



Moray Local Review Body

Thursday, 15 June 2023

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Local Review Body** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Thursday, 15 June 2023 at 09:30.**

BUSINESS

- 1 **Sederunt**
- 2 **Declaration of Group Decisions and Members Interests ***
- 3 **Minute of Meeting dated 15 June 2023** **5 - 12**
- 4 **LR289 - Ward 4 - Fochabers Lhanbryde** **13 - 108**
Planning Application 22/01292/APP – Erect dwellinghouse on Plot 3, Milnduff, Drybridge, Buckie
- 5 **LR288 - Ward 7 - Elgin City South** **109 - 152**
Planning Application 22/01451/APP – Retrospective permission for boundary fence at 94 Springfield Road, Elgin

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.

* **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 Marc Macrae (Chair)
Councillor Amber Dunbar (Depute Chair)

Councillor Neil Cameron (Member)
Councillor Juli Harris (Member)
Councillor Sandy Keith (Member)
Councillor Paul McBain (Member)
Councillor Derek Ross (Member)
Councillor Draeyk Van Der Horn (Member)
Councillor Sonya Warren (Member)

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

Minute of Meeting of the Moray Local Review Body

Thursday, 20 April 2023

Council Chambers, Council Office, High Street, Elgin, IV30 1BX

PRESENT

Councillor Neil Cameron, Councillor Amber Dunbar, Councillor Juli Harris, Councillor Sandy Keith, Councillor Marc Macrae, Councillor Paul McBain, Councillor Derek Ross, Councillor Draeyk Van Der Horn, Councillor Sonya Warren

IN ATTENDANCE

Mrs L MacDonald, Senior Planning Officer Mr A Miller, Senior Planning Officer and Miss K Donnachie, Planning Officer as Planning Advisers, Mr S Hoath, Senior Solicitor and Mrs J Smith, Solicitor as Legal Advisers and Mrs L Rowan, Committee Services Officer as Clerk to the Committee.

1 Chair

Councillor Macrae, being Chair of the Moray Local Review Body, chaired the meeting.

2 Declaration of Group Decisions and Members Interests

In terms of Standing Order 21 and the Councillor's Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Members interests in respect of any item on the agenda.

For transparency, in relation to Item 6, Case LR285, Councillor Warren stated that in the previous Council term, local Buckie Ward Members had been consulted on the sale of this land and that the Applicant is also a member of the Findochty Community Council however she stated that this would not influence her judgement when determining this application.

Councillor Warren further noted that Item 4, Case LR283 was not in Buckie and that the Case should state that the proposal is in the Fochabers Lhanbryde Ward.

3 Minute of Meeting dated 16 February 2023

The Minute of the meeting dated 16 February 2023 was submitted and approved.

4 Order of Business

The Chair sought the agreement of the Moray Local Review Body to vary the order business and take the cases in the following order, Item 4 Case LR283, Item 6

LR285, Item 5 LR284, Item 7 LR286 and Item 8 LR 287, to allow Officers to be present for the relevant items of business. This was agreed.

5 Case LR283 - Ward 4 – Fochabers Lhanbryde

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

A request was submitted by the Applicant, seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

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

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, both the Legal and Planning Advisers advised that they had nothing to raise at this time.

The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.

Councillor Dunbar, having visited the site and considered the Case in detail, moved that the MLRB uphold the appeal and grant planning permission in principle in relation to Planning Application 22/00164/PPP with a condition to resolve any issues in relation to land ownership and the visibility splay prior to start of any development. This was seconded by Councillor Warren.

In response, the Legal Adviser pointed out that the reason for refusal was that the proposal did not comply with policy DP1 (Development Principles) of the MLDP 2020 in terms of safe entry to and from the site and sought clarification as to whether Councillor Dunbar was of the view that the proposal complied with Policy DP1 or was an acceptable departure from Policy DP1.

Councillor Dunbar stated that it was her understanding that if the issues of land ownership and visibility splay were rectified, then the proposal would comply with policy.

Mrs MacDonald, Planning Adviser confirmed that the Appointed Officer was of the view that these issues could not be adequately controlled by condition, however it was up to the MLRB to decide whether these issues could be controlled by condition. Mrs MacDonald further stated that approval of this application was subject to a legal agreement in terms of developer obligations and that the Transportation Service had recommended that access to and from the development should be from at least 15 metres down the private track rather than the public road

and that EV charging would also be required and sought the agreement of the MLRB to add these conditions and also any standard conditions and informatives if minded to approve the planning application..

In response, Councillor Dunbar agreed to add these conditions to her motion for approval.

Councillor Harris sought clarification as to whether there would be any condition in relation to the height of fencing or vegetation at the visibility splay.

In response, Mrs MacDonald stated that the visibility splay condition would limit the height of fencing or vegetation to no more than 0.6 metre.

There being no-one otherwise minded, the MLRB unanimously agreed to uphold the appeal and grant planning permission in principle in relation to Planning Application 22/00164/PPP subject to:

- (i) the inclusion of conditions to address the issues of land ownership and visibility splay with fencing/vegetation no more than a height of 0.6 metre;
- (ii) the completion of a legal agreement in terms of developer obligations;
- (iii) a condition to ensure that access to and from the development should be from at least 15 metres down the private track rather than the public road;
- (iv) a condition to ensure the provision of EV charging; and
- (v) any other standard conditions and informatives.

6 Case LR285 - Ward 3 - Buckie

Planning Application 22/00327/APP – Change of use of amenity land to garden ground at Rockside, 8 Jubilee Terrace, Findochty, Buckie

Under reference to paragraph 4 of the Minute of the meeting of the Moray Local Review Body (MLRB) dated 16 February 2023, a request was submitted by the Applicant, seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The proposal would be contrary to policies EP9, EP3, EP6 and DP1 of the Moray Local Development Plan (MLDP) 2020 for the following reasons:

- 1 This proposed change of use would result in the loss of a portion of distinctive grassland, which acts as an attractive transition between the built up area of the village and the beach beyond and also acts as a useful amenity area and as such its loss would have an adverse impact on the amenity, character and appearance of the conservation area in which it lies and the qualities of the wider Special Landscape Area.
- 2 The proposed site straddles the settlement boundary, with the majority of the site lying out with the settlement boundary, where policy EP6 precludes any development immediately out with the settlement boundary and in this instance, given the adverse impacts on the character and amenity of the area which would result from the development, there is not considered to be

any material planning considerations which would merit departing from policy.

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, the Legal Adviser advised that he had nothing to raise at this time.

Mrs MacDonald, Planning Adviser advised that the Case included 2 copies of the plan, one being the original plan and another called "Revision A" and that Members should consider "Revision A", as this was the plan that was refused. This was noted.

Councillor Warren stated that local Ward Members had been consulted on the sale of land referred to in this proposal and sought guidance from the Legal Adviser as to whether she should declare a full interest in this case and take no part in the consideration of this item.

In response, the Legal Adviser advised that it is up to each member to decide whether they can fairly consider each application based on the information provided within the case.

In response, Councillor Warren stated that local Ward Members had been provided with 3 options in relation to the sale of this land and that they had settled on one option therefore declared a full interest in this item, left the meeting at this juncture and took no further part in the consideration of this item.

Councillor Cameron, having visited the site and considered the case in detail, agreed with the original decision of the Appointed Officer stating that permitting the development would erode public land and moved that the MLRB refuse the appeal and uphold the original decision of the Appointed Officer to refuse Planning Application 22/00327/APP as the proposal does not comply with policies EP9 (Conservation Areas), EP3 (Special Landscape Areas and Landscape Character), EP6 (Settlement Boundaries) and DP1 (Development Principles) of the MLDP 2020. This was seconded by Councillor Harris.

There being no-one otherwise minded, the MLRB agreed to refuse the appeal and uphold the original decision of the Appointed Officer to refuse Planning Application 22/00327/APP as the proposal does not comply with policies EP9 (Conservation Areas), EP3 (Special Landscape Areas and Landscape Character), EP6 (Settlement Boundaries) and DP1 (Development Principles) of the MLDP 2020.

Councillor Warren re-joined the meeting at this juncture.

7 Case LR284 - Ward 4 - Fochabers Lhanbryde

Planning Application 22/01066/APP – Alter and extend dwellinghouse at 35 Gordon Street, Portgordon, Buckie

Under reference to paragraph 4 of the Minute of the meeting of the Moray Local Review Body (MLRB) dated 16 February 2023, a request was submitted by the Applicant, seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The proposed alterations and extension are contrary to Moray Local Development Plan 2020 policy DP1(i)(a) for the following reasons:

- 1 The proposed rear dormers are considered unacceptable as they are of an irregular shape which is not keeping with the form and character of the existing traditional property and surrounding area.
- 2 The proposed first floor extension incorporates an irregular roof shape giving the appearance of a two storey flat roof extension which creates unnecessary bulk and is incongruous with the main parent property.

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, the Planning Adviser advised that she had nothing to raise at this time.

The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.

Councillor Van Der Horn, having considered the case in detail, moved that the appeal be upheld and planning permission granted in respect of Planning Application 22/01066/APP. He acknowledged concerns in relation to the view of the proposal from the west however stated that this could be mitigated with a condition asking that more planting be provided. In terms of the design of the proposal, Councillor Van Der Horn was of the view that the modern design was acceptable and added to architectural diversity. He further noted the support of the local Portgordon Community Trust. With regard to some concerns of the proposal being viewed as a block, Councillor Van Der Horn suggested that new drawings could be submitted to mitigate against those concerns.

Councillor Cameron agreed with Councillor Van Der Horn's comments and seconded his motion.

Mr Hoath, Legal Adviser reminded the MLRB of the reasons for refusal set out in the Summary of Information report and sought clarification from Councillor Van Der Horn as to whether the policy complies with, or is an acceptable departure from, policy DP1 (Development Principles) (i)(a). He further noted Councillor Van Der Horn's comments in relation to increased planting and new drawings and asked if these were to be addressed by means of condition.

In response, Councillor Van Der Horn stated that this proposal would be an acceptable departure from policy as there are already examples of similar extensions in the area with a condition to add additional planting to mitigate against the impact from the view from the west. Councillor Van Der Horn went on to retract his previous comments in relation to additional drawings. Councillor Cameron

confirmed that, after considering Councillor Van Der Horn's further comments, he still wished to second his motion.

Miss Donnachie, Planning Adviser advised that, should the MLRB be minded to uphold the appeal and grant planning permission, a condition could be added in relation to the increased landscaping requiring that a landscape plan be provided in addition to standard conditions and informatives. She further sought clarification from Councillor Van Der Horn as to whether he considered the proposal to be a departure from policy DP1(i)(a) or whether he was of the view the proposal complied with policy.

In response, Councillor Van Der Horn stated that in some way the proposal is a departure as the proposal has an impact however complied as it would not adversely affect the character of the street, and on the whole was of the view that the proposal complied with policy DP1(i)(a).

Councillor Ross, having visited the site and considered the case in detail agreed with the original decision of the Appointed Officer to refuse the application as it is contrary to policy DP1(i)(a) and moved as an amendment, that the MLRB agree to refuse the appeal and uphold the original decision of the Appointed Officer to refuse Planning Application 22/01066/APP as it is contrary to policy DP1 (Development Principles) (i)(a) of the MLDP 2020. This was seconded by Councillor Warren.

On a division there voted:

For the Motion (6):	Councillors Van Der Horn, Cameron, Dunbar, Harris, Macrae and McBain
For the Amendment (3):	Councillors Ross, Warren and Keith
Abstentions (0):	Nil

Accordingly, the Motion became the finding of the Meeting and the MLRB agreed to uphold the appeal and grant planning permission in respect of Planning Application 22/01066/APP as the proposal complies with policy DP1 (Development Principles) (i)(a) of the MLDP 2020 with the inclusion of a condition for the provision of increased landscaping including a landscape plan, as well as standard conditions and informatives.

8 Case LR286 - Ward 5 - Heldon and Laich

Planning Application 22/01594/APP – Proposed erection of garage/storage shed and partial change of use from Farm Land to Garden Ground at The Forecourt, Cummingston

A request was submitted by the Applicant, seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

- 1 The proposals is contrary to Moray Local Development Plan Policies 2020 EP6 and the Cummingston Settlement Text as the proposal would introduce a large building at the edge of the village on land that is immediately outwith the existing settlement boundary resulting in additional linear roadside development along the B9040 and increasing the potential for coalescence

with surrounding settlements.

- 2 The proposals is contrary to Moray Local Development Plan Policies 2020 DP1 (i) (a) and EP3 as the development fails to reflect the traditional settlement character in terms of siting and design as the siting of a building of this size in this prominent location would not reflect the character of this part of the village.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, the Legal Adviser advised that he had nothing to raise at this time.

Mr Miller, Planning Adviser advised that Members on the site visit had noted that some works had already commenced on the site and that, whilst some of these works did not require planning permission, some of the works do need planning permission including the change of use of agricultural land to garden ground, which is subject to the planning application. However he reminded the Moray Local Review Body (MLRB) that the planning application should be considered based on the information considered by the Appointed Officer at the time of determination and no weight should be given to the partly retrospective nature of this review. This was noted.

The Chair then asked the MLRB if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.

During discussion, the MLRB raised concern in relation to the size of the proposal which is not in keeping with the character of the surrounding area and unanimously agreed to uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 22/01594/APP as the proposal is contrary to policy EP6 (Settlement Boundaries), DP1 (Development Principles) (i) (a) and EP3 (Special Landscape Areas and Landscape Character) of the MLDP 2020.

9 Case LR287 - Ward 4 - Fochabers Lhanbryde

Planning Application 22/01423/APP – Change of use from amenity to garden ground with erection of 1.8m timber fence at 10 Linksvie Road, Mosstodloch

A request was submitted by the Applicant, seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The proposed development departs from the Moray Local Development Plan (MLDP) 2020 Policy EP5 (Open Space) and Mosstodloch designation ENV6 Natural/Semi-Natural Greenspace which require ENV designations in settlement statements to be retained as open space and where the proposal does not constitute one of the policy exemptions to the retention of open space. The ENV designation has been reinforced by the Mosstodloch Settlement Statement, superseding the previous erosion of the designation from past consents. The proposal is therefore unacceptable.

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the

planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, both the Legal and Planning Advisers advised that they had nothing to raise at this time.

The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.

Councillor Ross, having visited the site and considered the case in detail, moved that the MLRB refuse the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 22/01423/APP as the proposal is contrary to Policy EP5 (Open Space) of the MLDP 2020 and the Mosstodloch designation ENV6 (Natural/Semi-Natural Greenspace).

There being no-one otherwise minded, the MLRB agreed to refuse the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 22/01423/APP as the proposal is contrary to Policy EP5 (Open Space) of the MLDP 2020 and the Mosstodloch designation ENV6 (Natural/Semi-Natural Greenspace).



MORAY LOCAL REVIEW BODY

16 MAY 2023

SUMMARY OF INFORMATION FOR CASE No LR289

Ward 4 – Fochabers Lhanbryde

Planning Application 22/01292/APP – Erect dwellinghouse on Plot 3, Milnduff, Drybridge, Buckie

Planning permission was granted under the Statutory Scheme of Delegation by the Appointed Officer on 16 January 2023 subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. No development works shall commence on the dwelling house until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit is to be connected to an appropriate electricity supply, including details (written proposals and plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of the dwelling house.

Reason: In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking.

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

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

4. A visibility splay 2.4 metres by 120 metres to the north-west shall be provided at the access onto the public road, and maintained thereafter at all times free from any obstruction greater than 0.6m in height measured from the level of the carriageway.

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

5. Three car parking spaces shall be provided within the site prior to the occupation or completion of the dwelling house, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

6. Prior to the occupation of the house hereby approved a scheme of effective treatment to the private water supply shall be fully installed and properly maintained for the lifetime of the development. The scheme must ensure that the water to the house would fully comply with the regulatory limits stated in The Water Intended for Human Consumption (Private Supplies) (Scotland) regulations 2017 and should specifically include effective point of entry ultraviolet treatment, prefiltration, pH correction measures and iron/manganese treatment.

Reason: To ensure that the development is served by an adequate and wholesome water supply.

7. The paddock area associated with the plot as identified in the approved site plan, shall be only used as paddock land, and not for domestic garden purposes. Note. For the avoidance of doubt, the paddock does not have the benefit of permitted development rights under Article 2(4), Schedule, Part 1 Classes 3B (Building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by the Town & Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any Order revoking and re-enacting that Order(s) with or without modifications).

Reason: To safeguard the rural character of the site and its surroundings, by mitigating against any domestic encroachment into adjoining farm/paddock land.

8. Unless otherwise agreed in writing with the Planning Authority, boundary enclosures surrounding the site hereby approved shall only comprise post and wire fencing or hedging made up of native species (birch, gean, hawthorn, scots pine, beech, oak, holly). In addition 15% of the plot must be landscaped with native tree species (whips and feathered trees at least 1.5 metres in

height, planted at a density of 1 per 4 sqm). All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the commencement of development. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: To ensure an acceptable scheme of landscaping to aid the integration of the house into the surrounding landscape and ensure the planting is timeously provided.

9. Notwithstanding the details shown on the approved plans, the roof of the dwellinghouse hereby approved shall be finished in natural slate.

Reason: To ensure the highest standards of material finish are achieved for new housing in the countryside and that new housing is finished in a manner which reflects the traditional material finishes of houses in Moray.

10. The residential caravan hereby permitted is solely for the use of the applicant or developer for the duration of the construction works associated with the development hereby approved. Within 3 years from the date of this decision notice or within 2 months following the occupation or completion of the dwellinghouse, whichever is the sooner, the caravan shall be removed permanently from the site, along with all associated fixtures and fittings.

Reason: To ensure the removal of the residential caravan from the site following the completion of the adjacent house, in the interests of minimising and removing the visual impact of the caravan.

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**.

No Further Representations were received in response to the Notice of Review.

At the meeting of the Moray Local Review Body (MLRB) on 16 February 2023, the MLRB noted that National Planning Framework 4 (NPF4) had been adopted by the Council on Monday 13 February 2023 and that all planning applications determined beyond this date would have to take NPF4 into consideration, as this is now part of the MLDP 2020 and deferred consideration of the above Review to request further information from the Appointed Officer and Interested Parties after considering the planning application in light of NPF4 with any response received being forwarded to the Applicant for comment.

NPF4 has no impact on this LRB case.





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100475230-004

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

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

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erect dwelling house

Is this a temporary permission? * ☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * ☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:			
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Christopher	Building Name:	Minduff
Last Name: *	Bremner	Building Number:	
Telephone Number: *	07876758717	Address 1 (Street): *	Drybridge
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Buckie
Fax Number:		Country: *	Scotland
		Postcode: *	AB56 5LB
Email Address: *	christopher.bremner@hotmail.com		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Timothy	Building Number:	23
Last Name: *	Wright	Address 1 (Street): *	Cameron Crescent
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Buckie
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB56 1AG
Fax Number:			
Email Address: *			

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

Plot 3 Minduff

Northing

860411

Easting

343427

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

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

Revised design sent to achieve 6.75m ridge height.

Title:

Mr

Other title:

First Name:

Iain

Last Name:

Drummond

Correspondence Reference
Number:

Date (dd/mm/yyyy):

12/08/2022

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

Site Area

Please state the site area:

4381.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

House plot with previous approval

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐ Yes ☒ No

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

4

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☐ Yes ☒ No

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

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

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

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

☐ Yes

☒ No, using a private water supply

☐ No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

≤ Yes **T** No ≤ Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? *

≤ Yes **T** No ≤ Don't Know

Trees

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

≤ Yes **T** No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

T Yes ≤ No

If Yes or No, please provide further details: * (Max 500 characters)

area to store bins. collection from the existing turning area at the end of the Minduff road.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

T Yes ≤ No

How many units do you propose in total? *

1

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

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

≤ Yes **T** No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

≤ Yes **T** No ≤ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

≤ Yes **T** No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: Christopher Bremner

On behalf of: Mr Timothy Wright

Date: 01/09/2022

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☐ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☐ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☐ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☐ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. * ☐ Yes ☐ T N/A

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

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

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

Drainage/SUDS layout. * ☐ Yes ☐ T N/A

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

Contaminated Land Assessment. * ☐ Yes ☐ T N/A

Habitat Survey. * ☐ Yes ☐ T N/A

A Processing Agreement. * ☐ Yes ☐ T N/A

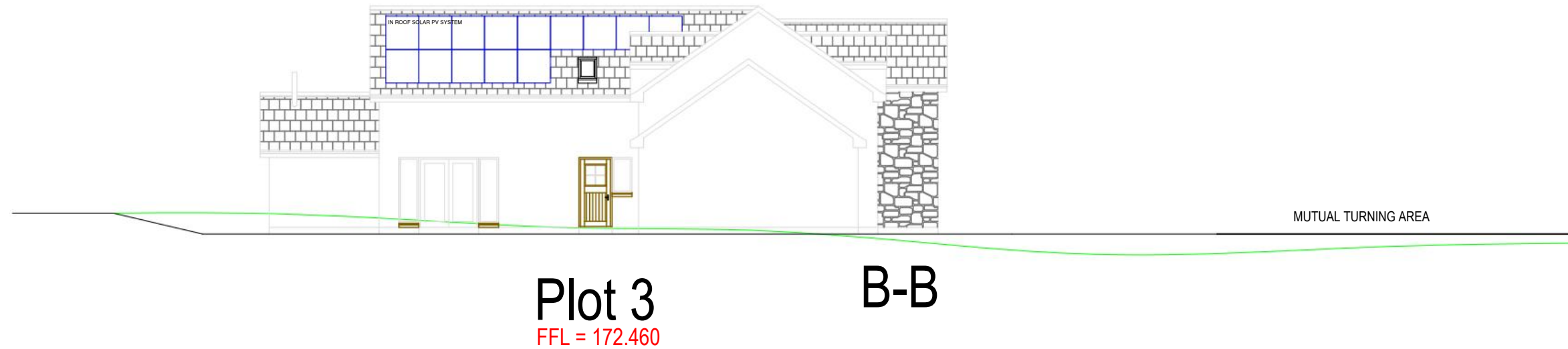
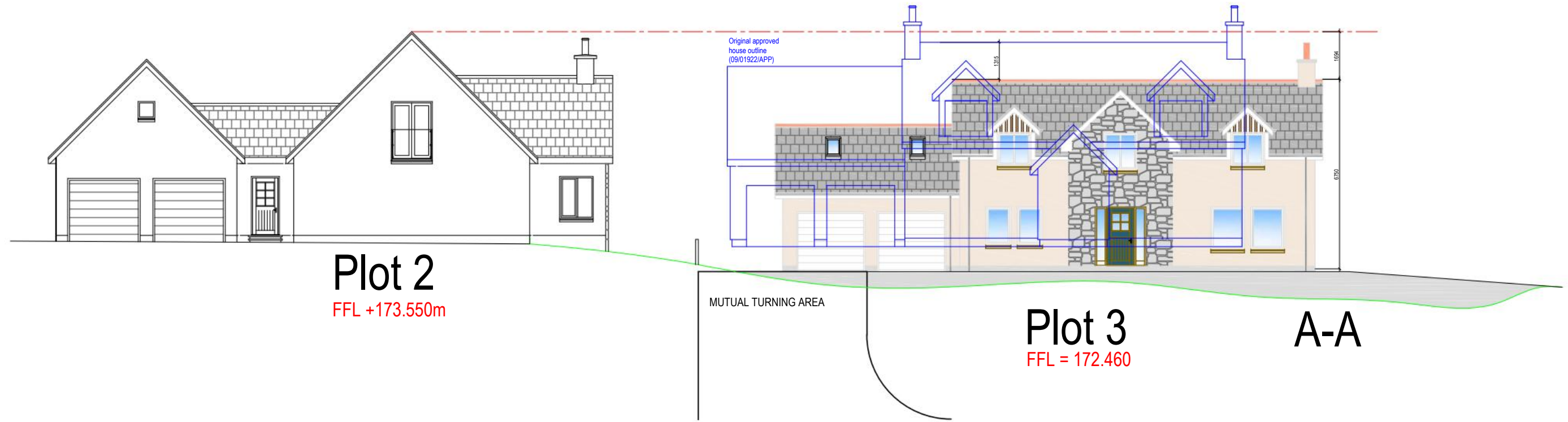
Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

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

Declaration Name: Mr Christopher Bremner

Declaration Date: 01/09/2022



Mr & Mrs Wright

Plot 3 Minduff,
Drybridge, Buckie

Site Sections

18-08-22 1:150@A3

Drawing No. 20-121-PL02



**CHRISTOPHER BREMNER
PLANS**

Planning and Building Warrant applications...

New House - Conversion -
Garage - Extension...

christopher.bremner@hotmail.com



LANDSCAPE LEGEND

A range of 'Selected Standard'
S - Silver Birch (Betula Pendula) WhipFeather
O - Oak (Quercus Petraea) WhipFeather
B - Beech (Fagus sylvatica) WhipFeather
R - Rowan (Sorbus Aucuparia) WhipFeather



Spacing - 2m x 2m

Notes

All planting, seeding or turfing as may be compromised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of the development.

Any trees, plants or hedging, which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planning season with others of the same size and species

Mr & Mrs Wright

Plot 3 Minduff,
Drybridge, Buckie

Site Plan

29-09-21 1:500@A3

Drawing No. 20-121-PL03



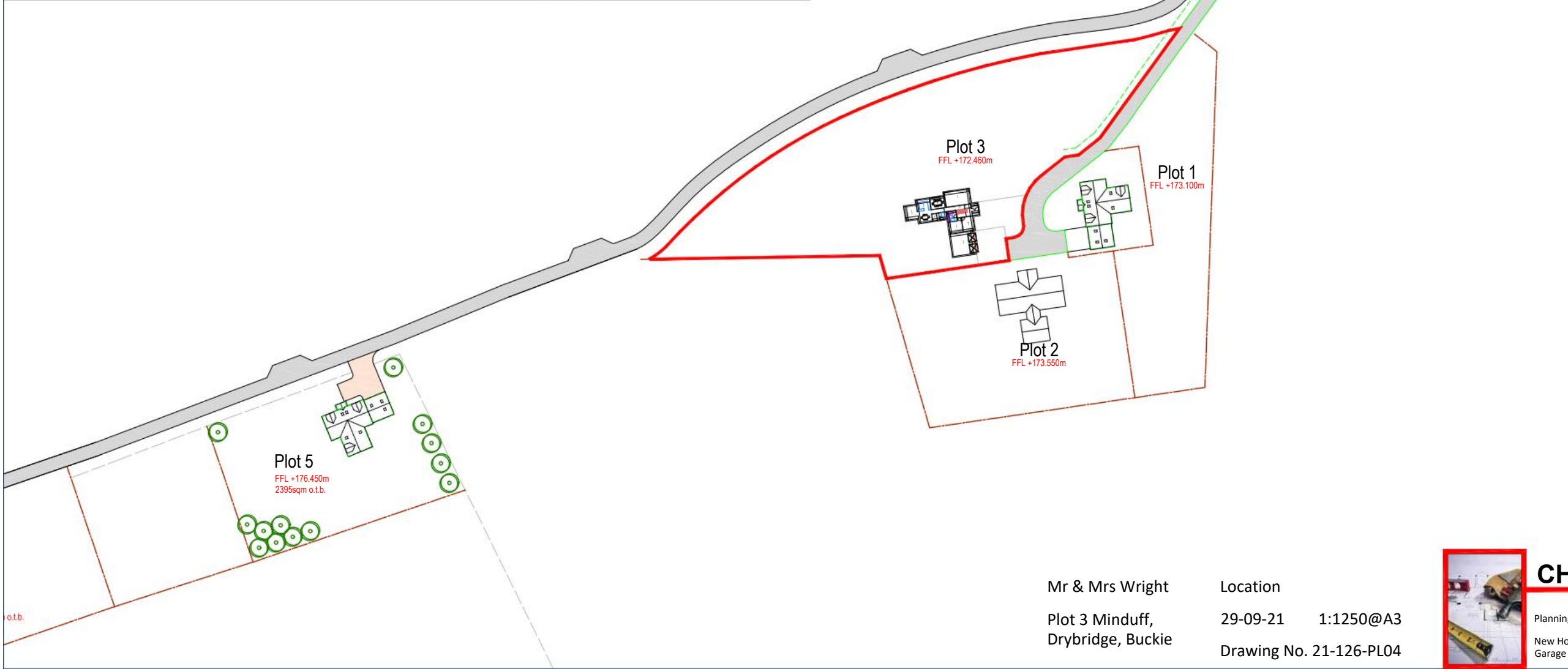
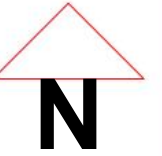
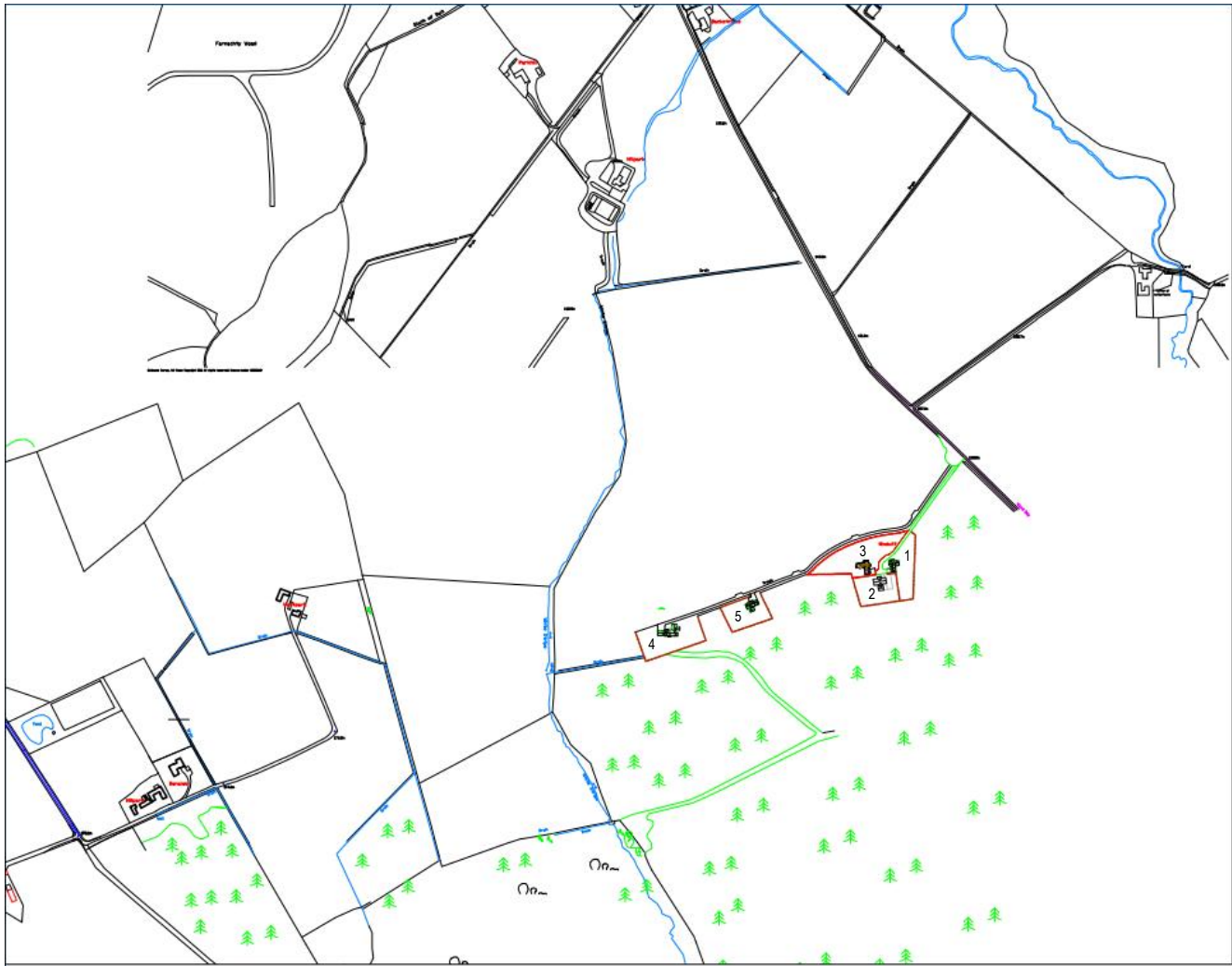
**CHRISTOPHER BREMNER
PLANS**

Planning and Building Warrant applications...

New House - Conversion -
Garage - Extension...

07876758717

christopher.bremner@hotmail.com



Plot 5
FFL +176.450m
2395sqm o.t.b.

Plot 3
FFL +172.460m

Plot 1
FFL +173.100m

Plot 2
FFL +173.550m

Mr & Mrs Wright
Plot 3 Minduff,
Drybridge, Buckie

Location
29-09-21 1:1250@A3
Drawing No. 21-126-PL04



CHRISTOPHER BREMNER
PLANS

Planning and Building Warrant applications...

New House - Conversion -
Garage - Extension...

07876758717

christopher.bremner@hotmail.com



East Elevation



North Elevation

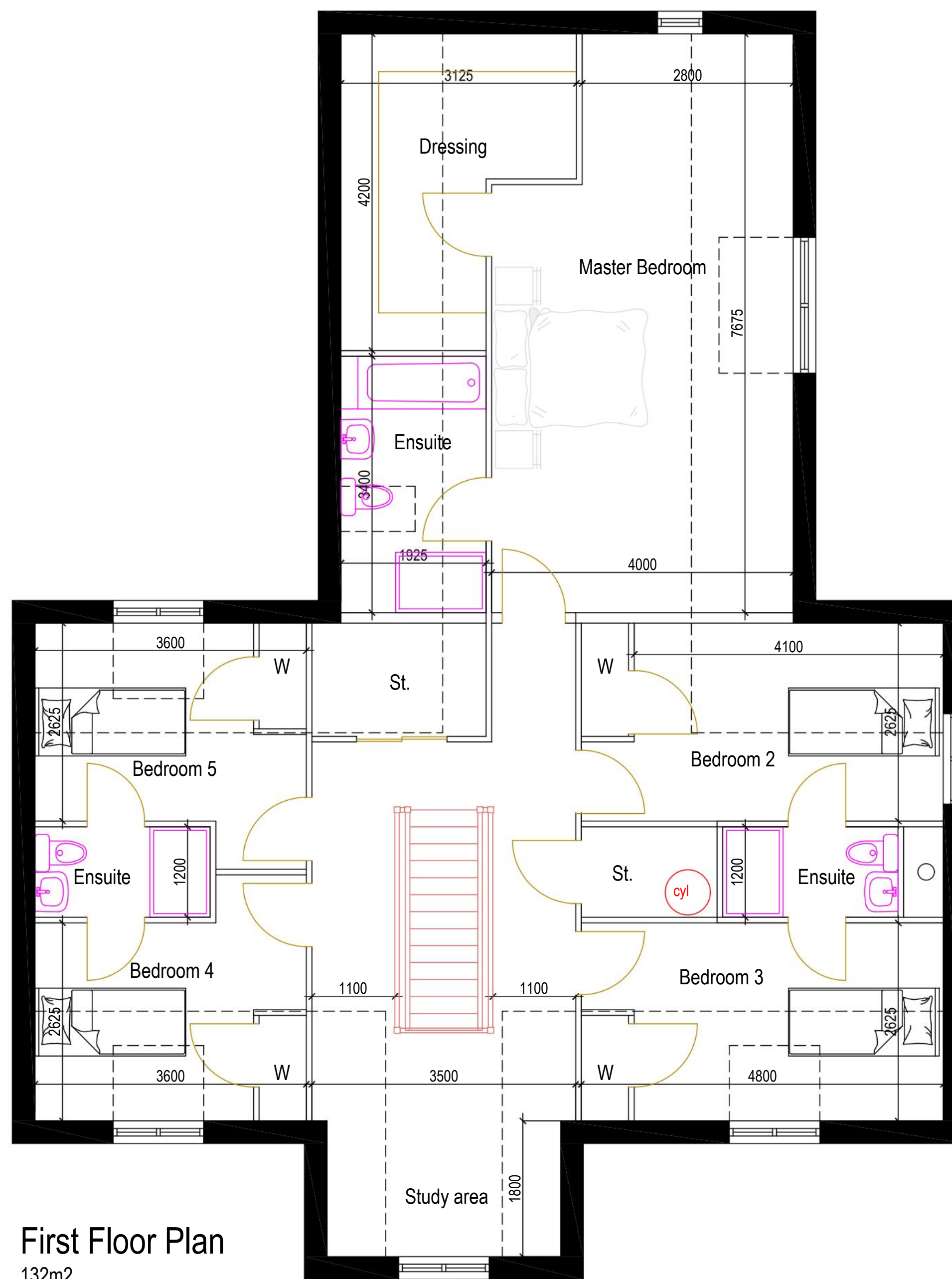
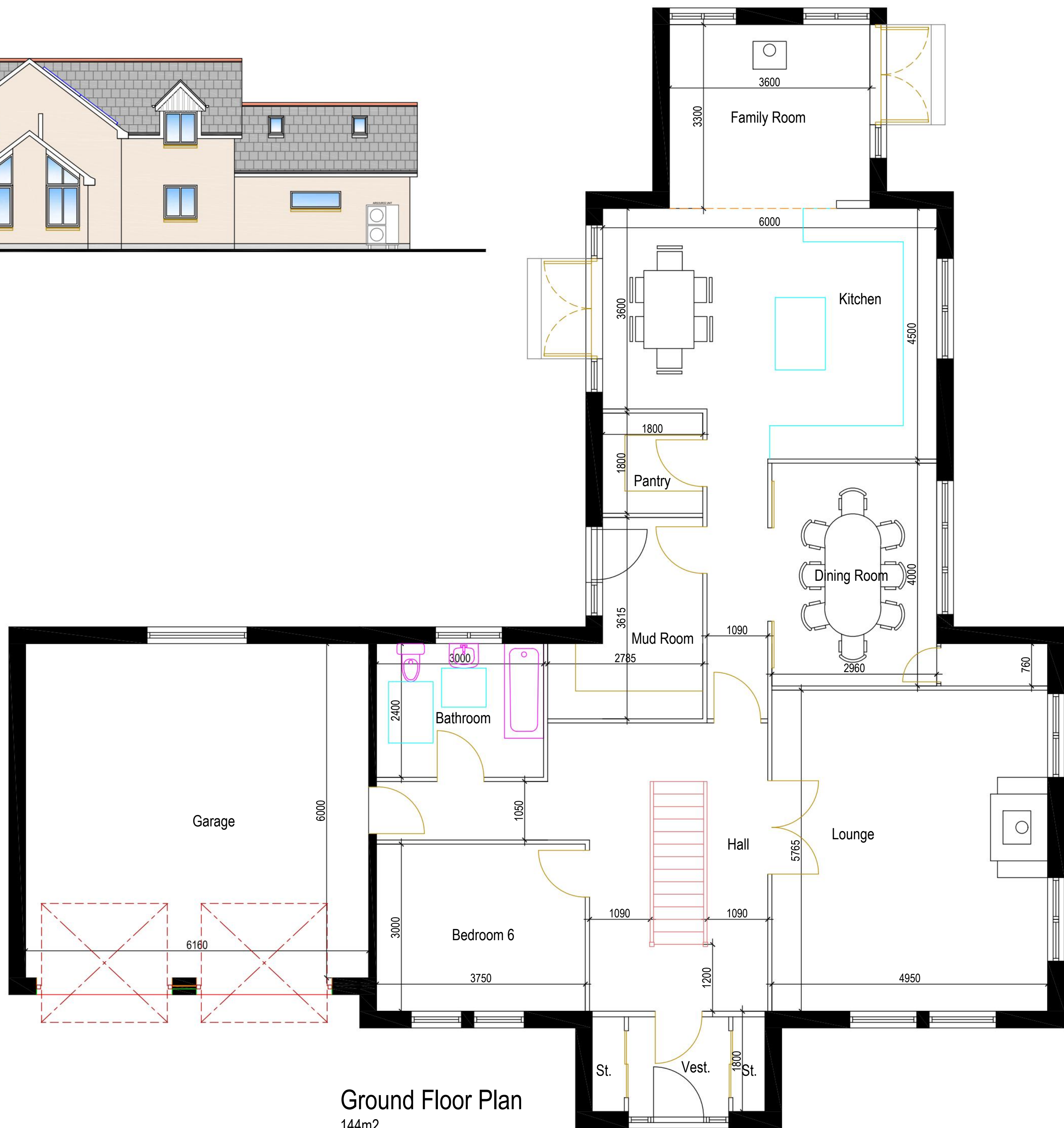


South Elevation



West Elevation

- EXTERNAL FINISHES:-**
1. Slate effect tiles
 2. Tuscany beige Roughcast.
 3. Natural stone feature gable.
 4. White UPVC Windows & Doors.
 5. White UPVC Soffit and Fascia.



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

gmsurveys

Surveys, Setting-Out Civil Engineering Design

Site Investigation & Drainage Assessment

PLOT 3 MINDUFF

Gary Mackintosh Bsc
gmsurveys@gmail.com

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Client:

Mr and Mrs Wright

Site Address:

Proposed Dwelling
Minduff
Buckie

Planning Reference:

TBC

Date:

12th January 2022

Job Number:

GMC22-009

Company Information:

Assessment completed by:

Gary Mackintosh Bsc

GMCSurveys

34 Castle Street

Forres

Moray

IV36 1PW

Email: gmcsurveys@gmail.com

Telephone: 07557431702

Introduction:

The proposals are to erect a new private dwelling within Plot 3 of the previously approved development located at Minduff, By Buckie together with all associated infrastructure.

The SEPA Flood maps have been consulted which confirm the property is not at risk of fluvial or pluvial flooding during a 1:200year event.

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

Soil Conditions:

Excavations were carried out by mechanical excavator on 26th November 2021 to assess the existing ground conditions and carry out infiltration and percolation testing for the management of foul and surface waters via soakaways.

The trial pits were excavated to depths of 1.8m and no groundwater was encountered.

The excavations consisted of 0 – 300mm Topsoil, 300 – 1200mm brown/red, firm to stiff, gravelly Clays overlying mixed gravels and rock easily broken with the teeth of the excavator proved to the depth of the excavations.

There was no evidence of fill material or contamination within the trial pits and no ground water was encountered. The natural soils have a minimum bearing capacity of 75kn/m².

Percolation/Soakaway Testing:

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

	1 st	2 nd	3 rd	Mean
Date of Test	26/11/21	26/11/21	26/11/21	
THo1	1440S	2040S	2340S	1940S
Average Soil Vp	12.93s/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	1.0 - 1.8	2.43×10^{-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, whichever is greater.

$$3.6 \times 8 \text{ (6 Bedroom)} = \underline{\underline{28.8\text{m}^2}}$$

It is therefore proposed to install a soakaway with a minimum base area of 25m². This area can be provided with soakaway plan dimensions 7.20m x 4.00m 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 28.80m² is maintained.

Surface Water Dispersal via Soakaway:

Please see attached surface water calculations detailing the requirement and suitability for soakaway dimensions of 8.0m x 3.5m at a depth of 1.50m below the invert level based on the proposed contributing area of 315m² (proposed roof area) up to and including a 1:30year event with 35% allowance for climate change.

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



MasterDrain
SW 16.10

gmcsurveys
Surveys, Setting Out Civil Engineering Design

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

Job No. GMC22-009		
Sheet no. 1		
Date 12/01/22		
By GM	Checked	Approved

Project **Plot 3 Minduff, Buckie**
Title **Surface Water Soakaway**

Rectangular pit design data:-

Pit length	= 8 m	Pit width	= 3.5 m
Depth below invert	= 1.5 m	Percentage voids	= 30.0%
Imperm. area	= 315 m ²	Infilt. factor	= 0.000024 m/s
Return period	= 100 yrs	Climate change	= 30%

Calculations :-

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

$$a_{s50} = 2 \times (\text{length} + \text{width}) \times \text{depth}/2 = 17.2 \text{ m}^2$$

Outflow factor : $O = a_{s50} \times \text{Infiltration rate} = 0.000414 \text{ m/s}$

Soakaway storage volume : $S_{\text{actual}} = \text{length} \times \text{width} \times \text{depth} \times \% \text{voids}/100 = 12.6 \text{ m}^3$

Duration	Rainfall mm/hr	Inflow m ³	Depth (hmax) m	Outflow m ³	Storage m ³
5 mins	111.6	2.9	0.33	0.12	2.79
10 mins	87.1	4.6	0.51	0.25	4.31
15 mins	72.9	5.7	0.64	0.37	5.37
30 mins	51.7	8.1	0.88	0.75	7.39
1 hrs	34.9	11.0	1.13	1.49	9.50
2 hrs	22.5	14.2	1.33	2.98	11.20
4 hrs	14.3	18.0	1.43	5.96	12.02
6 hrs	10.9	20.5	1.38	8.94	11.60
10 hrs	7.7	24.2	1.11	14.90	9.31
24 hrs	4.2	31.9	0.00	35.77	0.00

Actual volume : $S_{\text{actual}} = 12.600 \text{ m}^3$

Required volume : $S_{\text{reqd.}} = 12.020 \text{ m}^3$

Soakaway volume storage OK.

Minimum required a_{s50} : 16.46 m²

Actual a_{s50} : 17.25 m²

Minimum depth required: 1.43 m

Time to maximum 4 hrs

Emptying time to 50% volume = $t_{s50} = S_{\text{reqd}} \times 0.5 / (a_{s50} \times \text{Infiltration rate}) = 04:01 \text{ (hr:min)}$

Soakaway emptying time is OK.



MasterDrain
SW 16.10

gmcsurveys
Surveys, Setting Out Civil Engineering Design

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

Job No. GMC22-009		
Sheet no. 2		
Date 12/01/22		
By GM	Checked	Approved

Project **Plot 3 Minduff, Buckie**
Title **Surface Water Soakaway**

Location hydrological data (FSR):-

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

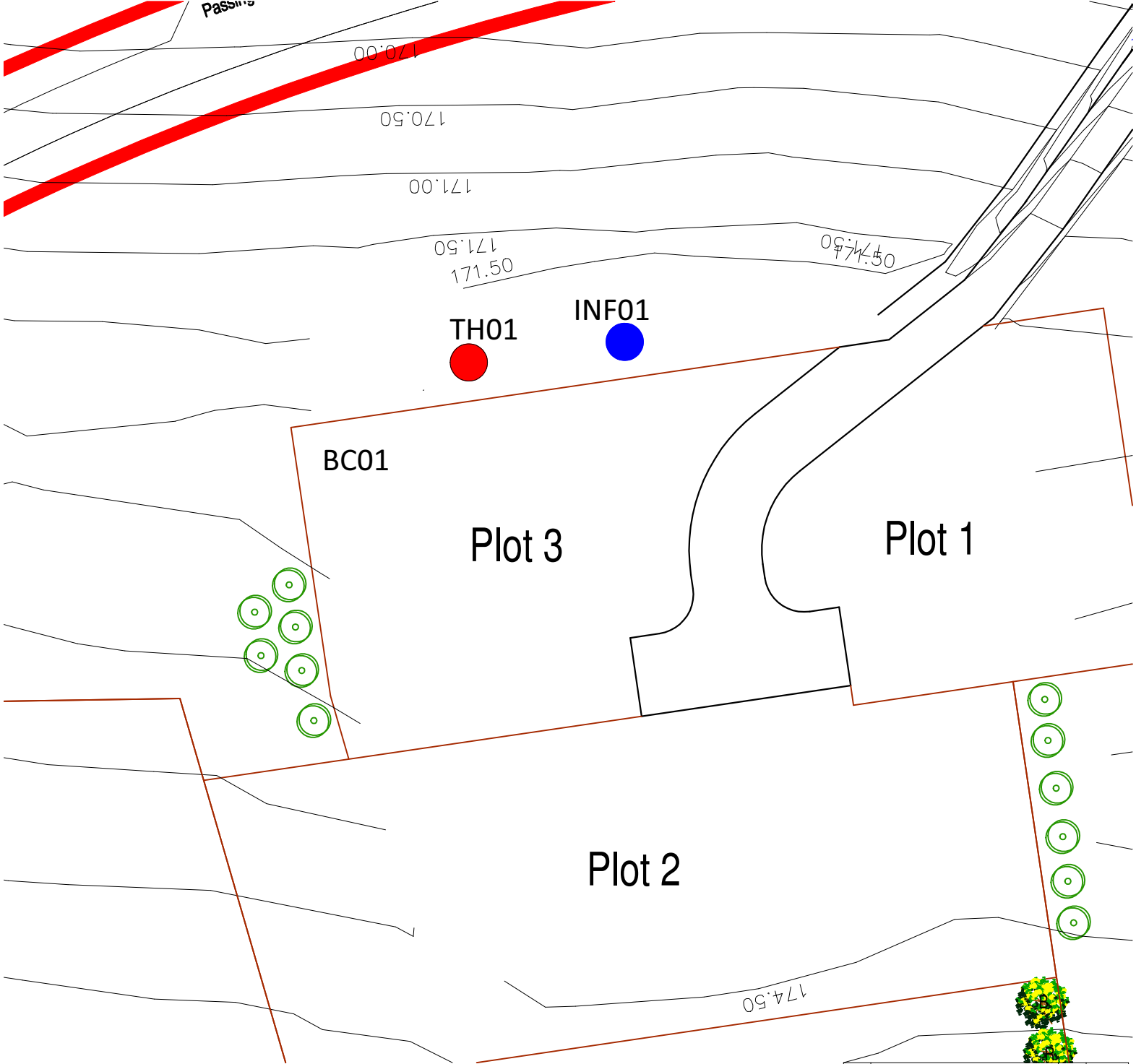
Soil classification for WRAP type 1

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

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

Appendix A

Test Hole Locations



REV:	DESCRIPTION:	BY:	DATE:
STATUS: ISSUE			

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

CLIENT:
Mr and Mrs Wright

SITE: Plot 3 Minduff By Buckie			
TITLE: Test Hole Location			
SCALE AT A4: NTS	DATE: JAN22	DRAWN: GM	CHECKED:
PROJECT NO: GMC22-009	DRAWING NO: Appendix A	REVISION: -	

Appendix B

Soakaway Details/Certificates

Certificate For Proposed Sub – Surface Soakaways
Foul Water

Applicants Name: Mr and Mrs Wright
Address: Plot 3, Minduff, By Buckie
Site Address: Proposed New Dwelling at Above Address
Date of Tests: 26th November 2021
Weather Conditions: Dry/Overcast

Percolation Test/Soakaway Sizing:

	1 st	2 nd	3 rd	Mean
Date of Test	26/11/21	26/11/21	26/11/21	
TH01	1440s	2040s	2340s	1940s
Average Soil Vp				12.93s/mm

Location: TP1
Average Soil Vp: 12.93s/mm
PE: 8
Base Area (min): 28.80m² (as per SEPA requirements)

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

Signed: G Mackintosh Gary Mackintosh BSc. Date: 12th January 2022

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

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

Certificate For Proposed Sub – Surface Soakaways
Surface Water

Applicants Name: Mr and Mrs Wright
Address: Plot 3, Minduff, By Buckie
Site Address: Proposed New Dwelling at Above Address
Date of Tests: 26th November 2021
Weather Conditions: Dry/Overcast

Trial Pit Test – Surface Water:

Depth of Excavation: 1.8
Water Table Present: No

Infiltration Test:

Location: INF01
Infiltration Test Zone: 1.0 – 1.8mbgl
Infiltration Rate (m/s): 2.43×10^{-5}
Contributing Area: 315m²
Soakaway Size: 8.0m x 3.5m 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: 12th January 2021

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

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

Certificate of Chemical Analysis

Potable Private Water Sample

Laboratory Reference: 10222035
Your Reference: 13760
For the attention of: D Taylor
Received From: Filpumps Thainstone Business Park Inverurie
 Aberdeenshire
Received On: 25 October 2021
Taken From: Top of borehole, Plot (caravan), Minduff
Taken On: 22 October 2021
Appearance: Hazy, faintly yellow, no sediment.
Odour: Mild, musty.

Results of Analysis

Method Code	Determination	Result	Prescribed Concentration or Value
i4203	pH	6.0	6.5 to 9.5
i4204	Conductivity	190 $\mu\text{S}/\text{cm}$	not more than 2500 $\mu\text{S}/\text{cm}$
i4205	Turbidity	6.1 NTU	not more than 4.0 NTU
i4222a	Total Dissolved Solids	130 mg/l	
i4102c	Nitrate (as NO_3)	35 mg/l	not more than 50 mg/l
i4523_Pb	Lead (as Pb)	< 2 $\mu\text{g}/\text{l}$	not more than 10 $\mu\text{g}/\text{l}$
i4523_Mn	Manganese (as Mn)	116 $\mu\text{g}/\text{l}$	not more than 50 $\mu\text{g}/\text{l}$
i4523_Ca	Calcium (as Ca)	10.2 mg/l	
i4523_Mg	Magnesium (as Mg)	4.0 mg/l	
i4523_TH	Total Hardness (perm't)(mg/l CaCO_3)	42 mg/l	
i4523_Fe	Iron (as Fe)	479 $\mu\text{g}/\text{l}$	not more than 200 $\mu\text{g}/\text{l}$
i4523dFe	Iron (dissolved) (as Fe)	< 2 $\mu\text{g}/\text{l}$	not more than 200 $\mu\text{g}/\text{l}$

Comments:(1)


The pH value of the sample was outside of the range prescribed in The Private Water Supplies (Scotland) Regulations 2006.

The turbidity of the sample exceeded the maximum concentration or value prescribed in The Private Water Supplies (Scotland) Regulations 2006.

The manganese level of the sample exceeded the maximum concentration or value prescribed in The Private Water Supplies (Scotland) Regulations 2006.

(1) Comments, opinions and interpretations are outside the scope of UKAS accreditation.

Signature:	<div style="background-color: black; width: 100px; height: 40px;"></div>
Name:	James Darroch BSc, CChem, MRSC
Status:	Laboratory Manager
Official Address:	Aberdeen Scientific Services Laboratory, Old Aberdeen House, Dunbar Street, Aberdeen, AB24 3UJ
Telephone Number:	(01224) 491648
Date of Report:	8 November 2021
Issue Number:	1



Page 51
Page 1 of 2

Certificate of Chemical Analysis

Potable Private Water Sample

Laboratory Reference: 10222035
Your Reference: 13760
For the attention of: D Taylor
Received From: Filpumps Thainstone Business Park Inverurie
Aberdeenshire
Received On: 25 October 2021
Taken From: Top of borehole, Plot (caravan), Minduff
Taken On: 22 October 2021

The iron level of the sample exceeded the maximum concentration or value prescribed in The Private Water Supplies (Scotland) Regulations 2006.

The remaining results of analysis complied with the requirements of the above Regulations.

(1) Comments, opinions and interpretations are outside the scope of UKAS accreditation.

Signature:



Name: James Darroch BSc, CChem, MRSC

Status: Laboratory Manager

Official Address: Aberdeen Scientific Services Laboratory, Old Aberdeen House,
Dunbar Street, Aberdeen, AB24 3UJ

Telephone Number: (01224) 491648

Date of Report: 8 November 2021

Issue Number: 1



Form 172C Engineering Services Indicative Yield Test Data Sheet for Boreholes and Wells Revision 8



Filpumps Information			
Engineer R. Pitt	Date of Test 21-10-2021	SOP / Job No 13760	Page No of
Customer Information			
Company	Contact Address	Site Address	
Contact Tim Wright		Plot (Caravan) Minduff	
Phone No / Fax No			
email Address	Post Code	Post Code AB56 5LB	
Borehole Details			
Flow required (if known) 1500 LTRS/DAY		Drillers Yield Estimate (if known) 7000 LTRS/HR	
Test Location CARAVAN PLOT, MINDUFF			
Depth of borehole 45mtrs		Depth of water table in borehole 5mtrs BGL	
Diameter of casing 139mm		Diameter of well screen 90mm	
Measuring Point (Datum) TOP OF CASING		GPS Location of Borehole 57.629890 -2.949870	
Test Equipment Details			
Pump Model No. SQ3-65		Kw 1.1	
Flowmeter 1" MULTI-JET		Dipper GREEN BGS	
Any problems with pump? NO		Power Supply Available NO	
Diameter of well screen (must be checked on site) 90mm			
Flow at Stabilised Water Level			
Flow 4.3m³/h		Total volume pumped 15.4m³	
Level 7m below datum			
Water Analysis			
Sample taken for analysis: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Type A <input type="checkbox"/> Type B <input checked="" type="checkbox"/>			
Borehole Indicative Yield			
The borehole was pumped for 4 hours. A total volume of 15.4m³ was pumped.			
The final flowrate (calculated from Form 172A) was 4.3m³/hr			
The estimated potential flowrate at this site is therefore 104m³ / day, which equals 10400 (litres / day).			
This quantity of water is sufficient to provide a supply for up to 520 people at a consumption of 200 litres / person / day.			
You may also have to consult SEPA regarding water abstraction.			
NOTE: It may be necessary to install a storage tank to comply with Building Regulations or where water demand varies throughout the day.			
This indicative test does not predict water table rise and fall throughout the year and is based on the water availability at the time of the test. For this reason it is therefore only indicative of the longer term yield.			
Operations Manager A. McLeod	Signature		Date 27-10-2021

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management

Planning Application Ref. No: 21/01560/APP

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

Please

x

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

Contact: Leigh Moreton Date 23/11/22

email address: leigh.moreton@moray.gov.uk Phone No

Consultee: The Moray Council, Flood Risk Management

From: Teresa Ruggeri <Teresa.Ruggeri@moray.gov.uk>
Sent: 13 Sep 2022 10:31:31
To: DMSMyEmail@moray.gov.uk
Cc:
Subject: FW: 22/01292/APP Erect dwellinghouse on Plot 3 Minduff, Drybridge, Buckie
Attachments:

Hi,

No developer obligations will be sought for this application as it relates to an extant consent, 09/01922/APP.

Thanks
Rebecca

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



Consultee Comments for Planning Application 22/01292/APP

Application Summary

Application Number: 22/01292/APP

Address: Plot 3 Minduff Drybridge Buckie Moray

Proposal: Erect dwellinghouse on

Case Officer: Iain T Drummond

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

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 22/01292/APP

Erect dwellinghouse on Plot 3 Minduff Drybridge Buckie Moray for Mr Timothy Wright

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

Please

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

This proposal is for the erection of a new dwelling which is to be served via an existing access which is to be shared by two other new properties. The overall development requires the provision of a turning area for refuse vehicles at the end of the public road. The turning area has now been constructed (and is presently within the 1 year maintenance period prior to formally being adopted as part of the public road network (Roads Construction Consent (RCC 595) relates). The access to the site has also been surfaced. The following conditions would therefore apply:

Conditions

1. No development works shall commence on the dwelling house until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit is to be connected to an appropriate electricity supply, including details (written proposals and plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of the dwelling house.

Reason: In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking.

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

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

3. A visibility splay 2.4 metres by 120 metres to the north-west shall be provided at the access onto the public road, and maintained thereafter at all times free from any obstruction greater than 0.6m in height measured from the level of the carriageway.

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

4. Three car parking spaces shall be provided within the site prior to the occupation or completion of the dwelling house, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

Further comment(s) to be passed to applicant

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

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority. Guidance on Electric Vehicle (EV) Charging requirements can be found at: <http://www.moray.gov.uk/downloads/file134860.pdf>

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

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

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

Contact: AG
email address: Transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

Date 13 September 2022

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://www.moray.gov.uk/development>. (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

Consultation Request Notification - Private Water Supplies

Planning Authority Name	Moray Council
Response Date	20th September 2022
Planning Authority Reference	22/01292/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Plot 3 Minduff Drybridge Buckie Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133059924
Proposal Location Easting	343431
Proposal Location Northing	860397
Area of application site (M²)	4381
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=RHKJDOBG16F00
Previous Application	12/02050/APP 21/01560/APP
Date of Consultation	6th September 2022
Is this a re-consultation of an existing application?	Yes
Applicant Name	Mr Timothy Wright
Applicant Organisation Name	
Applicant Address	23 Cameron Crescent Buckie Moray AB56 1AG
Agent Name	Christopher Bremner
Agent Organisation Name	
Agent Address	Minduff Drybridge Buckie Moray AB56 5LB
Agent Phone Number	Telephone : 07876758717
Agent Email Address	N/A
Case Officer	Iain T Drummond

Case Officer Phone number	01343 563607
Case Officer email address	iaian.drummond@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

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

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

Please respond using the attached form:-

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: Environmental Health – Private Water Supplies

Planning Application Ref. No: 22/01292/APP

Erect dwellinghouse on Plot 3 Minduff Drybridge Buckie Moray for Mr Timothy Wright

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

Please

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

HOLDING COMMENTS

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

Reason(s) for objection

To ensure that the development is served by an adequate and wholesome water supply.

Condition(s)

Prior to the occupation of the house hereby approved a scheme of effective treatment to the private water supply shall be fully installed and properly maintained for the lifetime of the development. The scheme must ensure that the water to the house would fully comply with the regulatory limits stated in The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 and should specifically include effective point of entry ultraviolet treatment, prefiltration, pH correction measures and iron/manganese treatment.

Further comment(s) to be passed to applicant

Contact: Adrian Muscutt

email address:

Consultee: Environmental Health – Private Water Supplies

Date...15/9/22.....

Phone No

Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

Consultee Comments for Planning Application 22/01292/APP

Application Summary

Application Number: 22/01292/APP

Address: Plot 3 Minduff Drybridge Buckie Moray

Proposal: Erect dwellinghouse on

Case Officer: Iain T Drummond

Consultee Details

Name: Mr EH Consultations

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

Email: Not Available

On Behalf Of: Environmental Health C12

Comments

Approved unconditionally

REPORT OF HANDLING

Ref No:	22/01292/APP	Officer:	Iain T Drummond
Proposal Description/ Address	Erect dwellinghouse on Plot 3 Minduff Drybridge Buckie Moray		
Date:	09.01.2023	Typist Initials:	SS

RECOMMENDATION

Approve, without or with condition(s) listed below		Y
Refuse, subject to reason(s) listed below		N
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
Planning And Development Obligations	09/09/22	No contributions sought due to extant consent on site.
Moray Flood Risk Management	12/09/22	No objections
Environmental Health Manager	12/09/22	No objections
Contaminated Land	14/09/22	No objections
Private Water Supplies	15/09/22	No objections subject to condition
Transportation Manager	13/09/22	No objections subject to conditions and informatives.

DEVELOPMENT PLAN POLICY

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

REPRESENTATIONS

Representations Received		NO
Total number of representations received		

Names/Addresses of parties submitting representations
Summary and Assessment of main issues raised by representations
Issue:
Comments (PO):

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Proposal & Site

- This application seeks to amend the design of the houses approved on site via applications 09/01922/APP and 12/02050/APP, both of which have had a lawful start to the consents in the form of the partial formation of access and therefore remain extant.
- The proposed house consists of a one and a half storey, T-shaped house with integral double garage.
- The proposed amended house design overlaps and largely sits on the same footprint as the previously consented houses on this site.
- This application seeks detailed planning permission for the amendment of the design previously approved on site from a larger one and a half storey house.
- Use of a private water supply is proposed with foul drainage disposed of via a treatment plant and soakaway and surface water disposed of via a separate soakaway.
- The temporary siting of a static caravan is also proposed throughout the duration of the construction of the dwellinghouse.

Appraisal

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

Principle of the development (PP1, DP1 and DP2)

The principle of erecting a house on this site has already been established via the approval of applications 09/01922/APP and 12/02050/APP and therefore what requires to be considered as part of this application is the amendments to the design and siting of the house.

Design and amenity (PP1, DP1, DP4 and EP2)

In terms of the amended house design, with the exception of the roof finish, the proposal is compliant with the design and material finish requirements of policy DP4. Where the applicants have specified the use of slate effect tiles, policy DP4 specifically stipulates the use of natural slate or corrugated roofing on houses in the countryside and precludes the use of concrete tiles and as such a condition has been attached to the consent to ensure the finish of the house is natural slate in line with policy requirements. Landscaping proposals are lacking from the scheme, however, a condition has been attached to ensure tree planting covering 15% of the site as required by policy is achieved.

No tree removal is proposed as part of this application and in terms of biodiversity, the provision of planting across the site will ensure biodiversity levels within the plot are enhanced.

The temporary siting of a static caravan throughout the duration of the construction of the house is also considered to be acceptable, subject to the condition as applied that the caravan is removed following the completion or occupation of the dwellinghouse.

Overall the proposals are considered to be compliant with policies PP1, DP1, DP4 and EP2.

Drainage (EP12, EP13)

Drainage information has been provided with the application and identifies the means of surface water disposal from the site. Moray Flood Risk Management have assessed this information and have no objections to the approval of the application. Environmental Health have also confirmed that the proposed private water supply is sufficient to serve the proposed house subject to condition as recommended and as such the proposal is considered to comply with policy EP12 and EP13.

Access (DP1)

Transportation have no objection to the approval of the application subject to conditions as recommended and as such the development complies with policy DP1 in this regard.

Developer obligations and affordable housing (PP3 and DP2)

Developer obligations have already been paid in relation to the extant consent on site and as such the proposals are compliant with policies PP3 and DP2.

Conclusion and Recommendation

Based on all of the above, taking into account comments received from consultees, this application is considered to comply with development plan policy and is therefore recommended for approval subject to conditions.

REASON(S) FOR DECISION

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

The proposal complies with the provisions of the Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None.

HISTORY

Reference No.	Description			
12/02050/APP	Erect house at Plot 3 Minduff Drybridge Buckie Moray			
	Decision	Permitted	Date Of Decision	24/05/13
21/01560/APP	Erect dwellinghouse on Plot 3 Minduff Drybridge Buckie Moray			
	Decision	Refuse	Date Of Decision	02/02/22

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Advertiser and Herald	No Premises	03/10/22	
PINS	No Premises	03/10/22	

DEVELOPER CONTRIBUTIONS (PGU)	
Status	NONE SOUGHT

DOCUMENTS, ASSESSMENTS etc. * <i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name: Drainage assessment		
Main Issues: Outlines the drainage methodology for the site.		

S.75 AGREEMENT		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			



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

PERMISSION FOR DEVELOPMENT

**[Fochabers Lhanbryde]
Application for Planning Permission**

TO



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

Erect dwellinghouse on Plot 3 Minduff Drybridge Buckie Moray

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

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

Date of Notice: **16 January 2023**



Head Economic Growth and Development Services

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

IMPORTANT NOTE

YOU ARE OBLIGED TO COMPLY WITH THESE CONDITIONS AND NOTES

SCHEDULE OF CONDITIONS

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

CONDITION(S)

Permission is granted subject to the following conditions: -

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 No development works shall commence on the dwelling house until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit is to be connected to an appropriate electricity supply, including details (written proposals and plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of the dwelling house.

Reason: In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking.

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

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

- 4 A visibility splay 2.4 metres by 120 metres to the north-west shall be provided at the access onto the public road, and maintained thereafter at all times free from any obstruction greater than 0.6m in height measured from the level of the carriageway.

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

- 5 Three car parking spaces shall be provided within the site prior to the occupation or completion of the dwelling house, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

- 6 Prior to the occupation of the house hereby approved a scheme of effective treatment to the private water supply shall be fully installed and properly maintained for the lifetime of the development. The scheme must ensure that the water to the house would fully comply with the regulatory limits stated in The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 and should specifically include effective point of entry ultraviolet treatment, prefiltration, pH correction measures and iron/manganese treatment.

Reason: To ensure that the development is served by an adequate and wholesome water supply.

- 7 The paddock area associated with the plot as identified in the approved site plan, shall be only used as paddock land, and not for domestic garden purposes. Note. For the avoidance of doubt, the paddock does not have the benefit of permitted development rights under Article 2(4), Schedule, Part 1 Classes 3B (Building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by the Town & Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any Order revoking and re-enacting that Order(s) with or without modifications).

Reason: To safeguard the rural character of the site and its surroundings, by mitigating against any domestic encroachment into adjoining farm/paddock land.

- 8 Unless otherwise agreed in writing with the Planning Authority, boundary enclosures surrounding the site hereby approved shall only comprise post and wire fencing or hedging made up of native species (birch, gean, hawthorn, scots pine, beech, oak, holly). In addition 15% of the plot must be landscaped with native tree species (whips and feathered trees at least 1.5 metres in height, planted at a density of 1 per 4 sqm).

All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the commencement of development. Any trees or plants which within a period of five years from the completion of the

development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: To ensure an acceptable scheme of landscaping to aid the integration of the house into the surrounding landscape and ensure the planting is timeously provided.

- 9 Notwithstanding the details shown on the approved plans, the roof of the dwellinghouse hereby approved shall be finished in natural slate.

Reason: To ensure the highest standards of material finish are achieved for new housing in the countryside and that new housing is finished in a manner which reflects the traditional material finishes of houses in Moray.

10. The residential caravan hereby permitted is solely for the use of the applicant or developer for the duration of the construction works associated with the development hereby approved. Within 3 years from the date of this decision notice or within 2 months following the occupation or completion of the dwellinghouse, whichever is the sooner, the caravan shall be removed permanently from the site, along with all associated fixtures and fittings.

Reason: To ensure the removal of the residential caravan from the site following the completion of the adjacent house, in the interests of minimising and removing the visual impact of the caravan.

REASON(S) FOR DECISION

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

The proposal complies with the provisions of the Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
20-121-PL02		Site sections
20-121-PL03		Site plan
20-126-PI04		Location plan
20-121-PL01		Elevations and floor plans

IMPORTANT NOTES ABOUT THIS DECISION

COMMENCEMENT AND COMPLETION OF THE DEVELOPMENT

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

NOTIFICATION OF INITIATION OF DEVELOPMENT

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

NOTIFICATION OF COMPLETION OF DEVELOPMENT

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

NOTIFICATION OF COMPLETION OF PHASED DEVELOPMENT

Under S.27B(2) of the 1997 Act, as amended where permission is granted for phased development, the permission is subject to a condition (see Schedule of Conditions above) requiring the applicant/developer as soon as practicable after each phase to give notice of that completion to the planning authority. This will allow the planning authority to be aware that particular phase(s) of the development is/are complete.

When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.

ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

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

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

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

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure

shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority. Guidance on Electric Vehicle (EV) Charging requirements can be found at:

<http://www.moray.gov.uk/downloads/file134860.pdf>

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

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority. The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

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

None

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

None

TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION

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

None

NOTICE OF APPEAL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

www.eplanning.scotland.gov.uk

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably

beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



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 100475230-006

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Christopher"/>	Building Name:	<input type="text" value="Minduff"/>
Last Name: *	<input type="text" value="Bremner"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07876758717"/>	Address 1 (Street): *	<input type="text" value="Drybridge"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Buckie"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="AB56 5LB"/>
Email Address: *	<input type="text" value="christopher.bremner@hotmail.com"/>		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="T"/>	Building Number: <input type="text" value="23"/>
Last Name: *	<input type="text" value="Wright"/>	Address 1 (Street): * <input type="text" value="Cameron Crescent"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Buckie"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="AB56 1AG"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="christopher.bremner@hotmail.com"/>	

Site Address Details

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

Please identify/describe the location of the site or sites

<input type="text" value="Plot 3 Minduff"/>			
Northing	<input type="text" value="860411"/>	Easting	<input type="text" value="343427"/>

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 dwellinghouse on Plot 3 Minduff Drybridge Buckie Moray

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Review of condition 9 to allow tile roof finish.

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

☐ Yes ☒ No

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

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

Approved documents - Site plan, site sections, location plan, floor plans & elevations. Report of Handing Planning decision

Application Details

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

22/01292/APP

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

02/09/2022

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

16/01/2023

Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Christopher Bremner

Declaration Date: 12/04/2023

Plot 3 Minduff, Drybridge, AB56 5LB

22/01292/APP

We wish to appeal condition 9 on as detailed below.

9. Notwithstanding the details shown on the approved plans, the roof of the dwellinghouse hereby approved shall be finished in natural slate.

Reason:

To ensure the highest standards of material finish are achieved for new housing in the countryside and that new housing is finished in a manner which reflects the traditional material finishes of houses in Moray.



A slate roof would not be in keeping with the immediately adjacent plot 2 and plot 5 which can be seen in the background.

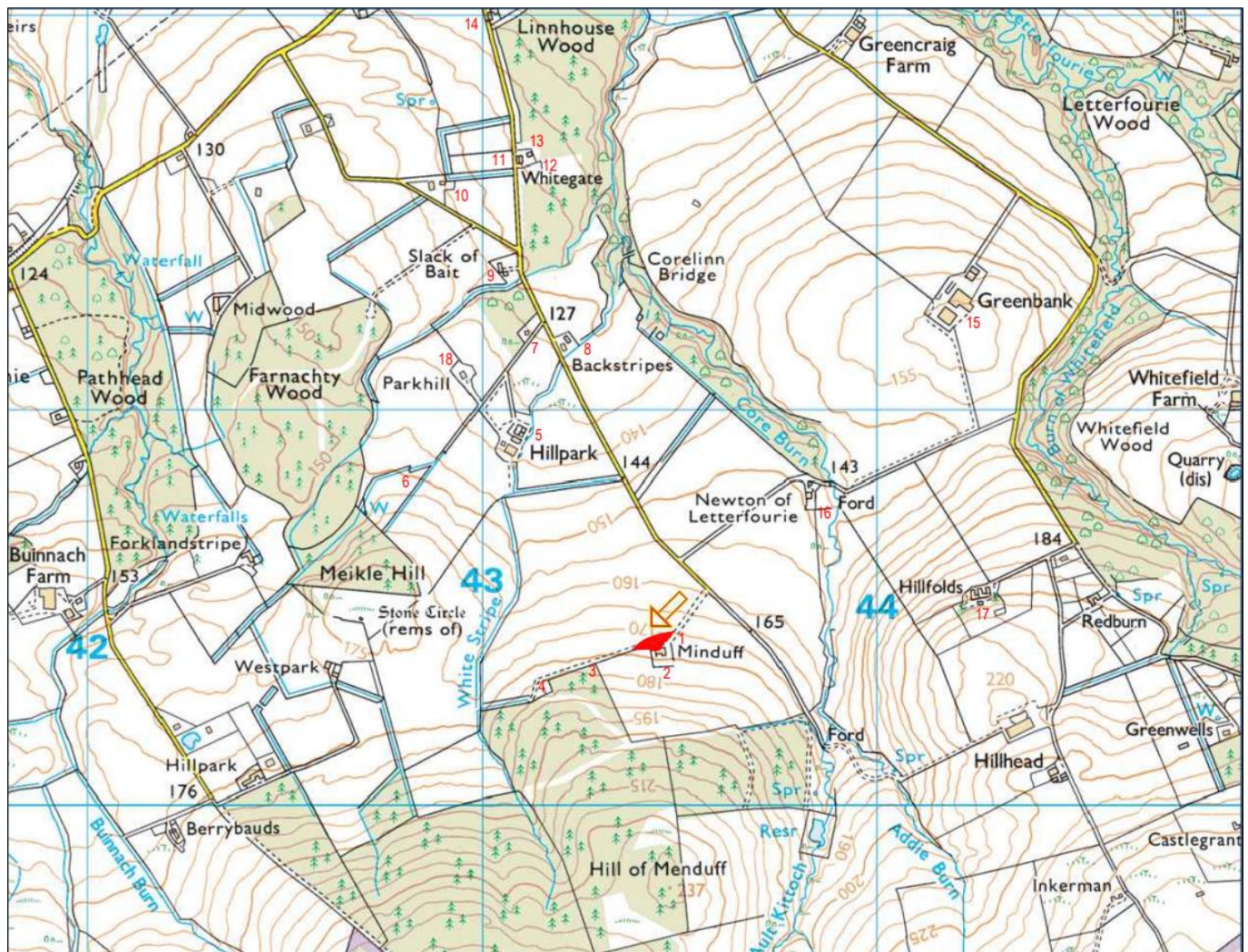
Plot 2 - 18/00446/APP - Completed 30/03/2021

Plot 5 - 15/01553/APP – Completed 23/06/2022

Both of these properties were approved and recently completed with Rathmore roof tiles.

The Rathmore is a flat concrete interlocking tile with a smooth finish, its thin leading edge and hidden interlocking features provides a slate like appearance.

Plot 1 is also about to commence on site and has a live consent with a condition to use artificial Slate. 09/01922/APP.



This OS plan shows all the properties on this stretch of road and ones visible from the site. There aren't many with slate roofs.

1. Plot 1 Minduff – Approved Planning permission
2. Plot 2 Minduff – Recently completed with Quinn Rathmore roof tiles
3. Plot 5 Minduff - Recently completed with Quinn Rathmore roof tiles
4. Plot 4 Minduff – Approved Planning permission
5. Hillpark – Tiles
6. Mandara – Red tiles
7. Kingswood – Tiles
8. Backstripes – Tiles
9. Slack of Bait – Tiles
10. Bramble cottage – Tiles
11. Glenshee – Tiles
12. Whitegate – Tiles
13. Whitegate lodge – Tiles
14. Little Thorneybank – Tiles
15. Greenbank – Massive shed with profile cladding that can be seen for miles.
16. Newton – Old stone house with slate roof
17. Hillfolds – Old stone house with slate roof
18. Parkhill – Old stone house with slate roof

We could understand having to comply with the slate roof policy if this was a new site on its own with no historic consent, but this is not the case with this application.

We therefore would like the condition to use Slates removed from this consent.

REPORT OF HANDLING

Ref No:	22/01292/APP	Officer:	Iain T Drummond
Proposal Description/ Address	Erect dwellinghouse on Plot 3 Minduff Drybridge Buckie Moray		
Date:	09.01.2023	Typist Initials:	SS

RECOMMENDATION

Approve, without or with condition(s) listed below		Y
Refuse, subject to reason(s) listed below		N
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
Planning And Development Obligations	09/09/22	No contributions sought due to extant consent on site.
Moray Flood Risk Management	12/09/22	No objections
Environmental Health Manager	12/09/22	No objections
Contaminated Land	14/09/22	No objections
Private Water Supplies	15/09/22	No objections subject to condition
Transportation Manager	13/09/22	No objections subject to conditions and informatives.

DEVELOPMENT PLAN POLICY

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

REPRESENTATIONS

Representations Received		NO
Total number of representations received		

Names/Addresses of parties submitting representations
Summary and Assessment of main issues raised by representations
Issue:
Comments (PO):

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Proposal & Site

- This application seeks to amend the design of the houses approved on site via applications 09/01922/APP and 12/02050/APP, both of which have had a lawful start to the consents in the form of the partial formation of access and therefore remain extant.
- The proposed house consists of a one and a half storey, T-shaped house with integral double garage.
- The proposed amended house design overlaps and largely sits on the same footprint as the previously consented houses on this site.
- This application seeks detailed planning permission for the amendment of the design previously approved on site from a larger one and a half storey house.
- Use of a private water supply is proposed with foul drainage disposed of via a treatment plant and soakaway and surface water disposed of via a separate soakaway.
- The temporary siting of a static caravan is also proposed throughout the duration of the construction of the dwellinghouse.

Appraisal

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

Principle of the development (PP1, DP1 and DP2)

The principle of erecting a house on this site has already been established via the approval of applications 09/01922/APP and 12/02050/APP and therefore what requires to be considered as part of this application is the amendments to the design and siting of the house.

Design and amenity (PP1, DP1, DP4 and EP2)

In terms of the amended house design, with the exception of the roof finish, the proposal is compliant with the design and material finish requirements of policy DP4. Where the applicants have specified the use of slate effect tiles, policy DP4 specifically stipulates the use of natural slate or corrugated roofing on houses in the countryside and precludes the use of concrete tiles and as such a condition has been attached to the consent to ensure the finish of the house is natural slate in line with policy requirements. Landscaping proposals are lacking from the scheme, however, a condition has been attached to ensure tree planting covering 15% of the site as required by policy is achieved.

No tree removal is proposed as part of this application and in terms of biodiversity, the provision of planting across the site will ensure biodiversity levels within the plot are enhanced.

The temporary siting of a static caravan throughout the duration of the construction of the house is also considered to be acceptable, subject to the condition as applied that the caravan is removed following the completion or occupation of the dwellinghouse.

Overall the proposals are considered to be compliant with policies PP1, DP1, DP4 and EP2.

Drainage (EP12, EP13)

Drainage information has been provided with the application and identifies the means of surface water disposal from the site. Moray Flood Risk Management have assessed this information and have no objections to the approval of the application. Environmental Health have also confirmed that the proposed private water supply is sufficient to serve the proposed house subject to condition as recommended and as such the proposal is considered to comply with policy EP12 and EP13.

Access (DP1)

Transportation have no objection to the approval of the application subject to conditions as recommended and as such the development complies with policy DP1 in this regard.

Developer obligations and affordable housing (PP3 and DP2)

Developer obligations have already been paid in relation to the extant consent on site and as such the proposals are compliant with policies PP3 and DP2.

Conclusion and Recommendation

Based on all of the above, taking into account comments received from consultees, this application is considered to comply with development plan policy and is therefore recommended for approval subject to conditions.

REASON(S) FOR DECISION

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

The proposal complies with the provisions of the Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None.

HISTORY

Reference No.	Description			
12/02050/APP	Erect house at Plot 3 Minduff Drybridge Buckie Moray			
	Decision	Permitted	Date Of Decision	24/05/13
21/01560/APP	Erect dwellinghouse on Plot 3 Minduff Drybridge Buckie Moray			
	Decision	Refuse	Date Of Decision	02/02/22

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Advertiser and Herald	No Premises	03/10/22	
PINS	No Premises	03/10/22	

DEVELOPER CONTRIBUTIONS (PGU)	
Status	NONE SOUGHT

DOCUMENTS, ASSESSMENTS etc. * <i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name: Drainage assessment		
Main Issues: Outlines the drainage methodology for the site.		

S.75 AGREEMENT		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			



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

PERMISSION FOR DEVELOPMENT

**[Fochabers Lhanbryde]
Application for Planning Permission**

TO Mr Timothy Wright
c/o Christopher Bremner
Minduff
Drybridge
Buckie
Moray
AB56 5LB

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

Erect dwellinghouse on Plot 3 Minduff Drybridge Buckie Moray

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

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

Date of Notice: **16 January 2023**

Head Economic Growth and Development Services

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

IMPORTANT NOTE

YOU ARE OBLIGED TO COMPLY WITH THESE CONDITIONS AND NOTES

SCHEDULE OF CONDITIONS

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

CONDITION(S)

Permission is granted subject to the following conditions: -

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 No development works shall commence on the dwelling house until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit is to be connected to an appropriate electricity supply, including details (written proposals and plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of the dwelling house.

Reason: In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking.

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

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

- 4 A visibility splay 2.4 metres by 120 metres to the north-west shall be provided at the access onto the public road, and maintained thereafter at all times free from any obstruction greater than 0.6m in height measured from the level of the carriageway.

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

- 5 Three car parking spaces shall be provided within the site prior to the occupation or completion of the dwelling house, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

- 6 Prior to the occupation of the house hereby approved a scheme of effective treatment to the private water supply shall be fully installed and properly maintained for the lifetime of the development. The scheme must ensure that the water to the house would fully comply with the regulatory limits stated in The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 and should specifically include effective point of entry ultraviolet treatment, prefiltration, pH correction measures and iron/manganese treatment.

Reason: To ensure that the development is served by an adequate and wholesome water supply.

- 7 The paddock area associated with the plot as identified in the approved site plan, shall be only used as paddock land, and not for domestic garden purposes. Note. For the avoidance of doubt, the paddock does not have the benefit of permitted development rights under Article 2(4), Schedule, Part 1 Classes 3B (Building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by the Town & Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any Order revoking and re-enacting that Order(s) with or without modifications).

Reason: To safeguard the rural character of the site and its surroundings, by mitigating against any domestic encroachment into adjoining farm/paddock land.

- 8 Unless otherwise agreed in writing with the Planning Authority, boundary enclosures surrounding the site hereby approved shall only comprise post and wire fencing or hedging made up of native species (birch, gean, hawthorn, scots pine, beech, oak, holly). In addition 15% of the plot must be landscaped with native tree species (whips and feathered trees at least 1.5 metres in height, planted at a density of 1 per 4 sqm).

All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the commencement of development. Any trees or plants which within a period of five years from the completion of the

development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: To ensure an acceptable scheme of landscaping to aid the integration of the house into the surrounding landscape and ensure the planting is timeously provided.

- 9 Notwithstanding the details shown on the approved plans, the roof of the dwellinghouse hereby approved shall be finished in natural slate.

Reason: To ensure the highest standards of material finish are achieved for new housing in the countryside and that new housing is finished in a manner which reflects the traditional material finishes of houses in Moray.

10. The residential caravan hereby permitted is solely for the use of the applicant or developer for the duration of the construction works associated with the development hereby approved. Within 3 years from the date of this decision notice or within 2 months following the occupation or completion of the dwellinghouse, whichever is the sooner, the caravan shall be removed permanently from the site, along with all associated fixtures and fittings.

Reason: To ensure the removal of the residential caravan from the site following the completion of the adjacent house, in the interests of minimising and removing the visual impact of the caravan.

REASON(S) FOR DECISION

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

The proposal complies with the provisions of the Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
20-121-PL02		Site sections
20-121-PL03		Site plan
20-126-PI04		Location plan
20-121-PL01		Elevations and floor plans

IMPORTANT NOTES ABOUT THIS DECISION

COMMENCEMENT AND COMPLETION OF THE DEVELOPMENT

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

NOTIFICATION OF INITIATION OF DEVELOPMENT

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

NOTIFICATION OF COMPLETION OF DEVELOPMENT

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

NOTIFICATION OF COMPLETION OF PHASED DEVELOPMENT

Under S.27B(2) of the 1997 Act, as amended where permission is granted for phased development, the permission is subject to a condition (see Schedule of Conditions above) requiring the applicant/developer as soon as practicable after each phase to give notice of that completion to the planning authority. This will allow the planning authority to be aware that particular phase(s) of the development is/are complete.

When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.

ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

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

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

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

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure

shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority. Guidance on Electric Vehicle (EV) Charging requirements can be found at:

<http://www.moray.gov.uk/downloads/file134860.pdf>

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

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority. The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

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

None

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

None

TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION

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

None

NOTICE OF APPEAL

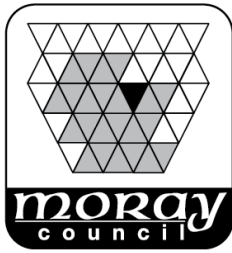
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

www.eplanning.scotland.gov.uk

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably

beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



MORAY COUNCIL

NOTIFICATION OF INITIATION OF DEVELOPMENT

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

Application Number **22/01292/APP**

Date Decision Issued

Location and Description of Development Erect dwellinghouse on Plot 3 Minduff Drybridge
Buckie Moray

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

Date works are to Commence	
-----------------------------------	--

Name, Address and contact details of developer

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

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

Signed

Name (Print)

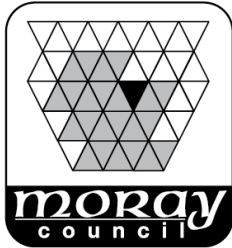
Date

Please complete and return this form to:

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

OR

E-mail: development.control@moray.gov.uk



MORAY COUNCIL

NOTIFICATION OF COMPLETION OF DEVELOPMENT

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

Application Number **22/01292/APP**

Date Decision Issued

Location and Description of Development Erect dwellinghouse on Plot 3 Minduff Drybridge
Buckie Moray

Date of completion of works	
------------------------------------	--

Name, Address and contact details of developer

.....

.....

.....

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

.....

.....

.....

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

.....

.....

.....

Signed

Name (Print)

Date

.....

.....

.....

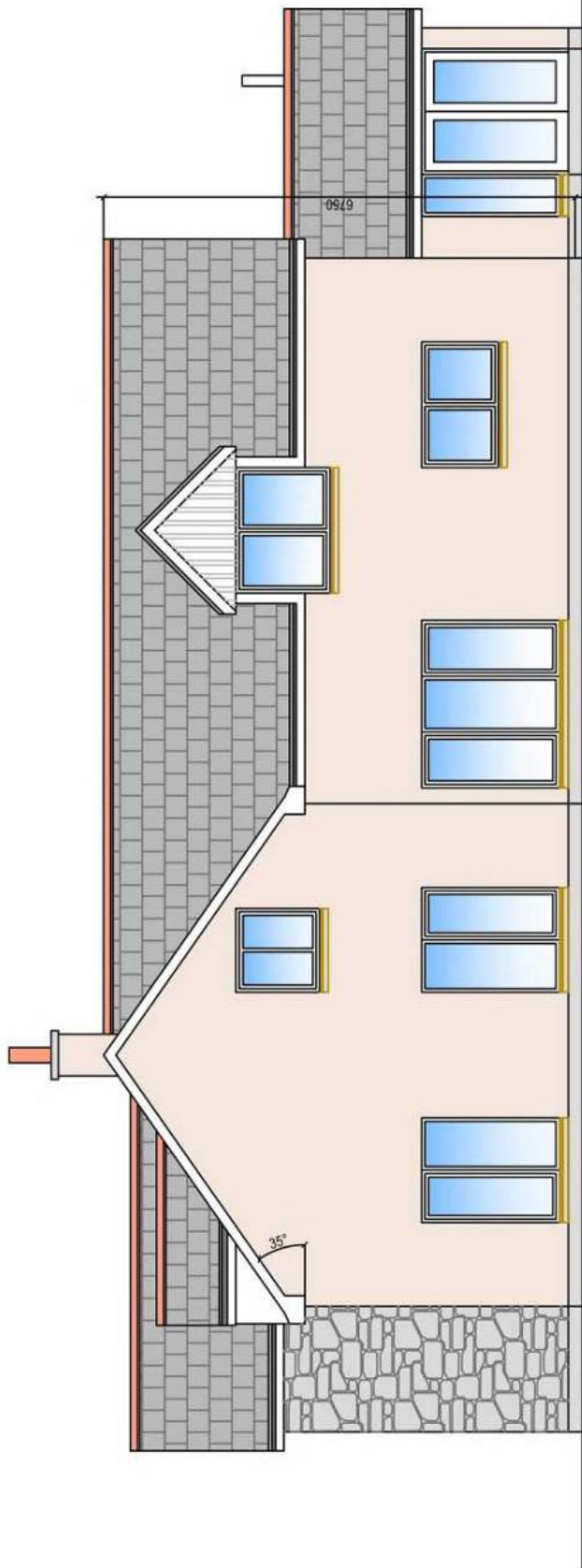
Please complete and return this form to:

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

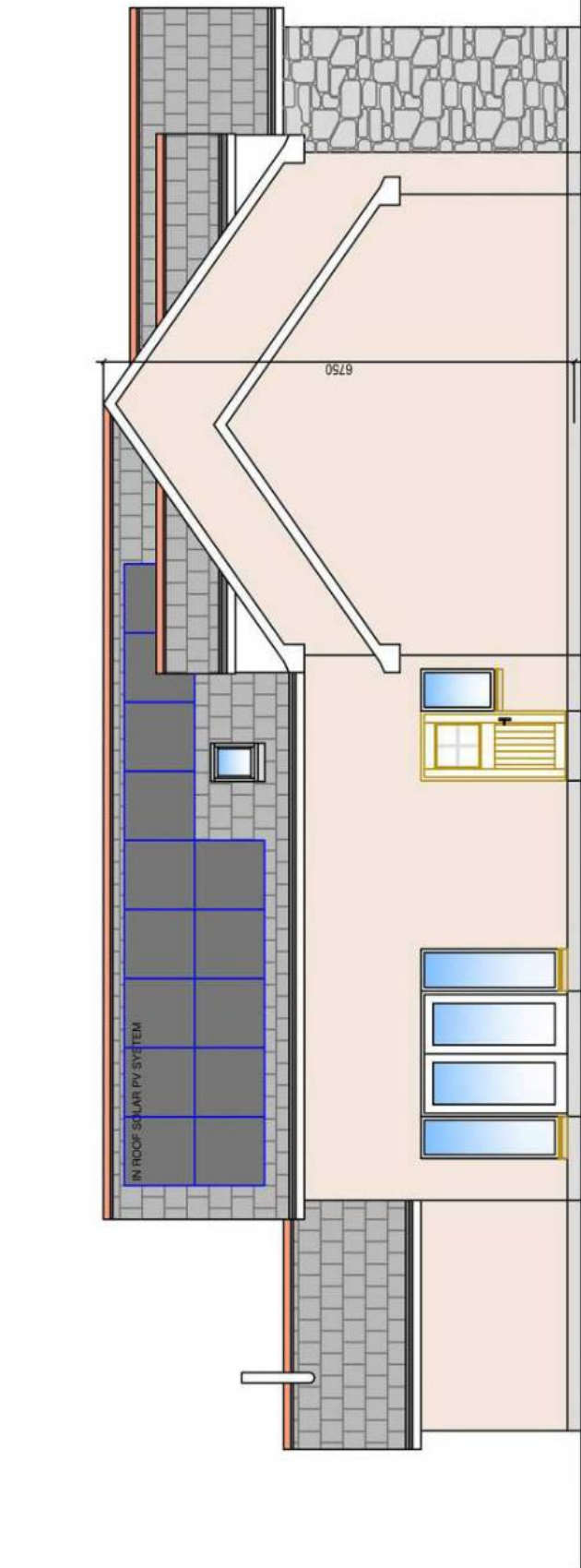
E-mail: development.control@moray.gov.uk



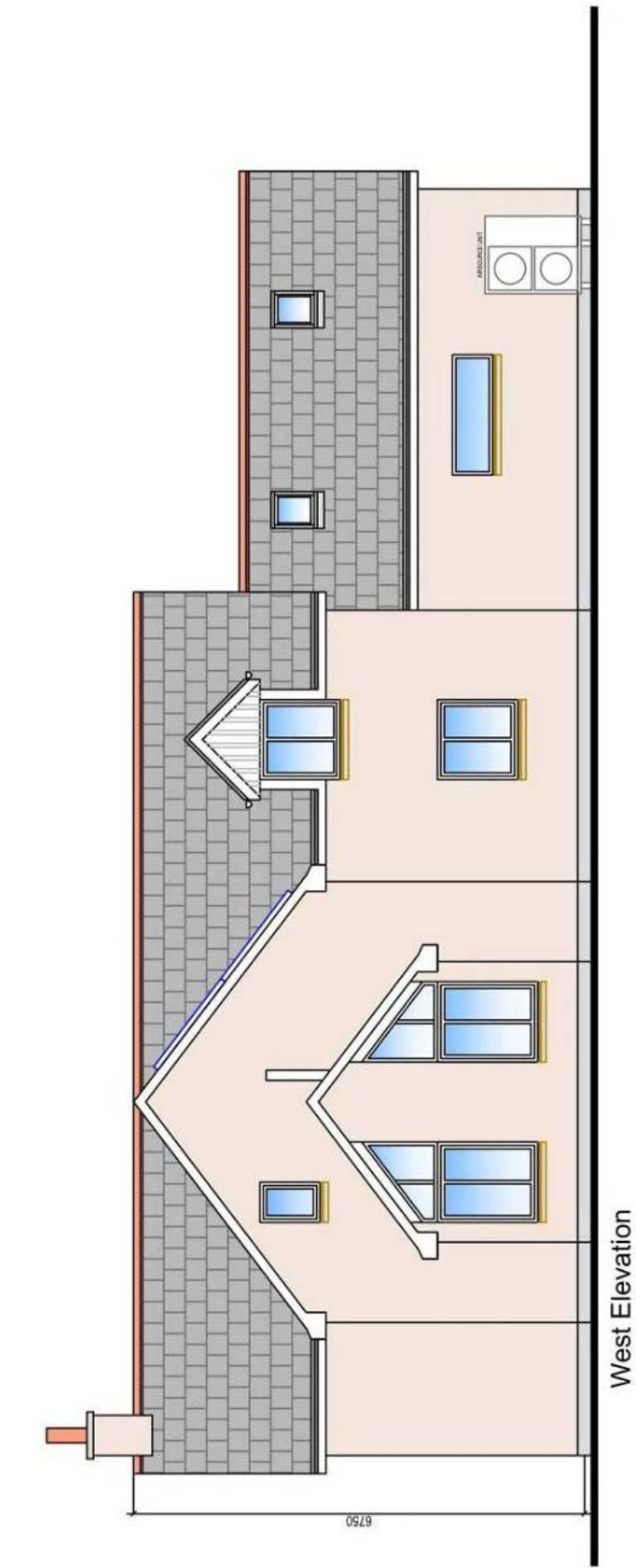
East Elevation



North Elevation

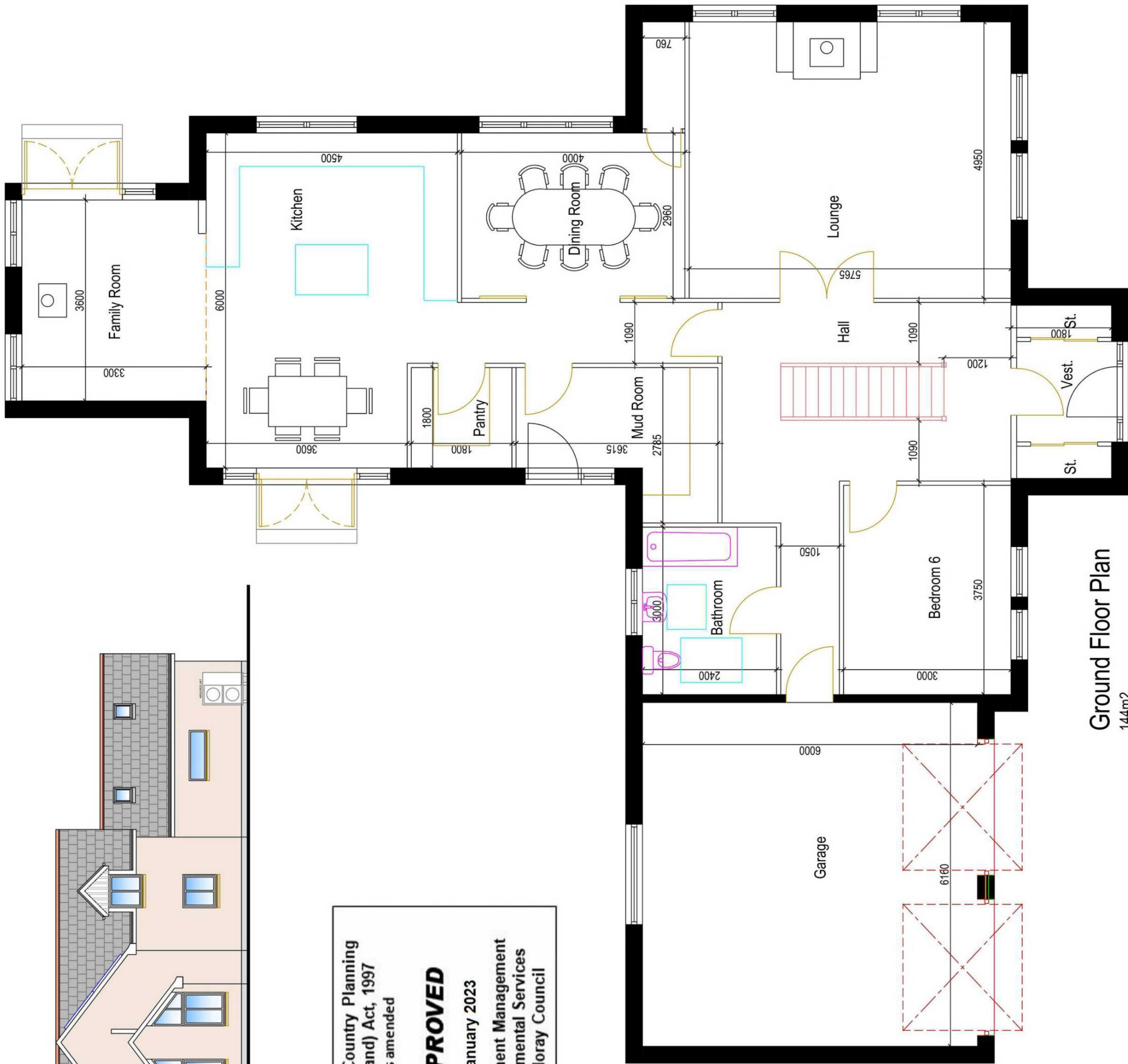


South Elevation



West Elevation

- EXTERNAL FINISHES:-**
1. Slate effect tiles
 2. Tuscany beige Roughcast
 3. Natural stone feature gable
 4. White UPVC Windows & Doors
 5. White UPVC Soffit and Fascia

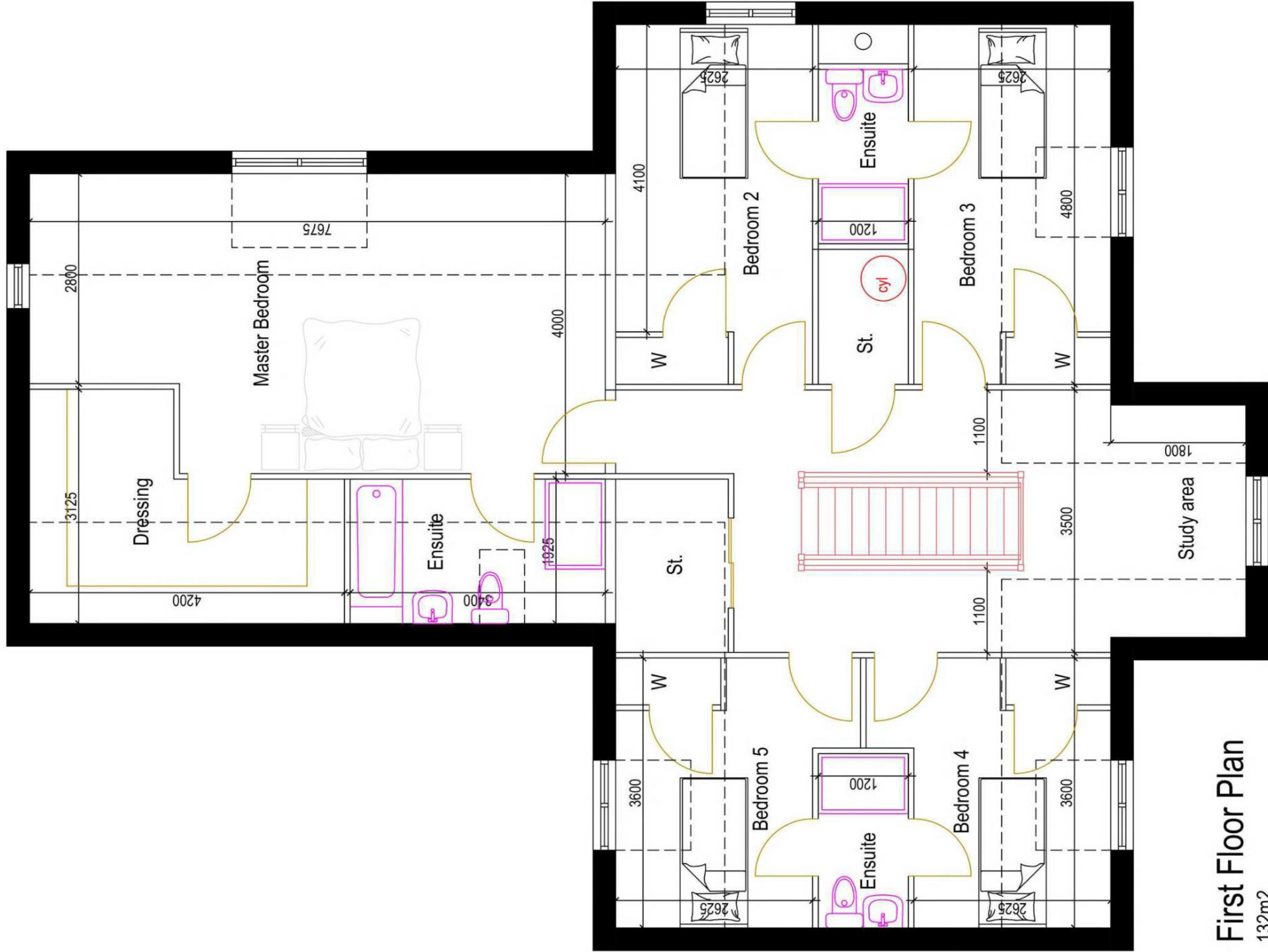


Town & Country Planning
(Scotland) Act, 1997
as amended

APPROVED

16 January 2023

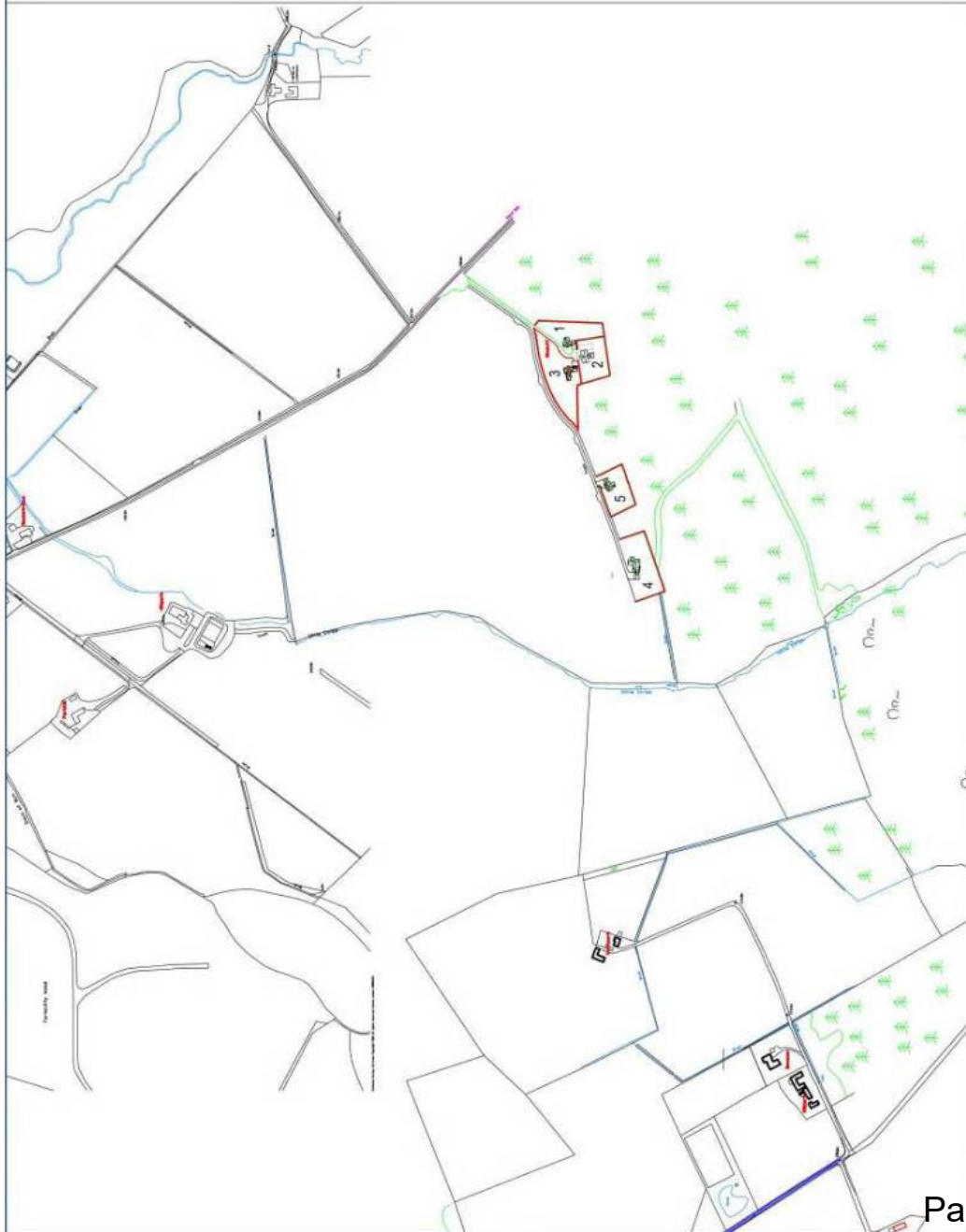
Development Management
Environmental Services
The Moray Council



Proposed Plan
Plot 3 Minduff,
Drybridge, Buckle
Drawing No. 20-121-P01

Mr & Mrs Wright
07-11-22
1:50/100@A1

CHRISTOPHER BREMNER
PLANS
Planning and Building Warrant applications...
New House Conversion...
Garage Extensions...
christopher.bremner@hotmail.com



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

APPROVED

16 January 2023

Development Management
Environmental Services
The Moray Council



CHRISTOPHER BREMNER

PLANS

07876758717

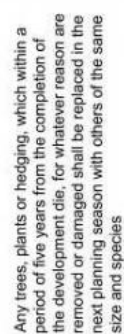
christopher.bremner@hotmail.com

Mr & Mrs Wright
Plot 3 Minduff,
Drybridge, Buckie

Location
29-09-21
Drawing No. 21-126-PL04

1:1250@A3

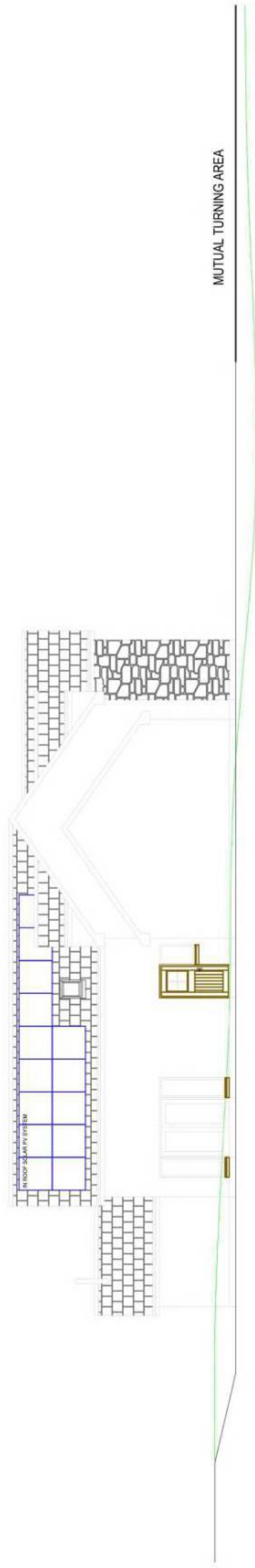
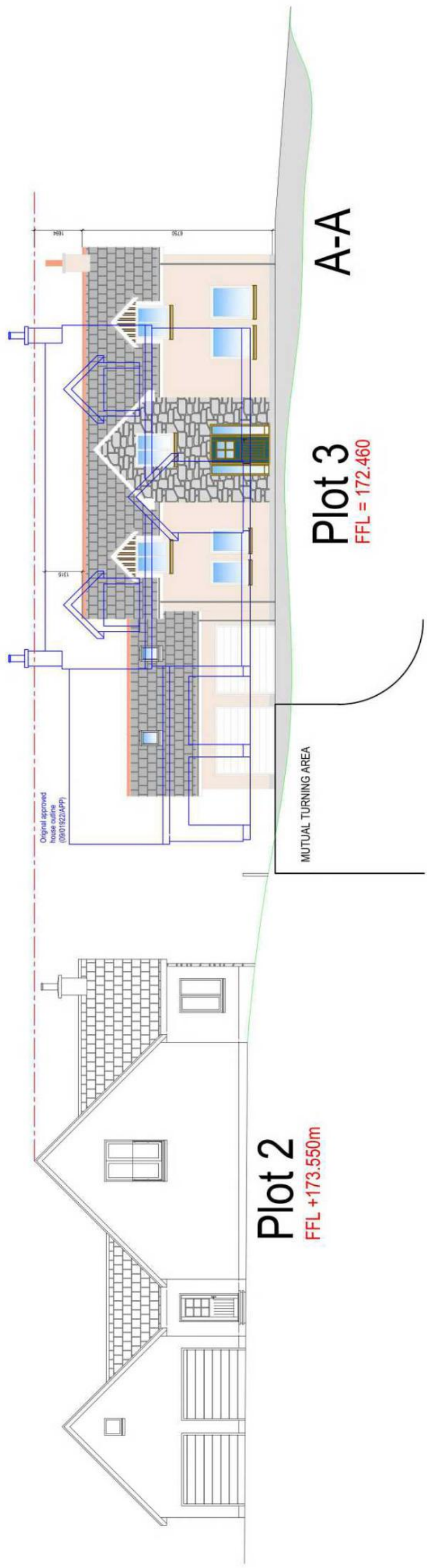
**Development Management
Environmental Services
The Moray Council**



christopher.bremner@hotmail.com



Drawing No. 20-121-PL03



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

APPROVED

16 January 2023

Development Management
Environmental Services
The Moray Council

Mr & Mrs Wright
Plot 3 Minduff,
Drybridge, Buckie

Site Sections
18-08-22 1:150@A3
Drawing No. 20-121-PL02



CHRISTOPHER BREMNER

Planning and Building Warrant applications...
New House - Conversion -
Garage - Extension...

PLANS

07876758717
christopher.bremner@hotmail.com



MORAY LOCAL REVIEW BODY

16 MAY 2023

SUMMARY OF INFORMATION FOR CASE No LR288

Ward 7 – Elgin City South

Planning Application 22/01451/APP – Retrospective permission for boundary fence at 94 Springfield Road, Elgin

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 12 January 2023 on the grounds that:

1. The high level boundary fence is out of keeping with the established open aspect character of the existing site and neighbouring housing and would therefore fail to comply with Policy DP1 (i) (a).
2. The high level fencing would partially enclose an area of open space to the rear of the property which requires natural surveillance in order to reduce crime and would therefore fail to comply with policy PP1 (ii).

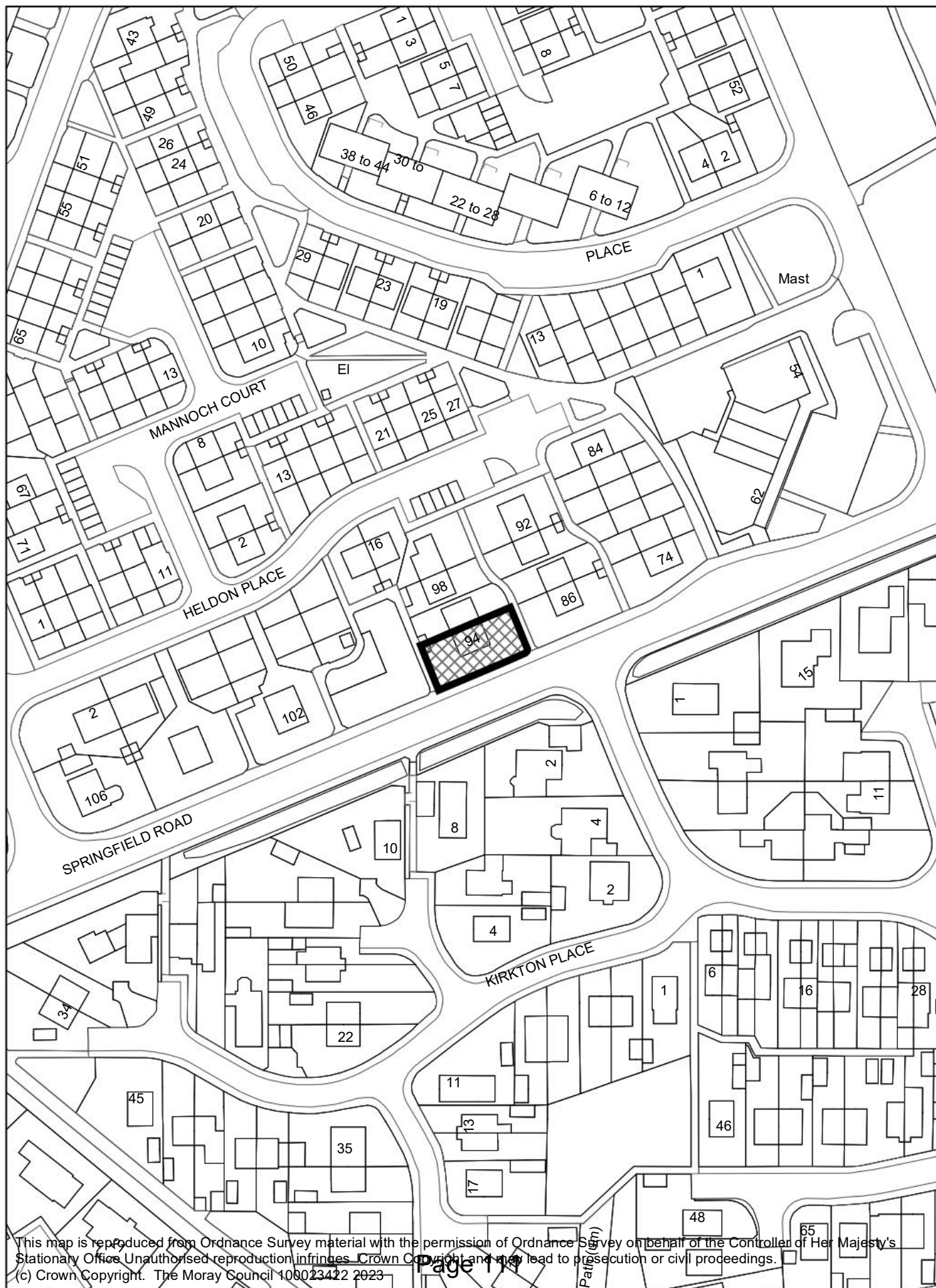
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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

No Further Representations were received in response to the Notice of Review.

At the meeting of the Moray Local Review Body (MLRB) on 16 February 2023, the MLRB noted that National Planning Framework 4 (NPF4) had been adopted by the Council on Monday 13 February 2023 and that all planning applications determined beyond this date would have to take NPF4 into consideration, as this is now part of the MLDP 2020 and deferred consideration of the above Review to request further information from the Appointed Officer and Interested Parties after considering the planning application in light of NPF4 with any response received being forwarded to the Applicant for comment.

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





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100602338-001

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.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Retrospective planning for boundary fence with amended drawings to the requirements of the transport managers comments in previous application

Has the work already been started and/ or completed? *

☐ No ☐ Yes - Started ☐ Yes – Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Michael"/>	Building Number:	<input type="text" value="94"/>
Last Name: *	<input type="text" value="Barron"/>	Address 1 (Street): *	<input type="text" value="Springfield road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Elgin"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="Iv306yu"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="94 SPRINGFIELD ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ELGIN"/>
Post Code:	<input type="text" value="IV30 6YU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="861385"/>	Easting	<input type="text" value="321513"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

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

information on applying for permission with updated drawings of previous application

Title:

Mr

Other title:

First Name:

Andrew

Last Name:

Miller

Correspondence Reference Number:

Date (dd/mm/yyyy):

17/01/2022

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

Trees

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

☐ Yes ☒ No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

☐ Yes ☒ No

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: Mr Michael Barron

On behalf of:

Date: 05/10/2022

☐ Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) Have you provided a written description of the development to which it relates? * ☐ Yes ☐ No

b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * ☐ Yes ☐ No

c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * ☐ Yes ☐ No

d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. ☐ Yes ☐ No

e) Have you provided a certificate of ownership? * ☐ Yes ☐ No

f) Have you provided the fee payable under the Fees Regulations? * ☐ Yes ☐ No

g) Have you provided any other plans as necessary? * ☐ Yes ☐ No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

☐ Existing and Proposed elevations.

☐ Existing and proposed floor plans.

☐ Cross sections.

☐ Site layout plan/Block plans (including access).

☐ Roof plan.

☐ Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. ☐ Yes ☒ No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * ☒ Yes ☐ No

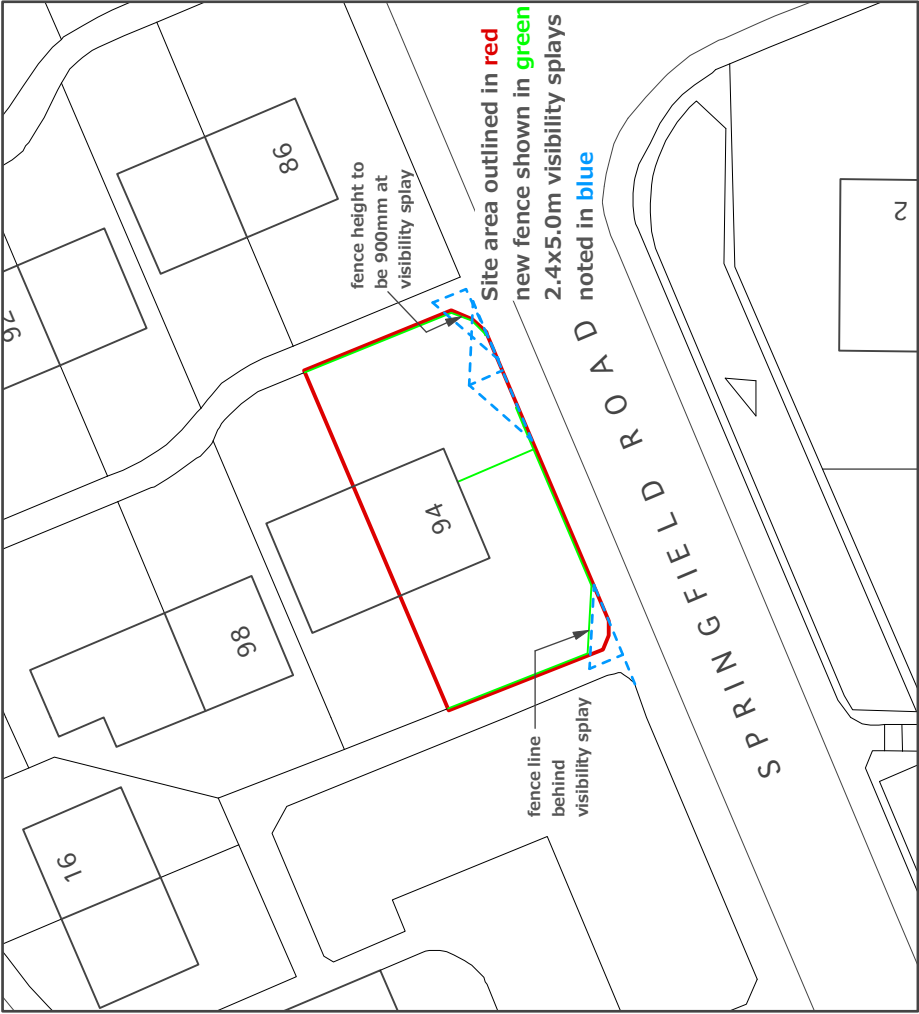
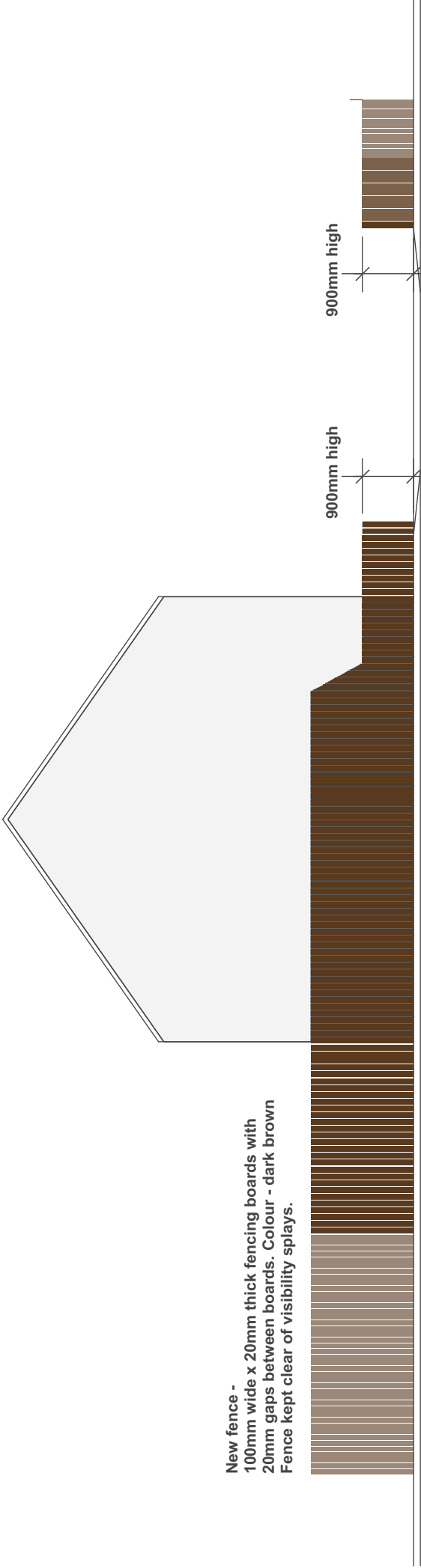
You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

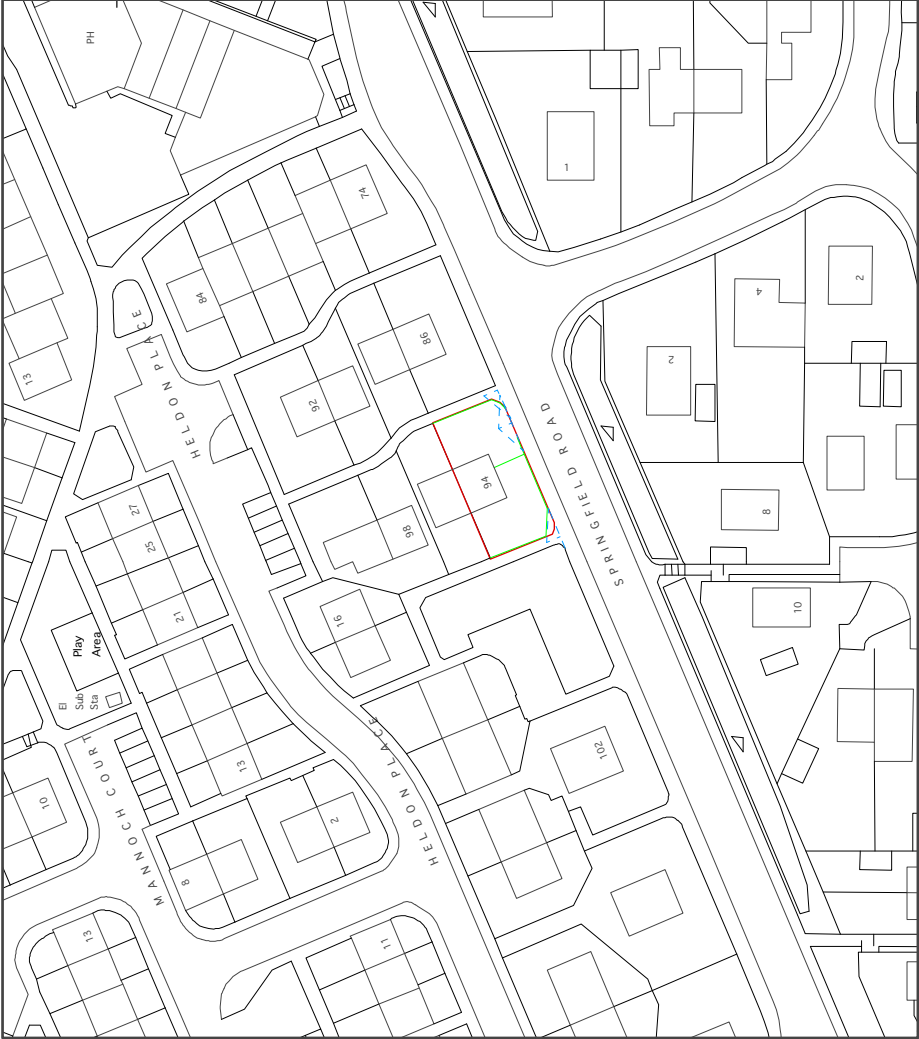
I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Michael Barron

Declaration Date: 05/10/2022



SITE PLAN
1-500
Site Area - 300m² (outlined in Red)

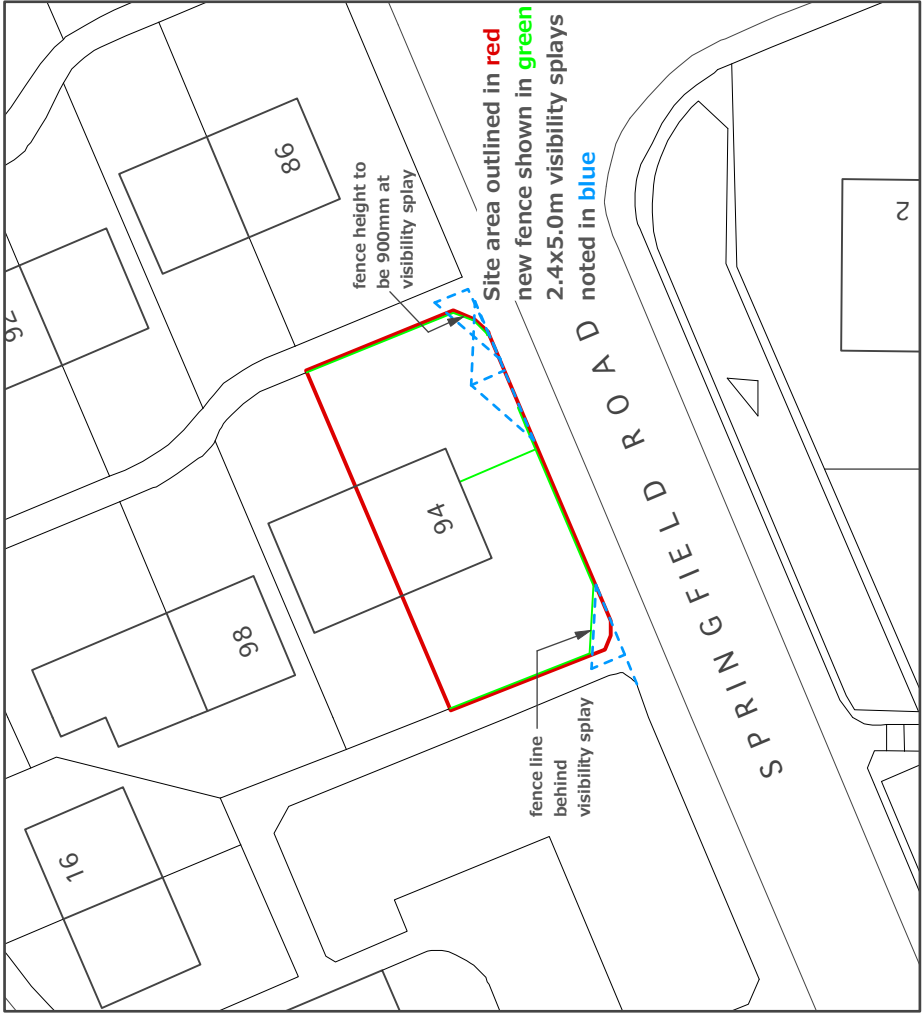
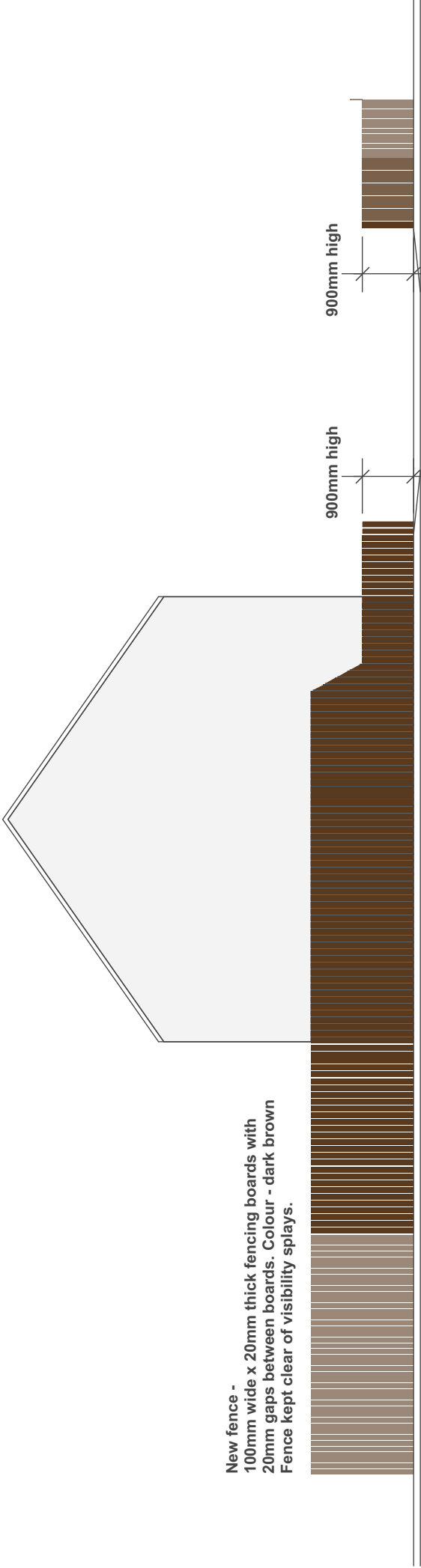


LOCATION PLAN
1-1250



Rev A - Fence line at RHS amended, Fence height at LHS lowered. Jan '22

Retrospective Planning Application,
Fence Erected to side of House,
94 Springfield Road,
Elgin,
IV30 6YU.
Mr M. Barron



SITE PLAN

1-500

Site Area - 300m² (outlined in Red)



LOCATION PLAN

1-1250



Rev A - Fence line at RHS amended, Fence height at LHS lowered. Jan '22

Retrospective Planning Application,
Fence Erected to side of House,

94 Springfield Road,

Elgin,

IV30 6YU.

Mr M. Barron

My partner and I moved into our property on June 4th 2017. We decided in march 2018 to replace the existing 1.2 meter high boundary fence with a 1.8 meter high fence to the rear. This was due to several concerning issues. School kids littering our garden, throwing items of food at our dog and in some cases opening the gate and letting him out, this resulted in us not being able to let him into the garden during school hours when the school kids were out. The head teacher was contacted by myself on a number of occasions and is happy to be contacted with regards to the issues we discussed. Items from our garden such as plants and garden ornaments aswell as our garden bench going missing which lead to us installing CCTV directed at the front and rear of the property. [REDACTED]

[REDACTED] We also had many issues with people leaving the local pub and entering our garden aswell as the garden of the property to the front of our house, to relieve themselves.

By replacing the 1.2 meter boundary fence with a 1.8 meter high boundary fence this provided us with the much needed privacy and also a safe and secure environment for our nephew, dog and future children of our own.

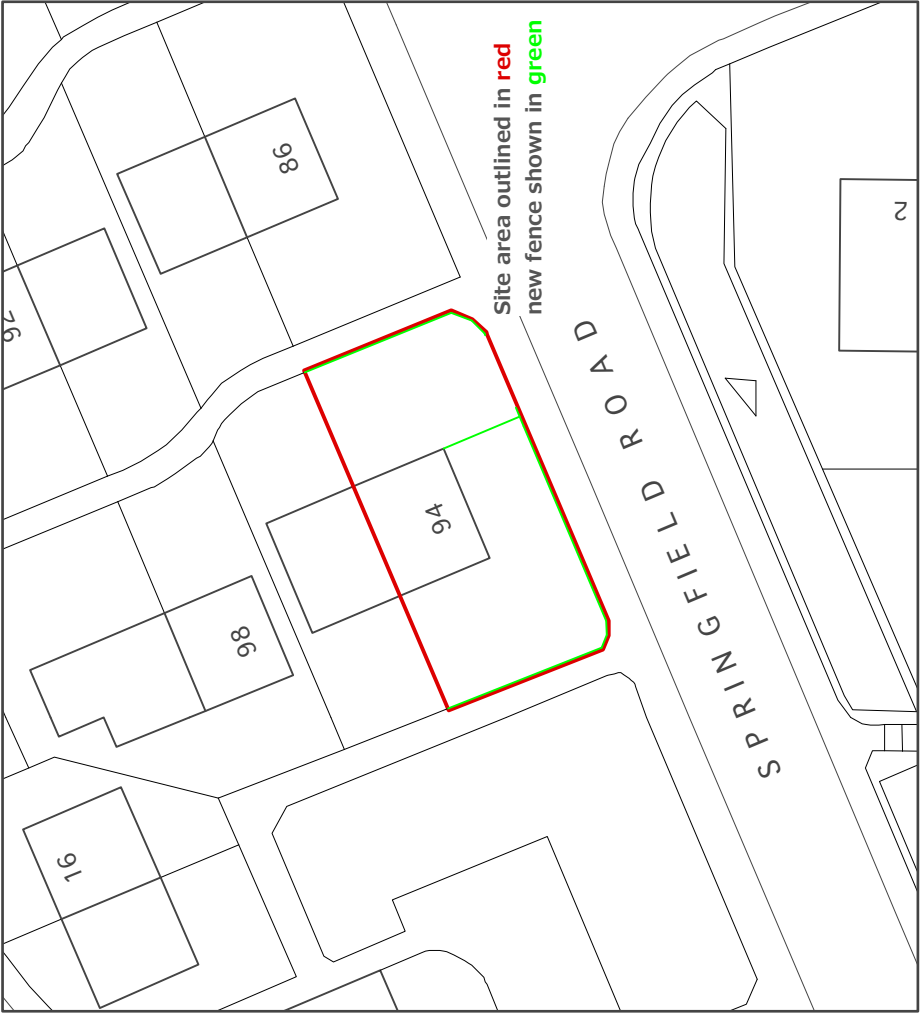
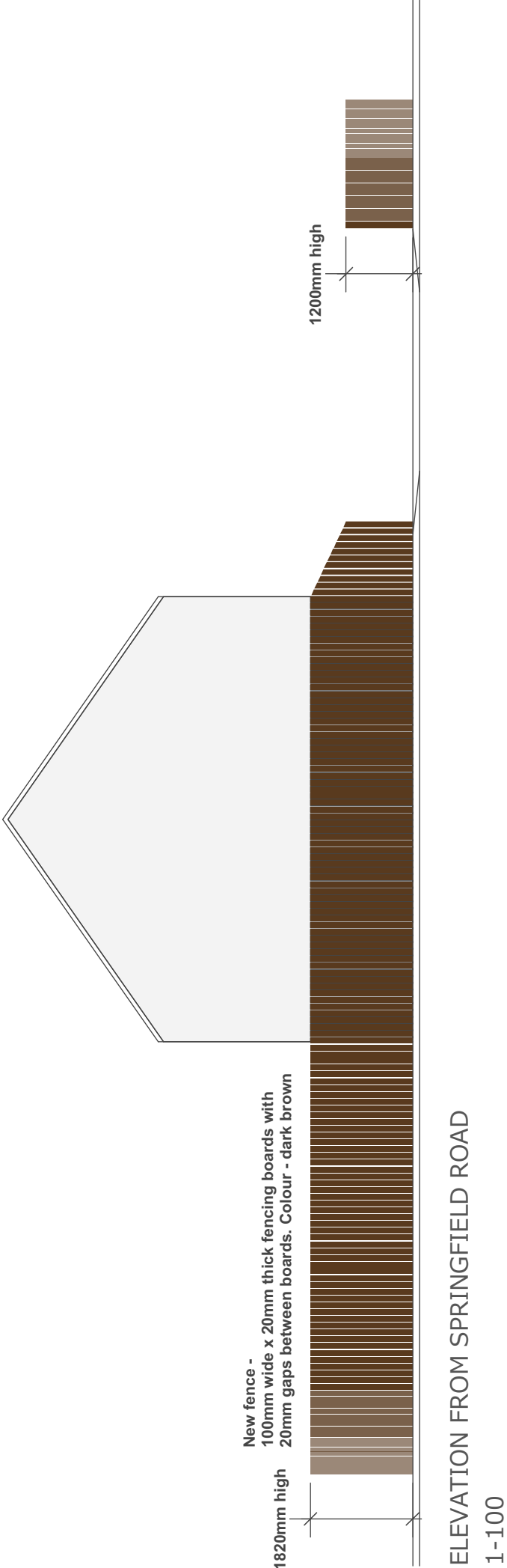
At the time of doing so we were unaware of the need for planning permission as the fence height of 1.8 meters is the same scale as properties across the road from us and in the surrounding area local to us and around Elgin as a whole.

Included in this application is a revised drawing of the fence, we have addressed the points set out by the transportation manager, who in their report in our previous application acknowledged the need for privacy due to the high number of pedestrian and vehicle movement in the area.

On receiving letters of notification of our previous planning application a number of our neighbors came to us with concerns as to what was going on, being aware of the difficulties we occurred four years ago. We also recently had a school kid enter our driveway, walk up to our door and get his friend to film him for a tik-tok video heavily kicking our front door whilst we were at work. We were alerted to this by our ring doorbell and was recorded on our front of house CCTV.

None of these details about the issues we were having were noted in our initial planning application as our architect submitted the application without knowing the details.

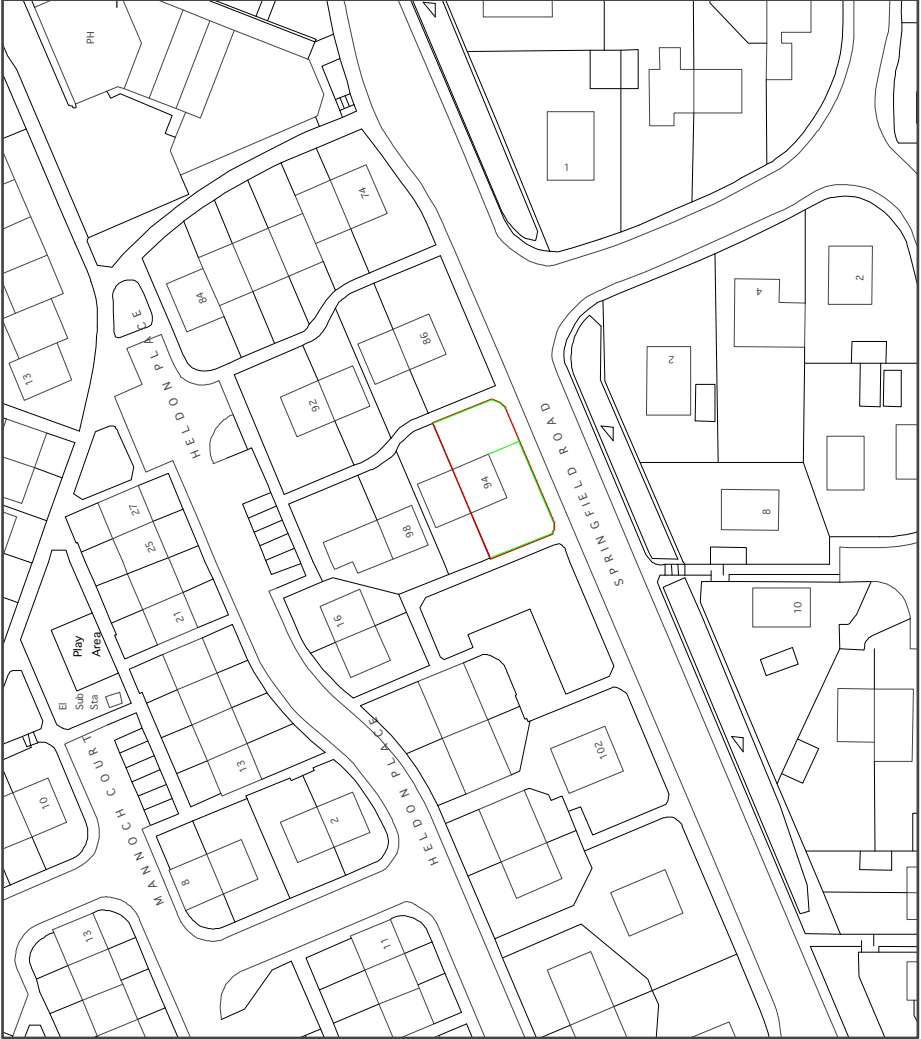
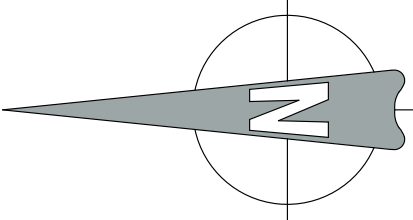
We are expecting our first child in january and we fear the removal of the fence would leave us with an unsafe garden to bring our child up in aswell as having a major affect on our nephews routine as this would involve him not being able to play in the garden aswel as our previous problems returning.



SITE PLAN

1-500

Site Area - 300m² (outlined in Red)



LOCATION PLAN

1-1250



Retrospective Planning Application,
Fence Erected to side of House,
94 Springfield Road,
Elgin,
IV30 6YU.
Mr M. Barron

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	21st October 2022
Planning Authority Reference	22/01451/APP
Nature of Proposal (Description)	Retrospective planning for boundary fence at
Site	94 Springfield Road Elgin Moray IV30 6YU
Site Postcode	N/A
Site Gazetteer UPRN	000133029398
Proposal Location Easting	321513
Proposal Location Northing	861385
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=RJBI0TBGIY000
Previous Application	21/01030/APP
Date of Consultation	7th October 2022
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Michael Barron
Applicant Organisation Name	
Applicant Address	94 Springfield road Elgin Scotland Iv306yu
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Sheila Bernard
Case Officer Phone number	
Case Officer email address	sheila.bernard@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 22/01451/APP

Retrospective planning for boundary fence at 94 Springfield Road Elgin Moray IV30 6YU for Mr Michael Barron

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

Please

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

This proposal relates to a previous retrospective planning application for the erection of a high boundary fence (21/01030/APP), and is effectively to now alter the erected boundaries in order to accommodate suitable pedestrian and vehicular visibility splays.

The submitted proposals show the lowering of the existing boundary fence adjacent to the vehicular access and adjacent to the existing remote footpath along the south east corner of the site; along with the setting back of the existing boundary fence located along the south west corner of the site; and thereby effectively re-instating the (key) visibility splays which were previously available prior to the high boundary being erected

Transportation therefore has no objections to the proposed alterations.

Condition(s)

1. Within three months of the date of this decision notice the sections of the existing high boundary fence shall be set back/ reduced in height in accordance with submitted drawing number 1 Revision A.

Reason: To ensure acceptable development in the interests of road safety.

Further comment(s) to be passed to applicant

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

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

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

Date 25 October 2022

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.moray.gov.uk/eplanning/>. (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

REPORT OF HANDLING

Ref No:	22/01451/APP	Officer:	Fiona Olsen
Proposal Description/ Address	Retrospective permission for boundary fence at 94 Springfield Road Elgin Moray IV30 6YU		
Date:	06.01.2023	Typist Initials:	SS

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Transportation Manager	25/10/22	No Objections subject to a condition

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1 Placemaking	Y	See below
DP1 Development Principles	Y	See below

REPRESENTATIONS

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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 retrospective planning permission for a boundary fence which encloses an existing domestic garden.

The existing fence measures approx. 1.82m to the rear and side boundaries. The fence slopes down to a height of approx. 1.2m to the front boundary and is constructed in timber, stained in a dark brown.

The application proposes to reduce the height of the fence on part of the side boundary to 1.2m in order to ensure an appropriate pedestrian visibility splay is achieved at the property access.

Site

The site is located at 92 Springfield Road, New Elgin, Elgin and is an existing semi-detached property with gable end facing onto Springfield Road. The house fronts to a footpath to the west, with houses either side of the path. To the rear, the house backs on to a path and area of open space.

Site History

A previous application was submitted for retrospective permission for the fence in 2021 (21/01030/APP refers) and was subsequently refused. These proposals are slightly altered from the previous application in that the fence is proposed to be lowered at the eastern end of the side boundary to approx. 1.2m in height in order to provide a pedestrian visibility splay. These alterations to the fence height have not yet been undertaken.

Policy Assessment

Siting and Design (MLDP 2020 Policies DP1 & PP3)

This application is assessed against policies DP1 and PP3 of the Moray Local Development plan 2020. 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 PP1 requires that developments are designed to prevent crime, fear of crime and anti-social behaviour with good levels of natural surveillance and security using treatments such as low boundary walls. It also states that unbroken high boundary treatments such as wooden fencing and blank gables onto routes, open spaces and communal areas will not be acceptable.

The application seeks to retrospective permission for a 1.82m metre fence (to the rear and side boundaries) and 1.2m fence (to the front boundary) at an existing dwellinghouse. Although it is proposed to reduce the fence in height partially on the side boundary (to approx. 1.2m), the majority of the side boundary and entirety of the rear boundary is proposed to be retained at approx 1.82m in height.

The existing site and surrounding area are characterised by terraced or semi-detached dwellinghouses, set along an established building line in a uniform manner. These properties are enclosed by low rise boundary treatments, particularly where they bound pathways, which results in most housing having open aspect gardens (including to the side and rear boundaries). The high level boundary fence here (at approx. 1.82m) would fully enclose the side and rear garden in a manner not in keeping with the established open aspect character present along Springfield Road and surrounding streets. As a result, a high level boundary fence in this location would be out of keeping with the established character of low level boundary fencing in this area and would therefore be unacceptable in terms of policy DP1.

An area of open space lies to the rear of the property, with a number of neighbouring properties forming pedestrian access onto this area. These properties form a 'U' shape and are all defined by low level boundary fencing. This open aspect ensures provision of natural surveillance to the area of open space which reduces crime. Again the high level side boundary fence faces onto a footpath,

running along the edge of Springfield Road. Therefore the proposal for a high level boundary fence in this location would not comply with policy PP1 which does not permit unbroken high level boundary enclosures where they face onto routes, open spaces and communal areas.

Road Safety (DP1)

Policy DP1 requires all development to provide a safe and suitable access to the road network. The submitted plans show the lowering of the existing boundary fence adjacent to the vehicular access and adjacent to the existing remote footpath along the south east corner of the site; along with the setting back of the existing boundary fence located along the south west corner of the site; and thereby effectively re-instating the (key) visibility splays which were previously available prior to the high boundary being erected. The Transportation Section have been consulted and are satisfied with the amendments to the boundary fence proposed and would have no objections, subject to a condition requiring the required sections of fence to be lowered and set back, in accordance with the submitted drawings, within three months of any decision date. This however would not overcome the aforementioned objections and the application will be refused.

Conclusion

The existing high level boundary fence is out of keeping with the established open aspect character of the existing site and neighbouring housing and would therefore fail to comply with Policy DP1 (i) (a). The high level fencing would also partially enclose an area of open space to the rear of the property which requires natural surveillance in order to reduce crime and would therefore fail to comply with policy PP1 (ii).

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None.

HISTORY

Reference No.	Description			
21/01030/APP	Retrospective application for fence erected to side of house at 94 Springfield Road Elgin Moray IV30 6YU			
	Decision	Refuse	Date Of Decision	08/10/21

ADVERT

Advert Fee paid?	N/A		
Local Newspaper	Reason for Advert	Date of expiry	

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?

NO

Summary of main issues raised in each statement/assessment/report

Document Name:

Main Issues:

S.75 AGREEMENT

Application subject to S.75 Agreement

NO

Summary of terms of agreement:

Location where terms or summary of terms can be inspected:

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)

Section 30

Relating to EIA

NO

Section 31

Requiring planning authority to provide information and restrict grant of planning permission

NO

Section 32

Requiring planning authority to consider the imposition of planning conditions

NO

Summary of Direction(s)



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

REFUSAL OF PLANNING PERMISSION

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

TO



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

**Retrospective permission for boundary fence at 94 Springfield Road Elgin
Moray IV30 6YU**

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

Date of Notice: **12 January 2023**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

1. The high level boundary fence is out of keeping with the established open aspect character of the existing site and neighbouring housing and would therefore fail to comply with Policy DP1 (i) (a).
2. The high level fencing would partially enclose an area of open space to the rear of the property which requires natural surveillance in order to reduce crime and would therefore fail to comply with policy PP1 (ii).

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Location Plan
		Elevations

**NOTICE OF APPEAL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

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



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 100624748-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Michael"/>	Building Number:	<input type="text" value="94"/>
Last Name: *	<input type="text" value="Barron"/>	Address 1 (Street): *	<input type="text" value="Springfield road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Elgin"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="Iv306yu"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

94 SPRINGFIELD ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ELGIN

Post Code:

IV30 6YU

Please identify/describe the location of the site or sites

Northing

861385

Easting

321513

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)

retrospective planning for boundary fence 22/01451/APP

Type of Application

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



Application for planning permission (including householder application but excluding application to work minerals).



Application for planning permission in principle.



Further application.



Application for approval of matters specified in conditions.

What does your review relate to? * <input checked="" type="checkbox"/> Refusal Notice. <input type="checkbox"/> Grant of permission with Conditions imposed. <input type="checkbox"/> No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.	
Statement of reasons for seeking review You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters) Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account. You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances. <div style="border: 1px solid black; padding: 5px; min-height: 60px;"> reasons for seeking review are uploaded in supporting documents </div>	
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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) <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>	
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) <div style="border: 1px solid black; padding: 5px; min-height: 60px; margin-top: 5px;"> reasons for seeking review transport managers advised drawing revised plans to fit transport managers drawings </div>	
Application Details	
Please provide the application reference no. given to you by your planning authority for your previous application.	<div style="border: 1px solid black; padding: 2px;">22/01451/APP</div>
What date was the application submitted to the planning authority? *	<div style="border: 1px solid black; padding: 2px;">06/10/2022</div>
What date was the decision issued by the planning authority? *	<div style="border: 1px solid black; padding: 2px;">12/01/2023</div>

Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☐ Yes ☐ No ☒ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Michael Barron

Declaration Date: 11/04/2023

We are seeking review of our recently refused planning application for a 6ft fence at the side of our house because we believe we have been penalised because someone cannot see into our garden, a garden which we have made lovely and family friendly for our 5-year-old pet dog and our now 11-week-old baby. We feel that an appeal allows someone out with the Moray Council Planning department to review this application and take a nonbiased point of view considering all aspects and hopefully come up with a solution as to how we can maintain a safe, enclosed, private garden for our family home. We feel an appeal would help support us in a fair trial as every time we submit something to the Moray Council it seems to be a different excuse each time and a lack of care and consideration for what we are trying to do. Most importantly, our reasons for appealing the refusal are child and pet safety, cleanliness, theft prevention and privacy, none of which have been considered by the Moray Council Planning Officers.

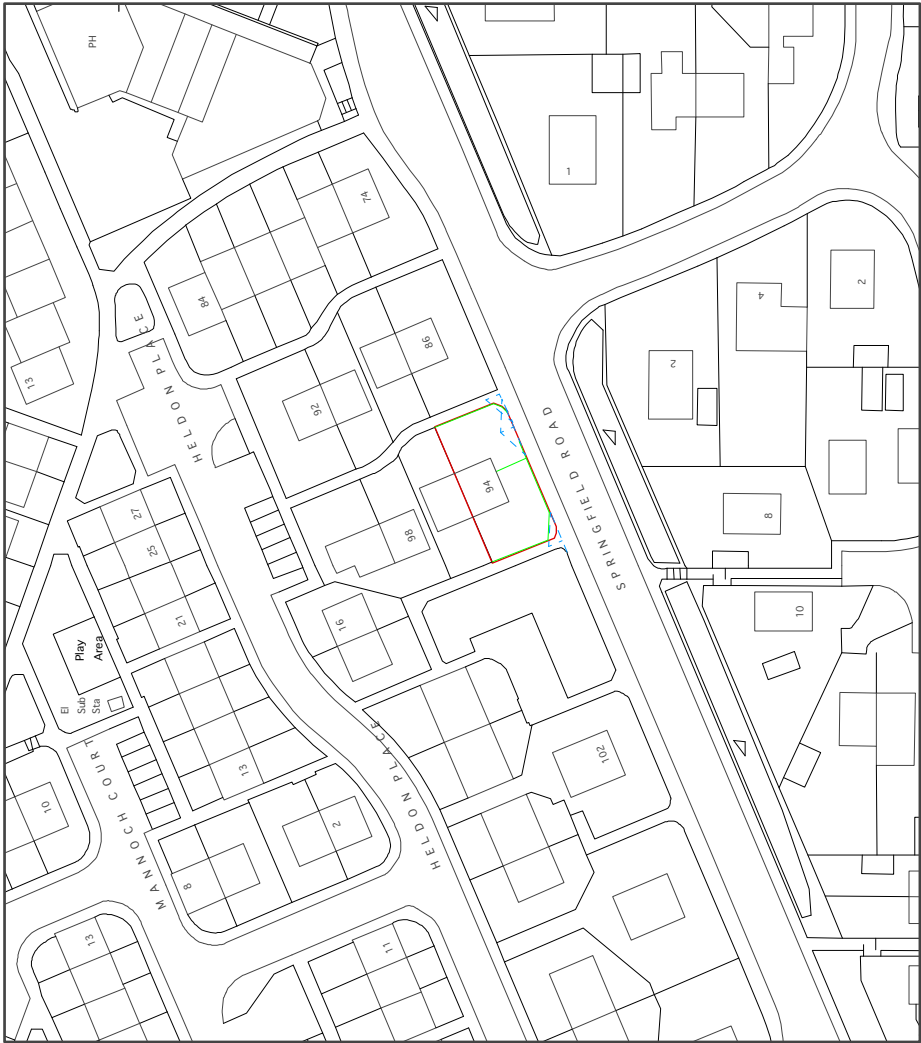
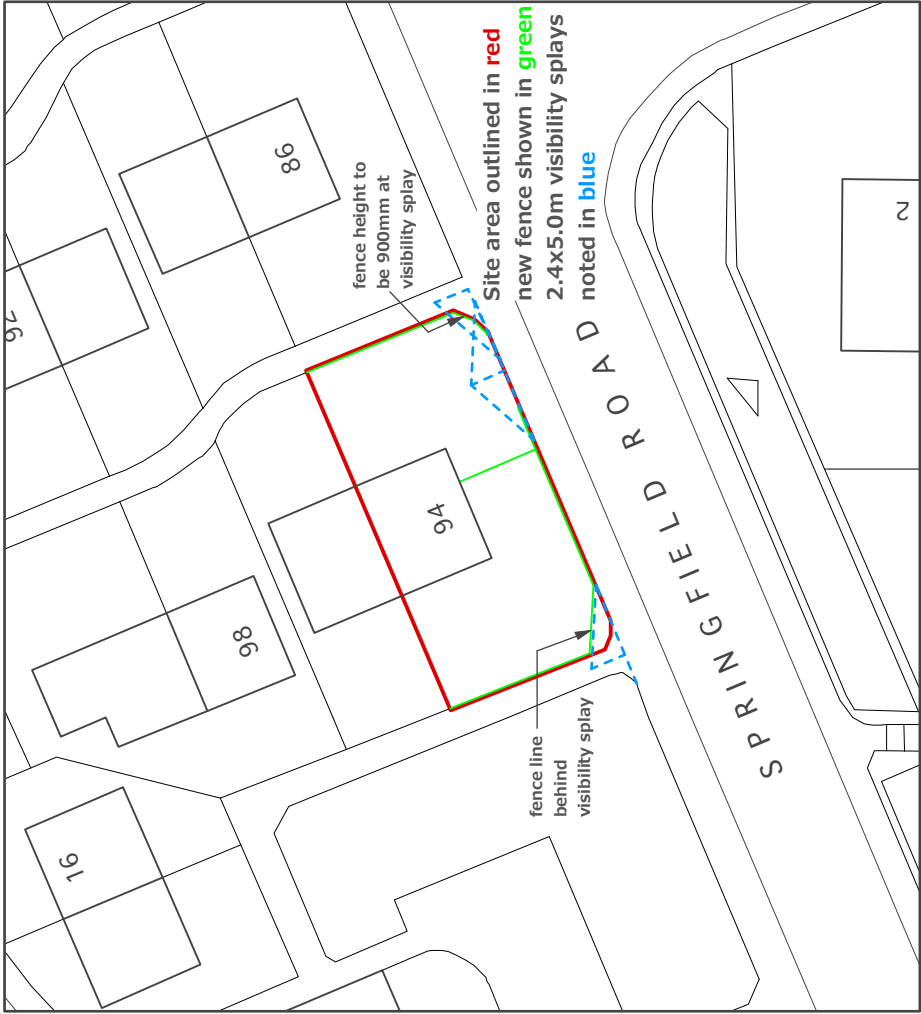
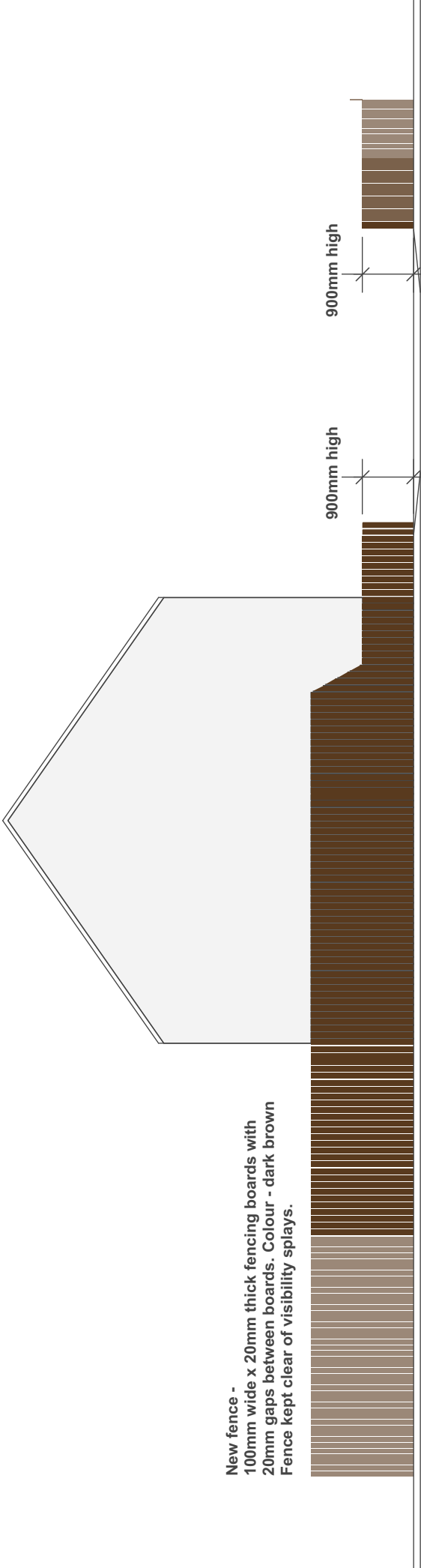
The application has been refused twice and, on both occasions, has had a new reason for refusal, none of which relate to the original letter regarding a 6ft fence at the side of the house. The first refusal was because the fence did not fit the character of the area and was not deemed safe by the transport manager as it is on the roadside. The second refusal was again because it did not fit the character of the area, but the planning officer had also added in that it blocks vision of crime. It has been frustrating not being able to have someone from the Council come round to the garden and try and help us keep somewhat of our fence or explain things to us. Covid has continually been used as an excuse but with all due respect, my wife works as a nurse, and we do not need reminded about how covid has impacted on our lives. A simple discussion when site visits were taking place could have been arranged at a two-meter distance in the garden. In reference to the transport manager's report – he is the only person at the Council who seemed to consider our privacy and so failed our current fence but commented with new drawings what he would deem road and path safe therefore grant permission. We were happy to change the fence to meet the new drawing and so submitted that on the second application, but it was failed and given another new reason for refusal. Our fence was erected in 2018 a few months after we moved into the property. We were served a notice to apply for retrospective planning for the 6ft fence three years later in 2021. The policies – DP1 and PP3 of the Moray Local Development Plan 2020 in which the planning officers refer to in their reports are policies which were not in place when the fence was initially erected. With regards to the 2020 policies – why were we asked to apply for retrospective planning and pay a fee if the policies about character of the area and crime reference were already in place. The planning officer who served the notice either did not know about these policies suggesting they were not in place until after our application was submitted or he believed we would get permission for the fence.

In addition I would also like to add that taking our fence down to 4ft will not make a difference to viewing crime. We also share a 6ft fence between the neighbouring house which has been in place since 2017 by choice of both parties therefore there is no vision down to the neighbouring gardens and this has never been an issue and the neighbours are grateful for the extra bit of privacy. Policy DP1 2020 refers to the development not adversely impacting neighbouring properties in terms of privacy, day light and overbearing loss of amenity as quoted by the latest planning officer in her report. When our neighbours were served with letters about our fence, they did not understand what the problem was. With regards to loss of amenities we are not sure what amenities our fence prevents someone from having. Our architect was also of the same opinion. We are not responsible for reporting crime that happens out with our property boundary. With reference to not fitting the character of the area, there has been a house extension in the local area where the materials used have been new and updated models, so it does not match with the surrounding houses in the

neighbourhood, yet it was passed by planning. There are several properties in the local area with 6ft fencing on the roadside and blocking vision round paths, in particular Dornoch Links, Elgin – the path coming from the street onto the fast Elgin – Birnie Road with no vision round the corner but this was passed by planning. We have gone from initially being informed that planning is required for a 6ft fence at the side of the house to being told that the fence at the back blocks vision round the path to then the front driveway restricting view to then the fence being out of character and now the fence blocks vision of crime. Having a 4ft fence would allow a police officer to look further round the corner onto the path but from a distance they would need to be on the same path to view what crime they were witnessing, similar for regular pedestrians.

The review should also consider why the Moray Council planning department only responded to our many contacts in the beginning because we reported concerns to our Local MSP. The Council have not been very forthcoming nor supportive in the matter. We were posted a letter and just expected to take the fence down which we have not and sadly in the process have had no support from the Council around how we can maintain some of our privacy in our own bought home. There have been different views and reasons shared by the Council over an initial letter, a phone call and reports but no direct face to face verbal communication. We have spoken to the local head teacher at the High School with regards to children during school hours who have accessed our garden for no good reason, littering, trying to feed our dog and on one occasion damage to the property by a school child. We also spoke with Police Scotland about items missing from the garden when we initially moved in and were told that there is minimal, they can do because it is open to opportunists with a 4ft fence. We previously wrote and discussed the issues with the lack of communication from The Moray Council to Richard Lochhead and have again contacted him with regards to this matter.

The removal of the 6ft fence down to a 4ft fence would cause child safety and road safety issues due to problems we occurred with the 4ft fence we had when moving into the property where people would purposely open our gate resulting in our dog being able to escape from the garden. There was also the road safety factor of my autistic nephew who would regularly climb over the 4ft fence due to lack of understanding of road safety.



Rev A - Fence line at RHS amended, Fence height at LHS lowered. Jan '22

Retrospective Planning Application,
Fence Erected to side of House,
94 Springfield Road,
Elgin,
IV30 6YU.
Mr M. Barron





APPENDIX 3

RESPONSE TO REQUEST FOR FURTHER INFORMATION

Subject: RE: 22/01451/APP - 94 Springfield Road Elgin

From: Fiona Olsen <Fiona.Olsen@moray.gov.uk>
Sent: 13 April 2023 10:44
To: Lissa Rowan <Lissa.Rowan@moray.gov.uk>
Cc: Beverly Smith <Beverly.Smith@moray.gov.uk>
Subject: RE: 22/01451/APP - 94 Springfield Road Elgin

Hi Lissa,

Happy that no new information is presented.

NPF4 Comments:

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13th February 2023, following approval by the Scottish Parliament in January. The basic siting and design principles for householder developments continue to apply within NPF4 Policy 16(g).