



MORAY LOCAL REVIEW BODY

20 APRIL 2023

SUMMARY OF INFORMATION FOR CASE No LR283

Planning Application 22/00164/PPP – Erect a dwellinghouse on site at Broadly by Buckie

Ward 3 - Buckie

Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 28 November 2022 on the grounds that:

The development would result in an intensification of use of the access junction onto the public road, where there is presently restricted visibility and which would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan (MLDP) policy DP1 'Development Principles' section (ii) - 'Transportation', part 'a)' (safe entry and exit).

Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

Further Representations received in response to the Notice of Review are attached as **Appendix 3**.

The Applicant's response to Further Representations is attached as **Appendix 4**.

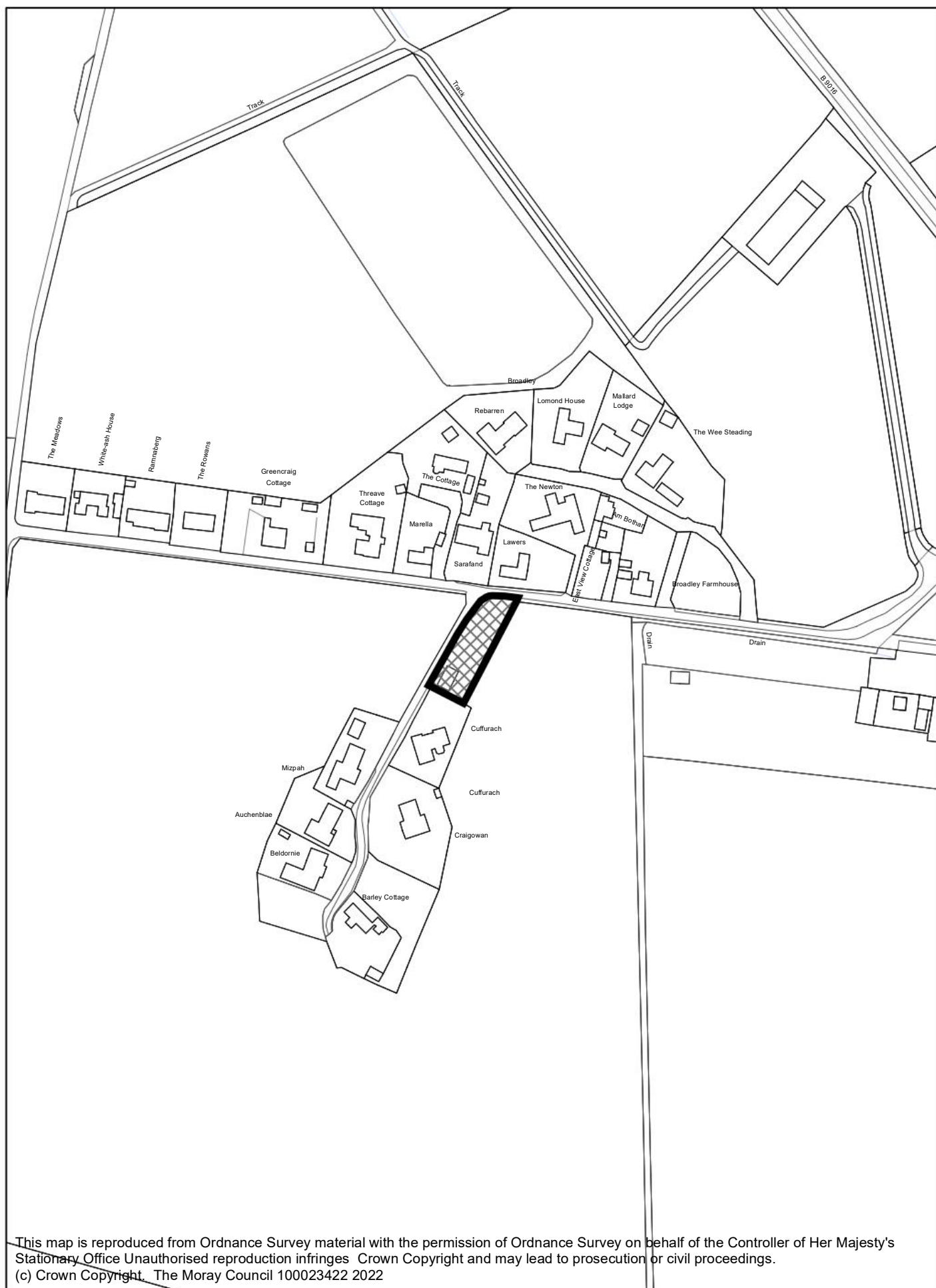
At the meeting of the Moray Local Review Body (MLRB) on 16 February 2023, the MLRB noted that National Planning Framework 4 (NPF4) had been adopted by the Council on Monday 13 February 2023 and that all planning applications determined beyond this date would have to take NPF4 into consideration, as this is now part of the MLDP 2020. The MLRB asked for further information from the Appointed Officer, Interested Parties and the Applicant in light of NPF 4.

The Appointed Officer's response is attached as **Appendix 5**. There was no response from any of the Interested Parties.

The Applicant had no further comment to make in relation to NPF4.



Location plan for Planning Application Reference Number : 22/00164/PPP





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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 100530875-001

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)

Planning permission in principle to erect a story and a half house (1.5) at site at Broadley in keeping with the village of Broadley.
With access from private road known as "Estate Road"

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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="North Bogbain Farmhouse, A96"/>
First Name: *	<input type="text" value="Steve"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Reeve"/>	Address 1 (Street): *	<input type="text" value="A96"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Keith"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="AB55 6RP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Plot -at Broadley, Clochan, Buckie, Banffshire AB56 5HQ Grit Ref: 339412, 861740 Previous application ref: 10/00171/PPP

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☒ Letter ☐ Email

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

previously approved planning permission in principle held for plot

Title:

Mr

Other title:

First Name:

Neil

Last Name:

Mcperson

Correspondence Reference Number:

10/00171/PPP

Date (dd/mm/yyyy):

03/06/2010

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

Site Area

Please state the site area:

0.08

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)

Has been a plot since approximately 2005

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 T No

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

≤ Yes T No

Note:-

Please include details of SUDS arrangements on your plans

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

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

≤ Yes

≤ No, using a private water supply

T 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 T 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 T No ≤ Don't Know

Trees

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

≤ Yes T 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 T 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 T 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 T 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: Mr Steve Reeve

On behalf of:

Date: 04/02/2022

☐ 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. * ☐ Yes ☐ N/A

A Design Statement or Design and Access Statement. * ☐ Yes ☐ N/A

A Flood Risk Assessment. * ☐ Yes ☐ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * ☐ Yes ☐ N/A

Drainage/SUDS layout. * ☐ Yes ☐ N/A

A Transport Assessment or Travel Plan ☐ Yes ☐ N/A

Contaminated Land Assessment. * ☐ Yes ☐ N/A

Habitat Survey. * ☐ Yes ☐ N/A

A Processing Agreement. * ☐ Yes ☐ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Rosemary Reeve



Declaration Date: 04/02/2022

Payment Details

Online payment: 465946

Payment date: 04/02/2022 11:41:45

Created: 04/02/2022 11:41

 LAND REGISTER OF SCOTLAND		Officer's ID / Date	TITLE NUMBER
		3422 26/2/2008	BNF5563
	ORDNANCE SURVEY NATIONAL GRID REFERENCE	Scale	
		1/1250	
NJ3961		Survey Scale	
		1/2500	

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North Bogbain farmhouse

Keith

AB55 6RP

12th February 2022

Your Ref: 22/00164/PPP

Dear Sir/madam

Planning Permission in Principle to erect 1.5 storey dwelling house at Broadley Clochan Buckie

Further to your letter dated 7 February 2022. The drainage plans for the above noted site is anticipated to be for private drainage system such as a soak away. Full details of the drainage plans would be submitted when full planning permission is sought. At this stage we are only applying for Planning permission in Principle.

Please also find attached the proposed site – outlined in red as requested. This whole area if all the land within our ownership.

Yours faithfully

S M Reeve (Mr)

Gary Mackintosh
Email: gmsurveys@gmail.com
Tel: 07557431702

gmsurveys

Surveys, Setting-Out Civil Engineering Design

Site Investigation & Drainage Assessment

BROADLEY

Gary Mackintosh Bsc
gmsurveys@gmail.com

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Client:

Mr and Mrs Reeve

Site Address:

Proposed New Dwelling
Broadley
By Buckie

Planning Reference:

TBC

Date:

17th March 2022

Job Number:

GMC22-048

Company Information:

Assessment completed by:

Gary Mackintosh Bsc

GMCSurveys

34 Castle Street

Forres

Moray

IV36 1PW

Email: gmcsurveys@gmail.com

Telephone: 07557431702

Introduction:

The proposals are to erect a new private dwelling and within land located adjacent to the main public road through Broadley by Keith. At the time of this report there are no formal designs for the proposed dwelling.

The SEPA Flood maps have been consulted which confirm the site lies out with the areas of fluvial and pluvial flooding 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 by mechanical excavator on 21st May 2022 to assess the existing ground conditions and carry out infiltration and percolation testing for the management of foul and surface waters via soakaways.

The trial pits were excavated to depths of 1.7m and no groundwater was encountered.

The existing soils consist of 300 Topsoil, dark brown, dense, coarse gravelly sands to a depth of 800mm bgl overlying light brown, dense, fine sands and gravels proved to the depth of the excavations.

There was no evidence of fill material or contamination within the trial pits and no ground water was encountered. The natural soils have a minimum bearing capacity of 100kn/m².

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). The results can be found in the table below.

	1 st	2 nd	3 rd	Mean
Date of Test	21/05/22	21/05/22	21/05/22	
THo1	5520s	6900s	7620s	6680s
Average Soil Vp	44.53s/mm			

Infiltration testing:

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

Infiltration Test	Pit Dimensions (w/l)	Test Zone (mbgl)	Infiltration Rate (m/s)
INF01	1.0m x 0.8m	1.0 - 1.7	9.81×10^{-6}

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 would be acceptable, the final details of which are to be confirmed by the chosen supplier.

Foul Water Discharge via Soakaway:

As noted, there are currently no formal designs for the proposed house at the time of this report. A 4bed property is therefore to be considered to demonstrate the foul water soakaway requirements.

$$\begin{aligned} &V_p \times PE \times 0.25 \\ &= 6(4\text{bed}) \times 44.53 \times 0.25 \\ &= \underline{\underline{66.80\text{m}^2}} \end{aligned}$$

This area can be provided with soakaway plan dimensions 12.20m x 5.50m at a depth of 0.45m below invert level. Alternative dimensions may be adopted to better suit the site layout ensuring that the minimum base area of 66.80m² is maintained.

Surface Water Dispersal via Soakaway:

Please see attached surface water calculations detailing the requirement and suitability for soakaway dimensions of 8.0m x 3.0m at a depth of 1.50m below the invert level based on the proposed contributing area of 250m² (assumed roof and hard standing area) up to and including a 1:30year event with 35% allowance for climate change as noted above.

Indicative Soakaway Details can be found in Appendix A.

The sizing of the proposed soakaway will require to be reviewed upon completion of the final house design to ensure the proposed systems are adequate.

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 16.10

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. GMC22-083		
Sheet no. 1		
Date 23/05/22		
By GM	Checked	Approved

Project **Site at Broadley, by Buckie**
Title **Surface Water Soakaway**

Rectangular pit design data:-

Pit length	=	8 m	Pit width	=	3 m
Depth below invert	=	1.5 m	Percentage voids	=	30.0%
Imperm. area	=	250 m ²	Infilt. factor	=	0.00001 m/s
Return period	=	30 yrs	Climate change	=	35%

Calculations :-

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

$$a_{s50} = 2 \times (\text{length} + \text{width}) \times \text{depth}/2 = 16.5 \text{ m}^2$$

Outflow factor : $O = a_{s50} \times \text{Infiltration rate} = 0.000165 \text{ m/s}$

Soakaway storage volume : $S_{\text{actual}} = \text{length} \times \text{width} \times \text{depth} \times \% \text{voids}/100 = 10.8 \text{ m}^3$

Duration	Rainfall mm/hr	Inflow m ³	Depth (hmax) m	Outflow m ³	Storage m ³
5 mins	91.9	1.9	0.26	0.05	1.86
10 mins	70.8	2.9	0.39	0.10	2.84
15 mins	58.8	3.7	0.49	0.15	3.53
30 mins	41.3	5.2	0.68	0.30	4.86
1 hrs	27.8	6.9	0.88	0.59	6.35
2 hrs	18.0	9.0	1.09	1.19	7.82
4 hrs	11.5	11.5	1.27	2.38	9.16
6 hrs	8.8	13.3	1.35	3.56	9.71
10 hrs	6.3	15.8	1.37	5.94	9.84
24 hrs	3.5	21.2	0.96	14.26	6.90

Actual volume : $S_{\text{actual}} = 10.800 \text{ m}^3$

Required volume : $S_{\text{reqd.}} = 9.840 \text{ m}^3$

Soakaway volume storage OK.

Minimum required a_{s50} : 15.03 m²

Actual a_{s50} : 16.50 m²

Minimum depth required: 1.37 m

Time to maximum 10 hrs

Emptying time to 50% volume = $t_{s50} = S_{\text{reqd}} \times 0.5 / (a_{s50} \times \text{Infiltration rate}) = 08:16 \text{ (hr:min)}$

Soakaway emptying time is OK.



MasterDrain
SW 16.10

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. GMC22-083		
Sheet no. 2		
Date 23/05/22		
By GM	Checked	Approved

Project **Site at Broadley, by Buckie**
Title **Surface Water Soakaway**

Location hydrological data (FSR):-

Location	=	BUCKIE (GRAMP)	Grid reference	=	NJ4265
M5-60 (mm)	=	13.5	r	=	0.25
Soil index	=	0.15	SAAR (mm/yr)	=	750
WRAP	=	1	Area	=	Scotland and N. Ireland

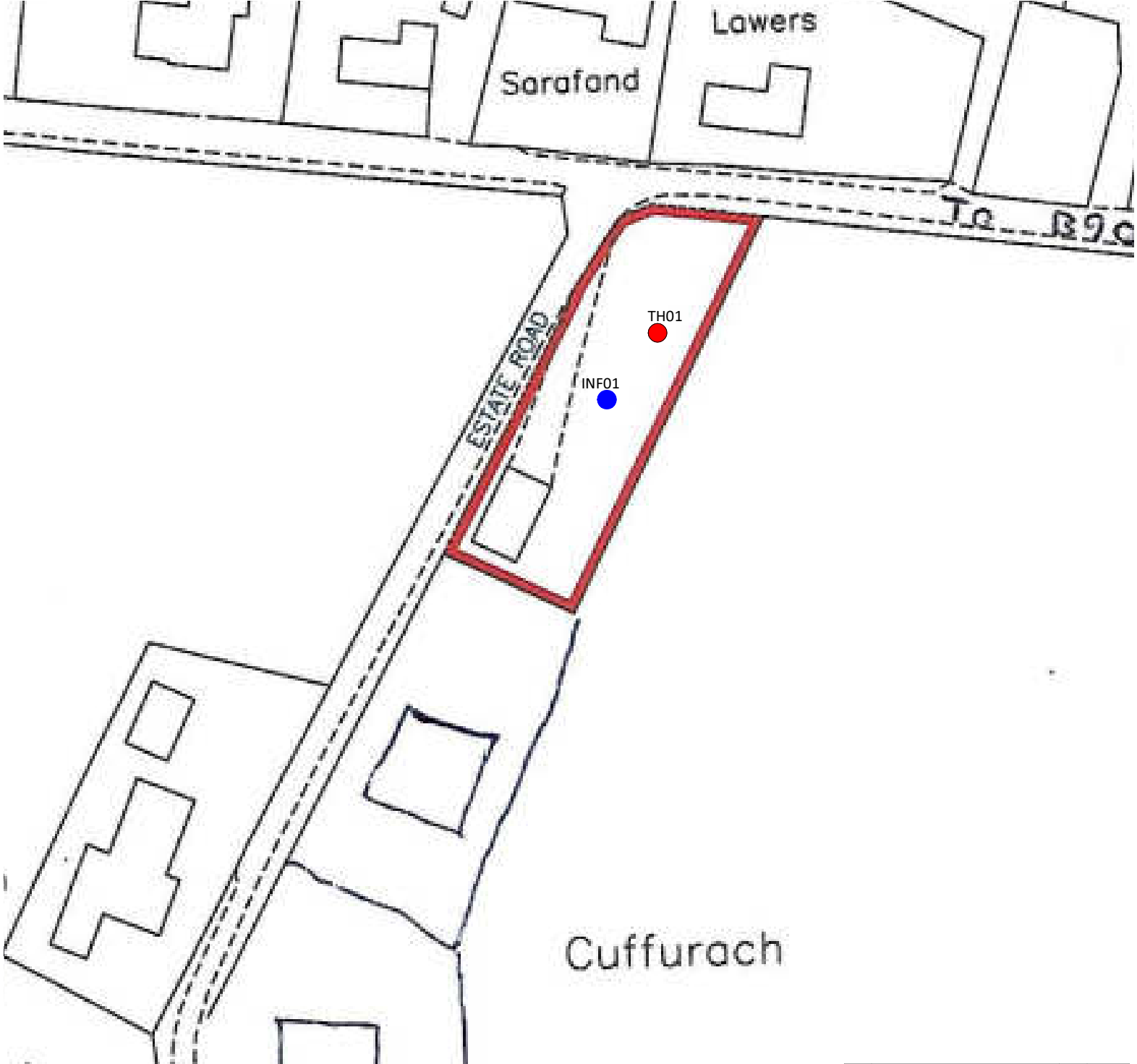
Soil classification for WRAP type 1

- 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.

Appendix A

Test Hole Locations



REV:	DESCRIPTION:	BY:	DATE:
STATUS:		ISSUE	

gmcsurveys

Surveys, Setting Out, Civil Engineering Design

T: 07557 431 702

E: gmcsurveys@gmail.com

CLIENT:

Mr and Mrs Reeve

SITE:

Site at Broadley By Buckie

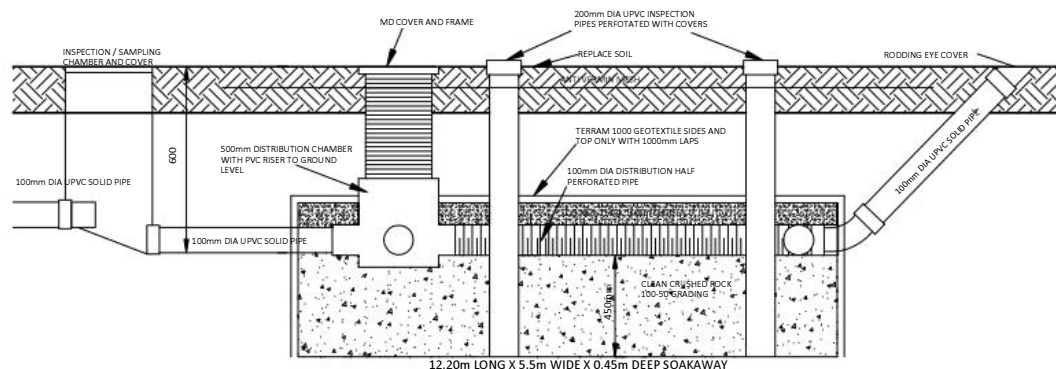
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Test Hole Location

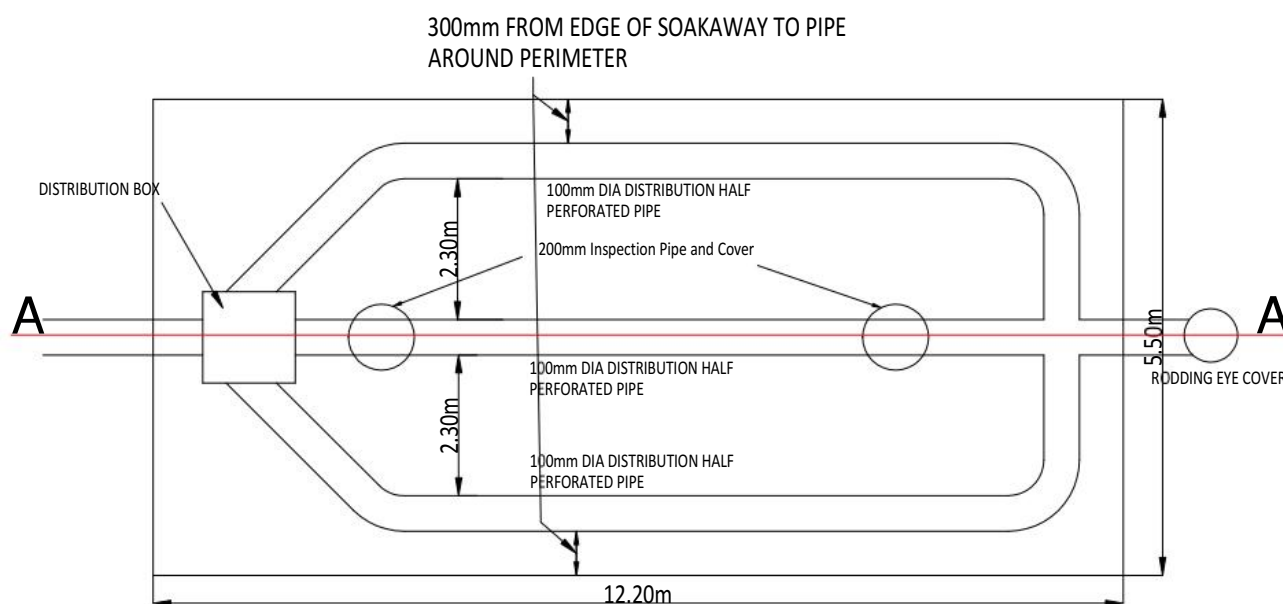
SCALE AT A4: <div>NTS</div>	DATE: <div>MAY22</div>	DRAWN: <div>GM</div>	CHECKED:
PROJECT NO: <div>GMC22-083</div>	DRAWING NO: <div>Appendix A</div>	REVISION:	-

Appendix B

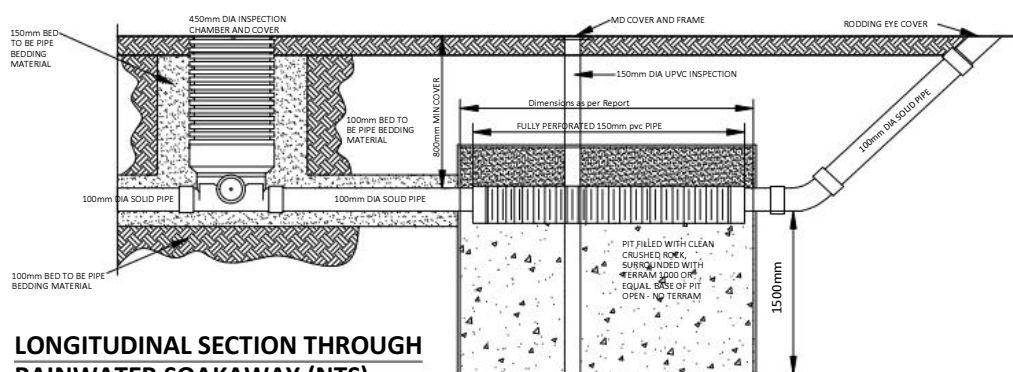
Soakaway Details/Certificates



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



**PLAN VIEW
SOAKAWAY ARRANGEMENTS (NTS)**



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

REV.	DESCRIPTION:	BY:	DATE:
	STATUS: ISSUE		

gmcsurveys

Surveys, Setting Out, Civil Engineering Design

T: 07557 431 702

E: gmcsurveys@gmail.com

CLIENT:

Mr and Mrs Reeve

SITE:

Site at Broadley
By Buckie

TITLE:

Soakaway Details

SCALE AT A4: NTS	DATE: MAY22	DRAWN: GM	CHECKED:
PROJECT NO: GMC22-083	DRAWING NO: Appendix B	REVISION:	-

Certificate For Proposed Sub – Surface Soakaways
Foul Water

Applicants Name: Mr and Mrs Reeve
Address: C/O GMC Surveys, 34 Castle Street, Forres
Site Address: Proposed Dwelling at Broadley, by Buckie
Date of Tests: 21st May 2022
Weather Conditions: Dry/Overcast

Percolation Test/Soakaway Sizing:

	1 st	2 nd	3 rd	Mean
Date of Test	21/05/22	21/05/22	21/05/22	
TH01	5520s	6900s	7620s	6680s
Average Soil Vp	44.53s/mm			

Location: TP01
Average Soil Vp: 44.53s/mm
PE: 6
Base Area (min): 66.80m² (as per SEPA requirements)

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: 23rd May 2022

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

gmcsurveys
34 castle Street
Forres
Moray
IV36 1PW
T: 07557 431 702
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Certificate For Proposed Sub – Surface Soakaways
Surface Water

Applicants Name: Mr and Mrs Reeve
Address: C/O GMC Surveys, 34 Castle Street, Forres
Site Address: Proposed Dwelling at Broadley, By Buckie
Date of Tests: 21st May 2022
Weather Conditions: Dry/Overcast

Trial Pit Test – Surface Water:

Depth of Excavation: 1.7
Water Table Present: No

Infiltration Test:

Location: INF01
Infiltration Test Zone: 1.0 – 1.7mbgl
Infiltration Rate (m/s): 9.83×10^{-6}
Contributing Area: 250m²
Soakaway Size: 8.0m x 3.0m x 1.5 below the invert of the pipe (200year)

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: 23rd May 2022

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

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IV36 1PW
T: 07557 431 702
E:gmcsurveys@gmail.com

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	9th March 2022
Planning Authority Reference	22/00164/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site At Broadley Clochan Buckie
Site Postcode	N/A
Site Gazetteer UPRN	000133052020
Proposal Location Easting	339419
Proposal Location Northing	861745
Area of application site (M²)	800
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=R6XAAQBGL5C00
Previous Application	10/00171/PPP 05/01404/OUT
Date of Consultation	23rd February 2022
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Steve Reeve
Applicant Organisation Name	
Applicant Address	North Bogbain Farmhouse Keith Moray AB55 6RP
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling

pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

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

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Contaminated Land

Planning Application Ref. No: 22/00164/PPP

Erect dwellinghouse on Site At Broadley Clochan Buckie for Mr Steve Reeve

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

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

This development has been identified from Council archives as the site of a vehicle maintenance and storage yard. A contamination site investigation was undertaken under Planning Application Reference 05/01404/OUT. Should you require further information, contact the Environmental Health section (email contaminated.land@moray.gov.uk, tel 0300 1234561).

Contact: Adrian Muscutt
email address:
Consultee:

Date.....25.02.22.....
Phone No

Return response to	consultation.planning@moray.gov.uk
---------------------------	---

Please note that information about the application including consultation responses and

representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://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 22/00164/PPP

Application Summary

Application Number: 22/00164/PPP

Address: Site At Broadley Clochan Buckie

Proposal: Erect dwellinghouse on

Case Officer: Iain T Drummond

Consultee Details

Name: Mr EH Consultations

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

Email: Not Available

On Behalf Of: Environmental Health C12

Comments

No objections

Andrew Stewart, PEHO

Thursday, 24 February 2022



Local Planner
Development Services
Moray Council
Elgin
IV30 1BX

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

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Site At Broadley, Clochan, Buckie, AB56 5HQ
Planning Ref: 22/00164/PPP
Our Ref: DSCAS-0059105-7G7
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.

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.

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.
-

Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish Water assets.

- ▶ 3" PVC water main in the site boundary

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

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
 - ▶ 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](#).
-

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

▶ Trade Effluent Discharge from Non-Domestic 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 launderettes. 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 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

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.

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@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."

From: Teresa Ruggeri <Teresa.Ruggeri@moray.gov.uk>
Sent: 04 Mar 2022 03:05:56
To: DMSMyEmail@moray.gov.uk
Cc:
Subject: FW: 22/00164/PPP Erect dwellinghouse on Site At Broadley, Clochan, Buckie
Attachments: 22-00164-PPP Erect dwellinghouse on Site At Broadley, Clochan, Buckie.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.

Thanks,
Rebecca

Rebecca Morrison | Infrastructure Growth/Obligations Officer (Strategic Planning and Development) | Economic Growth and Development
rebecca.morrison@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [news](#)



Developer Obligations & Affordable Housing: ASSESSMENT REPORT



moray
council

Date: 02/03/2022

Reference: 22/00164/PPP

Description: Erect dwellinghouse on Site At Broadley, Clochan, Buckie

Applicant: Mr Steve Reeve

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 30 September 2020. 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 and the Developer Obligations SG can be found at <http://www.moray.gov.uk/downloads/file134184.pdf>

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport (<i>Contribution towards Demand Responsive Transport-dial-a-bus</i>)	
Healthcare	Nil
Sports and Recreation	Nil
Total Developer Obligations	
Affordable Housing	
TOTAL	

Breakdown of Calculation

Proposals for developer obligations 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

This assessment is therefore based on 1 SRUE.



Moray Council DEVELOPER OBLIGATIONS

INFRASTRUCTURE

Education

Primary Education

The pupils generated by this development are zoned to Portgordon Primary School. The school is currently operating at 28% physical capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

Contribution towards Primary Education = Nil

Secondary Education

The pupils generated by this development are zoned to Buckie High School. The school is currently operating at 86% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

Contribution towards Secondary Education = Nil

Transport

The Moray Council Transportation Services has confirmed that a contribution towards the Council's demand responsive transport service is required to mitigate the impact, in terms of increased usage, on this service given the proposed development is located within a rural area with no access to bus services. In accord with the Moray Council's Supplementary Guidance on Developer Obligations, a contribution of [REDACTED] per SRUE is sought. Therefore:

[REDACTED]

Contributions towards Transport = £302.60

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 271m².

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).

Seafield and Cullen Medical Practice is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Seafield and Cullen Medical Practice is currently operating within capacity and the additional patients arising from this development can be accommodated on this basis.

Contribution towards Healthcare= Nil

Sports and Recreational Facilities

Sports and Recreation Facilities

Existing sports provision within Buckie 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 within the Buckie Local Housing Market Area 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.



MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Flood Risk Management

Planning Application Ref. No: 22/00164/PPP

Erect dwellinghouse on Site at Broadley Clochan Buckie for Mr Steve Reeve

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

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

Contact:	Javier Cruz	Date..... 15/06/2022
email address:	Javier.cruz@moray.gov.uk	Phone No
Consultee:	The Moray Council, Flood Risk Management	

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	9th March 2022
Planning Authority Reference	22/00164/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site At Broadley Clochan Buckie
Site Postcode	N/A
Site Gazetteer UPRN	000133052020
Proposal Location Easting	339419
Proposal Location Northing	861745
Area of application site (M²)	800
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=R6XAAQBGL5C00
Previous Application	10/00171/PPP 05/01404/OUT
Date of Consultation	23rd February 2022
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Steve Reeve
Applicant Organisation Name	
Applicant Address	North Bogbain Farmhouse Keith Moray AB55 6RP
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the

two month determination period to be exceeded.
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For full terms please visit 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

You can contact our Data Protection Officer at 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: 22/00164/PPP

Erect dwellinghouse on Site At Broadley Clochan Buckie for Mr Steve Reeve

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

Please

- | | | |
|-----|---|--------------------------|
| (a) | I OBJECT to the application for the reason(s) as stated below | x |
| (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 proposal is for the erection of a new dwelling with access via an existing shared vehicular access adjacent:

A visibility splay 2.4m x 70m would be required in both directions at the access onto the public road free from any obstruction greater than 0.6m in height, with all boundaries set back to a position behind the required visibility splays. The visibility splay to the west is obstructed by vegetation and an existing fence and appears to pass over land not under the control of the applicant.

Confirmation of the applicant's ability to provide and maintain the required visibility splays (and set back the existing fence to the west) was therefore sought, through evidence of ownership or provision of third party agreement.

To date no evidence of third party agreement has been submitted which would confirm the applicant's ability to provide and maintain the required visibility splays.

Reason(s) for objection

On the basis of the information submitted to date Transportation considers that the proposal, if permitted, as a result of the restricted visibility would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policy DP1 'Development Principles' section (ii)- 'Transportation', part 'a)' (safe entry and exit)

Contact: AG

Date 27 July 2022

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

Consultee: TRANSPORTATION

Return response to

consultation.planning@moray.gov.uk

Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://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

Ref No:	22/00164/PPP	Officer:	Iain T Drummond
Proposal Description/ Address	Erect dwellinghouse on Site At Broadley Clochan Buckie		
Date:	24.11.2022	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
Environmental Health Manager	25/02/22	No objections
Contaminated Land	25/02/22	No objections
Transportation Manager	27/07/22	Object
Scottish Water	24/02/22	No objections
Moray Flood Risk Management	15/06/22	No objections
Planning And Development Obligations	02/03/22	Contribution sought towards healthcare and affordable housing

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1 Placemaking	N	
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	
DP4 Rural Housing	N	
EP2 Biodiversity	N	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	
EP14 Pollution Contamination Hazards	N	

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Proposal

- This application seeks planning permission in principle for the erection of a dwellinghouse on a disused site within the rural grouping of Broadley.
- Access is proposed via the existing track which bounds the site to the west and serves a number of existing neighbouring houses to the south.
- Use of a public water supply is proposed with foul drainage disposed of via a septic tank and soakaway and separate surface water soakaway.

Site Characteristics

The site comprises a rectangular area of disused ground bounded to the north by the public road and neighbouring houses beyond, to the west by the access track serving the site, with open fields beyond, open fields to the east and open ground and neighbouring houses to the south. Planning permission has been granted on site in the past for the erection of a house, however, that consent has since expired. The site lies within the rural grouping boundary of Broadley as defined by the Moray Local Development plan and has no specific designation.

Policy Assessment

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:

Principle, siting and design (PP1, DP1 and DP4)

Policy DP4 Rural Housing promotes a rural development hierarchy, whereby new rural housing is directed to rural groupings that will accommodate the majority of rural housing development, followed by the re-use and replacement of traditional stone and slate buildings in the countryside and lastly to the open countryside. Proposals must meet siting and design criteria to ensure development is low impact, integrates sensitively into the landscape, reflects the rural character of the area and is of a high design quality.

Policies PP1 and DP1, emphasis this importance of achieving a high standard of design and siting and to ensure sites can be adequately served in terms of infrastructure.

In this case, bearing in mind the application is for planning permission in principle, the site is considered to be able to accommodate a house without impacting on the amenity of the surrounding houses or character of the rural grouping and as such the principle of erecting a house on this site is considered acceptable, subject to ensuring the site can be served in terms of infrastructure.

Access/Parking (DP1)

The Transportation service have objected to the development on the basis that the proposal will result in the intensification of use of the access track as it joins the public road, where the visibility splays at the junction do not meet current transportation regulations. The transportation service have confirmed that the following in relation to the proposal:

A visibility splay 2.4m x 70m would be required in both directions at the access onto the public road free from any obstruction greater than 0.6m in height, with all boundaries set back to a position behind the required visibility splays. The visibility splay to the west is obstructed by vegetation and an existing fence and appears to pass over land not under the control of the applicant.

Confirmation of the applicant's ability to provide and maintain the required visibility splays (and set back the existing fence to the west) was therefore sought, through evidence of ownership or provision of third party agreement.

To date no evidence of third party agreement has been submitted which would confirm the applicant's ability to provide and maintain the required visibility splays.

The applicant has been given a long period of time to reach agreement with the neighbouring landowner, to allow them to form and maintain the required visibility splays across the neighbouring fields, however, at the time of writing this report, no agreement had been reached on this matter and as such the applicants have failed to demonstrate that the site can be served by a safe access. With this in mind the application is recommended for refusal on this basis.

Water Supply and Drainage (PP3, EP12 and EP13)

Proposed drainage arrangements comprising foul drainage disposed of via a septic tank and soakaway and separate surface water soakaway are considered acceptable as there are no public sewerage systems in the locality. Moray Flood Risk Management have no objection to the approval of the application based on the information submitted and as such the proposals are compliant with policies PP3, EP12 and EP13.

Developer Obligations (PP3 and DP2)

An assessment has been carried out and an obligation has been identified towards healthcare which the applicants have confirmed they are agreeable to make.

The applicants have also agreed to provide the identified contribution required in relation to affordable housing as outlined in policies PP3 and DP2.

Were this application being approved, the applicants have confirmed that they would wish to enter into a legal agreement to secure their contributions and as such the proposals is considered compliant with policies PP3 and DP2 in this regard.

Recommendation

Based on all of the above, this application is recommended for refusal on the basis of failure to provide a safe access to serve the proposed house.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY				
Reference No.	Description			
10/00171/PPP	Planning Permission in Principle to erect one house at Site At Broadley Clochan Buckie			
	Decision	Permitted	Date Of Decision	03/06/10
05/01404/OUT	Outline planning for one house at Site At Broadley Clochan Buckie Banffshire			
	Decision	Permitted	Date Of Decision	14/11/06

ADVERT			
Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Advertiser and Herald	No Premises	28/03/22	
PINS	No Premises	28/03/22	

DEVELOPER CONTRIBUTIONS (PGU)	
Status	Contributions sought

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: Drainage assessment		
Main Issues: Outlines the drainage methodology for the site.		

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**

REFUSAL OF PLANNING PERMISSION

**[Fochabers Lhanbryde]
Planning Permission in Principle**

TO



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

Erect dwellinghouse on Site At Broadley Clochan Buckie

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

Date of Notice: **28 November 2022**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
Moray Council
PO Box 6760
ELGIN
Moray
IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal is contrary to policy DP1 of the Moray Local Development Plan 2020 for the following reason:

1. The development would result in an intensification of use of the access junction onto the public road, where there is presently restricted visibility and which would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policy DP1 'Development Principles' section (ii) - 'Transportation', part 'a)' (safe entry and exit).

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
BNF5563		Location plan

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.scot/eplanningClient

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.



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



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 100611138-001

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.

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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="North Bogbain Farmhouse, A96"/>
First Name: *	<input type="text" value="Rosemary"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Reeve"/>	Address 1 (Street): *	<input type="text" value="A96"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Keith"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB55 6RP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

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

Land at Broadley, Buckie AB56 5HQ

Northing

Easting

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

my proposal was for planning permission in principle to erect a dwellinghouse on site at Broadley by Buckie

Type of Application

What type of application did you submit to the planning authority? *

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☒ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

I wish for the decision of the 28th November 2022 to be reviewed I wish the following matters to be taken into consideration - see supporting documents

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

matters to be considered BRD01-900 Visibility splay details

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/00164/PPP

What date was the application submitted to the planning authority? *

12/02/2022

What date was the decision issued by the planning authority? *

28/11/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☐ Yes ☐ No ☒ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Rosemary Reeve

Declaration Date: 19/12/2022

I wish for the decision of the 28th November 2022 to be reviewed I wish the following matters to be taken into consideration.

The decision by Moray Council advised that "A visibility splay 2.4m x 70m would be required in both directions at the access onto the public road free from any obstruction greater than 0.6m in height, with all boundaries set back to a position behind the required visibility splays. The visibility splay to the west is obstructed by an existing fence and appears to pass over land not under the control of the applicant."

We instructed GMS Surveys to undertake a Topographic survey and visibility splay plus e-mapping – attached for your information. You will note the hatched extend of the crossover in red and note that the area in sqm on the drawing. There is a minimal difference to what is currently in place at the site to what is being requested by The Moray Council.

For us to move this fence by the required ask we have contacted Crown estate solicitors of that possibility. They were unable to respond to our request within the allocated time as the solution to this request is complicated with tenant farmers etc having to be consulted. In addition, as per GMC survey it does not make much difference to the visibility splay already being provided.

In our communication with Crown estates they stated that they did not understand why we were had been singled out by The Moray Council to adhere to this requirement on our planning application when other properties in the immediate area had not.

As alluded above, planning permission has already been awarded to 6 other properties along the same estate/access road , they all currently use the access road in question that joins the public road and they have were awarded full planning permission with no requirement for the above noted visibility splay. It certainly appears we are being singled out for a different treatment to that of our immediate "neighbours".

In addition the access road in question has been an access road leading on to the same public road for decades. Also, this access road onto this piece of land was being used in this way prior to our purchase many years ago, also it was/is the access road for the dwellings and farm has stood there for decades prior to our purchase.

The fence causes no impediment to the view exiting the access road and entering the public road, if anything was to hamper the view from the access to the public road it would be the street lights that have been put in place by Moray council and these are really not an issue exactly the same position as the fence.

As far as we are aware there has never been an accident exiting this access road on to the public road.

The Visibility extents have been drawn to match the Topographic Survey carried out and overlaid on to the Ordnance Survey Mapping to provide clarity



SITE: Proposed Site at Broadley By Buckie			
TITLE: Topographic Survey And Visibility Splay Details			
SCALE AT A3: 1:500	DATE: SEPT22	DRAWN: GM	CHECKED:
PROJECT NO: BRD01	DRAWING NO: 900		REVISION: -



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management
Planning Application Ref. No:
22/00164/PPP

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

- | | Please
x |
|---|-------------------------------------|
| (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"/> |

Reason(s) for objection

Conditions(s)

A drainage statement will need to be provided at full application. This should include plans and calculations for the proposed drainage system. Plans submitted with the application should include the proposed layout of the drainage system. The drainage system should be designed to a 1:30 year return period (including climate change -

<https://scottishepa.maps.arcgis.com/apps/webappviewer/index.html?id=2ddf84e295334f6b93bd0dbbb9ad7417>), without surcharging, if attenuation is used the system should drain completely within 24 hours. If the proposed system involves infiltration, information on the ground conditions is required as well as infiltration testing on or near the location for 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.

Further guidance for drainage and flooding can be found in "Supplementary Guidance on Flood Risk and Drainage Impact Assessment for New Developments" - www.moray.gov.uk/downloads/file133646.PDF.

Further comments(s) to be passed to applicant

Further information required to consider the application

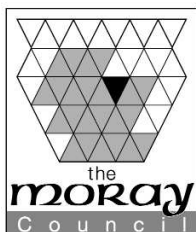
Contact: Natalie
Dunton

Date: 18/01/2023

email address: Natalie.dunton@moray.gov.uk

Phone No

Consultee: The Moray Council, Flood Risk Management



ENVIRONMENTAL SERVICES

Diane Anderson

Senior Engineer

PO Box 6760
Elgin, Moray IV30 9BX

Telephone: 01343 563782

Fax: 01343 563990

email: diane.anderson@moray.gov.uk

Website: www.moray.gov.uk

Our reference: LR/LRB283

Your reference: LR283

Chief Legal Officer
Per Ms L Rowan
Committee Services
The Moray Council
High Street
ELGIN
IV30 1BX

25 January 2023

Dear Madam

**TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008**

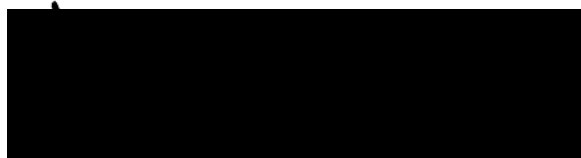
**REQUEST FOR REVIEW: PLANNING APPLICATION 22/00164/PPP ERECT DWELLINGHOUSE
ON SITE AT BROADLEY CLOCHAN BUCKIE**

I refer to your email dated 16th January 2023.

I respond on behalf of the Transportation Manager with respect to our observations on the applicant's grounds for seeking a review of the planning authority's decision to refuse the above planning application.

Transportation has reviewed the appellant's grounds for review and the associated documents, and submits the attached representation with associated documents in response.

Yours faithfully



Diane Anderson
Senior Engineer

Local Review**LRB Ref 283****Planning Application Reference 22/00164/PPP Erect dwellinghouse on Site At Broadley Clochan Buckie****Response from Transportation, Moray Council**

1. This document is in response to the Notice of Review and the Statement of Case submitted by Rosemary Reeve and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 22/00164/PPP Erect dwelling house on Site at Broadley, Clochan.
3. Transportation received the consultation for planning application 22/00164/PPP on 23rd February 2022. A copy of Transportations consultation response dated 27th July 2022 is attached (TMC 01).
4. This proposal is for planning permission 'in principle' for a new dwelling. The submitted details showed a red line site boundary only. No details relating to the access or visibility splays or house layout were submitted. It was assumed that access was to be taken via the existing shared access.
5. This site was subject to previous planning permission (in principle) firstly in 2006 and then later in 2010 (05/01404/OUT and 10/00171/PPP relate). Both previous consents included a requirement to provide visibility splays. The previous planning consents are attached below as TMC 03 and TMC 04 respectively.
6. The most recent planning permission expired a considerable number of years ago in 2013. Therefore Transportation assessed this proposal against the current guidance and standards.
7. Transportation sought a visibility splay of 2.4m x 70m in both directions (equating to 85th %tile approaching vehicle speeds of 31mph). This requirement simply re-iterated the previous visibility splay requirements. The only change was the maintenance regime which was brought up to date with current standards/requirements (ie requiring the visibility splays to be maintained free from any obstruction greater than 0.6m in height instead of the previous 1.0m in height)
8. As the required visibility splay to the west of the access is obstructed by an existing boundary fence and passes across ground not under the control of the applicant a 'Further Information' consultation response was issued on 10th March 2022 seeking evidence of third party agreement confirming that the visibility splays could be provided and maintained thereafter. Notwithstanding any previous visibility splay requirements/arrangements, although the previous 2010 consent was for the same applicant given the length of time which had subsequently passed since the previous permission it was

Local Review**LRB Ref 283****Planning Application Reference 22/00164/PPP Erect dwellinghouse on Site At Broadley Clochan Buckie**

considered that there was also a reasonable likelihood that the third party land over which the visibility splay passes may have changed ownership in the intervening period.

9. Again notwithstanding any previous visibility splay requirements the current requirement would be to set the fence back to a position behind the visibility splay, or at the very least have agreement in place to ensure that the visibility splay both sides of the fence can be maintained. The reason for this is twofold – firstly the fence itself blocks the sightline for existing vehicles (and is exacerbated due to the fact that vegetation tends to grow up the side of fences further obstructing the sightlines); and secondly without a third party agreement in place protecting the visibility splay there would in principle be nothing preventing the landowner from placing an obstruction within the edge of their own field and thereby again potentially obstructing the sightline.
10. Historically when the maintenance regime sought was 1.0m in height, unless expressly conditioned this generally meant that fences did not require to be set back (if they were less than 1.0m in height). Therefore technically under the previous permission the fence may have been able to remain; however that still would not have resolved the fact that the visibility splay passes across a strip of third party land behind the fence line. Evidence of agreement with the landowner would likely have subsequently been required for the full application had it been submitted within the appropriate time period.
11. Transportation awaited clarification from the applicant in relation to the visibility splay agreement with the third party landowner. However no additional information was provided and upon the request of the Planning Officer Transportation issued their final response on 27th July 2022 (TMC 01) as an objection on the grounds of the information received to date being likely to give rise to conditions detrimental to the road safety or road users.
12. It should be noted that although the U70aL Main Road is a single track road with limited formal passing opportunities, Transport did not seek the provision of a new passing place for this new dwelling. Similarly based on current standards a more onerous visibility splay X distance of 4.5 would ordinarily be required for accesses serving multiple properties. Transportation only sought the less onerous visibility splay X distance of 2.4m (normally associated with a single dwelling). Furthermore no improvements were sought to the existing access (such as formalising an access layby to allow waste collection vehicles to stop safely off the carriageway) the only requirement was to surface the first 5m of the existing access, this due to the fact that there was clear evidence of water/ loose material being carried/discharged from the access track onto the public road.

Local Review**LRB Ref 283****Planning Application Reference 22/00164/PPP Erect dwellinghouse on Site At Broadley Clochan Buckie**

13. It is accepted that there are other properties served via this existing access, but it should also be added that many of these properties were subject to consents dating back to 2003, and with the most recent consent dated 2011. Reference is made to the applicant being 'singled out' however this is not the case. Transportation has simply reviewed the proposal on its own merits, based on current policies and guidance; and on the basis that that any previous consent had lapsed nearly ten years ago. ie it was effectively considered to be a 'new' site.
14. It is generally accepted that obtaining agreements with third party landowners can sometimes be subject to delays. It was therefore assumed that this application would be withdrawn to enable the applicant time to obtain the third party agreement. Based on the information submitted to support the appeal it would appear as though the provision of third party permissions has not yet been ruled out. But instead via this appeal the applicant appears to seek to remove the requirement to obtain third party permissions and set back the boundary fence.
15. As stated previously a visibility splay of 4.5m x 70m would ordinarily be sought for an access which serves a number of properties, Transportation has sought a visibility splay of 2.4m x 70m. The 'X' distance represents the 'average' distance between the driver's seating position and the edge of the carriageway for a vehicle exiting an access. In other words the 2.4m 'X' distance represents the 'in car drivers eye view' upon sitting waiting to exit. A photo showing the in car 'driver's eye view' (from 2.4m back) is attached (TMC 02). As can be clearly observed the existing fence obstructs the sightline.
16. Transportation respectfully, requests that the MLRB to uphold the decision by the appointed officer. In particular on the grounds that Transportation considers that the proposal, if permitted, as a result of the restricted visibility would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policy DP1 'Development Principles' section (ii) 'Transportation', part 'a)' (safe entry and exit), as a consequence of the resulting intensification of use of the existing access with constrained visibility.
17. Finally, Transportation would be happy to review any subsequently submitted proposals should evidence of third party agreement with the adjacent landowner be subsequently obtained and submitted in support of any new dwelling at this location.

Transportation 25 January 2023

Local Review

LRB Ref 283

**Planning Application Reference 22/00164/PPP Erect dwellinghouse on Site At
Broadley Clochan Buckie**

Documents

TMC01	Transportation Consultation Response dated 27th July 2022
TMC02	Site photos
TMC03	Planning consent issued 05/01404/OUT
TMC04	Planning consent issued 10/00171/PPP

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	9th March 2022
Planning Authority Reference	22/00164/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site At Broadley Clochan Buckie
Site Postcode	N/A
Site Gazetteer UPRN	000133052020
Proposal Location Easting	339419
Proposal Location Northing	861745
Area of application site (M²)	800
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=R6XAAQBGL5C00
Previous Application	10/00171/PPP 05/01404/OUT
Date of Consultation	23rd February 2022
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Steve Reeve
Applicant Organisation Name	
Applicant Address	North Bogbain Farmhouse Keith Moray AB55 6RP
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the

two month determination period to be exceeded.
--

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

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at 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: 22/00164/PPP

Erect dwellinghouse on Site At Broadley Clochan Buckie for Mr Steve Reeve

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

Please

- | | |
|---|-------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | <input checked="" 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 proposal is for the erection of a new dwelling with access via an existing shared vehicular access adjacent:

A visibility splay 2.4m x 70m would be required in both directions at the access onto the public road free from any obstruction greater than 0.6m in height, with all boundaries set back to a position behind the required visibility splays. The visibility splay to the west is obstructed by vegetation and an existing fence and appears to pass over land not under the control of the applicant.

Confirmation of the applicant's ability to provide and maintain the required visibility splays (and set back the existing fence to the west) was therefore sought, through evidence of ownership or provision of third party agreement.

To date no evidence of third party agreement has been submitted which would confirm the applicant's ability to provide and maintain the required visibility splays.

Reason(s) for objection

On the basis of the information submitted to date Transportation considers that the proposal, if permitted, as a result of the restricted visibility would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policy DP1 'Development Principles' section (ii)- 'Transportation', part 'a)' (safe entry and exit)

Contact: AG

Date 27 July 2022

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

Consultee: TRANSPORTATION

Return response to

consultation.planning@moray.gov.uk

Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://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



View towards public road from access track Access track



View into site access – note evidence of loose material/ water ponding



Drivers eye view to west for exiting vehicle



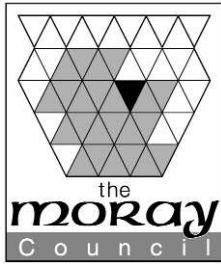
Drivers eye view to east from exiting vehicle – note the significant improvement afforded by the set back fence



View to west from 2.4m X distance (ignore car in foreground)



View to east from 2.4m X distance



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

PERMISSION FOR DEVELOPMENT

**[Lennox]
Outline Application**

TO Mr James A Milton
87 Castlehill Road
Fochabers
Moray
IV32 7JZ

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

Outline planning for one house at Site At Broadley Clochan Buckie

in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, subject however to the following 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: **14th November 2006**

HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The 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 **APPROVED** this proposal subject to conditions considered necessary to ensure implementation of the proposal, including conditions imposed under S.58/59 of 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.**

Permission is granted subject to the following conditions: -

1 (a) That in the case of any reserved matter, application for approval must be made before:-

(i) that expiration of 3 years from the date of the grant of outline planning permission; or

(ii) the expiration of 6 months from the date on which an earlier application for such approval was refused; or

(iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest: provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (i) above.

(b) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-

(i) the expiration of 5 years from the date of the grant of outline planning permission; or

(ii) the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

2 That the development to which the permission relates must be begun not later than whichever is the later of the following dates:- (i) the expiration of 5 years from the date of the grant of outline planning permission; or (ii) the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

3 The approval hereby granted is in outline and prior to the commencement of the development approval of the details, including the siting, design and external appearances of the building(s) the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Council, as Planning Authority.

4 The proposed development shall be carried out only in accordance with detailed drawings which shall previously have been submitted to and approved by the Council, as Planning Authority. These drawings shall show the reserved matters numbered 5 - 9 below.

5 Plans, sections and elevations of all buildings proposed with details of

the type and colour of all external materials and finishes shall be submitted in accordance with condition no. 4 above.

6 The proposed layout of the site showing the exact position of the site boundaries, the position of all buildings, the means of access, areas for vehicle parking and the arrangements for the disposal of foul and surface water (i.e. a SUDS system or equivalent) shall be submitted in accordance with condition no. 4 above.

7 Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening shall be submitted in accordance with condition no. 4 above.

8 Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. 4 above.

9 Landscaping proposals showing any existing trees/hedges/shrubs to be retained or removed together with details of the type, position and number of all planting to be undertaken and details of all surfacing materials shall be submitted in accordance with condition no. 4 above.

10 The design of the property shall comply with the requirements of L/HC5 of the Moray Local Plan 2000, including the interpretation of policy regarding proportions of gable width and roof pitches.

11 No boundary fences, hedges, walls or any obstruction whatsoever over 1.0 m in height and fronting onto the public road shall be within 2.4 m of the edge of the carriageway.

12 The width of vehicular access shall be and have a maximum gradient of 1:20 measured for the first 5.0 m from the edge of the public carriageway. Section of access over the public footpath/verge shall be to The Moray Council specification and surfaced in bitmac.

13 No water shall be permitted to drain onto the public footpath/carriageway.

14 Drop kerbs shall be provided across the access to The Moray Council specification.

15 A parking layby 8.0 m long x 2.5 m wide with 30 degrees splayed ends shall be provided at the edge of the public road to allow visiting and service vehicles to park clear of the public road. The vehicular access(es) should lead off the layby(s). Layby to be to The Moray Council specification and be surfaced in bitmac.

16 Two private car parking spaces for up to a 3 bedroomed dwelling and three private car parking spaces for a 4 or more bedroomed dwelling shall be provided.

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

18 A visibility splay of 3 metres x 95 metres shall be provided at the access.

19 New boundary walls/fences shall be set back from the edge of the public road at a distance of 2.0 metres.

20 If significant unsuspected contamination is found then all work shall cease until an appropriate investigation to determine the nature, extent and potential impacts of the contamination has been undertaken and a remediation method statement agreed with The Council as Planning Authority.

The Council's reason(s) for imposing the above condition(s) are:-

- 1 The time limit condition is imposed in order to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997.
- 2 The time limit condition is imposed in order to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997.
- 3 In order to ensure that the matters specified can be fully considered prior to the commencement of development.
- 4 As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
- 5 As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
- 6 As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
- 7 As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
- 8 As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
- 9 As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
- 10 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
- 11 In the interests of road safety.
- 12 In the interests of road safety.
- 13 In the interests of road safety.
- 14 In the interests of road safety.
- 15 In the interests of road safety.
- 16 In the interests of road safety.
- 17 In the interests of road safety.
- 18 In the interests of road safety.

- 19 In the interests of road safety.
- 20 In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.

ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

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

TRANSCO (Gas Apparatus) - SCOTLAND LDZ has commented that:-

Symology should be contacted on 0800 231 251 PRIOR to work starting.

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

The applicants attention is drawn to the attached copy letter from Scottish Water.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

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

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

TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION

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

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 appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of appeal should be addressed to the Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callander Road, Falkirk, FK1 1XR. This form can be obtained and may also be downloaded and/or submitted online from www.eplanning.scotland.gov.uk

If permission to develop land is refused or granted subject to conditions whether by the planning authority or by the Scottish Ministers, 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.

NOTIFICATION OF INITIATION OF DEVELOPMENT

S.27A of the 1997 Act requires 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. Failure to submit the required Notice will

be a breach of planning control under S.123(1) of the 1997 Act.

NOTIFICATION OF COMPLETION OF DEVELOPMENT

S.27B of the 1997 Act requires 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.

Phased development – Under S.27B(2) of the 1997 Act 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. The non-compliance with this condition or failure to give notice may result in enforcement action being taken. When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.

DISPLAY OF NOTICE WHILST DEVELOPMENT IS BEING CARRIED OUT

The permission as granted relates to a national or major development (under the Town & Country Planning (Hierarchy of Development) (Scotland) Regulations 2009), or is a development of a class specified in Schedule 3 of the Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

Under S.27C of the 1997 Act the developer must, for these types of development and for the duration of the development (until works are completed) display a sign or signs containing certain information, which should be provided and displayed in a prominent place at or in the vicinity of the site of the development, be readily visible to the public and be printed on durable material. This will provide the general public with information regarding the proposal and where further information can be obtained.

Therefore, prior to development commencing the applicant/developer must complete and display the attached Notice as required above. Failure to display the required Notice will constitute a breach of planning

The Moray Council

NOTIFICATION OF INITIATION OF DEVELOPMENT

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

Planning Application Reference No: 05/01404/OUT

Date issued:

I hereby give notice that works as detailed under the above planning application will commence on:

Signed: _____ Date: _____

THE FOLLOWING INFORMATION MUST BE PROVIDED:

1. Name and address of person carrying out the development:

2. The full name and address of the landowner, if a different person:

3. Where a site agent is appointed, their full name and contact details:

4. The date of issue and reference number of the grant of planning permission:

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office,
High Street
Elgin IV30 1BX

Or email to: - development.control@moray.gov.uk

IMPORTANT

It is important that the Environmental Services Department is advised when you propose to start work as failure to do so may result in enforcement action be taken.

Please complete and return this form.

The Moray Council

NOTIFICATION OF COMPLETION OF DEVELOPMENT

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

Planning Application Reference No: 05/01404/OUT

Date issued:

I hereby give notice that works as detailed under the above planning application will be completed on:

Signed: Date:

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office
High Street
Elgin IV30 1BX

Or email to: - development.control@moray.gov.uk

IMPORTANT

It is important that the Environmental Services Department is advised when the development has been completed as failure to do so may result in enforcement action be taken.

Please complete and return this form.

**TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997
as amended**

**TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2008**

Notice under Section 27 C (1) and Regulation 38 to be displayed
while development is in progress

NOTICE

Proposed Development: **Outline planning for one house at Site At Broadley
Clochan Buckie Banffshire**

NOTICE is hereby given that planning permission has been granted subject to
conditions to

Name (a)

Address (a)

on 08/12/99

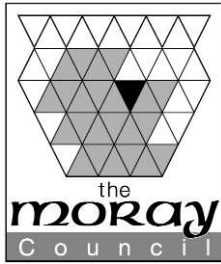
by THE MORAY COUNCIL under application reference **05/01404/OUT**

Further information regarding the planning permission including conditions, if any,
on which it has been granted can be obtained at all reasonable hours at the Access
Point, Council Office, Elgin. Information associated with the application may be
published on the Council's website at <http://public.moray.gov.uk/eplanning>

Contact for enquiries/Address of planning authority:

The Moray Council
Development Management
Development Services
Environmental Services
Council Office
High Street
Elgin IV30 1BX

(a) applicant/developer must insert name and address details prior to display. See
note appended to decision notice for requirements for display.



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

PERMISSION FOR DEVELOPMENT

**[Fochabers Lhanbryde]
Planning Permission in Principle**

TO Mr Steve Reeve
North Bogbain Farmhouse
Keith
Moray
AB55 6RP

With reference to your application for planning permission in principle under the above-mentioned Act, the Council in exercise of their powers under the said Act hereby GRANT planning permission for the following development:-

Planning Permission in Principle to erect one house at Site At Broadley Clochan Buckie

in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, subject however to the following 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: **3rd June 2010**

HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The 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 **APPROVED** this proposal subject to conditions considered necessary to ensure implementation of the proposal, including conditions imposed under S.58/59 of 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.**

Permission is granted subject to the following conditions: -

- 1 (a) That in the case of any matter specified in conditions attached to the planning permission in principle, application for approval must be made before:-
 - (i) that expiration of 3 years from the date of the grant of planning permission in principle; or
 - (ii) the expiration of 6 months from the date on which an earlier application for such approval for the same matters was refused; or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest: provided that only one such application for approval of matters specified in conditions may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (i) above.
- (b) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
 - (i) the expiration of 3 years from the date of the grant of planning permission in principle; or
 - (ii) the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.
- 2 The approval hereby granted is for planning permission in principle and prior to the commencement of the development approval of matters specified in conditions, including the siting, design and external appearance of the building(s) the means of access thereto and the landscaping of the site shall be obtained from the Council, as Planning Authority.

- 3 The grant of planning permission hereby granted for the proposed development shall be carried out only in accordance with detailed drawings which shall previously have been submitted to and approved by the Council, as Planning Authority. These drawings shall show the matters specified in conditions numbered 4 - 8 below.
- 4 Plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes shall be submitted in accordance with condition no. 3 above.
- 5 The proposed layout of the site showing the exact position of the site boundaries, the position of all buildings, the means of access, areas for vehicle parking and the arrangements for the disposal of foul and surface water (i.e. a SUDS system or equivalent) shall be submitted in accordance with condition no. 3 above.
- 6 Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening shall be submitted in accordance with condition no. 3 above.
- 7 Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. 3 above.
- 8 Landscaping proposals showing any existing trees/hedges/shrubs to be retained or removed together with details of the type, position and number of all planting to be undertaken and details of all surfacing materials shall be submitted in accordance with condition no. 3 above.
- 9 The dwelling shall be of single storey construction.
- 10 No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway.
- 11 Vehicular access to the plot shall be taken via the adjacent existing access track onto the public road. The width of the vehicular access shall be as existing and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway.
- 12 The first 10m of the access track, measured from the edge of the public road, shall be constructed to the Moray Council specification and surfaced with bituminous macadam.
- 13 No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.
- 14 Two private car parking spaces for up to a 3 bedroomed dwelling and three private car parking spaces for a 4 or more bedroomed dwelling shall be provided.

- 15 A turning area shall be provided within the curtilage of the site/each plot to enable vehicles to enter and exit in a forward gear.
- 16 A visibility splay of 2.4m x 70m shall be provided and maintained at the existing access onto the public road across the site, clear of any obstruction above 1.0m in height.
- 17 New boundary walls/fences shall be set back from the edge of the public carriageway at a distance of 2.0m.
- 18 Houses requiring 2 parking spaces shall have a driveway length of 6.0m minimum in front of any garage to permit a second car to park, unless alternative parking arrangements are provided. No part of the driveway shall be included in the public road.
- 19 Parking provision shall be outwith visibility splays.
- 20 The roof of the dwelling hereby approved shall be finished in natural slate or a good quality artificial slate to be agreed in writing by the Council (as Planning Authority) prior to the commencement of development.
- 21 That no trees, shrubs or hedgerows on the site shall be removed without the prior written consent of this Council as Planning Authority.

The Council's reason(s) for imposing the above condition(s) are:-

- 1 The time limit condition is imposed in order to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
- 2 In order to ensure that the matters specified can be fully considered prior to the commencement of development.
- 3 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 4 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 5 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 6 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 7 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 8 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 9 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
- 10 In the interests of road safety.
- 11 In the interests of road safety.
- 12 In the interests of road safety.
- 13 In the interests of road safety.
- 14 In the interests of road safety.
- 15 In the interests of road safety.
- 16 In the interests of road safety.
- 17 In the interests of road safety.
- 18 In the interests of road safety.
- 19 In the interests of road safety.
- 20 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
- 21 In order to ensure that the existing trees, shrubs or hedgerows are retained as they add interest and character to the site and will contribute to the appearance of the development approved herewith.

ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

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

THE CONTAMINATED LAND SECTION has commented that:-

Your property has been identified as being in the vicinity of the following potential sources of contamination:

- Vehicle Maintenance and Storage Yard, On-site, 1973-1992 (Not shown on historic maps).

The Moray Council understands that a contamination site investigation was undertaken under Planning Application Reference 05/01404/OUT. Should you require further information, please contact the Environmental Health section on 01343 563496 or by email to contaminated.land@moray.gov.uk

THE TRANSPORTATION MANAGER, DIRECT SERVICES, ACADEMY STREET, ELGIN has commented that:-

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall be responsible for ensuring that water does not run from the public road into his property.

The applicant shall ensure that their operations do not adversely affect any Public Utilities which should be contacted prior to commencement of operations.

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

The Transportation Manager must always be contacted before any works commence. This includes any temporary access which should be agreed with the Transportation Manager prior to work on it commencing.

THE DEVELOPMENT CONTROL MANAGER, DEVELOPMENT SERVICES, has commented that:-

It is noted that your planning application proposes a septic tank and soakaway/infiltration drainage system and the suitability of the ground condition to accommodate this will be dealt with as part of your Building Warrant application.

Full details of a ground assessment, trial pit investigations and percolation test results, from a suitably qualified person as contained within the Council's List of Approved Certifiers, will be required prior to obtaining a Building Warrant

An application for a Building Warrant and compliance with the Building Regulations are entirely separate from Planning procedures. Furthermore, the granting of Planning Consent does not guarantee approval of a Building Warrant.

If you have not already done so and you may wish to satisfy yourself about the adequacy of ground conditions separately at this stage, if so I recommend that you contact the Building Standards Section directly at Environmental Services, The Moray Council, Council Offices, High

Street, Elgin, IV30 1BX, telephone (01343) 563243.

Please also note that if you are proposing a discharge to a watercourse this will require separate consent from SEPA (Scottish Environment Protection Agency) under the Control of Pollution Act 1974.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Location plan
		Plot specification

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

None

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

None

TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION

N/A

NOTICE OF APPEAL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, The Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

NOTIFICATION OF INITIATION OF DEVELOPMENT

S.27A of the 1997 Act requires 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. Failure to submit the required Notice will be a breach of planning control under S.123(1) of the 1997 Act.

NOTIFICATION OF COMPLETION OF DEVELOPMENT

S.27B of the 1997 Act requires 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.

Phased development – Under S.27B(2) of the 1997 Act 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. **The non-compliance with this condition or failure to give notice may result in enforcement action being taken. When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.**

The Moray Council

NOTIFICATION OF INITIATION OF DEVELOPMENT

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

Planning Application Reference No: 10/00171/PPP

Date issued:

I hereby give notice that works as detailed under the above planning application will commence on:

Signed: _____ Date: _____

THE FOLLOWING INFORMATION MUST BE PROVIDED:

1. Name and address of person carrying out the development:

2. The full name and address of the landowner, if a different person:

3. Where a site agent is appointed, their full name and contact details:

4. The date of issue and reference number of the grant of planning permission:

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office,
High Street
Elgin IV30 1BX

IMPORTANT

It is important that the Environmental Services Department is advised when you propose to start work as failure to do so may result in enforcement action be taken.

Please complete and return this form.

The Moray Council

NOTIFICATION OF COMPLETION OF DEVELOPMENT

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

Planning Application Reference No: 10/00171/PPP

Date issued:

I hereby give notice that works as detailed under the above planning application will be completed on:

Signed: Date:

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office
High Street
Elgin IV30 1BX

IMPORTANT

It is important that the Environmental Services Department is advised when the development has been completed as failure to do so may result in enforcement action be taken.

Please complete and return this form.



APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS

North Bogbain Farmhouse

Keith

AB55 6RP

10th February 2023

The Moray Council

High Street

Elgin

IV30 1BX

Notice of Review: Planning Application 22/00164/PPP

Further to your letter dated 1st February 2023 re regarding the further representation to which I have the following comments that I wish to have noted.

Reference the Flood Risk Management: I understand when submitting full planning application that a plan of the drainage will be required. A drainage test was completed on the site in 2022 and this has passed the stand required but the Planning Department. Details of which have already been submitted as part of this application.

Re point 4 – yes, the proposal is for access to be taken via the existing shared road access.

Re point 8 – the third-party landlord remains as crown estates but unknown if the tenant farmer remain the same or if this has changed over the period

Point 9 - agree with comments however I believe that houses have been built in the area since 2010 – note your comments at point 13 that states “the most recent consent dated 2011”. Nothing has changed including the ownership or layout of the field in concern

Point 10 – I still wonder why house that have been built since 2010 have not been asked to satisfy this condition as we are all using the very same access road. As detailed in point 13 some had consent agreed in 2011.

Point 14 – I understand this, but I had anticipated that this would be an requirement at the full planning application not at the planning in principal stage.

Point 15 – existing dwelling house and services use this same shared access and too date this had been done with complaint or issue. As you will see and you have noted in TMC02 we have set back the fence which is on land totally under out control.

Point 16 – can’t understand why an additional dwelling using an existing estate road would render this road to the state that it would be presented as to have detrimental conditions.

Point 17 – third party agreement is still with crown estates at this time, and they are liaising with the tenant farmers. No timescale has been identified by Crown Estates this time. As per point 14 above thought this would be requirement for full planning application not at planning in principle stage.

I hope that you will see it fitting to permit our planning in principle application

Yours faithfully

RV Reeve

pp. Steve & Rosemary Reeve



APPENDIX 5

APPOINTED OFFICER AND INTERESTED PARTIES RESPONSES TO NPF4



ECONOMY, ENVIRONMENT AND FINANCE

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Your reference: LR/LR283

Our reference: 22/00164/PPP

16 March 2023

Dear Lissa,

Notice of Review: Planning Application 22/00164/PPP – Erect a dwellinghouse on site at Broadly by Buckie

I refer to your letter dated 6 March 2023 in relation to the above notice of review and requesting additional comments on the proposal in light of the adoption of National Planning Framework 4 (NPF4).

In this case the following NPF4 policies would be considered relevant to the determination of this proposal,

Policy 1: Tackling the climate and nature crises

Policy 2: Climate mitigation and adaptation

Policy 3: Biodiversity

Policy 9: Brownfield, vacant and derelict land and empty buildings

Policy 13: Sustainable transport

Policy 14: Design, quality and place

Policy 17: Rural homes

Policy 18: Infrastructure first

Policy 22: Flood risk and water management

Following a review of the proposal in light of these policies, NPF4 does not materially change the original assessment of the application.

I hope the above is of assistance, however, should you require any further comment please do not hesitate to get in touch.



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Yours sincerely,



Iain T Drummond
Planning Officer