Moray Local Review Body

Thursday, 16 December 2021

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Local Review Body** is to be held at **various locations via video-conference**, on **Thursday, 16 December 2021** at **09:30.**

BUSINESS

1 Sederunt

2 Declaration of Group Decisions and Members Interests *

New Case

3 LR265 - Ward 8 - Forres 5 - 106

Planning Application 21/01250/PPP – Erect dwelling house with detached garage at Florries Field, Damhead, Rafford

Summary of Local Review Body functions:

To conduct reviews in respect of refusal of planning permission or unacceptable conditions as determined by the delegated officer, in terms of the Scheme of Delegation to Officers under Section 43(A)(i) of the Town & Country Planning (Scotland) Act 1997 and the Town & Country Planning (Scheme of Delegation and Local Review Procedure)(Scotland) Regulations 2013, or where the Delegated Officer has not determined the application within 3 months of registration.

Moray Council Committee meetings are currently being held virtually due to Covid-19. If you wish to watch the webcast of the meeting please go to: http://www.moray.gov.uk/moray_standard/page_43661.html to watch the meeting live.

GUIDANCE NOTES

* **Declaration of Group Decisions and Members Interests -** The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time -** At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

THE MORAY COUNCIL

Moray Local Review Body

SEDERUNT

Councillor Amy Taylor (Chair)
Councillor David Bremner (Depute Chair)

Councillor Gordon Cowie (Member)
Councillor Donald Gatt (Member)
Councillor Ray McLean (Member)
Councillor Louise Nicol (Member)
Councillor Laura Powell (Member)
Councillor Derek Ross (Member)

Clerk Name:	Lissa Rowan
Clerk Telephone:	07765 741754
Clerk Email:	committee.services@moray.gov.uk

MORAY LOCAL REVIEW BODY

16 DECEMBER 2021

SUMMARY OF INFORMATION FOR CASE No LR265

Planning Application 21/01250/PPP – Erect dwelling house with detached garage at Florries Field, Damhead, Rafford

Ward 8 – Forres

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 11 October 2021 on the grounds that:

The proposal for a new dwelling house on this site would be contrary to Moray Local Development Plan 2020 policy DP1 for the following reason:-

The existing U107E/B9011 junction serving the site is considered to be inadequate to serve the proposed development, by reason of its restricted visibility and width. The proposal if permitted, would result in an intensification of use of the constrained junction and 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 'c)' (safe access to and from the road network).

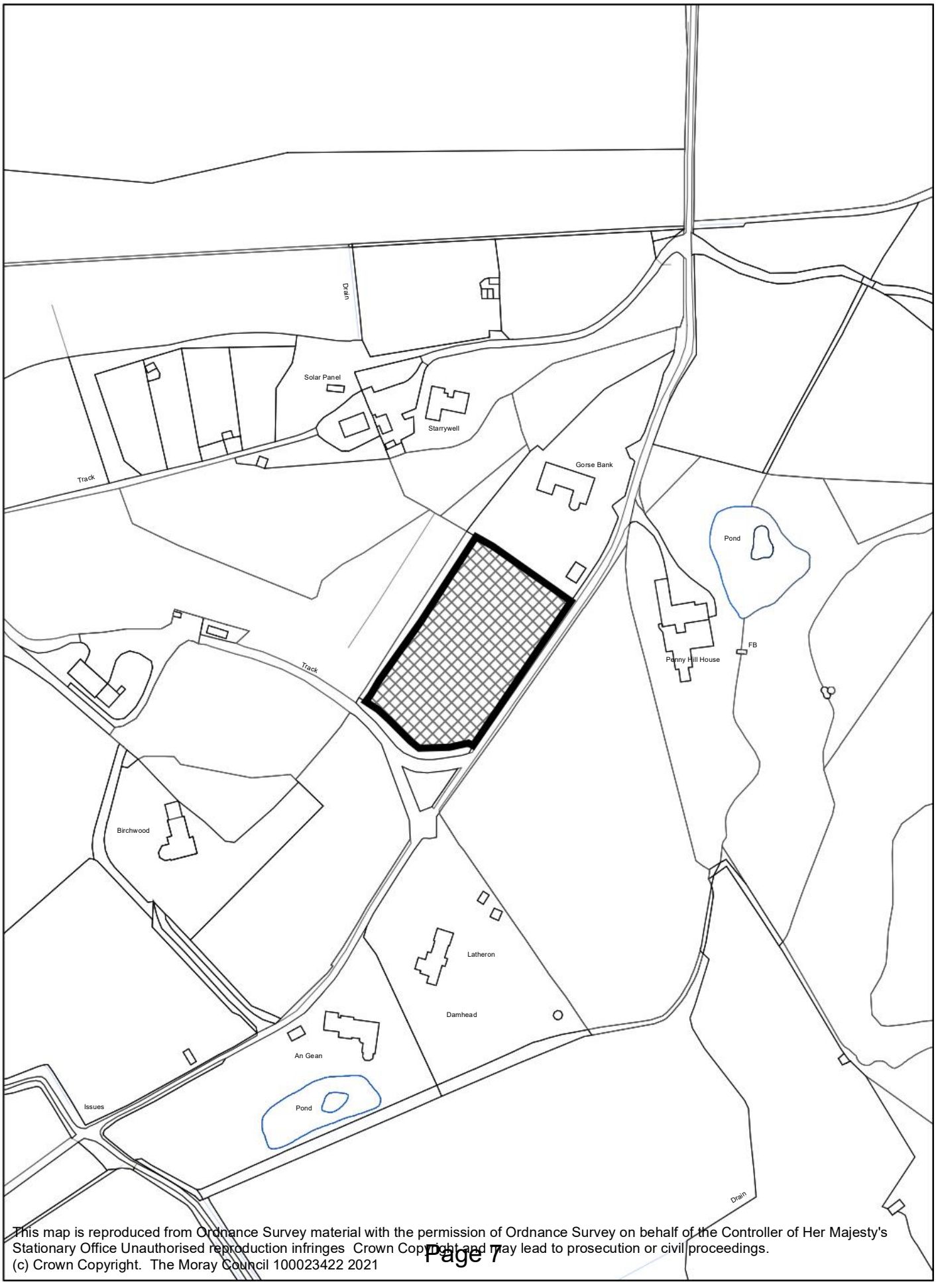
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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

Further Representation received in response to the Notice of Review is attached as **Appendix 3.**

The Applicant's response to the Further Representation is attached as **Appendix 4**

Location plan for Planning Application Reference Number : 21/01250/PPP



APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

Print Form

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA https://www.eplanning.scot

1. Applicant's Details

Title	Mr
Forename	Andrew
Surname	Kemp
Company Name	
Building No./Name	
Address Line 1	Gorse Bank, Damhead,
Address Line 2	Rafford
Town/City	Forres
Postcode	IV362SJ
Telephone	[redacted]
Mobile	
Fax	
Email	[redacted]

2. Agent's Details (if any)

Ref No.	
Forename	
Surname	
Company Name	
Building No./Name	
Address Line 1	
Address Line 2	
Town/City	
Postcode	
Telephone	
Mobile	
Fax	
Email	

3. Postal Address or Location of Proposed Development (*please include postcode*)

Florries Field, Damhead, Rafford, Forres, Moray IV362SJ

Florrie's Field Damhead Rafford

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application

What is the application for? Please select one of the following:

Planning Permission	☐
Planning Permission in Principle	☒
Further Application*	☐
Application for Approval of Matters Specified in Conditions*	☐
Application for Mineral Works**	☐

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

*Please provide a reference number of the previous application and date when permission was granted:

Reference No: Date:

**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

5. Description of the Proposal

Please describe the proposal including any change of use:

[redacted]

Erect dwellinghouse with detached garage

Is this a temporary permission? Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed? Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started: Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal? Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given? Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name: Date: Ref No.:

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha): 0.55 Square Metre (sq.m.)

8. Existing Use

Please describe the current or most recent use:

[redacted]

Agricultural smallholding

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes ☒ No ☐

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes ☐ No ☒

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? [redacted] NONE

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces) [redacted] TWO

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes ☒ No ☐

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network ☐
No, proposing to make private drainage arrangements ☒
Not applicable – only arrangement for water supply required ☐

What private arrangements are you proposing for the new/altered septic tank?

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

Please show more details on your plans and supporting information

What private arrangements are you proposing?
Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed) ☐
Other private drainage arrangement (such as a chemical toilets or composting toilets) ☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water? Yes ☒ No ☐

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network? Yes ☒ No ☐

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding? Yes ☐ No ☒

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

Are there any trees on or adjacent to the application site? Yes ☒ No ☐

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling) Yes ☐ No ☒

If yes, please provide details and illustrate on plans.
If no, please provide details as to why no provision for refuse/recycling storage is being made:

[redacted]
Planning in Principle at this stage

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? Yes ☒ No ☐

If yes how many units do you propose in total? 1

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does you proposal alter or create non-residential floorspace? Yes ☐ No ☒

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed ☒

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes ☐ No ☐ N/A ☒

Signature: [redacted] Name: Andrew Kemp Date: 13/08/2021

Any personal data that you have been asked to provide on this from will be held and processed in accordance with Data Protection Legislation.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

(1) No person other than myself was owner 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 application. ☐

(2) None of the land to which the application relates constitutes or forms part of agricultural land. ☐

Signed:

On behalf of:

Date:

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

(1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☒

Name	Address	Date of Service of Notice
Susan kemp	Gorse Bank, Damhead, Rafford	

(2) None of the land to which the application relates constitutes or forms part of agricultural land ☐

or

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

Name	Address	Date of Service of Notice

Signed: [redacted]

On behalf of:

Date: 13/08/2021

CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

(1) I have been unable to serve notice on **every** person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. ☐

or

(2) I have been unable to serve notice on **any** person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates. ☐

(3) None of the land to which the application relates constitutes or forms part of an agricultural holding.

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐

or

(5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

(6) I have taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have been unable to do so.

Steps taken:

Signed:

On behalf of:

Date:

CERTIFICATE D

Certificate D is for use where the application is for mineral development.

(1) No person other than myself was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application. ☐

or

(2) I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

(3) None of the land to which the application relates constitutes or forms part of an agricultural holding. ☐

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant. ☐

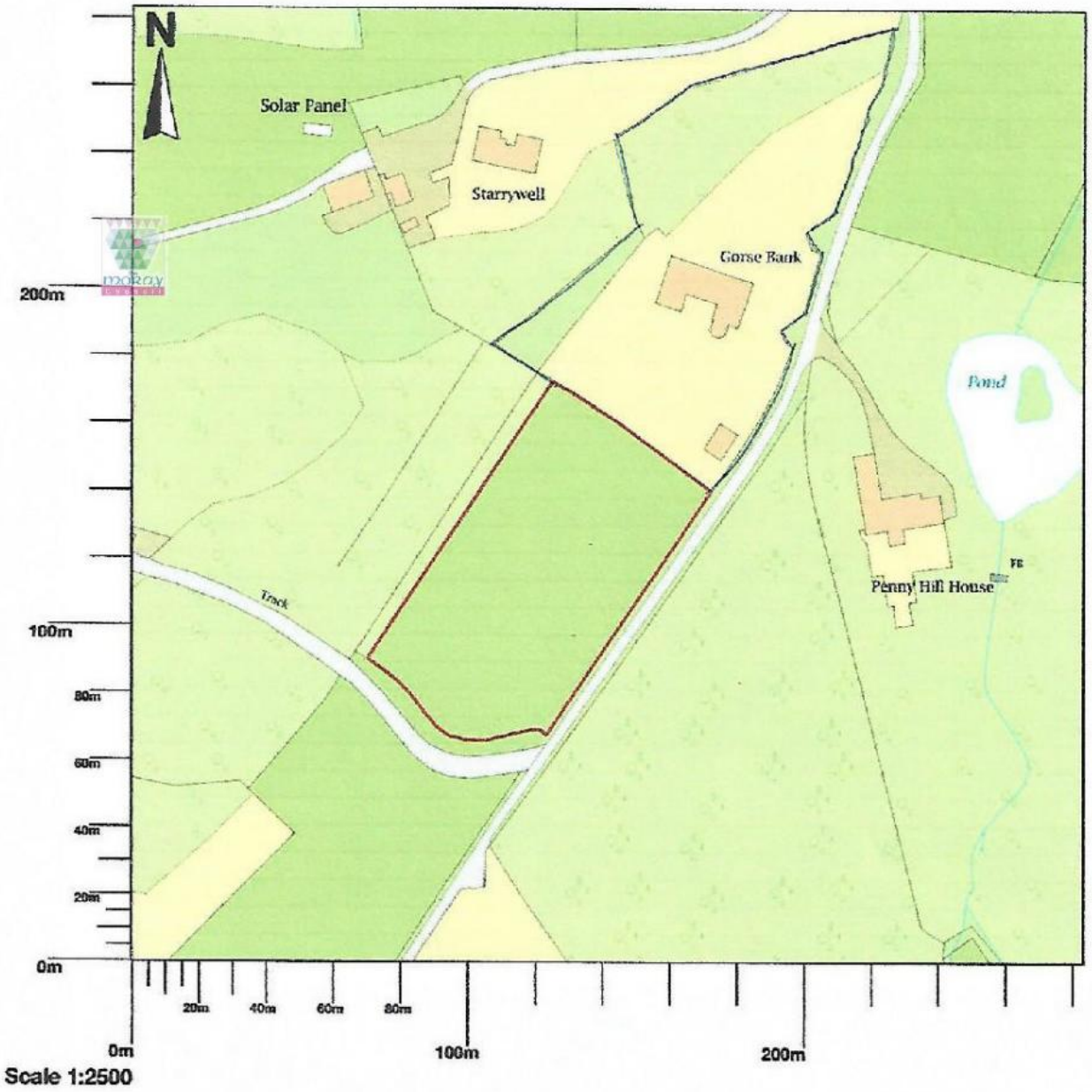
(5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

On behalf of:

Date:

Florrie's Field Damhead Forres

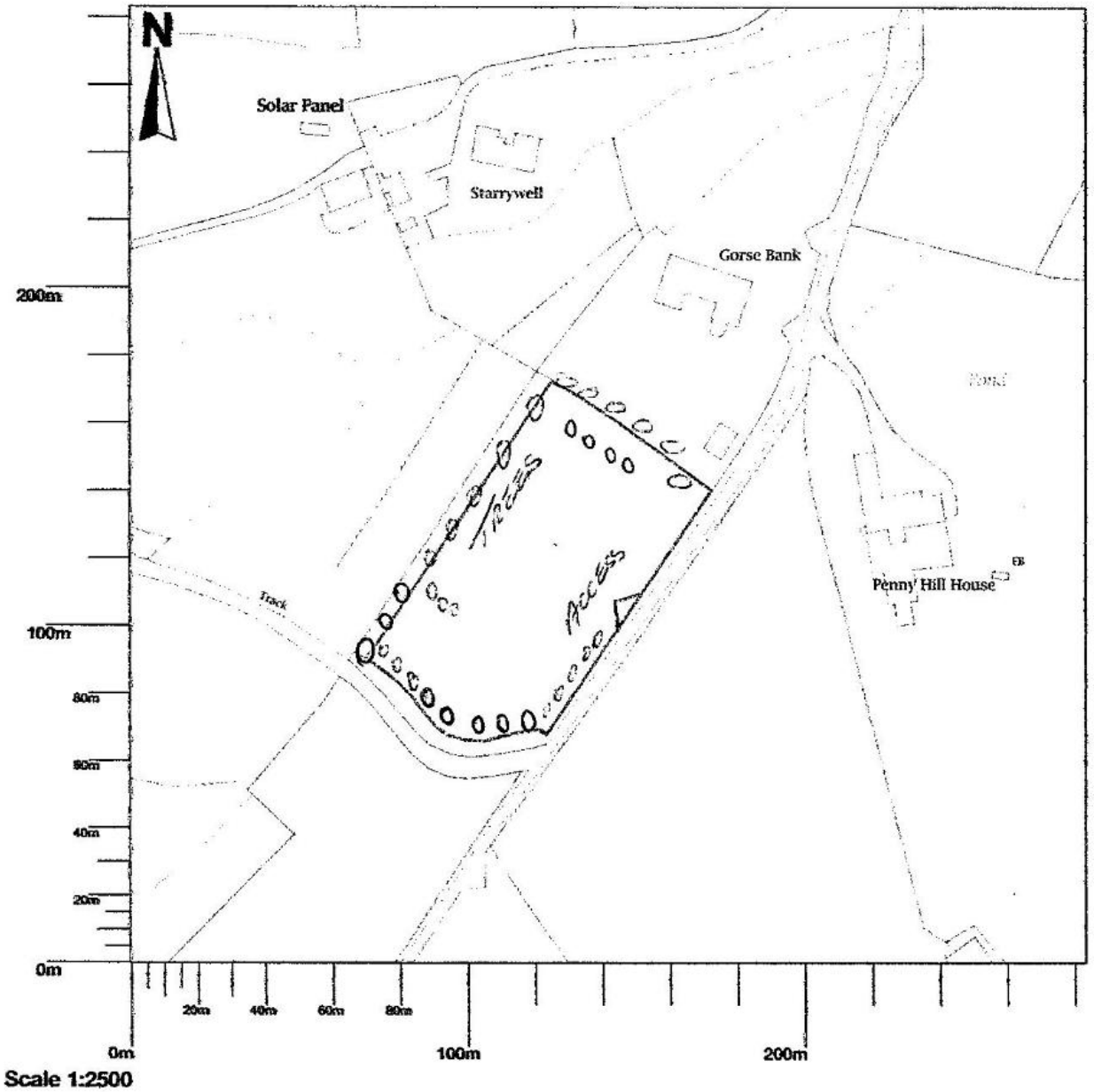


UK Planning Maps

Map data

SHOWING CURRENT AGRICULTURAL ACCESS & LOCATION OF TREES.

FLORRIES FIELD



Scale 1:2500

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

gmcsurveys

Surveys, Setting-Out Civil Engineering Design

Site Investigation & Drainage Assessment

DAMHEAD, RAFFORD

Gary Mackintosh Bsc
gmcsurveys@gmail.com

Contents

Client: 2
Site Address: 2
Planning Reference: 2
Date: 2
Job Number: 2
Company Information: 2
Assessment completed by: 2
Introduction: 3
Soil Conditions: 3
Percolation/Soakaway Testing: 4
Conclusion and Recommendations: 4
Foul Water Discharge via Soakaway: 5
Surface Water Dispersal via Soakaway: 5

Client:

Mrs S Kemp

Site Address:

Site to Southwest of Gorsebank
Damhead
Rafford

Planning Reference:

20/00947/PPP

Date:

23rd September 2020

Job Number:

0741

Company Information:

Assessment completed by:

Gary Mackintosh Bsc
GMCSurveys
34 Castle Street
Forres
Moray
IV36 1PW
Email: gmcsurveys@gmail.com
Telephone: 07557431702

Introduction:

An outline planning application has been made for a single deomestic dwelling within existing agricultural land to the south west of existing property Gorsebank, Damhead, Rafford.

The SEPA Flood Maps have been consulted which highlight the site lies out with any areas of fluvial or pluvial flooding during a 1 in 200year event.

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

Soil Conditions:

Excavations were carried out using a 19th September 2019 to assess the existing ground conditions and carry out infiltration and percolation testing for the dispersal of foul and surface waters via soakaways.

The trial pits were excavated to depths of 1.6m. The pits were left open and no ground water was encountered.

The excavations provided existing ground conditions of 300mm TOPSOIL overlying light brown medium to loose, fine to coarse Sands and subrounded 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.

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.

	1st	2nd	3rd	Mean
Date of Test	**19/09/20**	**19/09/20**	**19/09/20**	
	180s 360s	480s 720s	900s 960s	520s 680s
Average Soil Vp				**4.00s/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	1.2m x 1.2m	0.9 - 1.6	9.371×10^{-5}

Conclusion and Recommendations:

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

The Vp rate is below the maximum threshold of 15s/mm therefore a 'Packaged Sewage Treatment Plant' would be required, the final details of which are to be confirmed by the chosen supplier.

Foul Water Discharge via Soakaway:

As the Vp rate is below 15s/mm, in addition to the package sewage treatment plant, SEPA require that 3.6m² per person or 25m² minimum be allowed for the foul water soakaway. As the planning application is currently outline, no detailed house designs have been provided therefore a 4bed property is to be assumed for the purposes of this report. The foul Water soakaway sizing can therefore be shown as:

3.6 x 6 (4 Bedroom) = 21.60m² **Therefore 25m² required.**

It is therefore proposed to install a soakaway with a minimum base area of 25m². This area can be provided with soakaway plan dimensions 6.0m x 4.2m 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 **25.0m²** is maintained.

Surface Water Dispersal via Soakaway:

As with the foul water system no details of the proposed hardstanding areas have been provided. Utilising a large roof area of 250m² and additional hardstanding of 50m², 300m² is to be considered for the purposes of this report.

Please see attached surface water calculations detailing the requirement and suitability for soakaway dimensions of 6.0m x 2.0m at a depth of 1.5m below the invert level based on the proposed contributing area of 300m² (estimated contributing area) up to and including a 1:30year event with 35% allowance for climate change.

There is adequate space within the proposed site area to accommodate both the estimated hardstanding areas and the required drainage systems. This report will require to be reviewed and updated following the completion of the detailed deign drawings.

Soakaway Details can be found in Appendix A.

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

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.	Sheet no.	Date	By	Checked	Approved
0741	1	23/09/20	GM		

Project: Site to South West of Gorsebank, Rafford

Title: Surface Water Soakaway

Rectangular pit design data:-

Pit length	= 6 m	Pit width	= 2 m
Depth below invert	= 1.5 m	Percentage voids	= 30.0%
Imperm. area	= 300 m²	Infilt. factor	= 0.000094 m/s
Return period	= 30 yrs	Climate change	= 35%

Calculations :-

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

a_{s50} = 2 x (length + width) x depth/2 = 12.0 m²

Outflow factor : O = a_{s50} x Infiltration rate = 0.001128 m/s

Soakaway storage volume : S_{actual} = length x width x depth x %voids/100 = 5.4 m³

Duration	Rainfall mm/hr	Inflow m³	Depth (hmax) m	Outflow m³	Storage m³
5 mins	93.4	2.3	0.55	0.34	1.99
10 mins	72.3	3.6	0.81	0.67	2.93
15 mins	60.3	4.5	0.98	1.02	3.51
30 mins	42.6	6.4	1.21	2.03	4.35
1 hrs	28.8	8.6	1.27	4.06	4.57
2 hrs	18.8	11.3	0.88	8.12	3.15
4 hrs	12.1	14.5	0.00	16.24	0.00
6 hrs	9.3	16.8	0.00	24.36	0.00
10 hrs	6.7	20.0	0.00	40.61	0.00
24 hrs	3.8	27.1	0.00	97.46	0.00

Actual volume : S_{actual} = 5.400 m³

Required volume : $S_{reqd.}$ = 4.570 m³

Soakaway volume storage OK.

Minimum required a_{s50} : 10.16 m²

Actual a_{s50} : 12.00 m²

Minimum depth required: 1.27 m

Time to maximum 1 hrs

Emptying time to 50% volume = t_{s50} = S_{reqd} x 0.5 / (a_{s50} x Infiltration rate) = 00:33 (hr:min))

Soakaway emptying time is OK.

Location hydrological data (FSR):-

Location	= FORRES	Grid reference	= NJ0358
M5-60 (mm)	= 14	r	= 0.24
Soil index	= 0.15	SAAR (mm/yr)	= 720
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

Site plan/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:
Mrs S Kemp
Gorsebank
Damhead
Rafford

SITE: Site to south west of Gorsebank, Damhead, Rafford

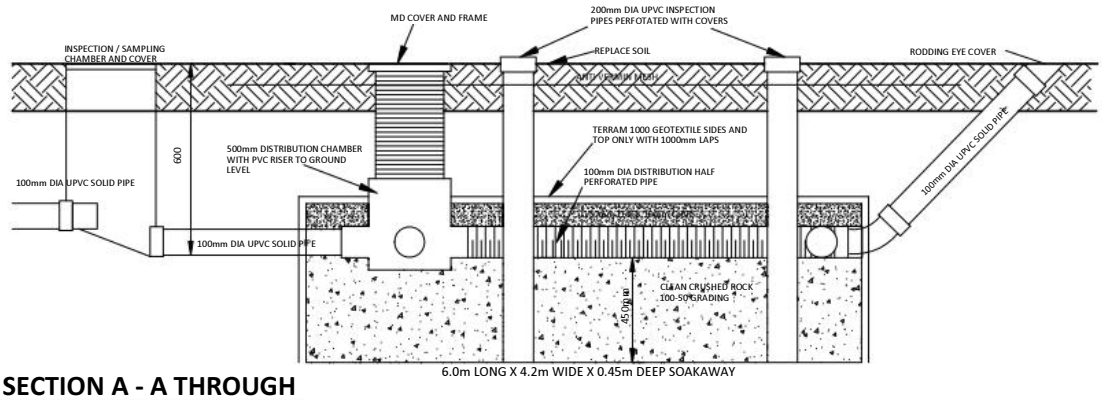
TITLE: Test Hole Location/ Site Plan

SCALE AT A4:	DATE:	DRAWN:	CHECKED:
NTS	SEP20	GM	

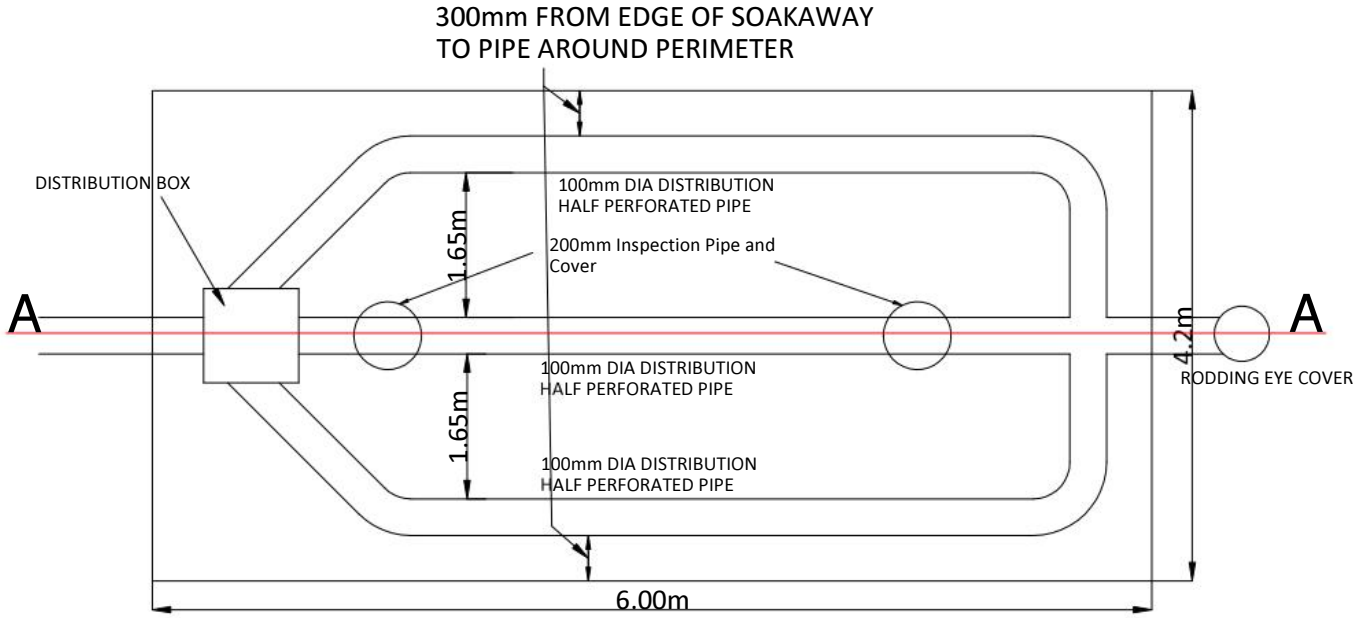
PROJECT NO:	DRAWING NO:	REVISION:
0741	Appendix A	-

Appendix B

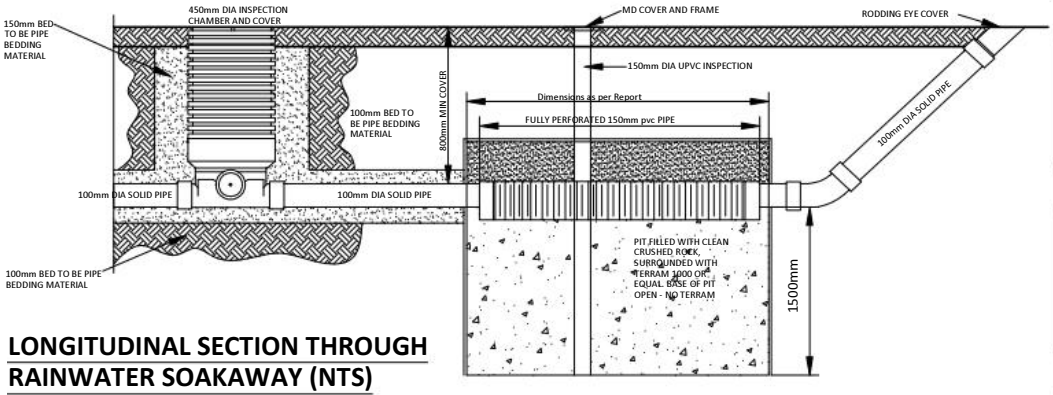
Soakaway Details/Certificates



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:
Mrs S Kemp
Gorsebank
Damhead
Rafford

SITE: Site to south west of Gorsebank, Damhead, Rafford

TITLE: Soakaway Details

SCALE AT A4:	DATE:	DRAWN:	CHECKED:
NTS	SEP20	GM	

PROJECT NO:	DRAWING NO:	REVISION:
0741	Appendix B	-

gmcsurveys
Surveys,Setting Out Civil Engineering Design

Certificate For Proposed Sub – Surface Soakaways
Foul Water

Applicants Name: Mrs S Kemp
Address: Gorsebank, Damhead, Rafford
Site Address: Site to South West of Gorsebank, Damhead, Rafford
Date of Tests: 19th September 2020
Weather Conditions: Dry/Clear

Percolation Test/Soakaway Sizing:

	1st	2nd	3rd	Mean
Date of Test	**19/09/20**	**19/09/20**	**19/09/20**	
	180s 360s	480s 720s	900s 960s	520s 680s
Average Soil Vp				**4.00s/mm**

Location: TP1 & TP2
Average Soil Vp: 4.00s/mm
PE: 6
Base Area (min): 25.00m^2 (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 September 2020

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

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

gmcsurveys
Surveys,Setting Out Civil Engineering Design

Certificate For Proposed Sub – Surface Soakaways
Surface Water

Applicants Name: Mrs S Kemp
Address: Gorsebank, Damhead, Rafford
Site Address: Site to Southwest of Gorsebank, Damhead, Rafford
Date of Tests: 19th September 2020
Weather Conditions: Dry/Clear

Trial Pit Test – Surface Water:

Depth of Excavation: 1.6
Water Table Present: No

Infiltration Test:

Location: INF01
Infiltration Test Zone: 0.9 – 1.6mbgl
Infiltration Rate (m/s): 9.371×10^{-5}
Contributing Area: 300m2
Soakaway Size: 6.0m x 2.0m x 1.5 below the invert of the pipe (30year)

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

Signed: G Mackintosh Gary Mackintosh BSc. Date: 23rd September 2020

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

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

MORAY COUNCIL
PLANNING CONSULTATION RESPONSE
From: The Moray Council, Flood Risk Management
Planning Application Ref. No: 21/01250/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	☐
(b)	I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal	☒
(c)	I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below	☐
(d)	Further information is required in order to consider the application as set out below	☐

Contact: Leigh Moreton Date 23/08/2021
email address: leigh.moreton@moray.gov.uk Phone No 07815 647384

Consultee: The Moray Council, Flood Risk Management

Consultee Comments for Planning Application 21/01250/PPP

Application Summary

Application Number: 21/01250/PPP
Address: Florrie's Field Damhead Rafford Forres
Proposal: Erect dwellinghouse with detached garage at|cr|
Case Officer: Fiona Olsen

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

Approved unconditionally

Consultee Comments for Planning Application 21/01250/PPP

Application Summary

Application Number: 21/01250/PPP
Address: Florrie's Field Damhead Rafford Forres
Proposal: Erect dwellinghouse with detached garage at|cr|
Case Officer: Fiona Olsen

Consultee Details

Name: Mr CL Consultations
Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX
Email: Not Available
On Behalf Of: Contaminated Land

Comments

Approved unconditionally

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	1st September 2021
Planning Authority Reference	21/01250/PPP
Nature of Proposal (Description)	Erect dwellinghouse with detached garage at
Site	Florrie's Field Damhead Rafford Forres
Site Postcode	N/A
Site Gazetteer UPRN	000133058522
Proposal Location Easting	306814
Proposal Location Northing	854325
Area of application site (M^2)	
Additional Comment	
Development Hierarchy Level	
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QXRX1KBG02M00
Previous Application	21/00005/PPP 09/00690/AGR 08/02170/AGR
Date of Consultation	18th August 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Andrew Kemp
Applicant Organisation Name	
Applicant Address	Gorse Bank Damhead Rafford Forres Moray IV36 2SJ
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen
Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@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: 21/01250/PPP
Erect dwellinghouse with detached garage at
Florrie's Field Damhead Rafford Forres for Mr Andrew Kemp

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	❑
(c)	I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below	❑
(d)	Further information is required in order to consider the application as set out below	❑

This proposal is for the erection of a new dwelling swerved via the U107E Fernielea Road.

The U107E Fernielea Road is a narrow no through road with limited passing places, which gains access to the wider road network via a junction onto the B9010 Main Road, Rafford. This junction is the sole point of access from the site onto the wider road network.

The visibility splay to the north west at the U107E/B9011 Junction is presently restricted by a high timber boundary fence along the site boundary of 'Kantara'. Additionally the narrow width of the U107E at the junction makes it difficult for two vehicles to pass eachother.

Background
A previous Planning Application for this site (21/00005/PPP) was objected to by Transportation on the grounds of the constrained visibility and lack of passing space at this junction being considered likely to result in conditions detrimental to road safety of road users. Transportations response stated "The junction has been identified as requiring improvements to the visibility splays for the minor road and widening works. Further development via this junction would not be acceptable unless the improvements had been implemented. The improvements require land located outwith the extents of the public verge (third party). "

Subsequently, and as a result of enforcement proceedings relating to the high fence which was actually erected without consent (in front of an existing high hedge); through negotiations with Transportation Officers the owner of Kantara agreed to the setting back of the high fence and hedge to provide an improved visibility splay from the adjacent junction. (21/00512/APP relates).The works to improve the visibility splay have been

completed with the former timber fence now being set back to provide a 2.4m x 36m visibility splay from the junction.

It should be highlighted that whilst these works do offer an 'improvement' to the previous visibility afforded by the high fence (and high hedge behind), the sightline still falls well short of what would ordinarily be accepted as an appropriate visibility splay based on approaching vehicle speeds. The works have also provided no improvement to the width of the junction, meaning that it would still be difficult for vehicles to pass when meeting each other at the junction.

Therefore on the basis that the visibility splay at the U107E/B9011 junction is still constrained, and the U107E at the junction is still too narrow to allow vehicles to safely pass each other Transportation's previous response would still apply:

Reason for objection

The existing U107E/B9011 junction serving the site is considered to be inadequate to serve the proposed development, by reason of its restricted visibility and width. Transportation therefore considers that the proposal, if permitted, would result in an intensification of use of the constrained junction and 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 'c)' (safe access to and from the road network).

Contact: AG **Date 25 August 2021**
email address: transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

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

Thursday, 19 August 2021

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
Follow Us

Dear Customer,

Florrie's Field Damhead, Rafford, Forres, IV36 2SJ
Planning Ref: 21/01250/PPP
Our Ref: DSCAS-0046851-ZL8
Proposal: Erect dwellinghouse with detached garage

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 Glenlatterach 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.

- 1 x 63mm MDPE 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 Dom Property:

- Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises

from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and 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 Operations Analyst
developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

“It is important to note that the information on any such plan provided on Scottish Water’s infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish

Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

From: Teresa Ruggeri <Teresa.Ruggeri@moray.gov.uk>
Sent: 04 Oct 2021 01:32:28
To: DMSMyEmail@moray.gov.uk
Cc:
Subject: FW: 21/01250/PPP Erect dwellinghouse with detached garage at Florrie's Field, Damhead, Rafford, Forres
Attachments: 21-01250-PPP Erect dwellinghouse with detached garage at Florrie's Field, Damhead, Rafford, Forres.pdf

---

Teresa Ruggeri|Planning Technical Assistant|Development Management|Economic Growth and Development
teresa.ruggeri@moray.gov.uk |website | facebook | twitter | newsdesk
01343 563270

From: Fiona Olsen <Fiona.Olsen@moray.gov.uk>
Sent: 04 October 2021 13:15
To: DC-General Enquiries <development.control@moray.gov.uk>
Subject: FW: 21/01250/PPP Erect dwellinghouse with detached garage at Florrie's Field, Damhead, Rafford, Forres

This DO assessment doesn't appear to be on the DMS – is that you that uploads it or should have been sent to Planning Consultation?

Thanks,

Fiona

From: DeveloperObligations
Sent: 23 September 2021 15:35
To: Fiona Olsen
Cc: DC-General Enquiries
Subject: 21/01250/PPP Erect dwellinghouse with detached garage at Florrie's Field, Damhead, Rafford, Forres

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 | moray council planning facebook | twitter | newsdesk

Developer Obligations & Affordable Housing: ASSESSMENT REPORT

Date: 23/09/2021

Reference: 21/01250/PPP

Description: Erect dwellinghouse with detached garage at Florrie's Field, Damhead, Rafford, Forres

Applicant: Mr Andrew Kemp

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 *(Contribution towards Demand Responsive Transport-dial-a-bus)*	[redacted]
Healthcare *(Contribution towards extension at Forres Health Centre, 2 Additional Dental Chairs and reconfiguration to existing Pharmacy outlets)*	[redacted]
Sports and Recreation *(Contribution towards 3G pitch in Forres)*	[redacted]
Total Developer Obligations	[redacted]
Affordable Housing	[redacted]
TOTAL	[redacted]

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.

INFRASTRUCTURE

Education

Primary Education

The pupils generated by this development are zoned to Anderson's Primary School. The school is currently operating at 65% 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 Speyside High School. The school is currently operating at 74% 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 = [redacted]

Healthcare

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

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).

Forres Health Centre is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Forres Health Centre is working at design capacity and the existing space will be required to be extended and that 2 Additional Dental Chairs and a reconfiguration to existing Pharmacy outlets will be required.

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

[redacted]

[redacted]

[redacted]

Contribution towards Healthcare=[redacted]

Sports and Recreational Facilities

Sports and Recreation Facilities

The nearest sports and recreational facilities that serve this development are located in Forres. The Moray Local Development Plan 2020 identifies a requirement for new development to contribute towards additional capacity of sports and recreational facilities. As set out in the Review of Sport, Leisure and Recreational Provision in Moray (April 2014), current pitch provision in Forres falls below national standards in terms of both quantity and quality. The Review set out the preference is to provide synthetic grass pitches given the ever improving developments of synthetic turf technology, flexibility offered by the surface in terms of game size and capacity for repeated play without detrimental effect.

The Planning Facilities Model 2018 sets out that Moray currently meets 0.5 pitches per 10,000 population, which is significantly lower than the national average of 0.9 pitches per 10,000 population. Moray Council has agreed that the Council aim is to provide every secondary school with convenient/adjacent access to a 3G pitch given that sportscotland stipulates that pitches should be adjacent to schools. Therefore, contributions will be sought towards a 3G pitch in Forres on the following basis:

[redacted]

Contribution for Sports and Recreation Facilities = [redacted]

AFFORDABLE HOUSING

The average market value of a serviced plot for 1 Affordable Unit within the Forres 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:

1 proposed unit = [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.

Comments for Planning Application 21/01250/PPP

Application Summary

Application Number: 21/01250/PPP
Address: Florrie's Field Damhead Rafford Forres
Proposal: Erect dwellinghouse with detached garage at|cr|
Case Officer: Fiona Olsen

Customer Details

Name: [redacted]
Address [redacted]

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- Road access
- Road safety

Comment:Having lived in Rafford for 40 years and seen an increase in traffic on this narrow access road which is currently not up to a proper standard and one more passing place is not going to make it so.
The picture showing 2 cars passing very seldom works as illustrated more often than not the vehicle turning off the B9010 cuts the corner and ends up having to reverse back onto the main road, a very dangerous situation, which occurs almost daily.
I have no objection to the developement but the road needs substantial upgrade before any further building takes place.

REPORT OF HANDLING

Ref No:	21/01250/PPP	**Officer:**	Fiona Olsen
Proposal Description/ Address	Erect dwellinghouse with detached garage at Florrie's Field Damhead Rafford Forres		
Date:	07.10.2021	**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**
Moray Flood Risk Management	23/08/21	No Objections
Environmental Health Manager	20/08/21	No Objections
Contaminated Land	25/08/21	No Objections
Transportation Manager	25/08/21	Objection
Scottish Water	19/08/21	No Objections
Planning And Development Obligations	23/09/21	Contributions Sought

DEVELOPMENT PLAN POLICY

Policies	**Dep**	**Any Comments (or refer to Observations below)**
EP7 Forestry Woodland and Trees	N	Complies
EP12 Management and Enhancement Water	N	Complies
EP13 Foul Drainage	N	Complies
EP14 Pollution Contamination Hazards	N	Complies
PP1 Placemaking	N	Complies
PP2 Sustainable Economic Growth	N	Complies
PP3 Infrastructure and Services	N	Complies
DP1 Development Principles	Y	
DP2 Housing	N	Complies
DP4 Rural Housing	N	Complies

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: ONE		
Names/Addresses of parties submitting representations Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
Issue: Concern regarding road safety when two cars are passing on the U107E road near the junction. **Comments (PO):** Moray Council Transportation have been consulted on the application and have objected on the basis that the U107E/B9011 junction is inadequate to serve the proposed development by reason of its restricted visibility and width. In particular it is noted that although improvement works have been undertaken, no improvement to the width of the junction has been carried out, meaning that it would still be difficult for vehicles to pass when meeting each other at the junction. This will form part of the reasons for refusal.		
Issue: Concern regarding increase in traffic on public road. **Comments (PO):** Moray Council Transportation section have been consulted and have stated that the proposal, if permitted, would result in an intensification of use of the constrained junction and be likely to give rise to conditions detrimental to the road safety of road users which would be contrary to policy DP1 of the MLDP 2020. This will form part of the reasons for refusal.		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

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

Site
The site is an existing parcel of overgrown land named 'Florrie's Field' to the south-west of an existing dwelling at Gorse Bank, Rafford, Forres.

Planning History
A supporting statement submitted outlines previous permission for the siting of general purpose agricultural buildings (08/02170/AGR & 09/00690/AGR). The applicant's supporting statement outlines that these buildings were used as part of a previous owner's herb growing business. These buildings have since been removed and the land sold to the applicant for the current planning application.

A planning application was submitted in 2020 (20/00947/PPP) for planning permission in principle to erect a dwellinghouse. This application was subsequently refused due to the existing U107E/B9011 junction serving the site being considered to be inadequate to serve the proposed development, by reason of its restricted visibility and width.

A further planning application was submitted in early 2021 (21/00005/PPP refers) for planning permission in principle to erect 2 bedroom single storey dwelling house with garage on the same site. However this application was subsequently withdrawn.

Finally, an application was submitted in 2021 (21/00512/APP refers) to erect a replacement fence to provide a visibility splay at road junction at the U107E/B9011 junction and this application was subsequently approved and the works have been carried out.

Policy Assessment (MLDP 2020)
Siting (DP1, DP4)
Policy DP4 refers to new housing in the open countryside and outlines the siting criteria for sites within areas of intermediate pressure. These require that must be existing landform, mature trees, established woodland or buildings to provide acceptable enclosure and backdrop to the new house. It also must not create ribbon development or contribute to a build-up of new housing in the countryside. Finally a minimum of 15% of the site must be landscaped with native tree species.

A line of mature trees bound the western boundary and part of the northern boundary of the site, provide adequate backdrop and containment, thereafter the site is defined by post and wire fencing. There are neighbouring properties (three to the north and three to the south, as well as a consented house to the west - 14/02088/APP (with extant permission, however works are not yet complete). These neighbouring properties are set well back from the site, within their own large and well-defined plots. Therefore the addition of a new house on this site would therefore not create ribbon development or an unacceptable build-up of new housing that would be detrimental to the character of the wider area. Additional tree planting is also proposed within the site which would aid to integrate a new house easily into the existing site and further screen any property from neighbours.

Therefore, overall, the proposal is considered to comply with the siting requirements of policy DP4.

Access and Parking (DP1)
No new access to the site or parking has been shown at this stage and if the application were to be approved, these would be matters controlled by condition. The site is accessed currently via the U107E Fernielea Road which is narrow no through road with limited passing places, which gains access to the wider road network via a junction onto the B9010 Main Road, Rafford. This junction is the sole point of access from the site onto the wider road network.

Moray Council Transportation Section have been consulted and have objected on the basis that the existing U107E/B9011 junction serving the site is considered to be inadequate to serve the proposed development, by reason of its restricted visibility and width. The Transportation Section considered that the proposal, if permitted, would result in an intensification of use of the constrained junction and be likely to give rise to conditions detrimental to the road safety of road users which would be contrary to policy DP1 section (iii) part (c) of the MLDP 2020.

A supporting statement has been submitted in which the applicant maintains that the visibility at the U107E/B9011 junction serving the site is sufficient, particularly following improvements made to the fence (under 21/00512/APP). The applicant also contends that a single house plot would reduce traffic using the U107E road in comparison to the most recent use as an agricultural small holding. It must be noted however that the previous agricultural use and permissions related to the installation of agricultural buildings only (08/02170/AGR & 09/00690/AGR refer) and that no permission had been granted to allow any regular visiting members of the public to the site. It is also noted that the previous agricultural buildings have since been removed and that the site and proposed house plot must be assessed afresh and under their own individual merits. Finally it is noted that the applicant has stated willingness to install a passing place on the U107E road.

It is concluded however, following consultation with the Transportation section that whilst works have been carried out to increase' the previous visibility at the U107E/B9011 (under application ref: 21/00512/APP), the sightline still falls well short of what would ordinarily be accepted as an appropriate visibility splay based on approaching vehicle speeds. The works have also provided no improvement to the width of the junction, meaning that it would still be difficult for vehicles to pass when meeting each other at the junction.

Therefore, notwithstanding the points raised within the applicant's supporting statement, it is considered that the visibility splay at the U107E/B9011 junction is still constrained and the U107E at the junction is still too narrow to allow vehicles to safely pass each other and therefore the application would be contrary to Policy DP1 and will be refused.

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

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

A 'Tree Location' plan has been submitted which indicates tree planting proposed. If the application were to be approved, detailed information on boundary treatments and landscaping (including type, position and number of all planting to be undertaken) would be matters controlled by condition.

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

Drainage & Water Supply (DP1, EP12, EP13)
A Site Investigation and Drainage Assessment has been submitted which provides details for proposed foul and surface water soakaways for any future house. Flood Risk Management have been consulted on the application and have raised no objections, however further details would require to be provided upon receipt of a full planning application.

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

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

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

Developer Obligations and Affordable Housing (PP3, DP2)
A Developer Obligation towards Transport, Healthcare and Sports and Recreation is sought as part of the application. An affordable housing contribution is also sought. The applicant has confirmed willingness to pay both of these, should the application be approved.

Conclusion
The proposal would meet the siting criteria of DP4 and other matters including design, drainage and landscaping can be sought by condition as part of any future full planning application. However the access to and from the site at the U107E/B9011 junction is still constrained and the U107E at the junction is still too narrow to allow vehicles to safely pass each other and therefore the application would be contrary to Policy DP1 and will be refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY				
Reference No.	**Description**			
21/00005/PPP	Erect 2 bedroom single storey dwelling house with garage at Florrie's Field Damhead Rafford Forres			
	Decision	Withdrawn	**Date Of Decision**	19/01/21
09/00690/AGR	Proposed general purpose building at Heatherfold Damhead Forres Moray			
	Decision	Permitted	**Date Of Decision**	27/05/09
08/02170/AGR	Erect agricultural shed at Plot 2 Damhead Forres Moray			
	Decision	Permitted	**Date Of Decision**	13/11/08
20/00947/PPP	Erect dwelling house on small holding Heatheryfold Caravan Damhead Forres Moray IV36 2SJ			
	Decision	Refuse	**Date Of Decision**	15/10/20

ADVERT		
Advert Fee paid?	**Yes**	
Local Newspaper	**Reason for Advert**	**Date of expiry**
Forres Gazette	No Premises	21/09/21
PINS	No Premises	21/09/21

DEVELOPER CONTRIBUTIONS (PGU)	
Status	**N/A**

DOCUMENTS, ASSESSMENTS etc. *
** Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

Supporting information submitted with application?	YES	

Summary of main issues raised in each statement/assessment/report	
Document Name:	Site Investigation and Drainage Assessment (dated 23 September 2020)
Main Issues:	Outlines testing undertaken to confirm ground suitability for foul and surface water soakaways.

Document Name:	Supporting Document
Main Issues:	Outlines planning history and surrounding developments.

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

[Forres]
Planning Permission in Principle

TO [redacted]

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 with detached garage at Florrie's Field Damhead Rafford Forres

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

Date of Notice: **11 October 2021**

[redacted]

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 Councils reason(s) for this decision are as follows: -

The proposal for a new dwellinghouse on this site would be contrary to Moray Local Development Plan 2020 policy DP1 for the following reason:-

The existing U107E/B9011 junction serving the site is considered to be inadequate to serve the proposed development, by reason of its restricted visibility and width. The proposal if permitted, would result in an intensification of use of the constrained junction and 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 'c)' (safe access to and from the road network).

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference Version	**Title**
	Site and location plan
	Tree location

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 100487359-001

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) T Applicant ≤ Agent

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Gorse Bank
First Name: *	ANDREW	Building Number:	
Last Name: *	KEMP	Address 1 (Street): *	Gorse Bank, Damhead,
Company/Organisation		Address 2:	Rafford,
Telephone Number: *	[redacted]	Town/City: *	FORRES
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	IV36 2SJ
Fax Number:			
Email Address: *	[redacted]		

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

Florries Field, Damhead, Rafford

Northing 854320 Easting 306792

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)

Erect dwelling house with detached garage at Florries Field, Damhead, Rafford.

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).

T Application for planning permission in principle.

≤ Further application.

≤ Application for approval of matters specified in conditions.

What does your review relate to? *

T 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 a 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.

The visibility at the junction of the U107E/B9010 (not B9011 as stated on the refusal) was improved in the North East direction by Moray Council in 2015. In June 2021 the visibility was improved in the North West direction at considerable cost by Moray Council. This involved the purchase of land at the junction and the removal and re siting of a high wooden fence. The visibility at the junction is now appropriate for all road users complying with DP1 section ii part 'c'

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

Intensification/width document with photograph. Photographs of visibility at the junction.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application. 21/01250/PPP

What date was the application submitted to the planning authority? * 13/08/2021

What date was the decision issued by the planning authority? * 11/10/2021

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. *

T 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? * T Yes ≤ No

Is it possible for the site to be accessed safely and without barriers to entry? * T 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?. * T Yes ≤ No

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

Declaration Date: 17/10/2021

Supporting Document for Planning Appeal

21/01250/PPP Erect dwelling house with detached garage at Florrie's Field, Damhead, Rafford.

The previous owner of Florries Field used the land to operate a Herb growing business. This involved several vehicles using the lane on a daily basis and also commercial vehicles which would deliver goods and remove produce.
This was permitted development and no involvement was required from Transportation.

The proposal however does require involvement from Transportation but if granted there would actually be fewer vehicles using the lane and junction and therefore there would be no intensification of use.

We also fully intend to construct another official passing place thereby doubling the current number and hence improving the safety for all users of the lane.

The width of the junction has remained unchanged for more than 20 years however now that the visibility has been further improved, vehicles entering and exiting the lane at the junction can now see each other and therefore do not need to pass each other in the lane and this is common in the rural community.

The photos below show the visibility at the junction following the recent improvements.

Vehicle at junction.

Visibility in North East direction also showing low stone wall erected by the council in 2015 to improve visibility.

Visibility in North West Direction clearly showing oncoming traffic

Proposal Details

Proposal Name	100487359
Proposal Description	Erect dwelling house with detached garage. Ref: 21/01250/PPP
Address	
Local Authority	Moray Council
Application Online Reference	100487359-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
1	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

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/LRB265
Your reference: LR265

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

03 November 2021

Dear Madam

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

REQUEST FOR REVIEW: PLANNING APPLICATION 21/01250/PPP ERECT DWELLINGHOUSE WITH DETACHED GARAGE AT FLORRIE'S FIELD DAMHEAD RAFFORD FORRES

I refer to your email dated 25th October 2021.

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

[redacted]

Diane Anderson
Senior Engineer

Local Review
LRB Ref 265
Planning Application Reference 21/01250/PPP Erect dwellinghouse with detached garage at Florrie's Field Damhead Rafford Forres

Response from Transportation, Moray Council

1. This document is in response to the Notice of Review and the Statement of Case submitted by Mr Andrew Kemp and sets out observations by Transportation on the application and the grounds for seeking a review.

2. This review concerns planning application 21/01250/PPP to erect a new dwelling house. Access would be provided via a new access onto the U107E Fernielea Road, which joins the wider road network at its junction with the B9010 Main Road, Rafford.

3. Transportation received the consultation for planning application 21/01250/PPP on 18th August 2021. A copy of Transportations consultation response dated 25th August 2021 is attached (TMC01).

4. The basis of the appellants request for review is that the site was the former location of a caravan and agricultural buildings associated with the previous owner of the site (which was for a heather and herb business), and the associated vehicular trips for the previous operations would essentially be replaced by those associated with the proposed new dwelling. Additionally the appellant considers that the visibility splay at the junction onto the B9010 is acceptable, and that the carriageway for the side road (U107E) is wide enough to accommodate two vehicles passing each other at the junction.

5. The previous use and associated buildings did not have Planning Permission, and instead was subject only to 'permitted development' rights for Agricultural use (AGR). The permitted development rights for Agricultural use are strictly subject to various restrictions and limitations, including limits on the use, duration of operations, size of buildings, and distance from a public road. The development "must not give rise to, or alter or extend, a dwelling", and also the "development giving rise to buildings, structures or works not designed for agricultural purposes is not permitted".

6. The previous traffic would have been strictly associated with the restricted Agricultural based permissions (not transferrable to domestic use). Transportation therefore considers that all traffic associated with the proposed new dwelling would be "new" traffic.

<u>Visibility Splays</u>

7. Visibility splays at junctions on the public road are required to ensure that there is adequate inter-visibility between vehicles. If a development involves the intensification of use of a junction where visibility is restricted by adjacent hedges/ boundary fences etc, then this would be likely to give rise to conditions

detrimental to the road safety of road users, contrary to Moray Local Plan policy DP1 'Development Principles' section (ii)- 'Transportation', part 'a)' (safe entry and exit)

8. Visibility splays relate to the visibility available to a driver at or approaching a junction in both directions. It is related to the driver's eye height, object height above the road, distance back from the main road known as the 'x' distance and a distance along the main road known as the 'y' distance. The 'y' distance is related either to a) the design speed of the road and a corresponding 'stopping sight distance' or b) in some circumstances may be based on observed '85th percentile vehicle speeds'. For a junction serving additional development the 'x' distance is 4.5m, measured from the edge of the public carriageway along the centre-line of the side road.

9. A detailed description of the relevance and consideration of visibility splays is attached (TMC02) which is an extract from The Moray Council document Transportation Guidelines for Small Developments in the Countryside (TRSDC). TRSDC was approved at the Economic Development & Infrastructure Committee on 20 April 2010.

Background

10. The B9010 Main Road/U107E Fernielea Road junction was previously identified for improvements on road safety grounds following complaints to Transportation (Traffic section) regarding the restricted visibility. The visibility at this junction onto the B9010 was previously severely restricted in both directions by the boundary hedges of the adjacent properties, 'The Holm' and 'Kantara'.

11. An officer from the Traffic section originally approached the owners of both these properties to secure, by control or agreement, improvements to the sightlines. The officer was able to secure improvements to the visibility splay in a southerly direction only (across the frontage of 'The Holm'. These improvements were considered to be the minimum acceptable in terms of road safety and did not go so far as to enable the intensification of use of the junction by additional traffic associated with any new development. The visibility splay to the north-west at that time remained severely restricted due to an existing high hedge across the frontage of 'Kantara'.

12. A previous Planning Application for this site (21/00005/PPP) was objected to by Transportation on the grounds of the constrained visibility and lack of passing space at this junction being considered likely to result in conditions detrimental to road safety of road users. Transportations response stated "The junction has been identified as requiring improvements to the visibility splays for the minor

road and widening works. Further development via this junction would not be acceptable unless the improvements had been implemented. The improvements require land located outwith the extents of the public verge (third party). "

13. Subsequently as a result of enforcement proceedings relating to a high fence which was erected without consent by new owners of the property, and through negotiations with Transportation Officers the new owners of 'Kantara' agreed to the setting back of the high fence and hedge to provide a minor betterment to the visibility splay from the adjacent junction. (21/00512/APP relates).These works have now been completed with the former timber fence (which was subject to the enforcement case), and high hedge to rear now being set back to provide a visibility splay of approximately 2.4m x 36m from the junction across the frontage of 'Kantara'.

14. Once again it must be emphasised that although minor improvements have now been provided to the visibility splays in both directions at the junction onto the B9010 (across the frontages of both 'The Holm' and 'Kantara') these improvements are considered to be the minimum acceptable in terms of road safety and do not go so far as to enable the intensification of use of the junction by additional traffic associated with any new development.

15. It should also be highlighted that a visibility splay "x" distance of 2.4 metres, is normally associated with accesses serving single properties. An access or junction such as this serving multiple properties would ordinary have a more onerous visibility splay 'x' distance requirement of 4.5m.

Existing B9010/U107E Fernielea Road Junction

16. The U107E Fernielea Road is a single track road with limited passing opportunities. The road serves a number of residences and farms and is a 'dead end' road. As the road approaches the B9010 it remains narrow, with an inadequate width to allow two vehicles to comfortably pass. The existing measurements are as follows:

Existing Road Measurements at junction onto the B9010

Distance from Road Markings at edge of B9010	**Fernielea Road - Approximate Road Width (edge of carriageway to edge of carriageway)**
0 metres	11.0 metres
2.5 metres	5.5 metres
5.0 metres	4.2 metres
7.5 metres	3.4 metres

10.0 metres	3.0 metres
12.5 metres	2.9 metres
15.0 metres	2.8 metres

17. The works undertaken to date have also not resulted in any widening the U107E Fernielea Road as it approaches to the B9010 junction. There is still insufficient width to accommodate two vehicles passing each other at the junction without having overrun the public verge. Additionally of course some of the vehicles may be larger than cars, and given the constrained visibility it would also be likely that the exiting vehicle would be positioned in the centre of the carriageway, as they would not be aware of another vehicle about to turn off the B9010 and towards them. There are also no segregated areas/ footways available for pedestrians to step out of the way of a passing vehicle.

Additional Development/ intensification of use of the junction

18. The improvements required to enable additional traffic associated with developments to use the B9010/U107E junction would be an 'x' distance of 4.5 metres and a 'y' distance of 90 metres in both directions, which is in keeping with the standards set out in The Moray Council document Transportation Requirements for Small Developments in the Countryside. The land required to provide the 'appropriate' visibility splays (to roads standards) lies out with the public road verge and within the garden ground of both adjacent properties. Recent photographs taken at 'x' distances of 2.4 metres and 4.5 metres are attached (TMC03).

19. Further improvements to widen the U107E Fernielea Road would also be required to enable additional traffic associated with development to use this junction. The required widening would be to a minimum of 5.5 metres for a distance of 15 metres measured from the edge of the B9010, as set out in The Moray Council document Transportation Requirements for Small Developments in the Countryside. Verges typically of 2.0 metres in width would be required on either side of the widened road. The land required to provide this road improvement (to roads standards) once again lies out with the public road verge and within the garden ground of both adjacent properties.

Conclusion

20. Whilst Transportation has been able to secure a limited betterment to the visibility splays, this falls well short of what would ordinarily be required (based on Roads Standards) when considering approaching vehicle speeds and the capacity of the junction. Additional visibility splay improvements would be required along with

improvements to the width of Fernielea Road at the approach to the junction in order to safely accommodate any intensification of use of this junction.

21. There is no evidence to indicate the necessary visibility splay improvements and required road widening works can be provided by the appellant. There is third party land involved.

22. The proposed new dwelling would be considered to directly result in the intensification of use of this existing constrained junction.

23. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that policy DP1 'Development Principles' section (ii)- 'Transportation', part 'a)' (safe entry and exit) is not satisfied.

Transportation
03 November 2021

Documents

TMC01	Transportation Consultation Response dated 25th August 2021
TMC02	Extract on Visibility Splays from Transportation Requirement for Small Developments in the Countryside (TRSDC)
TMC03	Site photos (Visibility splays at junction)

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	1st September 2021
Planning Authority Reference	21/01250/PPP
Nature of Proposal (Description)	Erect dwellinghouse with detached garage at
Site	Florrie's Field Damhead Rafford Forres
Site Postcode	N/A
Site Gazetteer UPRN	000133058522
Proposal Location Easting	306814
Proposal Location Northing	854325
Area of application site (M^2)	
Additional Comment	
Development Hierarchy Level	
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QXRX1KBG02M00
Previous Application	21/00005/PPP 09/00690/AGR 08/02170/AGR
Date of Consultation	18th August 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Andrew Kemp
Applicant Organisation Name	
Applicant Address	Gorse Bank Damhead Rafford Forres Moray IV36 2SJ
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen
Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@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: 21/01250/PPP
Erect dwellinghouse with detached garage at
Florrie's Field Damhead Rafford Forres for Mr Andrew Kemp

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	❑
(c)	I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below	❑
(d)	Further information is required in order to consider the application as set out below	❑

This proposal is for the erection of a new dwelling swerved via the U107E Fernielea Road.

The U107E Fernielea Road is a narrow no through road with limited passing places, which gains access to the wider road network via a junction onto the B9010 Main Road, Rafford. This junction is the sole point of access from the site onto the wider road network.

The visibility splay to the north west at the U107E/B9011 Junction is presently restricted by a high timber boundary fence along the site boundary of 'Kantara'. Additionally the narrow width of the U107E at the junction makes it difficult for two vehicles to pass eachother.

Background
A previous Planning Application for this site (21/00005/PPP) was objected to by Transportation on the grounds of the constrained visibility and lack of passing space at this junction being considered likely to result in conditions detrimental to road safety of road users. Transportations response stated "The junction has been identified as requiring improvements to the visibility splays for the minor road and widening works. Further development via this junction would not be acceptable unless the improvements had been implemented. The improvements require land located outwith the extents of the public verge (third party). "

Subsequently, and as a result of enforcement proceedings relating to the high fence which was actually erected without consent (in front of an existing high hedge); through negotiations with Transportation Officers the owner of Kantara agreed to the setting back of the high fence and hedge to provide an improved visibility splay from the adjacent junction. (21/00512/APP relates).The works to improve the visibility splay have been

completed with the former timber fence now being set back to provide a 2.4m x 36m visibility splay from the junction.

It should be highlighted that whilst these works do offer an 'improvement' to the previous visibility afforded by the high fence (and high hedge behind), the sightline still falls well short of what would ordinarily be accepted as an appropriate visibility splay based on approaching vehicle speeds. The works have also provided no improvement to the width of the junction, meaning that it would still be difficult for vehicles to pass when meeting each other at the junction.

Therefore on the basis that the visibility splay at the U107E/B9011 junction is still constrained, and the U107E at the junction is still too narrow to allow vehicles to safely pass each other Transportation's previous response would still apply:

Reason for objection

The existing U107E/B9011 junction serving the site is considered to be inadequate to serve the proposed development, by reason of its restricted visibility and width. Transportation therefore considers that the proposal, if permitted, would result in an intensification of use of the constrained junction and 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 'c)' (safe access to and from the road network).

Contact: AG **Date 25 August 2021**
email address: transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

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

5.6 Visibility Splays

5.6.1 A well-designed access is important for the safety and convenience of all road users - those proceeding on the public road as well as those using the access. Proposals for a new access or the intensification of use of an existing access will normally have a number of requirements to promote safety and avoid excessive delay

5.6.2 Transportation will object to proposals likely to prejudice road safety.

5.6.3 Transportation will also raise an objection to the creation of an access and/or visibility splays, unless the applicant is able to demonstrate control or the reasonable prospect of acquiring control of any land likely to be the subject of a condition relating to the provision of any such access and/or visibility splays.

5.6.4 Good visibility is essential to enable drivers emerging from the minor road (Private Access/Development Access) to see and be seen by drivers proceeding along the priority road (Public Road)

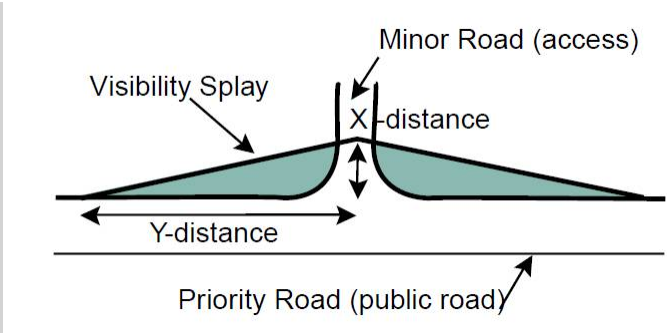


Figure 3: Visibility Splays

5.6.5 The x-distance is measured along the centre-line of the minor road from the edge of the running carriageway of the priority road. The y-distance is measured along the near edge of the running carriageway of the priority road from the centre-line of the minor road. Where the access is on the outside of a bend, an additional area will be necessary to provide splays which are tangential to the road edge

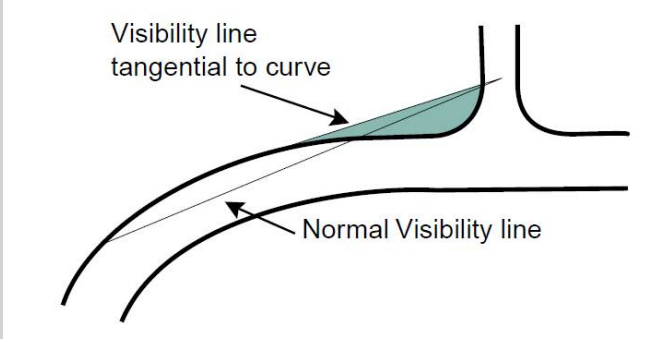


Figure 4: Visibility Splays for Access on Outside of Bend

5.6.6 In the case of a new access, x- and y- distances must be adjusted as necessary to allow for any planned road improvements.

5.6.7 Forward visibility as shown in Figure 5 is also required to provide inter-visibility between vehicles using the minor road and those proceeding along the priority road. In particular, a vehicle waiting on the priority road to turn right into the access must be able to see oncoming traffic and be seen by following traffic. Forward visibility depends on the same factors as y-distance.

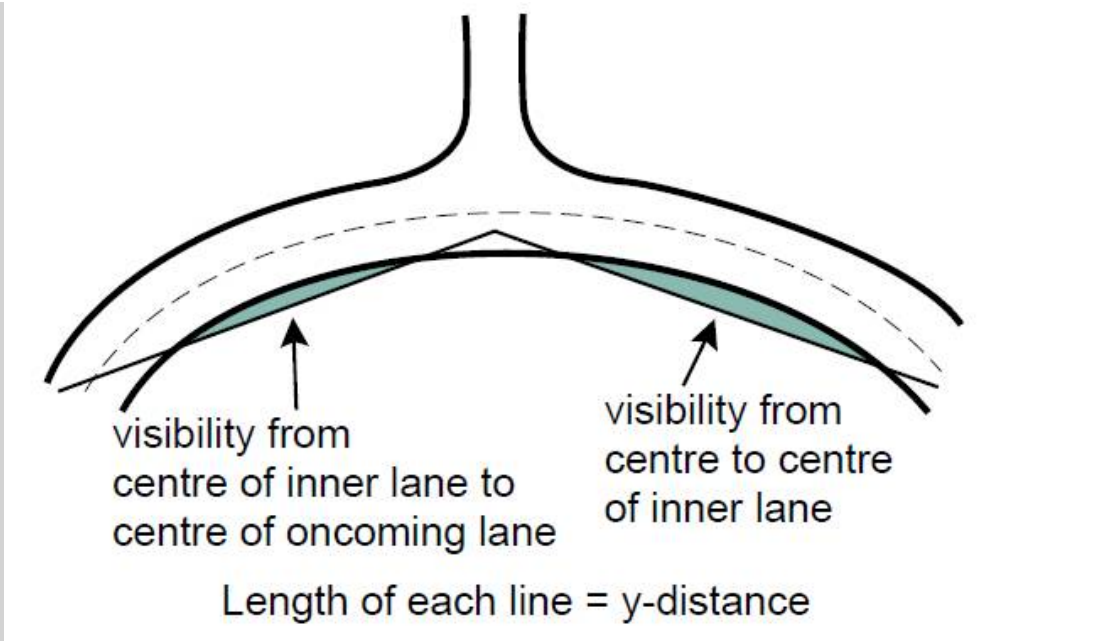


Figure 5: Forward Visibility Requirements

5.6.8 The size of the visibility splay depends on the speed limit or observed vehicle speeds on the public road. It is necessary to consider the driver's line of vision, in both the horizontal and vertical planes, and the stopping distance of the vehicle. Where the applicant does not provide observed vehicle speed data, the speed limit will normally be used.

5.6.9 The distance along the public road, Y distance, is the distance the driver needs to see along the road edge (see table below). This is measured from the centre line of the access to the location on the road of the approaching vehicle, which varies depending on the speed of approaching traffic. The faster the approaching vehicles, the longer the distance required to see and be seen.

5.6.10 The distance back from the public road, X distance, is shown in the table below. The distance varies according to the number of dwellings. The distance is taken from the edge of the carriageway back along the centre line of the private access.

5.6.11 The visibility splay must be assessed between minimum driver's eye line 1.05 metres above the road up to a height 2m above the road and to objective points at the end of the Y distance normally between 0.6m and 2m above the carriageway surface. The assessment must consider obstructions to visibility within the visibility splay including the horizontal and vertical topography in between i.e. hidden dips and crests along the road and any large utilities or other infrastructure already in the area between these points.

5.6.12 For situations with more complex circumstances, such as vertical and horizontal alignment issues, a detailed topographical survey may be requested to ensure the vertical and horizontal zones can be clearly ascertained and any necessary modifications identified.

5.6.13 The following table shows the Y and X values based on speed limit values.

Speed Limit	30	40	50	60
Y Distance (metres)	90	120	160	215
X Distance (metres)	Single dwelling = 2.4m; > 1 dwelling = 4.5m			

5.6.14 The y values shown are based on the speed limit of the public road. It may be possible to reduce y values if actual traffic speeds are provided. This should be based on survey data gathered over a minimum duration of one week at locations to be agreed with the Moray Council.

5.6.15 The access, lay-by and visibility splay (both those beside the minor road and those required for forward visibility) must be established before building work commences, to ensure a safe access for builders and tradesmen.

5.7 Providing and Maintaining Visibility Splays

5.7.1 When submitting a planning application it is necessary for the applicant to demonstrate that they have, and can maintain control over the visibility splay area. The applicant will have responsibility for the maintenance of unobstructed sight lines over the visibility splay area. If the visibility splay area includes any neighbouring land then the applicant will need to discuss this with the landowner and make arrangements to satisfy the requirement to demonstrate adequate control for the lifetime of the development.

5.7.2 Applicants should give careful consideration to the Trees and Development Supplementary Guidance. Applicants should note that there is a presumption against the felling/removal of trees purely to form an access/visibility. For the avoidance of doubt the visibility splay is an essential feature required for achieving the Moray Local Development Plan Policy T2 Provision of Road Access.
http://www.moray.gov.uk/downloads/file100519.pdf

5.7.3 There may be circumstances when the developer wishes to locate the private access on or near a bend in the road. The outside of a bend is the safest option. The extent of the visibility splay must be clearly identified.

5.7.4 If there is no alternative arrangement other than to locate the access on the inside of a bend, the applicant must be fully aware of the extent of the area which will be affected by the visibility requirements which they must demonstrate that they have, and can maintain control over, and which must be kept free of obstructions such as buildings, trees shrubs and long grass or other vegetation. In these circumstances early consultation with Transportation officers is recommended.

5.7.5 Once provided, visibility splays must be retained and kept clear. In this regard it will be helpful for trees and shrubs to be planted at least 3m to the rear of the visibility splay to allow for future growth.

5.7.6 Any boundary walls/fences must be set back to a position behind the required visibility splays.

5.7.7 To reduce the impact of an access on the countryside, its location and design must be carefully considered and existing access, including lanes, should be used where possible.

5.7.8 Transportation will not introduce a speed limit or warning signage simply to facilitate a new access.

5.7.9 Reductions in visibility standards will not be permitted simply because the applicant does not control the required visibility area or does not have a reasonable prospect of bringing it under his control

5.7.10 If a dwelling access is located near a junction, visitors might park their vehicles on the priority road and obstruct junction visibility. To reduce this risk, dwelling accesses should not normally join a priority road within the y-distance of a junction.

VIEW DRIVERS EYE HEIGHT – 2.4M “X” DISTANCE TO SOUTH-EAST

VIEW DRIVERS EYE HEIGHT – 2.4M “X” DISTANCE TO NORTH-WEST

VIEW DRIVERS EYE HEIGHT – 4.5M “X” DISTANCE TO SOUTH-EAST

VIEW DRIVERS EYE HEIGHT – 4.5M “X” DISTANCE TO NORTH-WEST

PHOTO OF JUNCTION SHOWING APPROACH ONTO B9010

PHOTO SHOWING NARROW VERGE AND EVIDENCE OF VEHICLE VERGE OVERRUNING

APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER INFORMATION

LRB Ref 265 Planning application Ref 21/01250/PPP

Response to Representation from Moray Council Transportation department.

As previously mentioned in the application supporting documentation Moray Council made improvements to the visibility in the North East direction at the junction of the U107E and the B9010 in 2015. This involved the removal of a high hedge and the construction of a low wall fronting the property 'The Holm' (situated on the North East side of the junction)

In the summer of 2020 the owner of the property 'KANTARA' (situated on the North West side of the junction) removed a high hedge and replaced it with a high fence in breach of Scottish Government householder permitted development rights: *Guidance Legislation Class 3E, 2b Development is not permitted by this class if any part of the resulting gate, fence, wall or other means of* enclosure *would exceed one metre in height where it (1) fronts a road.*

This high fence severely reduced visibility from the U107E onto the B9010 in a North West direction.

Below email from Stuart Dale, Planning Enforcement dated 6th January 2021

Dear Mr Kemp,

Apologies for not responding sooner but I have only just returned to the office this morning after an extended Christmas break.

I am aware that the question of the hedge has been raised by Transportation and I am sure this will form part of the consultation process. The officer dealing with the planning application is a Mr Craig Wilson and I have forwarded your email to him for his attention.

The very reason that an application is required in this matter is because the householder is breaching Class 3E in that the fence is over 1.0m in height fronting a road. The application may or may not be approved and that is a matter yet to be determined but the only way that the householder could hope to retain the fence would be by submitting a retrospective planning application that would be considered acceptable in planning terms.

If you have any further comments or concerns then they would be best directed to Mr Wilson directly at email: craig.wilson@moray.gov.uk

Regards,

Stuart Dale

Planning Officer (Enforcement)

A Council Planning Officer noticed the height of the fence and also the poor visibility and referred this to Planning Enforcement as per the above letter. The result of this intervention was that the Council purchased some land from the owner of ‘Kantara’ and removed the fence.

For a very short length of time the visibility in both directions at the junction was unrestricted and the best it had been for more than 20 years.

However Moray Council then proceeded to rebuild the fence to the same height but this time further back from the road thereby constructing a visibility splay in the North West direction. The current fence is still more than 1.5M high and the last 3.5M still fronts the main road and hence is still in breach of Class 3E. There is also a gate in the fence that fronts directly onto the main road and this is considered to be highly dangerous.

Transportation has supplied a photograph of the fence in their representation, TMC03. Please also note the height of the low wall in photograph 1 which was built by the Council in 2015 and which complies with Class 3E. It is not readily apparent why the Council built the wooden fence so high because it stands in contradiction to the low wall which affords visibility as far as the eye can see. If the Council truly wanted to seriously improve visibility at the junction then they should have limited the fence to a height of 1M and not waste Council tax funds. Following a phone conversation with a member of the Transportation team I now understand that this was done to protect the privacy of the owners of ‘KANTARA’ hence privacy has been put before road safety for all users of this junction.

The photograph of the fence also reveals a short vertical yellow line which is in fact where the fence should be according to the official Council drawing passed by the planning department. If this fence was moved back to the yellow line and also reduced in height then visibility would be further enhanced. I have written to the Council and suggested both of these options but have been told that no further alterations will be taking place.

I find it very difficult to comprehend why Transportation has gone to all the expense of purchasing land using Council Tax money then removing and rebuilding a high fence also using Council Tax funds and then having the audacity to suggest that the visibility is still not fit for purpose. A much cheaper option would have been to simply lower the height of the existing fence to 1M thereby saving several thousand pounds.

The first 2 photographs supplied by Transportation under the reference TMC03 clearly show that the visibility in both directions is more than adequate and therefore easily complies with DP1 ‘Development Principles’ section 2 ‘Transportation’, part ‘a’ (safe entry and exit) and it is misleading to suggest otherwise.

Because of the latest improvement to the visibility splay, there is now more than adequate inter-visibility between vehicles entering and exiting the junction. There is

in fact space at the junction to allow for 2 cars to pass each other however because of the recent improvement to visibility this is no longer necessary because the vehicles can clearly see each other as they approach the junction.

The 3rd and 4th photographs under the reference TMC03 show the visibility when the "X" distance is 4.5M, this being the distance from the dotted white lines to the driver's eye. Having been a motorist for more than 50 years I am completely at a loss as to why anyone would want to stop here and not move up to the junction before moving onto the main road as per the Highway Code. The dotted white lines are there for a purpose and that is to define where the main carriageway runs so that drivers can see where they need to stop or give way.

The final 2 photographs show the width of the lane and this has remained unchanged for more than 20 years. During this time approval has being given to build 11 houses, the latest permission being granted in 2015.

The width of the lane is common to many such lanes in the rural community and users are aware of the fact that many of these have limited numbers of passing places. We have already stated that we would be willing to construct an additional passing place in the U107E thereby effectively doubling the number of official sign-posted passing places.

The damage to the verge in the final photograph could have been avoided if the Council had either removed the verge during their improvements or more simply fitted bollards as per the other side of the lane.

Paragraph 6 in the Response from Transportation considers that all traffic associated with a new dwelling would be "new" traffic. However the reality is that the previous owner of the land operated a herb business with the associated supply and delivery vehicles and the owners own vehicle using the lane on a daily basis. The "new" traffic would be a single vehicle using the lane maybe twice per week and hence there would actually be less traffic using the lane than previously was the case.

<u>Conclusion</u>

Transportation have spent many thousands of pounds purchasing land, removing a high fence and replacing it with another high fence which their contractor has in fact built in the wrong position. There is also a gate in the fence which leads directly to the main road. All of this expensive work was carried out to improve the visibility splay at the road junction. However Transportation suggests that this **still** falls short of what would ordinarily be required. The easiest and cheapest solution would have been to simply reduce the height of the fence to 1M similar to the wall on the opposite side of the lane which the Council constructed in 2015.

I have been told by Transportation that the fence was rebuilt to the current height to allow for privacy for the owners of 'KANTARA' and suggest that this has been done at the expense of a visibility splay that would meet the required standards.

However photographs supplied by transportation indeed confirm that the actual visibility at the dotted white lines at the junction is in fact more than acceptable and does in fact comply with DP1. Also there would be no intensification of use of the lane or junction; rather there would be an overall reduction in traffic from previous use.

The appointed case officer confirms that ‘ *the addition of a new house on this site would therefore not create ribbon development or an unacceptable build-up of new housing that would be detrimental to the character of the wider area. Additional tree planting is also proposed within the site which would aid to integrate a new house easily into the existing site and further screen any property from neighbours. Therefore, overall, the proposal is considered to comply with the siting requirements of policy DP4’.*

There was no other objection by any other council department nor has there been any objection by any neighbours or users of the U107E lane.

The appointed officer therefore only refused the proposal because of the objection from Transportation.

We have since planted another 40 trees on the site following this report.

I would therefore respectfully request that the MLRB consider this response and allow the proposal to proceed.

.