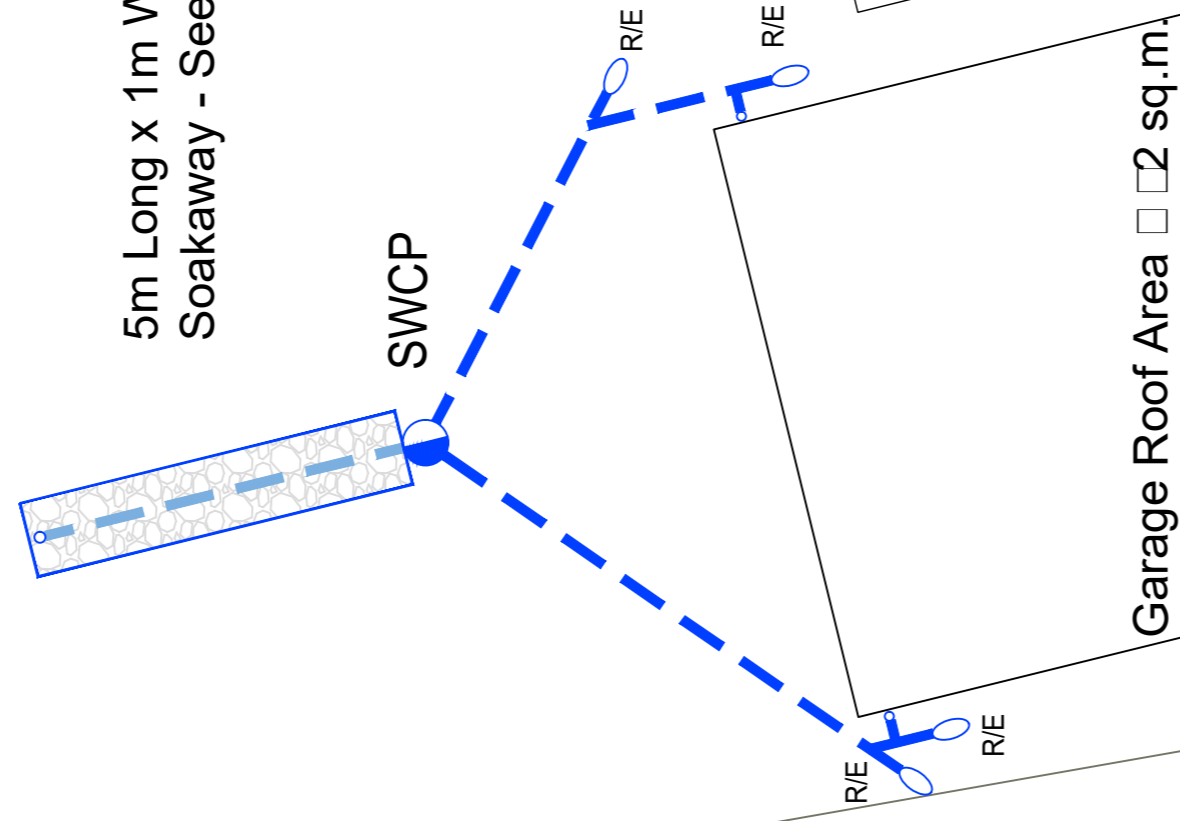


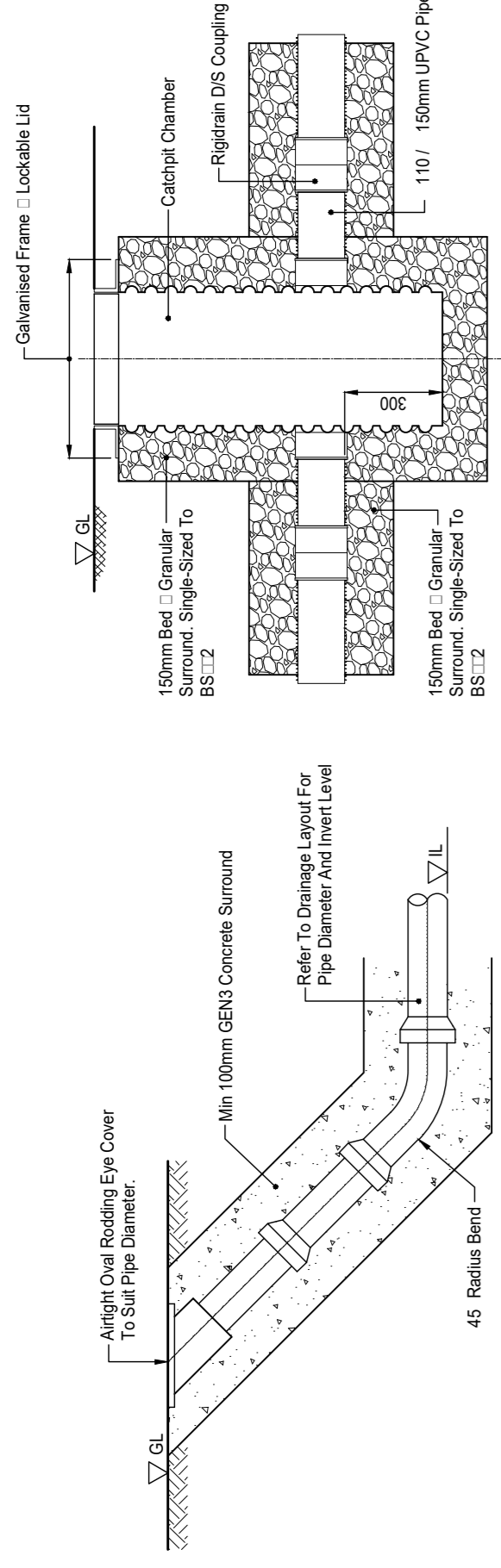
Note - Sub-soil Percolation Testing Carried Out By Others (Refer Cameron □ Ross Report 26.10.16) In Accordance With BS6297:19 □ Confirmed An Average Sub-soil Percolation Value (Vp) of 16.4 secs/mm

Note - Soakaway To Be Constructed At Least 5m From Boundaries □ Buildings

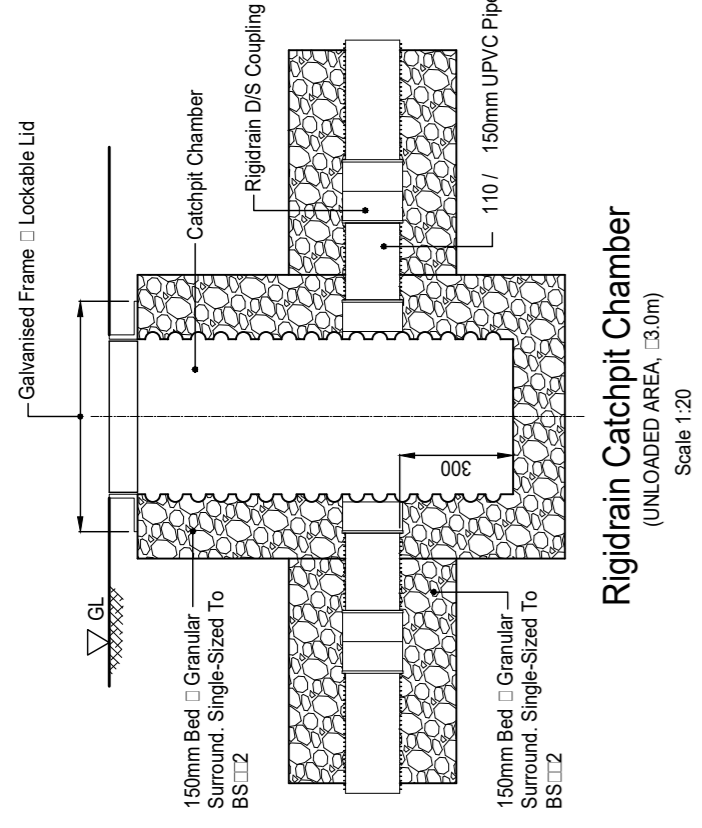
5m Long x 1m Wide x 0.9m Deep Soakaway - See Separate Detail



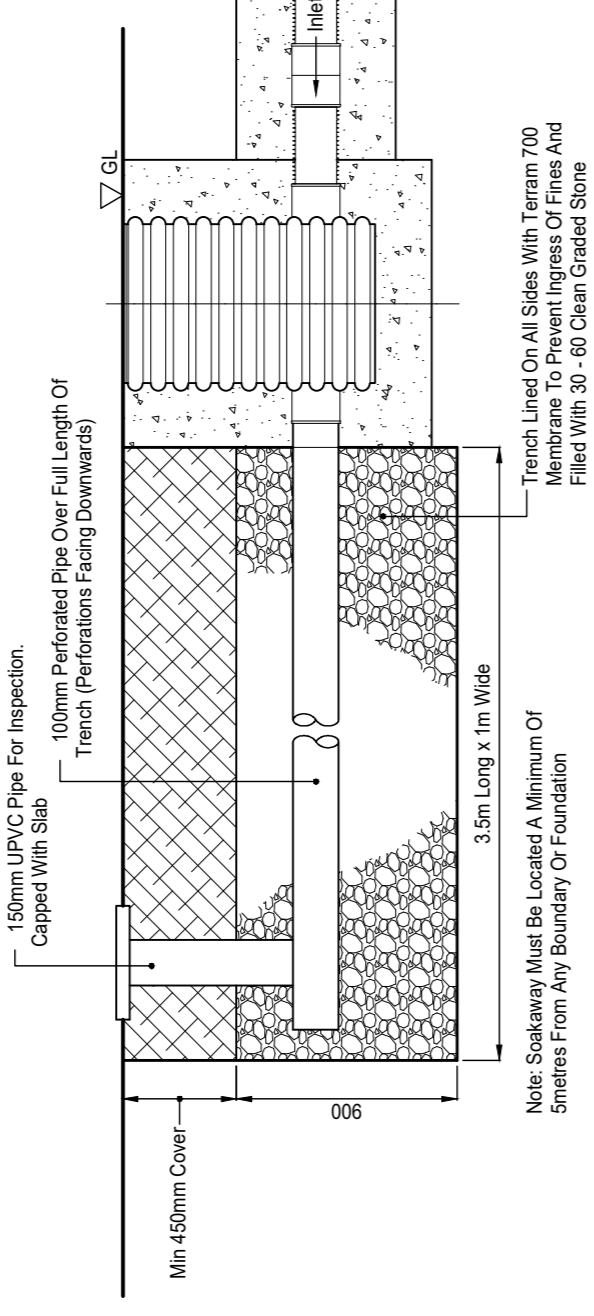
B9040



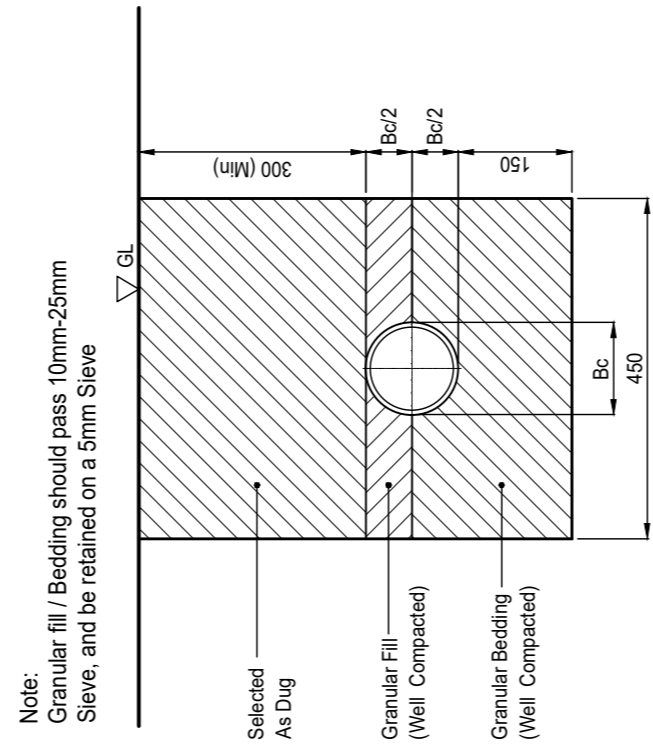
Typical Rodding Eye Detail
Scale 1:25



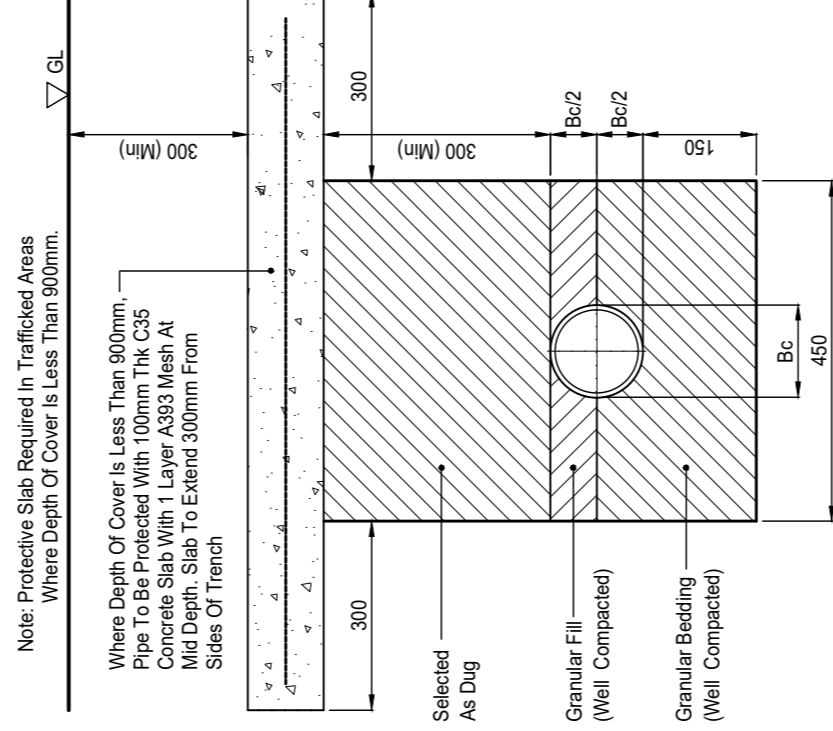
Rigidrain Catchpit Chamber
(UNLOADED AREA - 3.0m)
Scale 1:20



Soakaway Trench Detail
Scale 1:20



Bedding For Pipe In Single Trench
Scale 1:10



Bedding For Pipe In Single Trench, Trafficked Areas
Scale 1:10

Notes:

Proposed Drainage Legend

- RE Denotes Surface Water Rodding Eye
- SMIC Denotes Surface Water Inspection Chamber
- SWCP Denotes Surface Water Catch Pit
- UNO 100mm UPVC Storm Water Sewer Lid At 1.100
- UNO 100mm UPVC Storm Water Sewer Lid At 1.100
- Sub-base Denotes 100mm Perforated Carrier Pipe Withn Filter
- Denotes Storm Water Deep Filter Sub-base

Interchange Drainage Notes

1. All Levels Shown Must Be Confirmed On Site Prior To Commencing Work.
2. The Contractor Should Evaluate Which Drainage Lines Require Concrete Protection, As A Result Of The Crown Of The Pipe Being $\geq 1.2m$ From The Finished Trafficked Level.
3. The Contractor Must Ensure That The Location Of RWP's, SWP's, SVP's Indicated On The Drawing Considers With The Location Of The RWP's, SWP's On The Adjacent Current Building Layout Plan.
4. Refer To Architects Internal Layout For All Internal POP UPSVP Setting Out Locations.
5. All Pipe To Pipe Connections Are To Be Made Crown Of Pipe To Crown Of Pipe Unless Noted Otherwise.
6. All Drainage To Be Installed In Accordance With The Manufacturers Recommendations And With Section 3 - Environment - Scottish Building Standards Agency - Technical Handbooks.
7. All External Drainage To Be Constructed And Installed In Accordance With BS EN 752-3: 1997 (Amendment 2), BS EN 752-4: 1997 And BS EN 1610: 1997.

The Contractor Must Check All Invert Levels On The Existing Markings As Soon As The Crown Of The Pipe And Access Engineer To Be On A Check Of The Drainage To Be Carried Out.

ANY VARIATION FROM THE DESIGN SHOWN ON THIS DRAWING MUST BE NOTIFIED TO THE ENGINEER. HIS APPROVAL MUST BE OBTAINED. ANY UNNOTICED VARIATION FROM THE DESIGN MAY INVALIDATE ANY CERTIFICATION. IF IN DOUBT CONTACT THE ENGINEER.

THE CONTRACTOR MUST CONTACT THE ENGINEER PRIOR TO COMMENCING ANY WORK TO DISCUSS AND ENSURE FULL UNDERSTANDING OF THE DESIGN INTENT.

| Revision | Description | By | Date |
|----------|-------------|----|------|
| | | | |

Client

Mr. J. Marshall

Architect

Machin Dunn □ MacFarlane Limited



Tel: 01753 649639 email: admin@drwcs.co.uk

Project

Proposed Garage/Storage Shed At The Forecourt, Cummingsdown, Lossiemouth

Drawing

Proposed SW Drainage Layout □ Details

DRAWING STATUS: FOR INFORMATION

| | | | |
|--------------|---------|--------------|----------|
| Engineer: | KD | Date: | 13.12.22 |
| Technician: | | Date: | |
| Project No.: | 22.5227 | Drawing No.: | 100 |
| Revision: | | | |

Drawing Scale: As Shown

Soakaway Design 2



www.webcomsystems.co.uk

Project Details

Project Title: The Forecourt, Cummingstown

Project Number: 5227

Designer: KD

Global Variables

Impermeable Area :- 117 m²

Soil Infiltration Rate :- 2.03E-5 m/sec

Storm Duration :- 60 minutes

Rainfall :- 0.016 metres

Void Ratio (Trench Soakaway) :- 0.3

Volumetric Runoff Coeff :- 1.00

Trench Soakaway

Length = 5 metres

Width = 0.94 metres

Depth = 0.9 metres

Half empty time = 4.28 hours

Precast Concrete Ring Soakaway

| Ring Size (mm) | Depth (metres) | Half Empty Time (hours) |
|----------------|----------------|-------------------------|
| 900 | 2.53 | 3.07 |
| 1050 | 1.89 | 3.59 |
| 1200 | 1.47 | 4.10 |
| 1350 | 1.18 | 4.61 |
| 1500 | 0.96 | 5.13 |
| 1800 | 0.68 | 6.15 |
| 2100 | 0.50 | 7.18 |
| 2400 | 0.39 | 8.21 |
| 2700 | 0.31 | 9.23 |

* Ring soakaways are deemed to have failed if their Depth is greater than 4 metres.

As per the guidance outlined in the CIRIA C753 SuDS Manual 2015, SEPA Document "Climate Change allowances for flood risk assessment in land use" (version 2 March 2022), the developments surface water drainage network is designed to include 42% for climate change.

Refer- <https://scottishepa.maps.arcgis.com/apps/webappviewer/index.html?id=2ddf84e295334f6b93bd0dbbb9ad7417>



PROPOSED ERECTION OF GARAGE/STORAGE SHED AND PARTIAL CHANGE OF USE
TO GARDEN GROUND AT 'THE FORECOURT, CUMMINGSTON, ELGIN - PLANNING REF: 22/01594/APP

I SUPPORTING STATEMENT

Document prepared by :

machin dunn + macfarlane
architecture and design

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ERECTION OF GARAGE/STORAGE SHED AND CHANGE OF USE TO GARDEN GROUND | SUPPORTING STATEMENT
AT 'THE FORECOURT', CUMMINGSTON, ELGIN PL REF: 22/01594/APP

| | |
|-----|---|
| 1.0 | INTRODUCTION |
| 2.0 | SITE LOCATION RELATIVE TO SETTLEMENT BOUNDARY |
| 3.0 | DESIGN PROPOSALS |
| 4.0 | CONCLUSION |

On Behalf of :

Mr John Marshall - Applicant

E : jm@beatsons.co.uk

1.0 | INTRODUCTION

1.00 - Introduction

This document has been produced in support of our detailed Planning Application to Moray Council for the 'Proposed Change of Use to Garden Ground and Erection of Garage/Storage shed at 'The Forecourt, Cummingston, Elgin' PL REF: 22/01594/APP.

The aim of this document is to provide supplementary information on the design approach undertaken, taking cognisance of relevant design guidance and planning policy in order to meet the Clients brief, whilst also seeking to address comments received from the Planning Officer; Consultation responses and public representations.



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2.0 | SITE LOCATION RELATIVE TO SETTLEMENT BOUNDARY

2.1 - Site Location

The site is located to the western extents of the village of Cummingston, with the development boundary comprising the curtilage of the dwelling 'The Forecourt' and an adjoining strip of land, 5m wide, running the full length of the western boundary to the plot.

The Planning Officer has commented that the area of land subject to 'change of use' is outwith the existing Cummingston settlement boundary as defined within the current Moray Local Development Plan 2020.

Within the Cummingston 'Settlement Strategy/Placemaking Objectives' document it notes '...restrict growth to prevent coalescence with Hopteman and Burghead. Linear extension along the B9040 is not supported.'

The existing settlement boundary of Cummingston is indicated adjacent, and whilst it is acknowledged that the area of land outwith the existing dwelling curtilage to the west is technically outwith the existing settlement boundary, it should also be highlighted that part of the existing dwelling curtilage which previously benefitted from Planning Approval is also located outwith this boundary, albeit was deemed to be an acceptable departure from planning policy at that time.

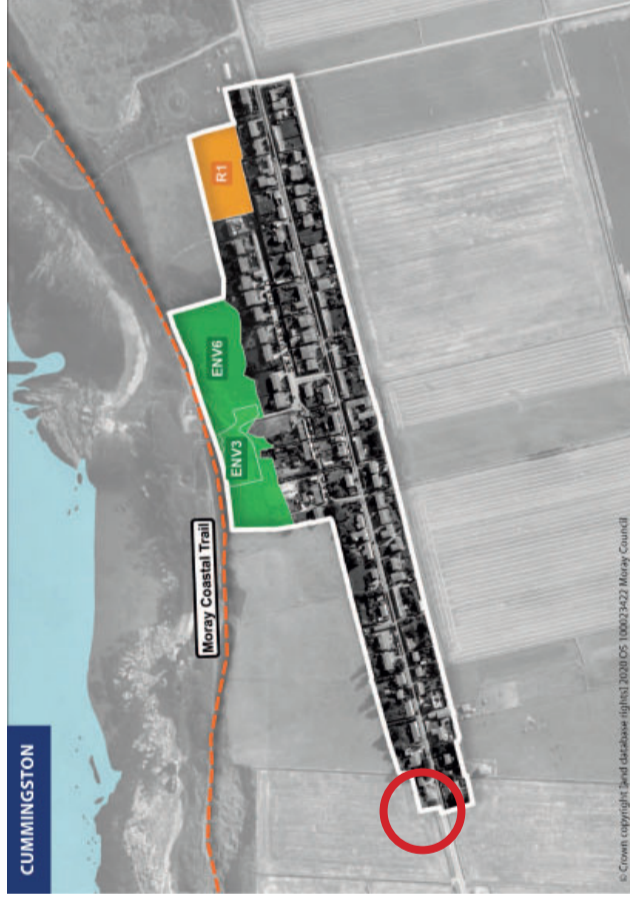
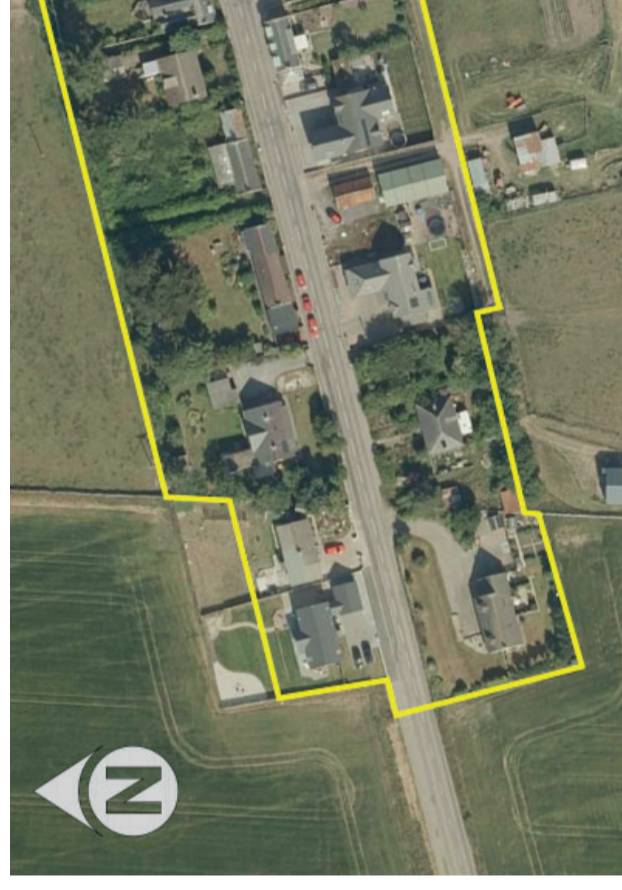


Image Copyright - Moray Local Development Plan

2.2 - Recent Planning History Relative to Settlement Boundary

An application was approved in 2017 under application reference: 17/00830/APP for the change of use of agricultural land to garden ground on land to the rear of the existing dwelling curtilage.

Within the report of handling for the application a number of issues were addressed which are similar in nature to the current application, which will be summarised within the following text.



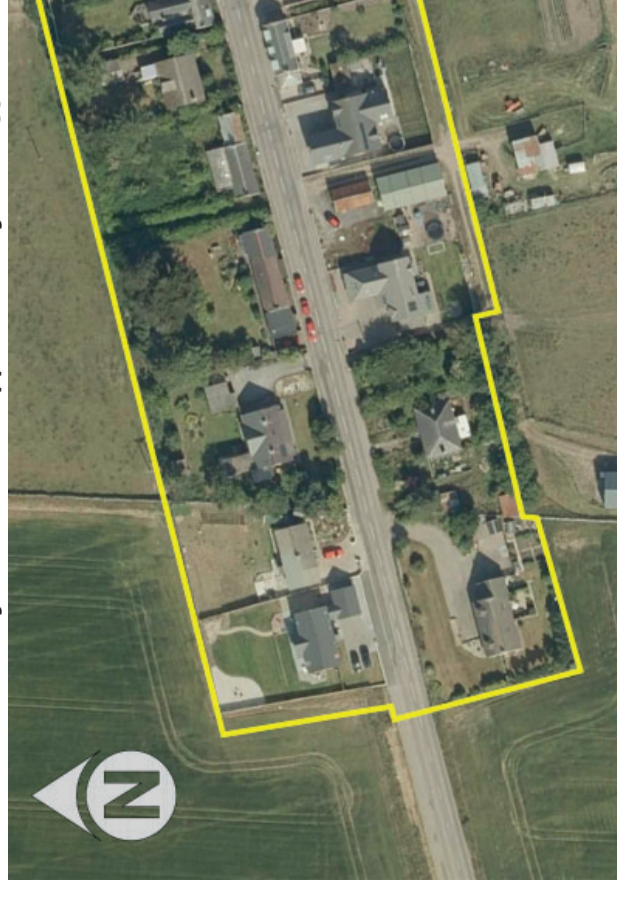
Impact on Cummingston settlement boundary and development within the Coastal Protection Zone (E8 and E9)

- 'Policy E9 seeks to restrict development immediately outwith the settlement boundary, in order to maintain a clear distinction between defined settlements and the countryside. Policy E8 Coastal Protection Zone (CPZ) seeks to protect and enhance Moray coastline for its landscape, nature conservation, and recreation and tourism benefits and requires proposals not to prejudice the objectives and character of the CPZ or the Water Framework Directive.'
- 'In this instance, the proposal is a departure from the development plan in terms of the location of the development relative to the settlement boundary for Cummingston as defined and as development of a form which is not expressly permitted within the CPZ.'
- 'However, in this case, support for the proposal, as an acceptable departure from the development plan, can be considered because the proposal will 'square off' the existing settlement boundary and align with the existing settlement boundary line as defined by the rear garden areas of property to the east including the property Eshanes...'
- REASONS FOR DECISION - 'Having regard to its location and purpose, this proposal (as amended) is considered to be an acceptable departure from the development plan as it will neither prejudice the aims and objectives of Policy E8 (in terms of its location/siting relative to the settlement boundary for Cummingston) and Policy E9 (in terms of not detracting from the special character and qualities of the Coastal Protection Zone), and in all other respects the proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise.'

The Application was subsequently approved with conditions in July 2017.



Land Subject to Current Application ref: 22/01594/APP



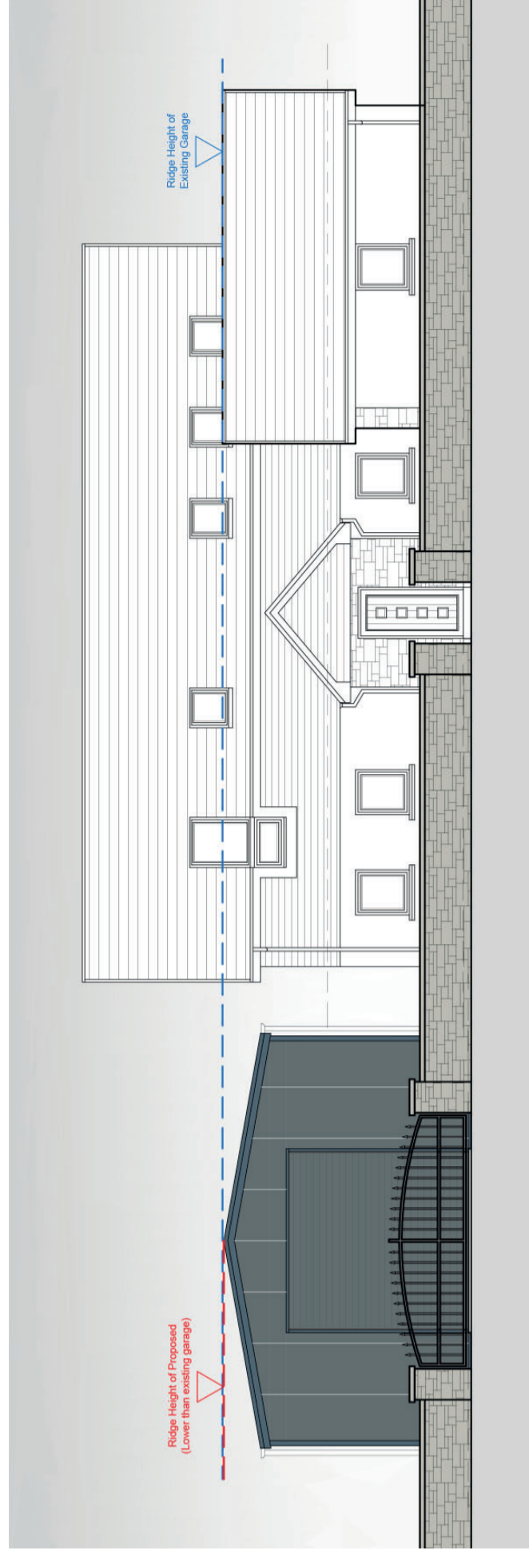
Notional Settlement Boundary if Approved

2.3 - Current Application Relative to Settlement Boundary

The are obvious parralels between the above noted consent and the current application:

- Although the land subject to change of use is outwith the settlement boundary, it is a marginal increase.
- Similar to above, this too could be seen as a natural 'squaring off' of the settlement boundary - In this instance to the Western boundary, with the property 'Westerley' to the South. The Western boundary of the proposal would not extend West along the B9040 beyond that of the Western boundary of Westerly, therefore the separation between Cummingston and Burghead would be retained.
- The proposal is for a change of use of a marginal area of ground to bring it into the curtilage of an existing dwelling. The development does not propose any additional dwellings on this land between Cummingston and Burghead, which the policy objectives obviously look to prevent.
- The adjacent images and those on page 6, note the existing settlement boundary as defined within the current Moray Local Development Plan; the area of ground subject to the 2017 approval (ref: 17/00830/APP); the area of ground subject to the current application (ref: 22/01594/APP) and a final image indicating the overall 'notional' settlement boundary, should consent be granted, to demonstrate the marginal increase and to highlight this will have no impact on the current separation between Cummingston and Burghead.

Notional Settlement Boundary if Approved



Streetscape and Indication of Ridge Line Relative to Existing Garage

3.0 | DESIGN PROPOSALS

3-1 - Design Rationale

The Planning Officer noted that the existing house sits within a generous plot and queried if there was any scope to site the proposed building within the existing site boundary.

Firstly, it would not be possible to site the building within the front garden area due to its size - Not to mention that the visual impact of such a proposal would likely not be supported by either the Client themselves or the Planning Department.

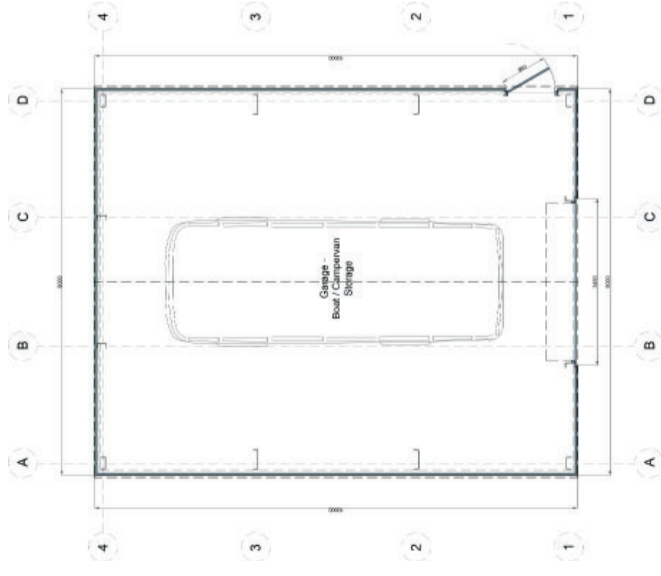
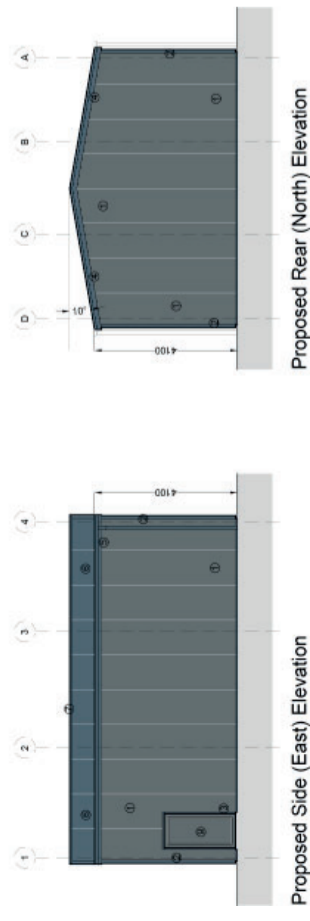
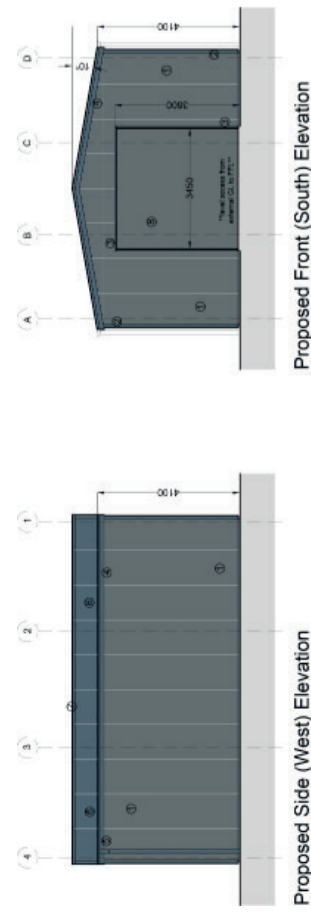
Secondly, to site the building within the rear garden the side of the property would be required for vehicular access with the majority of the rear garden area being sterilised through either the building itself or the necessary turning area required to ensure that vehicles could turn and exit the property appropriately.

Therefore, the only sensible location for the proposed building is to the side of the existing dwelling house. This will ensure that both the existing front and rear garden areas are respected. It is also in our opinion the best location from a visual impact.

The proposed garage/storage shed has also been designed to meet the Clients brief with regards to its look externally, but also in plan form in order to provide them with the space they require.

In order to achieve this, it is therefore a fundamental requirement that a small area of ground to the West be brought into the existing curtilage to facilitate this.

The height of the proposal was carefully considered at design stage in order to be below that of the existing garage.



****Proposed Floor Plan***

3.2 - Summary of Consultation Responses

Of the two public representations received in relation to the project, the following common themes were noted:

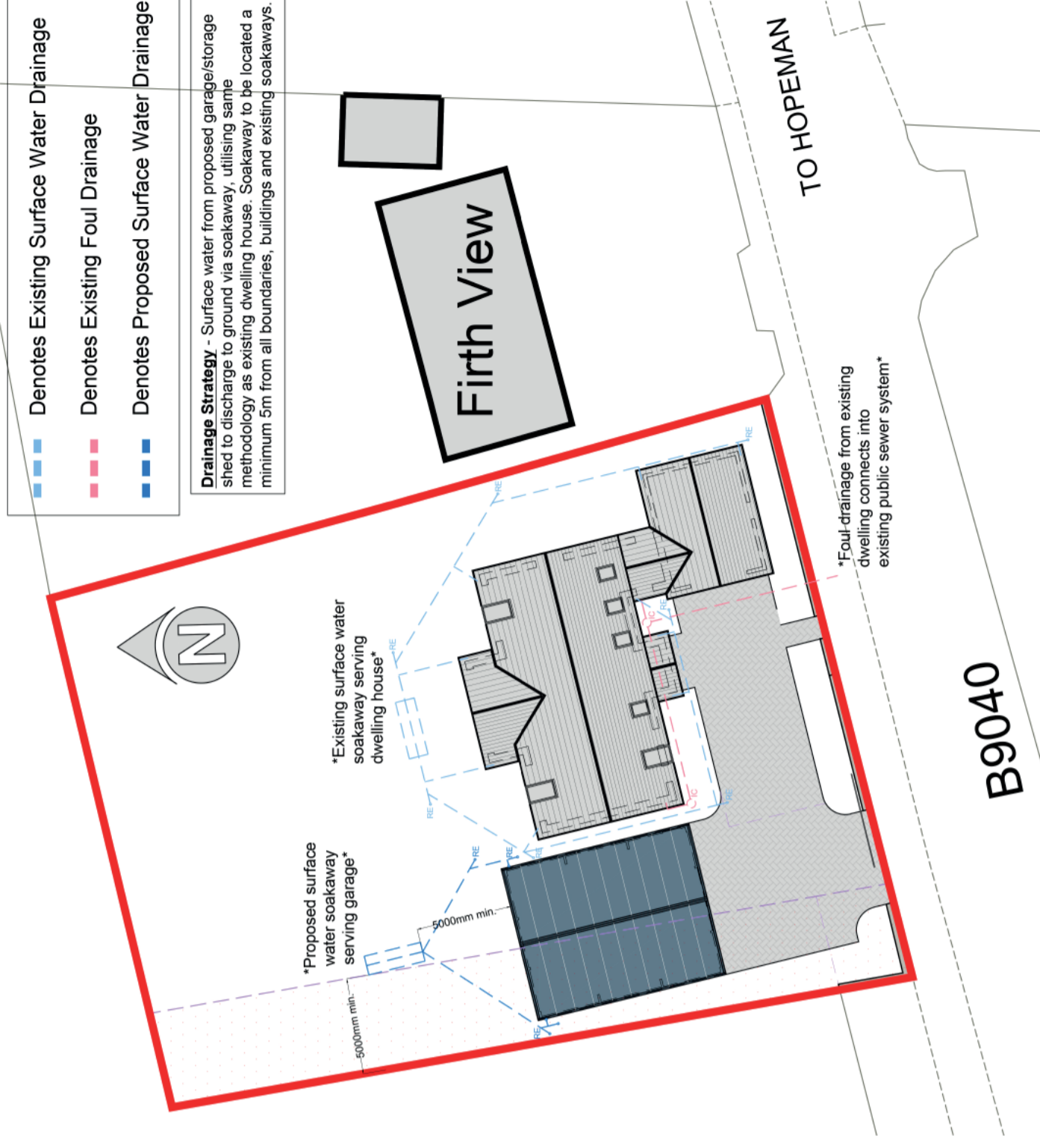
- The proposals were contrary to the Local Development Plan due to part of the land being outwith the settlement boundary
- The height of the proposed development
- Lack of Landscaping
- Over-development of the site

The Statutory Consultee responses can also be summarised as follows:

- Transportation Manager - **No objections subject to conditions**
- Environmental Health - **Approved unconditionally**
- Contaminated Land - **Approved unconditionally**
- Flood Risk Management - **Object to Application per below:**

Reasons for Objection - The drainage statement should include plans and calculation for the proposed drainage system. The drainage system should be designed to a 1:30 year return period (including climate change), without surcharging, if attenuation is used the system should drain completely within 24 hours. If the proposed system involved infiltration, information on the ground conditions is required as well as infiltration testing on or near the location of the infiltration system. The Applicant should demonstrate that the post development run-off rate does not exceed the pre-development run-off rate, or increase the risk of flooding to the surround land.

It is proposed for the surface water drainage strategy for the proposed garage/storage shed to discharge to ground via soakaway. This would utilise the same methodology and rationale as that used for the existing dwelling house, the detailed design of which would be required at technical approval stage - Given the principal follows the same methodology previously approved for the existing dwelling, no issues are foreseen in being able to demonstrate suitability on this basis.



4.0 | CONCLUSION

4.0 - Conclusion

In conclusion, it is hoped that this document has helped provide supplementary information in relation to the current application relative to the existing settlement boundary, public representation and responses from statutory consultees.

The change of use comprises a marginal area of land, immediately adjacent to the existing settlement boundary. The separation between Cummingston and Burghead will be retained with little or no impact being felt as a result of the proposals.

The size, location and appearance of the proposed building has also been carefully considered through the design process, in order to provide a proposal which meets the Applicants brief. They would however be willing to consider altering the external finish/colour of the building, should an alternative finish be deemed more appropriate.

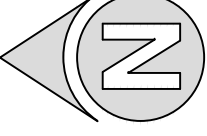
We note the comments received and the responses from Statutory Consultees. As per discussions with the Planning Officer, we are confident that the supplementary information requested from Flood Risk Management can be addressed at the appropriate time, with all other consultees recommending approval.

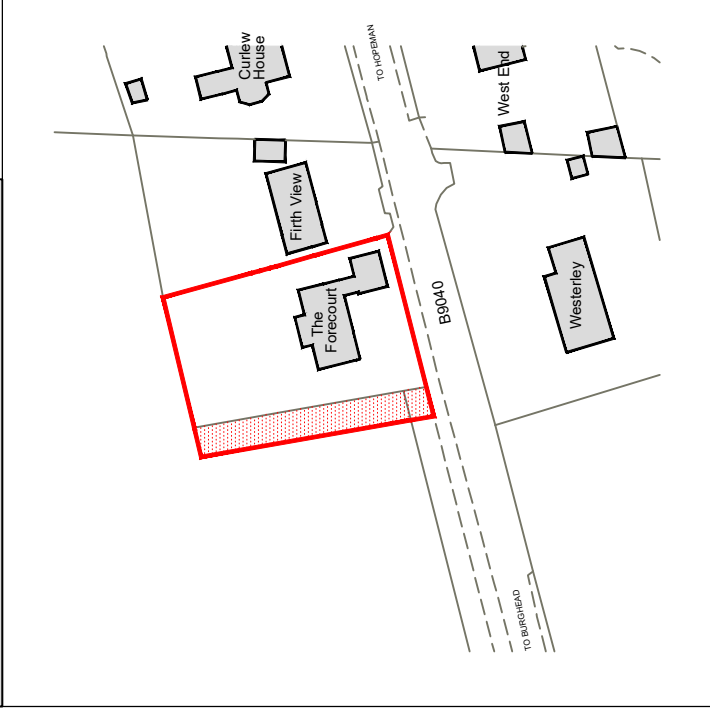
It is therefore hoped that on consideration of the above, the application will benefit from a positive determination.



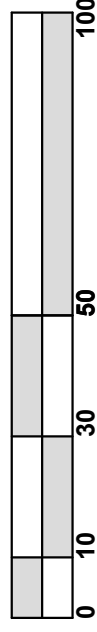
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Location Plan 1:1250



| Revisions | Date |
|-----------|------|
| | |

STATUS
PLANNING APPLICATION

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PROJECT
*Proposed Erection of Garage/Storage Shed and
 Partial Change of Use to Garden Ground at
 'The Forecourt', Cummingstown, Lossiemouth*

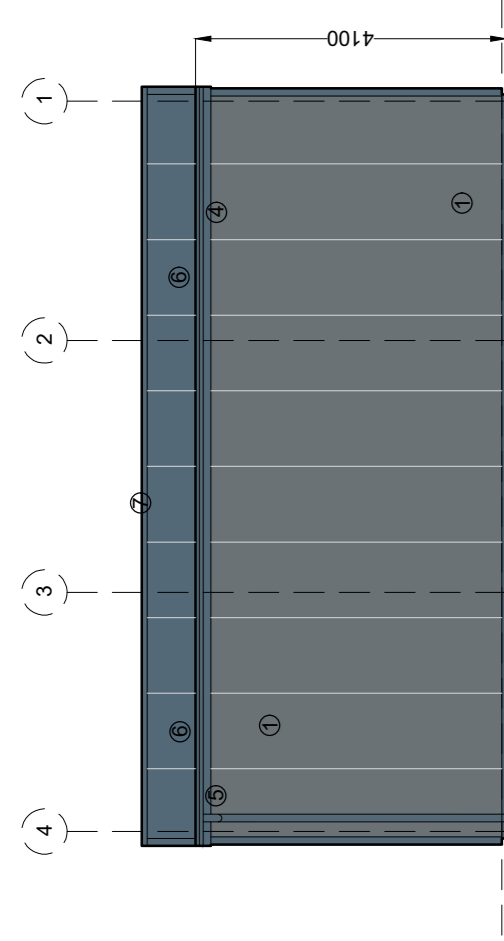
DRAWING TITLE
Location Plan

CLIENT
Mr J. Marshall

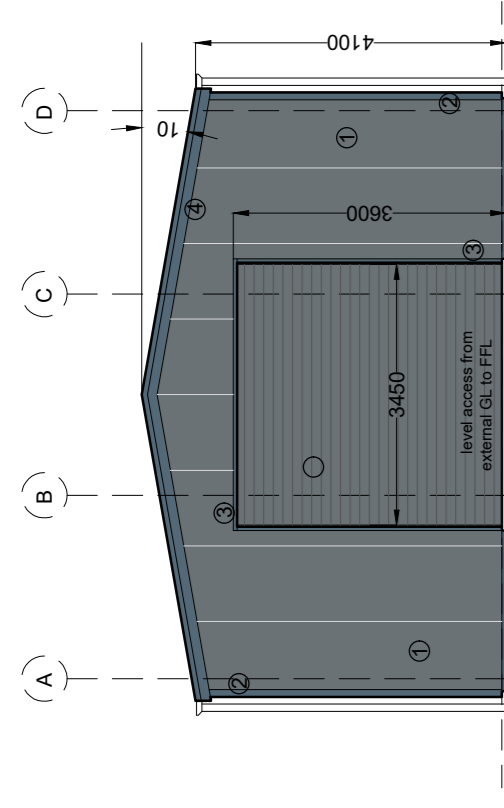
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| SCALE | As Noted @ A4 | DATE | 31st October 2022 |
| DRG NO. | 2273/P/1.01 | | |

Notes

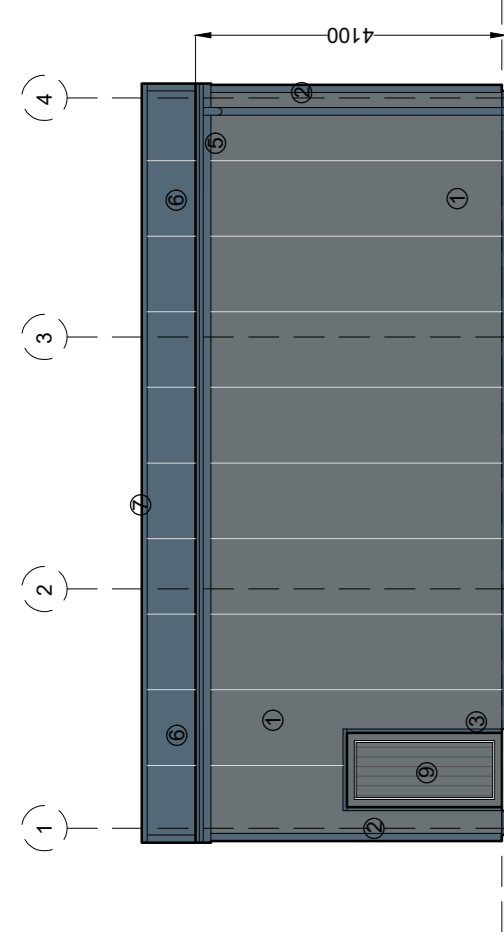
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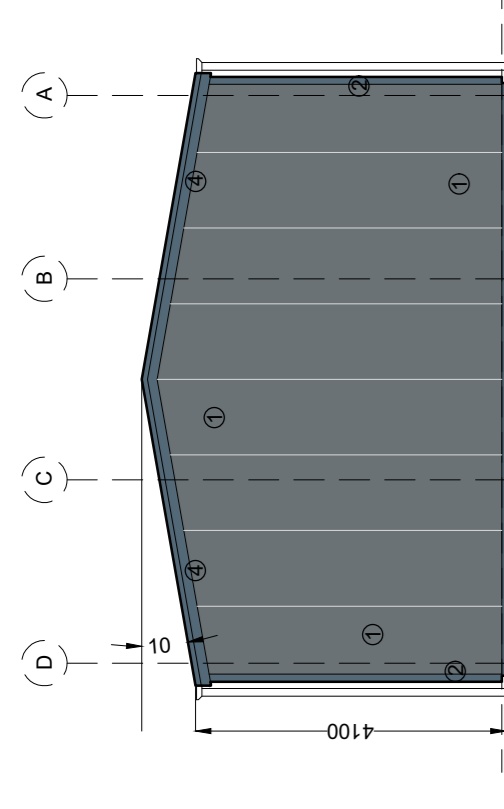
Proposed Side (West) Elevation 1:100



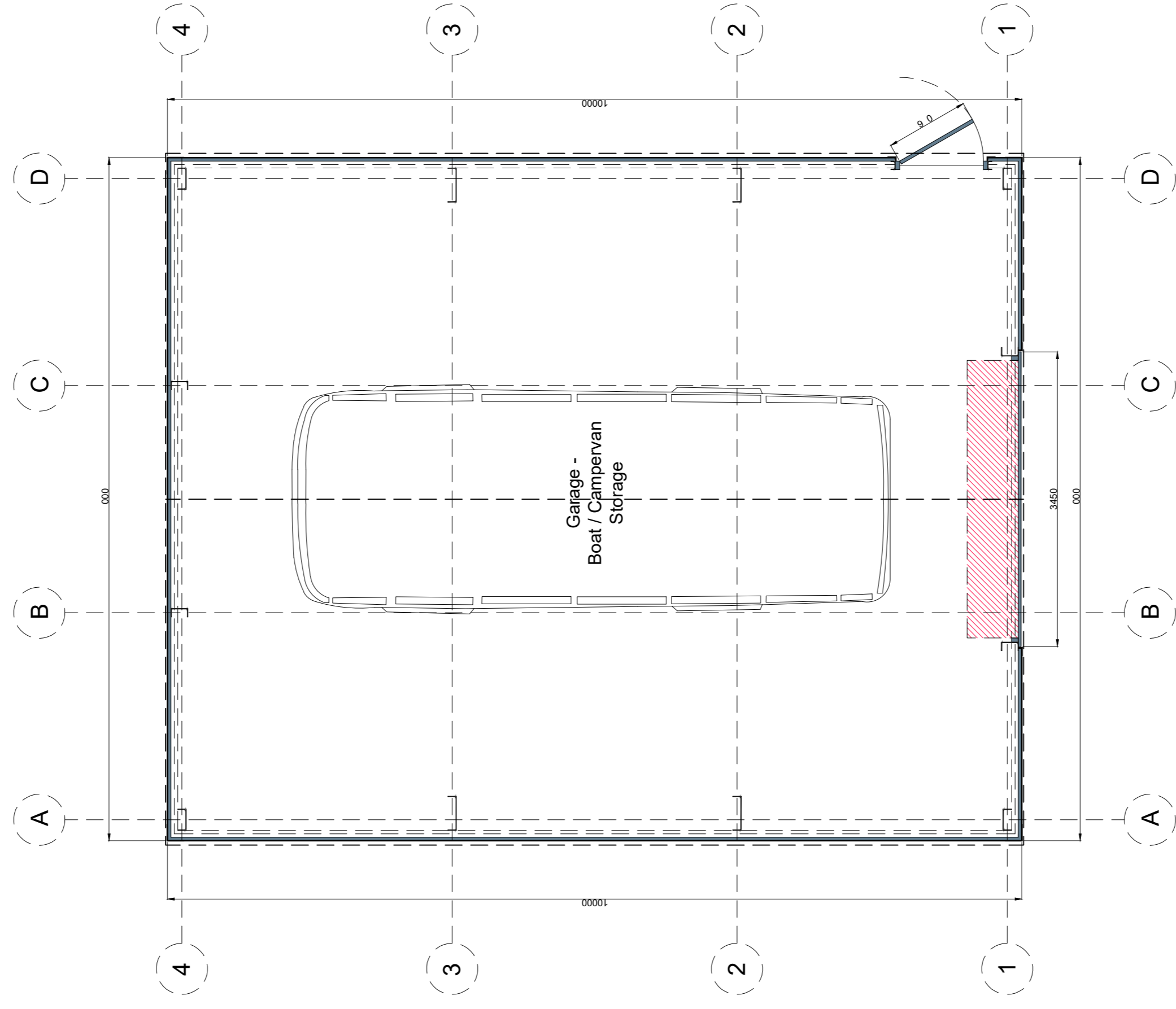
Proposed Front (South) Elevation 1:100



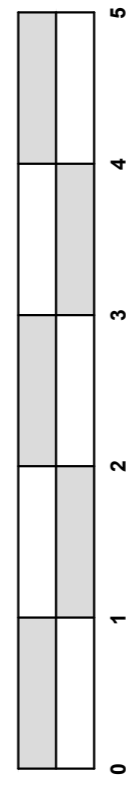
Proposed Side (East) Elevation 1:100



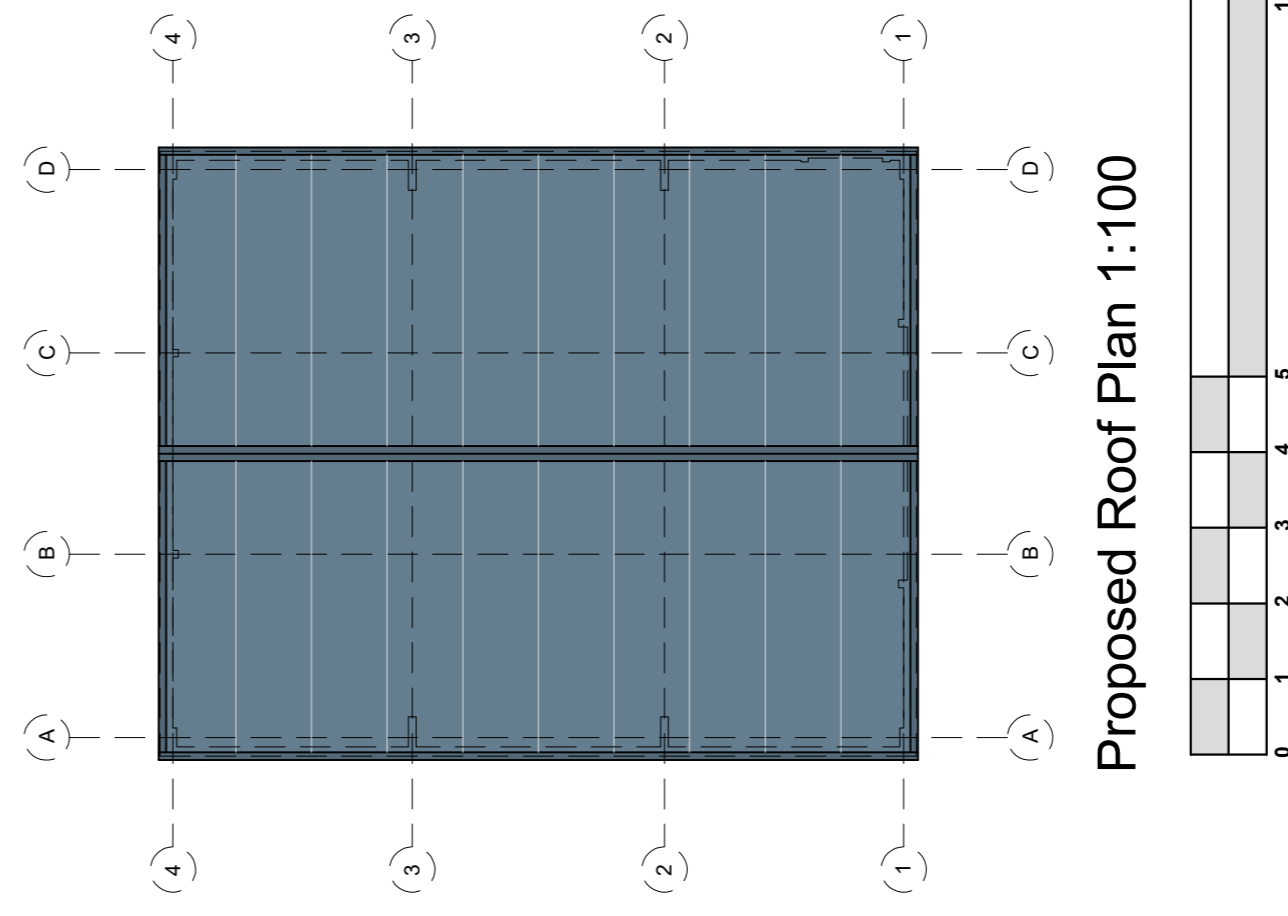
Proposed Rear (North) Elevation 1:100



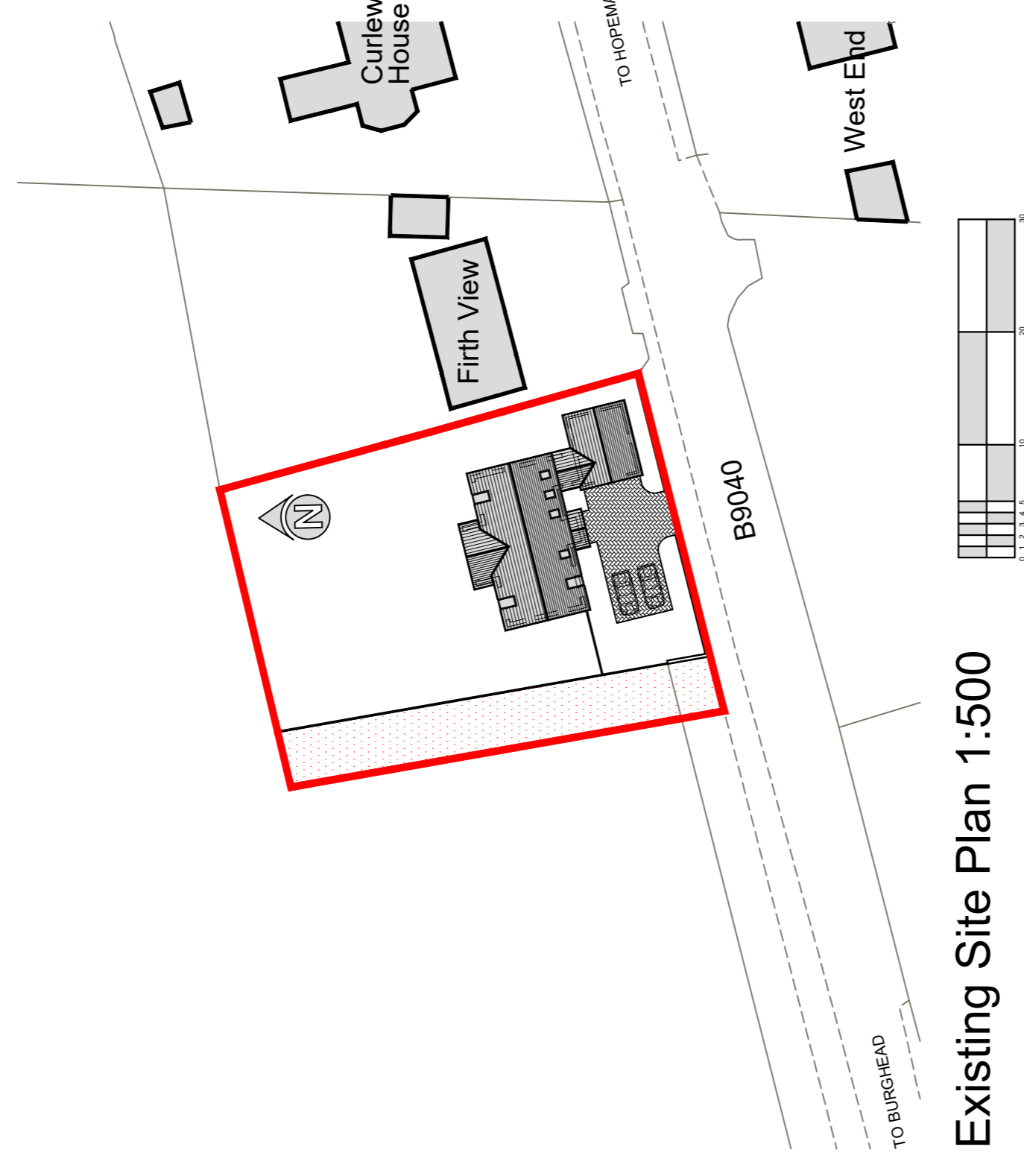
Proposed Garage Floor Plan 1:50



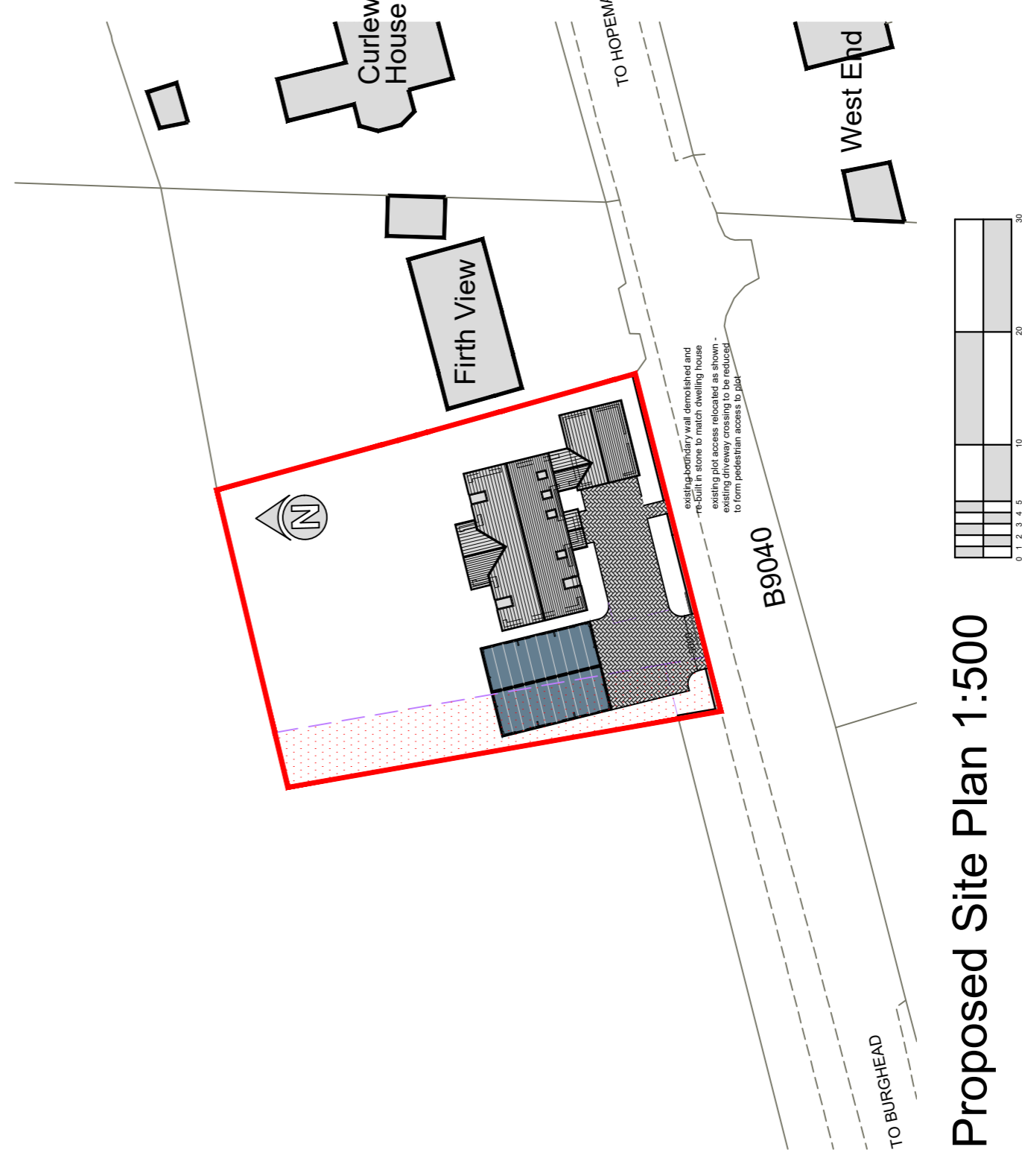
| Proposed Materials | |
|------------------------|--------------------------------------|
| Wall Cladding - | |
| 1. | 40mm Composite LPC Posco Merlin Grey |
| 2. | Corner Flashings - Posco Slate Blue |
| 3. | Opening Flashings - Posco Slate Blue |
| 4. | Barge Colour - Posco Slate Blue |
| 5. | Gutters - Posco Slate Blue |
| Roof Cladding - | |
| 6. | 40mm Composite LPC Posco Slate Blue |
| 7. | Ridge Cap - Posco Slate Blue |
| Openings - | |
| 8. | Roller Door Posco Merlin Grey |
| 9. | Pass Door - Posco Merlin Grey |



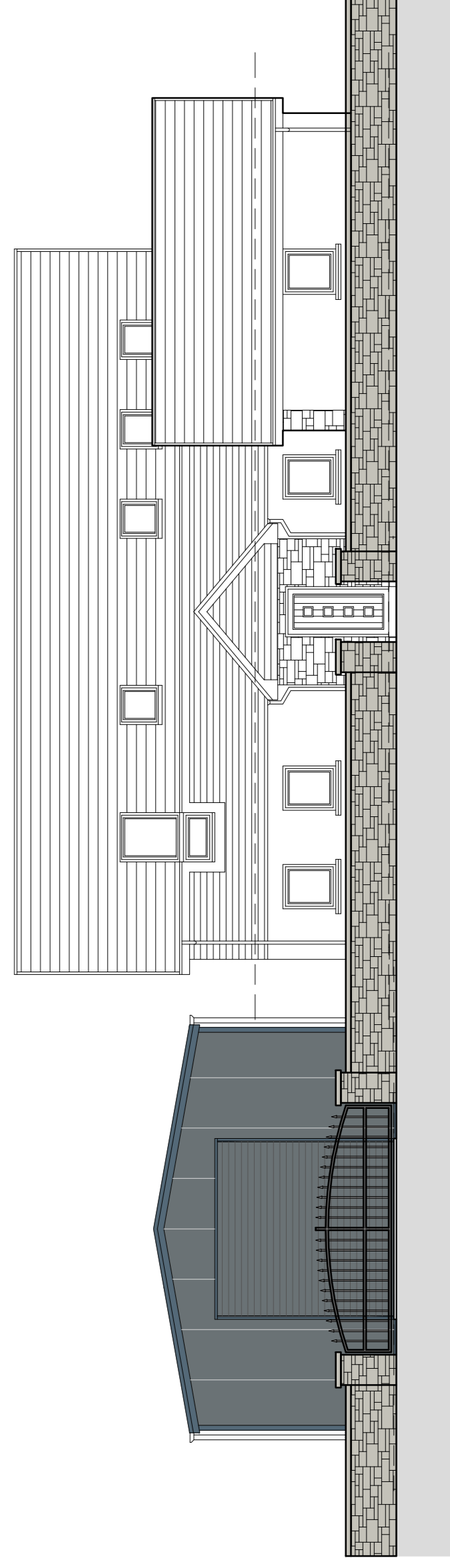
Proposed Roof Plan 1:100



Existing Site Plan 1:500



Proposed Site Plan 1:500



Proposed Streetscape 1:100

| Revisions | Date |
|-----------|------|
| | |
| | |
| | |

STATUS

PLANNING APPLICATION

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PROJECT

Proposed Erection of Garage/Storage Shed and Partial Change of Use to Garden Ground at 'The Forecourt', Cummingstown, Lossiemouth

DRAWING TITLE

Proposed Floor Plan, Elevations, Roof and Site Plans

CLIENT

Mr J. Marshall




SCALE As Noted @ A1

DATE 31st October 2022

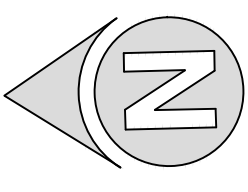
DRG NO. 2273/P/1.02

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- Drawings should be read in conjunction with all structural and services engineer drawings and specifications

-  Denotes Existing Surface Water Drainage
-  Denotes Existing Foul Drainage
-  Denotes Proposed Surface Water Drainage

Drainage Strategy - Surface water from proposed garage/storage shed to discharge to ground via soakaway, utilising same methodology as existing dwelling house. Soakaway to be located a minimum 5m from all boundaries, buildings and existing soakaways.



Proposed surface water soakaway serving garage

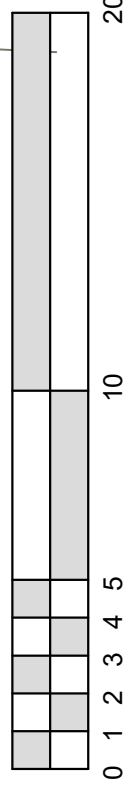
Existing surface water soakaway serving dwelling house

Firth View

Foul drainage from existing dwelling connects into existing public sewer system

B9040

Proposed Drainage Strategy Layout 1:200



| Revisions | Date |
|-----------|------|
| | |

STATUS
PLANNING APPLICATION

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| |
|---|
| PROJECT Proposed Erection of Garage/Storage Shed and Partial Change of Use to Garden Ground at 'The Forecourt', Cummingstown, Lossiemouth |
| DRAWING TITLE Proposed Drainage Strategy and Layout |
| CLIENT Mr J. Marshall |
| SCALE As Noted @ A3 DATE 2nd November 2022 |
| DRG NO. 2273/P/1.03 |

REPORT OF HANDLING

| | | | |
|--------------------------------------|---|-------------------------|----------------|
| Ref No: | 22/01594/APP | Officer: | Lisa Macdonald |
| Proposal Description/ Address | Change of use to garden ground and erect a garage/storage shed at The Forecourt Cummingston Elgin Moray | | |
| Date: | 17.01.2023 | Typist Initials: | LMC |

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

| CONSULTATIONS | | |
|------------------------------|----------------------|--|
| Consultee | Date Returned | Summary of Response |
| Contaminated Land | 11/11/22 | No objection |
| Environmental Health Manager | 22/11/22 | No objection |
| Transportation Manager | 11/11/22 | No objection subject to conditions to ensure that the relocated access is formed to an acceptable standard, adequate parking and turning is provided within the site, boundary treatments do not block visibility and the opening path of any new gate is contained within the site. |
| Moray Flood Risk Management | 13/01/23 | No objection following the submission of further information |

| DEVELOPMENT PLAN POLICY | | |
|---------------------------------------|------------|--|
| Policies | Dep | Any Comments (or refer to Observations below) |
| DP1 Development Principles | Y | |
| EP3 Special Landscape Areas | Y | |
| EP4 Countryside Around Towns | N | |
| EP6 Settlement Boundaries | Y | See below |
| EP12 Management and Enhancement Water | N | |
| NPF4 policy 1 | | |
| NPF4 policy 2 | | |
| NPF4 policy 4 | | |
| NPF4 policy 9 | | |

| | | |
|----------------|--|--|
| NPF4 policy 13 | | |
| NPF4 policy 14 | | |
| NPF4 policy 16 | | |
| NPF4 policy 22 | | |

REPRESENTATIONS

Representations Received

YES

Total number of representations received: TWO

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

Issue: The development is a linear expansion beyond the village boundary as identified in the Local Plan and the Local Plan expressly states that linear extension along the B9040 is not supported.

Comments (PO): This concern is noted and forms part of the reason for refusal as detailed below.

Issue: The style of building is not in keeping with the rest of the village and is inappropriate at the entrance to the village.

Comments (PO): The building has been designed in a simple and functional style. It is a large structure but the height ties in with that of the existing garage and the house is significantly higher. The form and style is not untypical of garages and outbuildings in rural areas but it is acknowledged that it would be prominent in this setting on the edge of the settlement.

Issue: There is space at the rear of the house to accommodate such a development.

Comments (PO): The application must be assessed as presented. The agent highlights in the supporting statement that the possibility of moving the building was discussed during the course of the application but this is not acceptable to the applicant as it would take up a large portion of the existing garden.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Following consideration of the revised draft National Planning Framework 4 (NPF4) which was approved by Parliament on 11 January 2023, NPF4 is now a material consideration and will be given significant weight in the consideration of planning applications on a case by case basis. NPF4 is due to be adopted on 13 February 2023.

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moral Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.

The main planning issues are considered below:

The Proposal

This application seeks permission for change of use of a 5m wide strip of farm land to garden ground

in order to site a domestic garage/storage building. Half the proposed building will be sited on the land that is the subject of the change of use while the rest is within the existing garden ground of the house.

The Site

The building is to be sited to the west of the existing house which fronts the main road (B9040) through Cummington. The house is the westernmost house in Cummington on the north side of the road. There is an existing garage in the eastern part of the site which sits between the house and the road. The settlement boundary of Cummington as identified in the Moray LDP follows the current boundary of the house. The land to the west which the application seeks to incorporate into the garden ground of the subject property is currently farm land. At present there is a clear boundary between the farmland and garden which is currently delineated by a fence and wall. The site is within the Burghead to Lossiemouth Coast Special Landscape Area (SLA).

Siting (EP6 & Cummington Settlement Text)

Policy EP6 states that proposals immediately outwith the boundaries of settlements will not be acceptable unless part of a LONG designation. The Settlement text for Cummington goes beyond this stating explicitly that a key development strategy/placemaking objective for the village is to restrict growth to prevent coalescence with Hopeman and Burghead and specifically that linear extension along the B9040 is not supported. The current proposal seeks to incorporate a 5m wide strip of farm land into an existing garden in order to site the building proposed. This would be a linear extension along the B9040 and encroachment onto land immediately outwith the settlement boundary. The proposed expansion of the settlement to the west by 5m is relatively small scale but incremental increases of this kind have the potential to gradually erode the character of a settlement. At present the western boundary of the village is clearly defined and well delineated. The expansion of the existing garden to site the proposed building would be an extension of the build area of Cummington that does not respect the established pattern of development and erodes the distinction between Cummington and Burghead which is to the west. The proposal is clearly at odds with the stated aims of the settlement text for Cummington which explicitly states that linear extension along the B9040 will not be accepted and is a breach of policy EP6 which presumes against development immediately outwith settlement boundaries. The siting of this development is contrary to policy and it is therefore refused.

Design, Materials and Impact on the Special Landscape Area (SLA) (DP1 & EP3)

Policy EP3 requires development within defined settlements in a SLA to conform to the requirements of Settlement Statements and all other policies of the LDP and reflect the traditional settlement character in relation to siting and design. In this case the proposal is a clear departure from the clearly stated aim in the settlement statement to prevent linear development along the B9040 and further coalescence with Burghead to the west. This application would be a breach of the established boundaries of the village and result in additional built development along the roadside. A building of the scale proposed would be prominent in this location on the very edge of the settlement. The development does not reflect the traditional settlement pattern and as such is contrary to policy EP3.

Policy DP1 (i) (a) requires development to be of a scale that is appropriate to the character of the area and as noted above policy EP3 requires development within defined settlements to reflect the character of that settlement. The proposed building is large measuring 8m x 10m and 5 m to the ridge. It is noted that it would be lower than the existing house and in line with the existing garage. It has been designed in a simple style with a symmetrically pitched roof and a large roller door on the front (south) elevation. The proposed materials are grey metal cladding on the walls and slate blue metal sheeting on the roof. The design is typical of many outbuildings found in rural areas albeit large in a domestic setting. While the design and materials are of a type that could be accommodated in a less sensitive location a building of this size would be prominent in this location on the very edge of the village breaching the settlement boundary. Furthermore it would be at odds with the aims of the settlement statement which seeks to prevent further linear development along the B9040 and Policies DP1 and EP3 which requires development to conform with traditional

settlement character in terms of siting and design. The proposal is contrary to policy DP1 (i) (a) and policy EP3.

Precedent

It is noted that the Supporting Statement highlights the planning history of this site and suggests that this would set a precedent for the current proposal. The statement (p.5) states that part of the existing curtilage is technically outwith the settlement boundary and that the house was approved as an acceptable departure. This is not the case as the house was assessed (16/00881/APP refers) as being in accordance with policy as it was contained within the settlement and the mapping associated with the LDP shows the settlement boundary follows that of the existing garden ground. A further application (17/00830/APP) was approved to increase the boundaries of the property to the north to incorporate farm land into garden ground. This was a departure from policy as it extended the boundaries of the property outwith the settlement boundary and encroached on the Coastal Protection Zone which was in force at the time. In approving that proposal as an acceptable departure the case officer noted that the expansion was logical as it brought the northern boundary of the property in line with that of the neighbouring property to the east and did not prejudice the aims or objectives of the settlement boundary policy or coastal protection zone policy. The case officer also noted that no built development was proposed as part of that application. The circumstances which made the previous case an acceptable departure do not apply in this instance. Restricting the linear expansion of the village along the road is an express aim of the LDP and this proposal deviates from that as it would result in additional built development along the road on land that is not currently part of the village. While planning history is a material consideration each application must be considered on its own merits. In this case cognisance of the planning history does not alter the assessment that the proposal is contrary to policy and should be refused.

Access and Parking (DP1)

The application seeks to form a new vehicular access in the western part of the site and the existing access will be converted to a pedestrian access only. An area is identified within the site for turning and parking. The Transportation Section has no objection subject to conditions requiring the existing access to be blocked off prior to completion or first use of the building, the new access to be formed to an acceptable standard and to ensure boundary treatments don't obscure visibility or encroach on the footway. Transportation also recommend conditions in relation to parking and turning. The recommended conditions would ensure safe entry and exit to the site and adequate parking and turning as required by policy DP1 (ii) (a) and (e).

Drainage (EP12)

A surface water soakaway is proposed to serve the garage. Additional calculations have been provided to support this element of the scheme. Following the receipt of the further information MFRM have confirmed that they have no objection. The timely provision of the Suds measures could be controlled by condition. The proposals would ensure that the surface water from the development was dealt with in a sustainable manner in accordance with policy EP12.

National Planning Framework 4

NPF4 is now a significant material consideration in the determination of planning applications. The relevant provisions of NPF4 are not considered to change the evaluation of the proposal as outlined above, noting that there are a limited number of policies relevant to this proposal in NPF4 namely policies 1, 2, 4, 9, 13, 14, 16 & 22

Recommendation

This application proposes the change of use of farm land to garden ground in order to accommodate a large building on the western edge of Cummington. The proposal is clearly at odds with the stated aims of the settlement text for Cummington which explicitly states that linear extension along the B9040 will not be accepted and is a breach of policy EP6 which presumes against development immediately outwith settlement boundaries. A building of this scale in a prominent road side location

such as this is not in keeping with the character of this part of Cummingston and is contrary to policies DP1 (i) (a) and policy EP3. The siting of this development is contrary to policy and it is therefore refused.

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|---|
| OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT |
|---|

None

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|----------------|
| HISTORY |
|----------------|

| Reference No. | Description | | |
|---------------|--|-----------|----------------------------------|
| 17/00830/APP | Change of use from agricultural land to garden ground on Land To Rear Of Former Filling Station Main Street Cummingston Moray | | |
| | Decision | Permitted | Date Of Decision 31/07/17 |
| 16/00881/APP | Demolish building and erect 2 storey dwellinghouse with integral garage and associated works at Old Filling Station Cummingston Elgin Moray IV30 5XY | | |
| | Decision | Permitted | Date Of Decision 20/07/16 |

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|---------------|
| ADVERT |
|---------------|

| | | |
|-------------------------|---------------------------------|-----------------------|
| Advert Fee paid? | Yes | |
| Local Newspaper | Reason for Advert | Date of expiry |
| Northern Scot | Departure from development plan | 09/01/23 |
| PINS | Departure from development plan | 09/01/23 |

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|--------------------------------------|
| 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: | Planning Statement |
| Main Issues: | Explanation of the proposal. Justification for departure from policy including precedent of previous permission. |
| Document Name: | Drainage Statement |
| Main Issues: | Calculations to support the proposed soakaway. |

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|-----------------------|
| S.75 AGREEMENT |
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| | |
|---------------------------------------|----|
| 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**

REFUSAL OF PLANNING PERMISSION

**[Heldon And Laich]
Application for Planning Permission**

TO Mr John Marshall
c/o Machin Dunn + MacFarlane
11 Bank Street
Alloa
FK10 1HP

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

Change of use to garden ground and erect a garage/storage shed at The Forecourt Cummington Elgin Moray

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

Date of Notice: **19 January 2023**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
Moray Council
Council Office
High Street
ELGIN
Moray
IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

By this Notice, Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

1. The proposals is contrary to Moray Local Development Plan Policies 2020 EP6 and the Cummington Settlement Text as the proposal would introduce a large building at the edge of the village on land that is immediately outwith the existing settlement boundary resulting in additional linear roadside development along the B9040 and increasing the potential for coalescence with surrounding settlements.
2. The proposals is contrary to Moray Local Development Plan Policies 2020 DP1 (i) (a) and EP3 as the development fails to reflect the traditional settlement character in terms of siting and design as the siting of a building of this size in this prominent location would not reflect the character of this part of the village.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

| Reference | Version | Title |
|------------------|----------------|---|
| 100 | | Proposed SW drainage layout and details |
| 2273/P/1.02 | | Elevations and floor plans |
| 2273/P/1.01 | | Location plan |
| 2273/P/1.03 | | Proposed drainage strategy and layout |

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, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be

permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.