



MORAY LOCAL REVIEW BODY

25 MARCH 2021

SUMMARY OF INFORMATION FOR CASE No LR255

Planning Application 20/00544/APP – Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road Portessie

Ward 3 - Buckie

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 2 December 2021 on the grounds that:

The proposal would be contrary to the Buckie ENV5 designation and associated policies PP1, DP1, DP2, EP2, EP5 and EP7 of the Moray Local Development Plan 2020, in that the development would result in the loss of land within an ENV designation where these policies aim to protect and preserve the characteristics of ENV areas and where policy EP5 specifically excludes residential development within ENV designations.

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

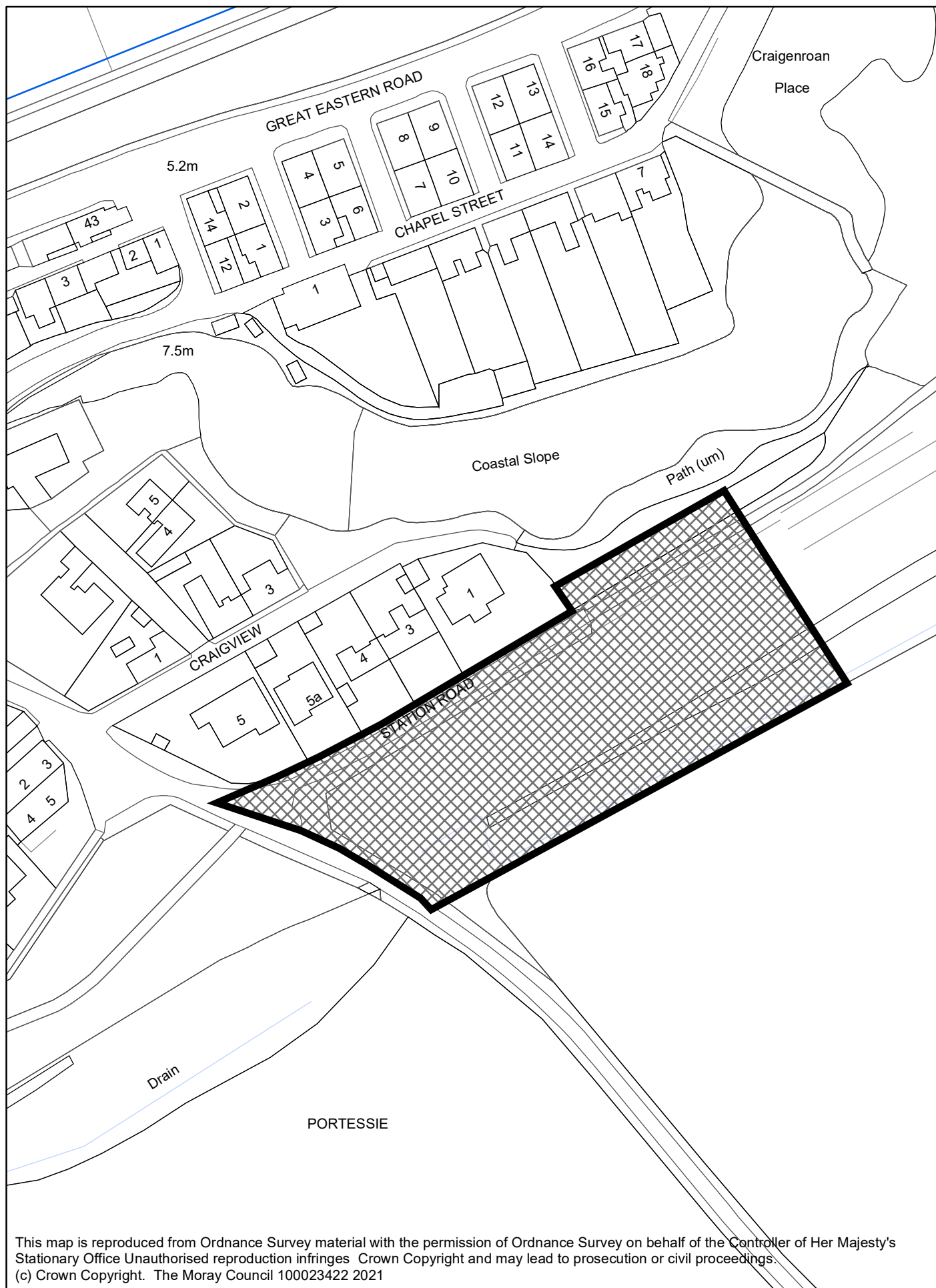
The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

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

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



Location plan for Planning Application Reference Number : 20/00544/APP





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 100251076-001

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

Type of Application

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

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

Description of Proposal

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

Erect 7 detached dwellings

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Christopher"/>	Building Number: <input type="text" value="119"/>
Last Name: *	<input type="text" value="Bremner"/>	Address 1 (Street): * <input type="text" value="High Street"/>
Company/Organisation	<input type="text" value="Morlich Homes Ltd"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text" value="01542 836510"/>	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 4DX"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="chris@morlich.co.uk"/>	

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

Northing	<input type="text" value="866508"/>	Easting	<input type="text" value="344474"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

6226.00

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)

Scrub land

Access and Parking

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

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)? *

21

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

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

- ☒ Yes – connecting to public drainage network
☐ No – proposing to make private drainage arrangements
☐ Not Applicable – only arrangements for water supply required

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 ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☒ Yes ☐ No

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

Waste Storage and Collection

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

☒ Yes ☐ No

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

Kerbside recycling

Residential Units Including Conversion

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

☒ Yes ☐ No

How many units do you propose in total? *

7

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 ☒ No

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? * ☐ Yes ☒ No

Is any of the land part of an agricultural holding? * ☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? * ☒ Yes ☐ No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Address:

Date of Service of Notice: *

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed: Mr Christopher Bremner

On behalf of:

Date: 27/04/2020

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principal 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)

Computer generated images

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☒ Yes ☐ N/A

Drainage/SUDS layout. *

☒ Yes ☐ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Christopher Bremner

Declaration Date: 27/04/2020

Payment Details

Online payment: 082675

Payment date: 27/04/2020 16:48:37

Created: 27/04/2020 16:48

All Morlich Homes drawings to be read in conjunction with structural engineers drawings.
Do not scale this drawing.
All dimensions to be checked on site prior to commencement of construction and prior to ordering of materials and components.

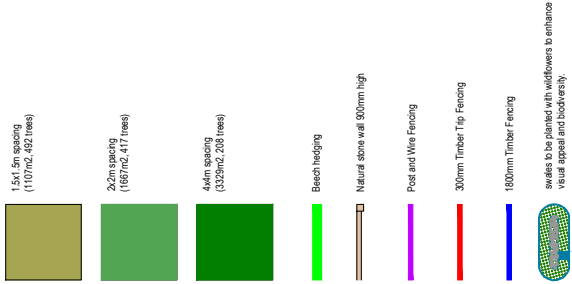
Woodland planting

<i>Quercus petraea</i> (Sessile Oak)	- Whip/leather - 47%
<i>Betula pendula</i> (Silver Birch)	- Whip/leather - 32%
<i>Populus tremula</i> (Aspen)	- Whip/leather - 10%
<i>Corylus avellana</i> (Hazel)	- Whip/leather - 5%
<i>Crataegus monogyna</i> (Hawthorn)	- Whip/leather - 1%
<i>Sorbus aucuparia</i> (Rowan)	- Whip/leather - 5%

Grouping:
Oak, Birch and Aspen planted at random in groups of 20.
Hazel, Hawthorn and Rowan planted at random in groups of 7.

Herbivore control: Biodegradable tree shelters 60cm (Hazel, Hawthorn) and 120cm (Oak, Birch, Aspen, Rowan)

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.

[illegible]

1119 High Street, Buckie, Moray AB56 4DX
Telephone (01542) 836510 Fax (01542) 832225
e-mail : enquiries@morlich.co.uk

Project

**Station Road
Portessie**

Drawing

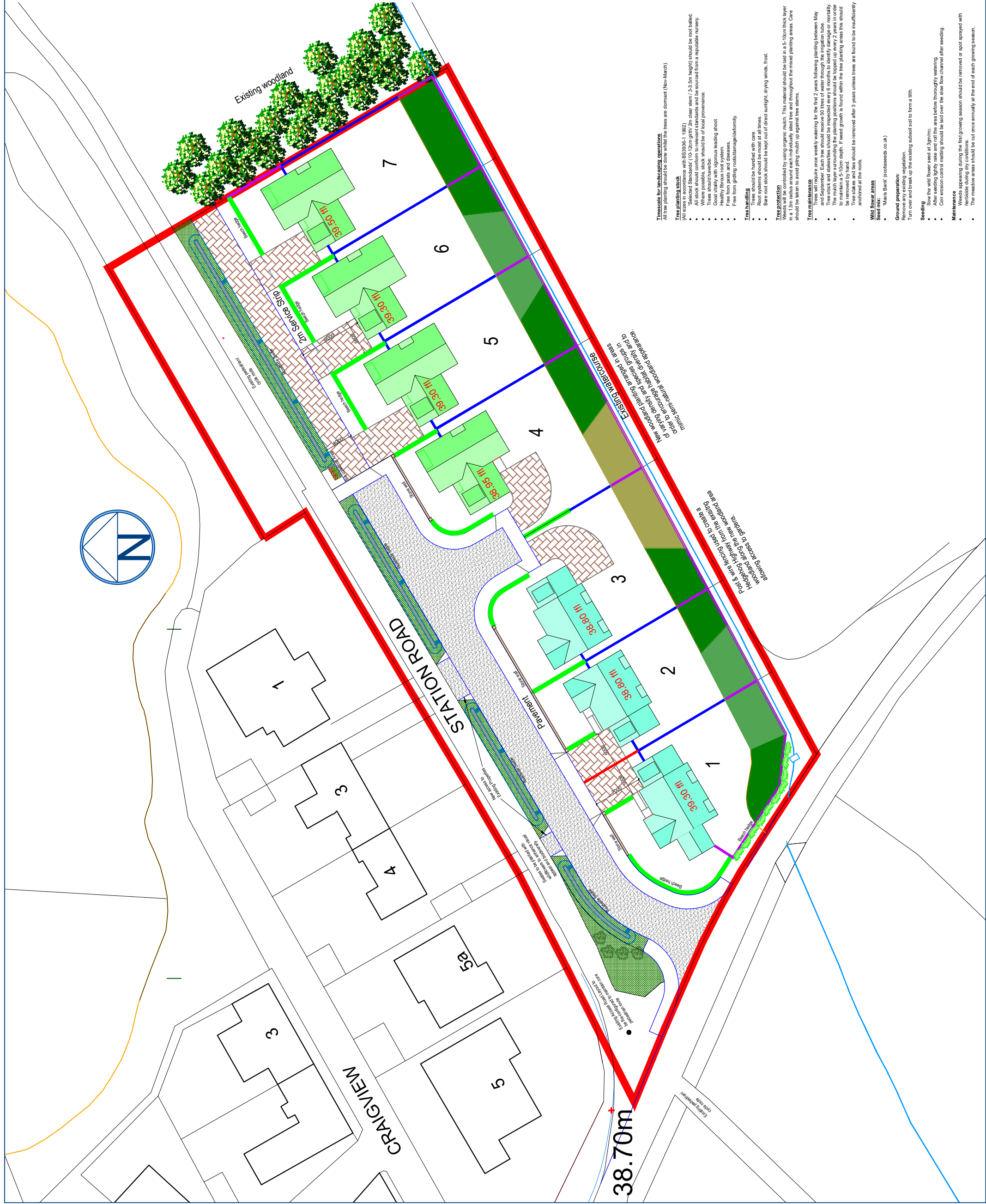
Landscape Layout

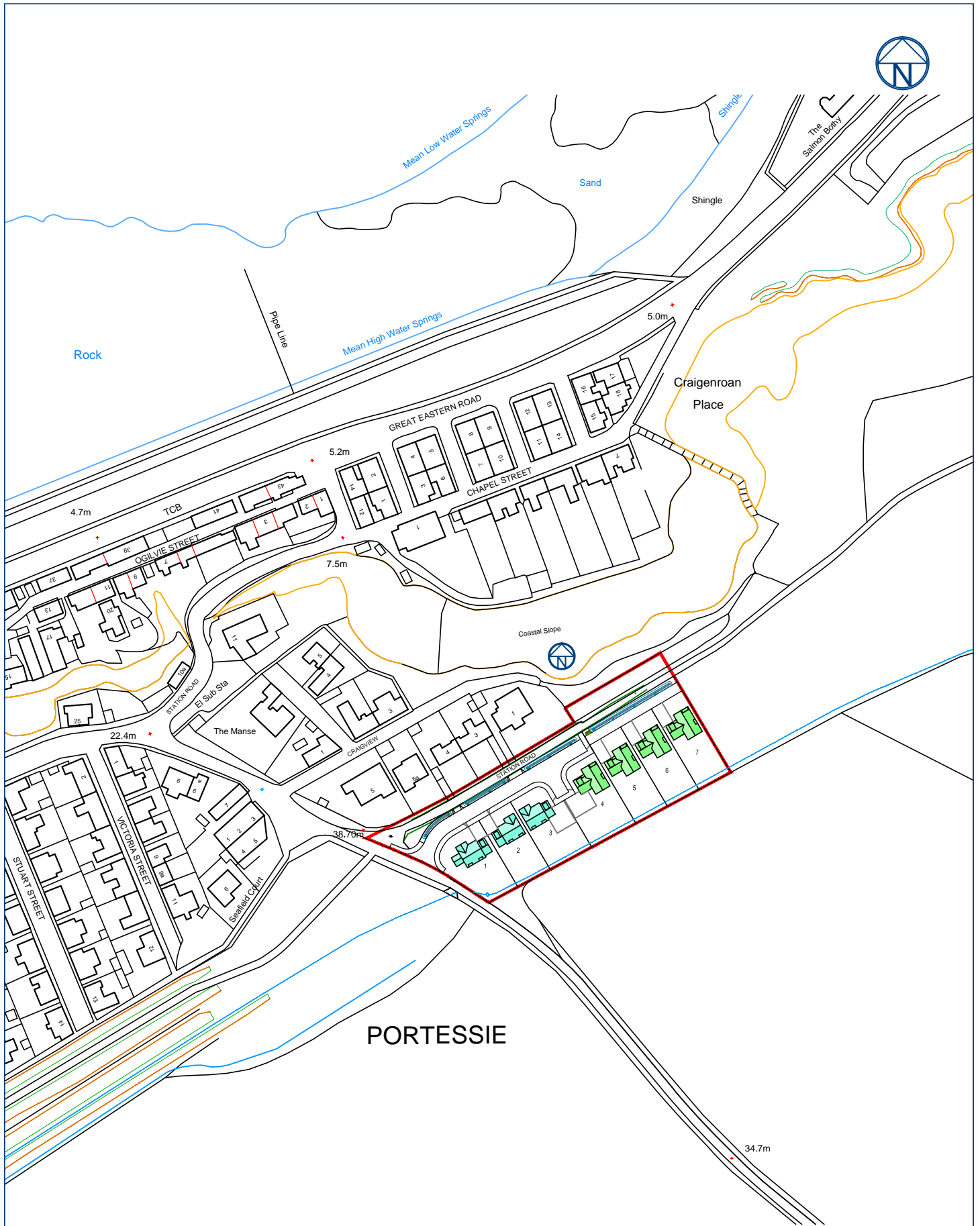
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By _____

Date **30-07-2020**

Drawing No. **20-40/PL/03**





PORTESSIE



119 High Street, Buckie, Moray AB56 4DX
Telephone (01542) 836510 Fax (01542) 832225

Project
**Station Road
Portessie**

Drawing
Location Plan

Scale
1:2000 (A4)

Date
23-04-2020

Drawn By
C Bremner

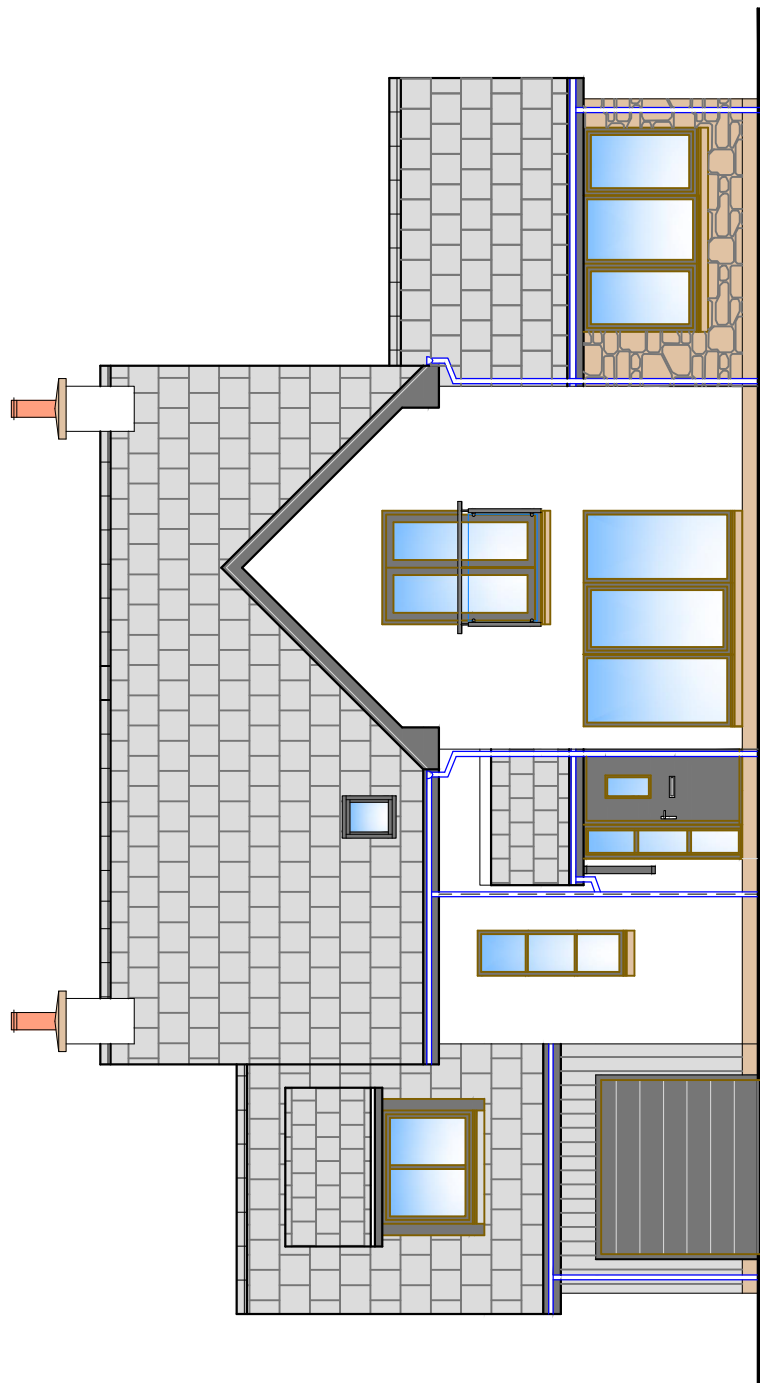
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20-40/PL/02

NOTES

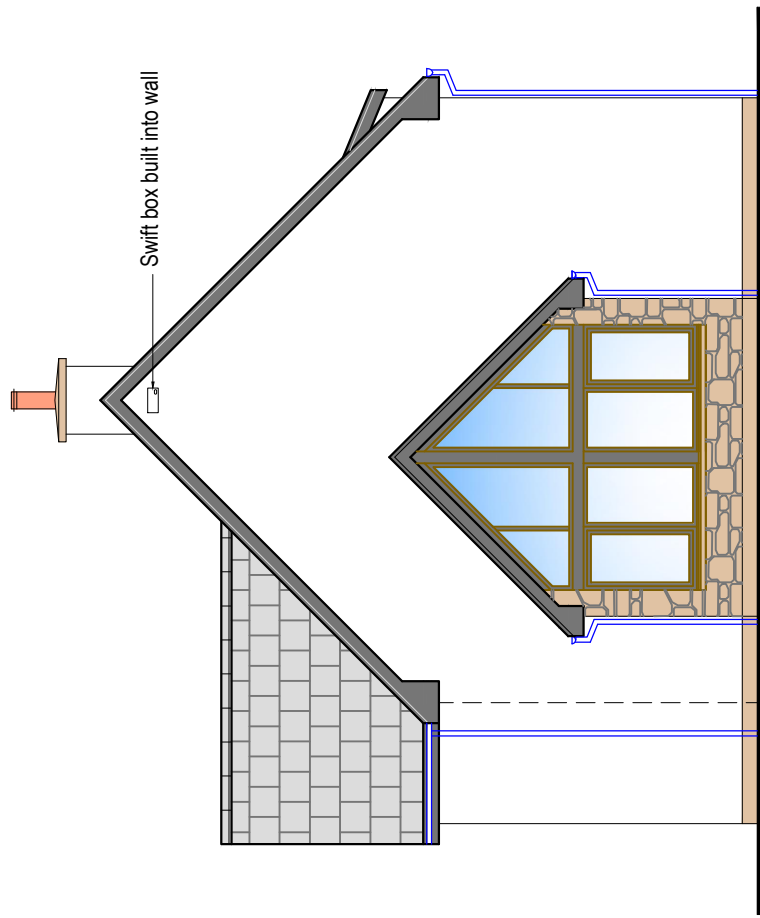
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EXTERNAL FINISHES:-

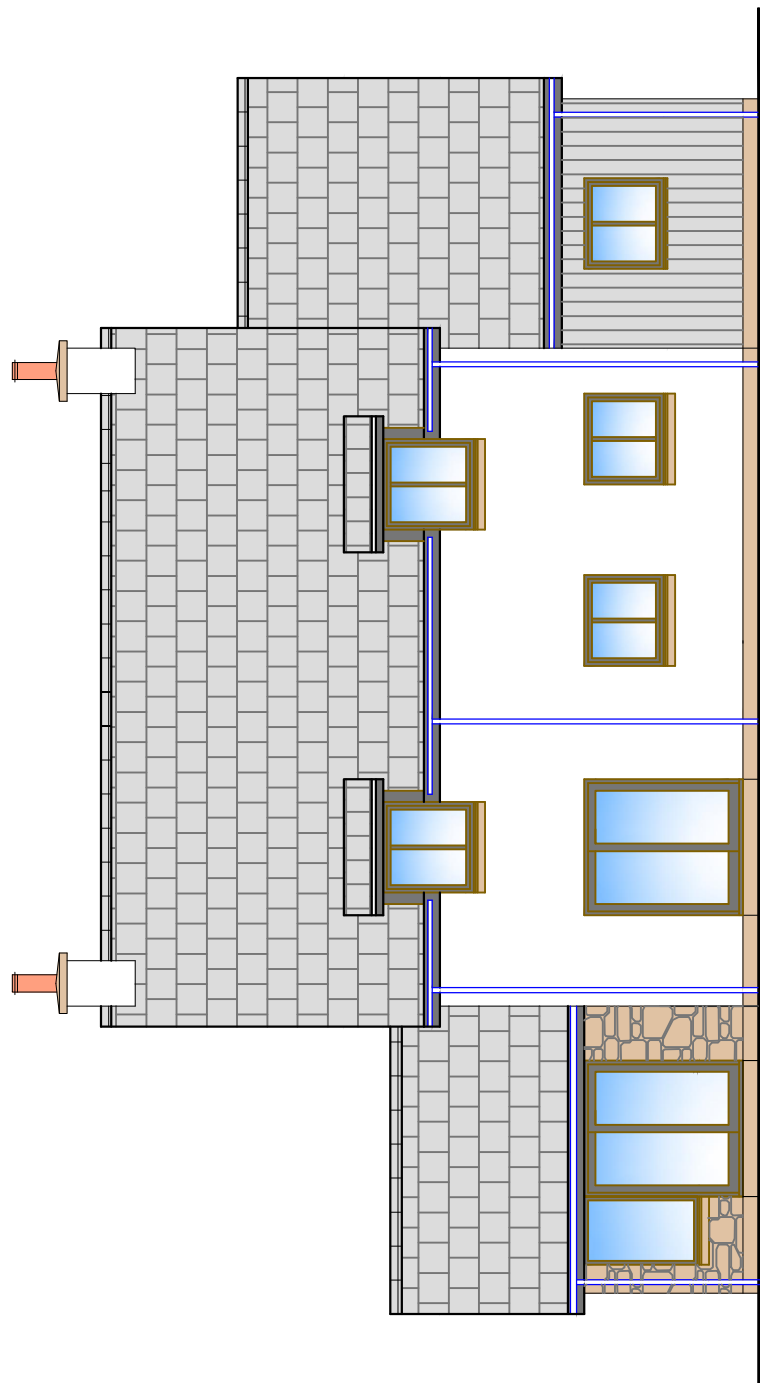
- 1. Marley Edgemere Concrete Roof Tiles - Grey
- 2. Drydash Wall Finish - White
- 3. Denford stone panel
- 4. Marley Cadral cladding - Slate Grey
- 5. Timber Windows And Doors - Grey
- 6. Timber Fascia And Soffit - Grey



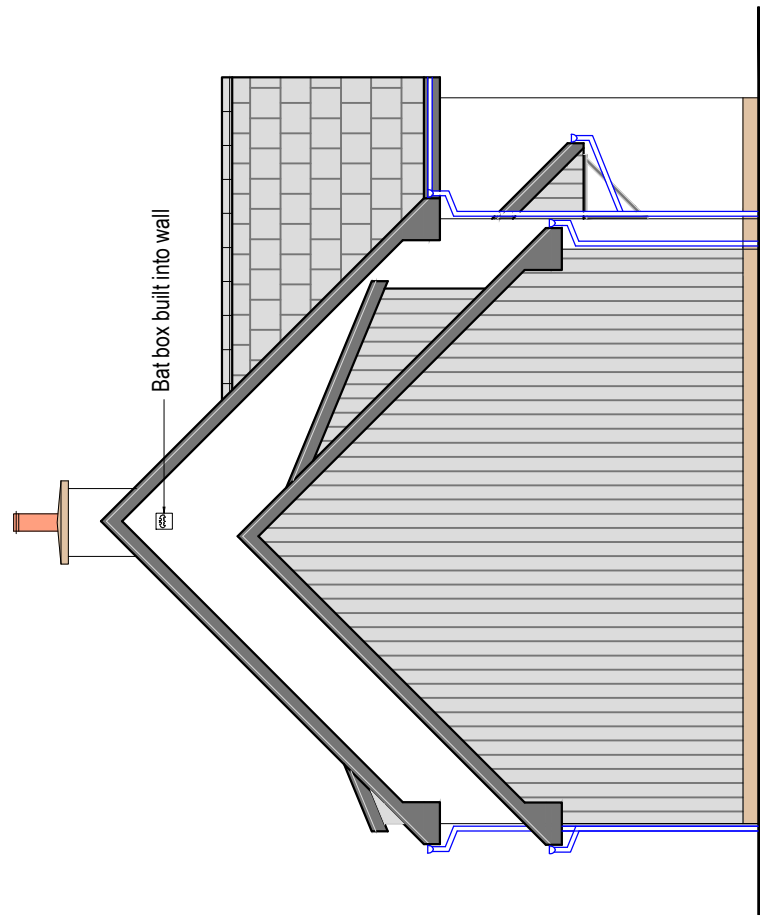
North West Elevation



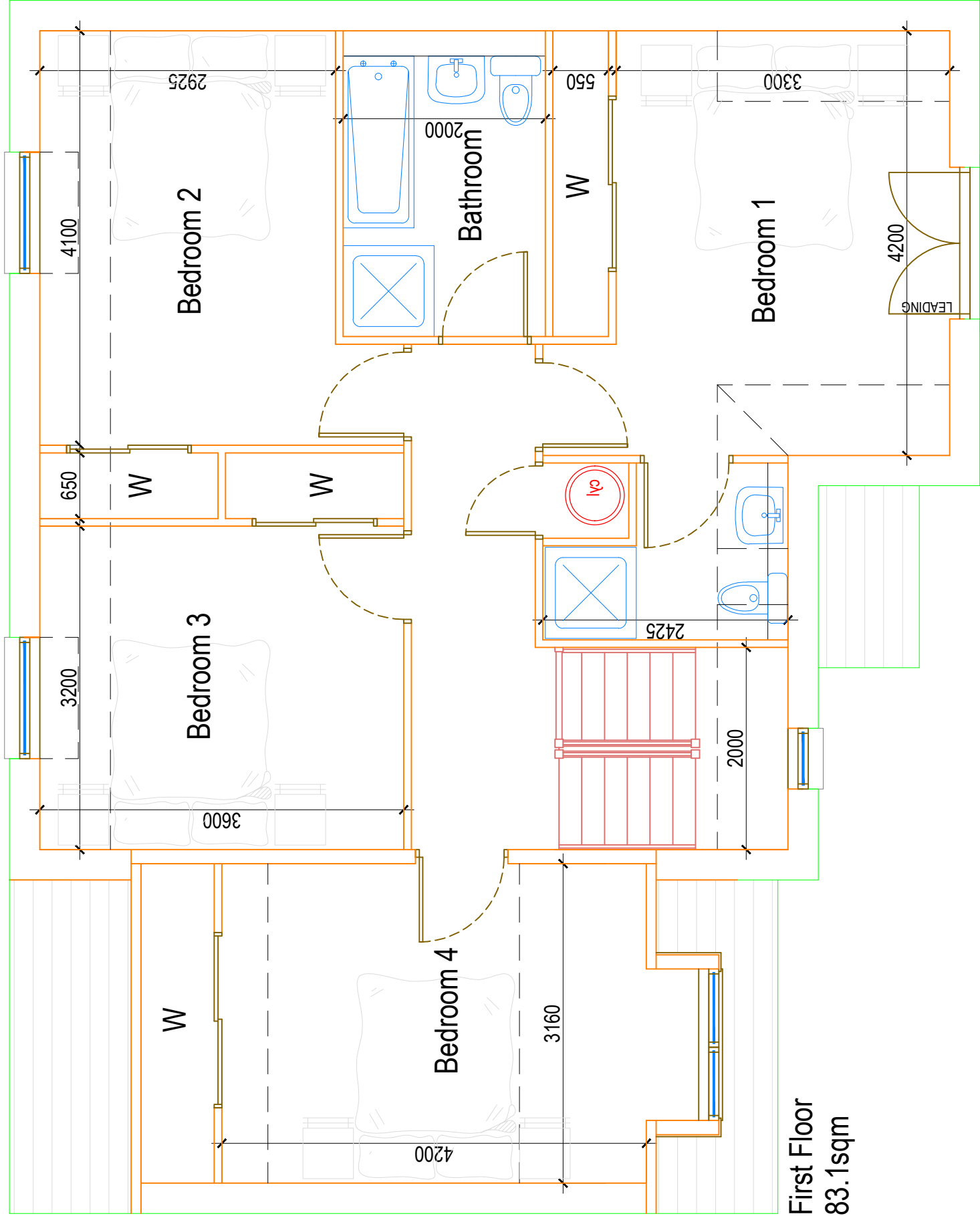
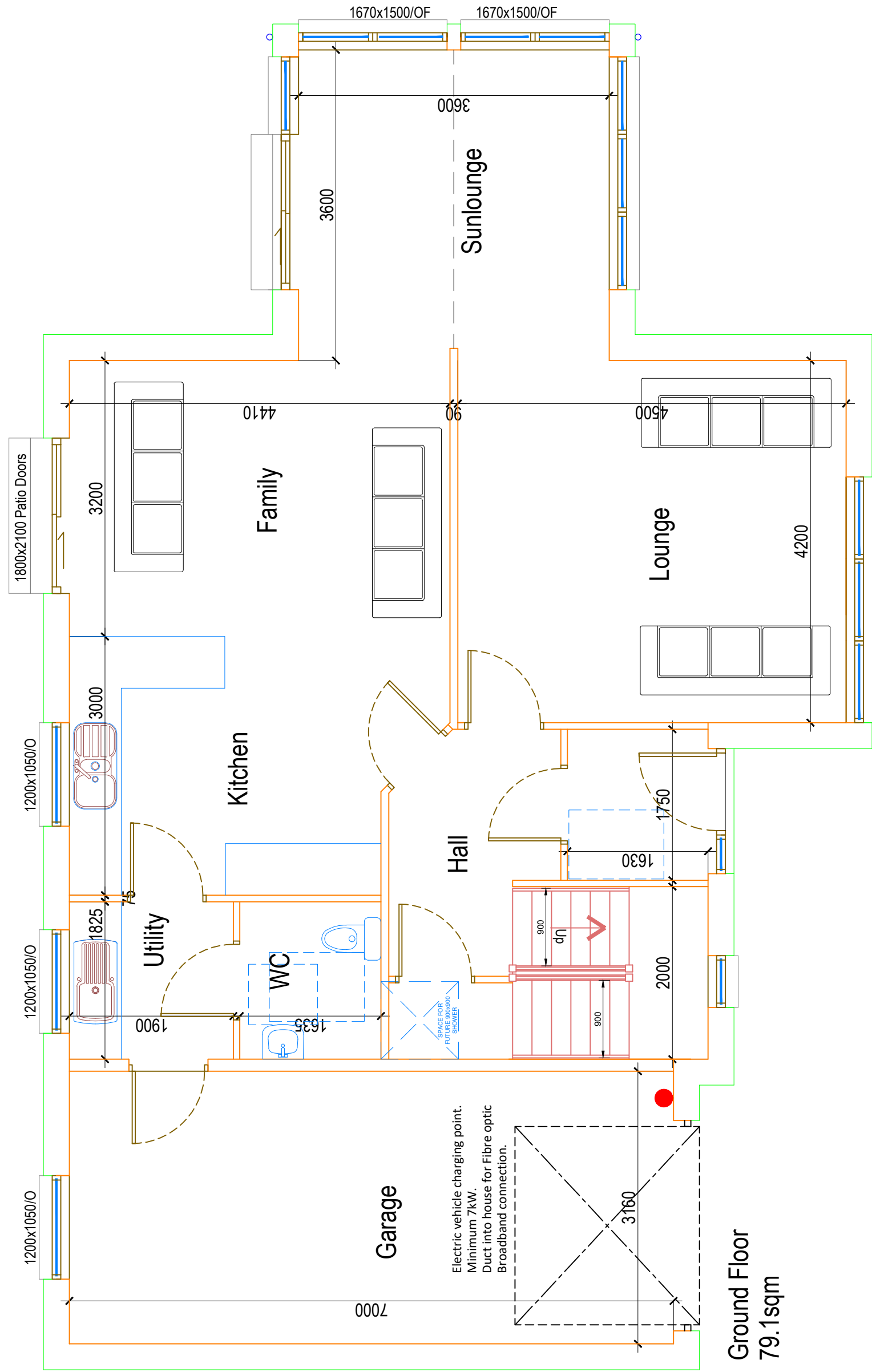
South West Elevation



South East Elevation



North East Elevation



D	7m Garages	CB	26/11/20		
C	Bat and Swift boxes added to gables	CB	20/11/20		
B	Chimneys and cladding to garage added	CB	24/9/20		
A	Stone clad areas revised	CB	30/7/20		
Revision				Date	



119 High Street, Buckle, Moray AB56 4DX
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e-mail : chris@morlich.co.uk

Project

Plot 1
Station Road
Portessie

Drawing

Floor Plans & Elevations

Scale **1:50/100 (A1)**

Date **05-03-2020**

Drawn By **C Bremner**

Drawing No.

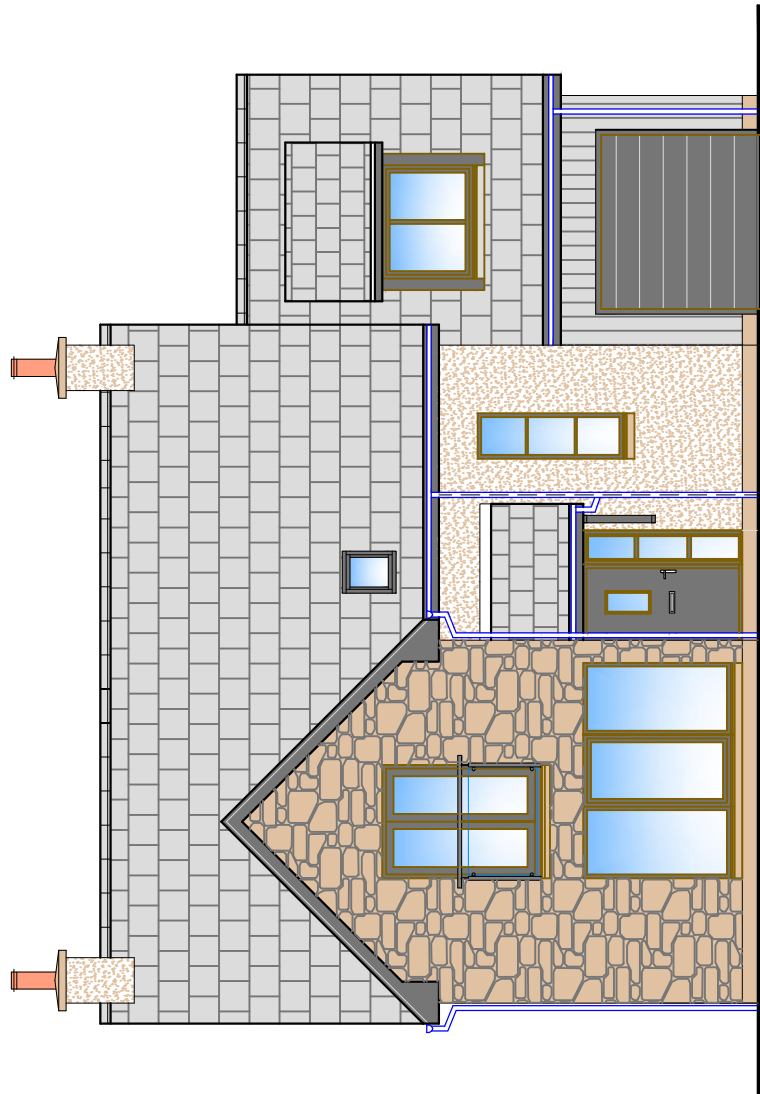
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NOTES

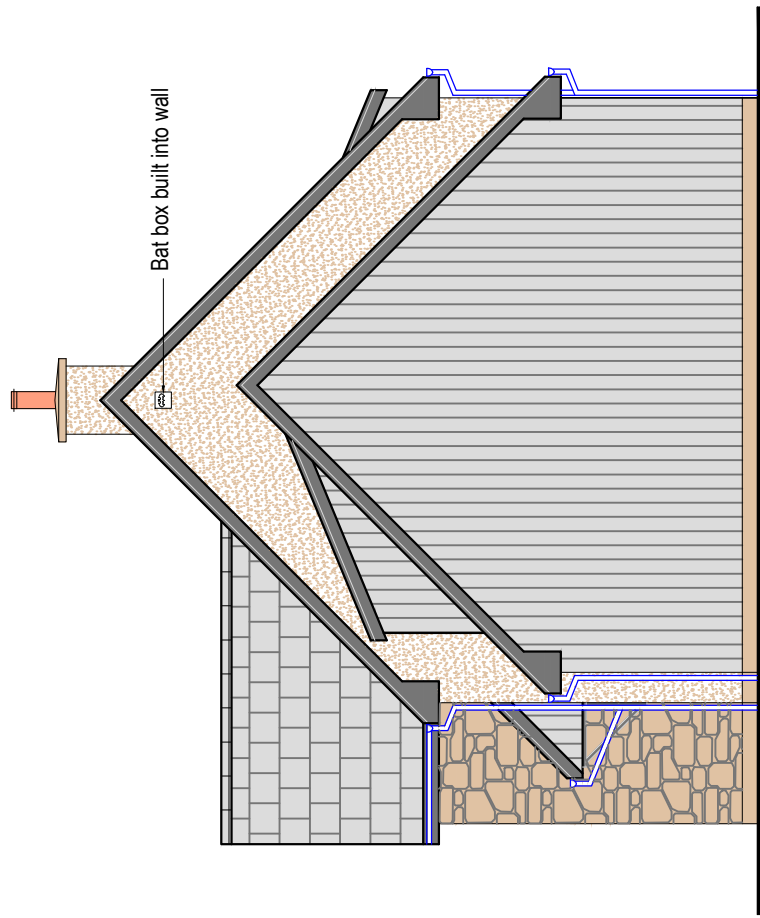
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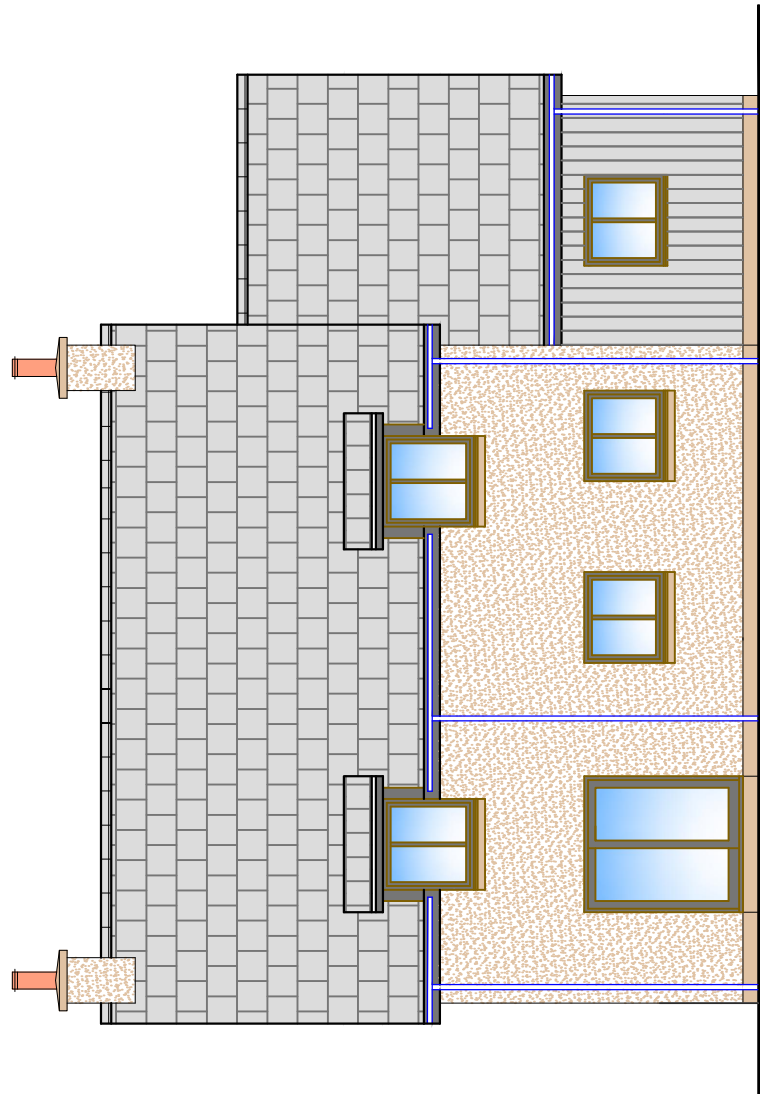
- 1. Marley Edgemere Concrete Roof Tiles - Grey
- 2. Drydash Wall Finish - Tuscany Beige
- 3. Denfind stone panel
- 4. Marley Cadral cladding - Slate Grey
- 5. Timber Windows And Doors - Grey
- 6. Timber Fascia And Soffit - Grey



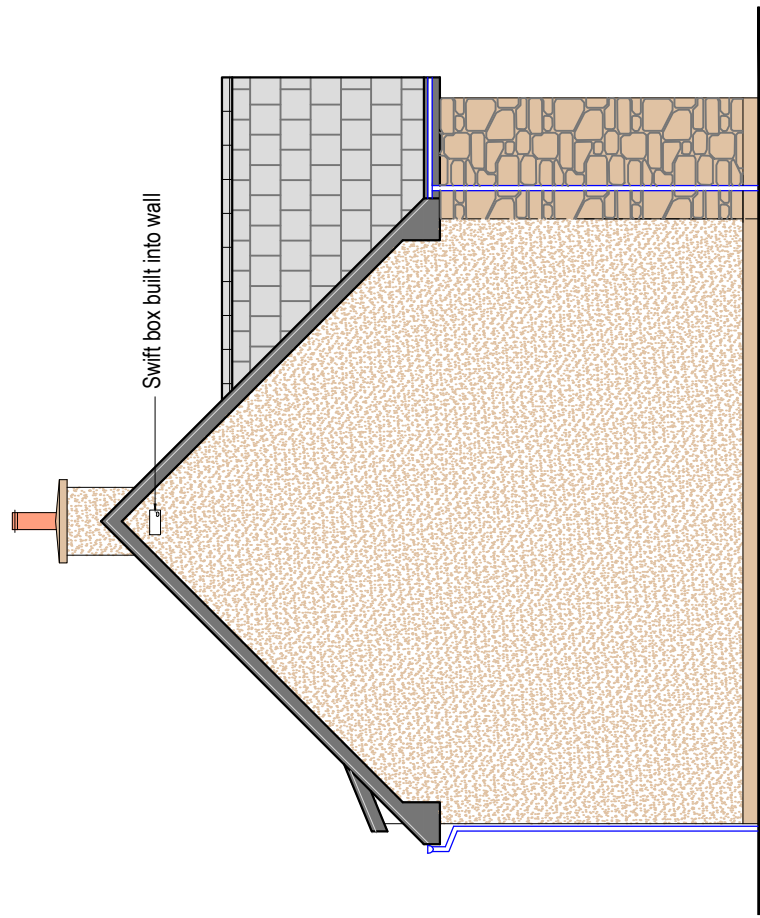
North West Elevation



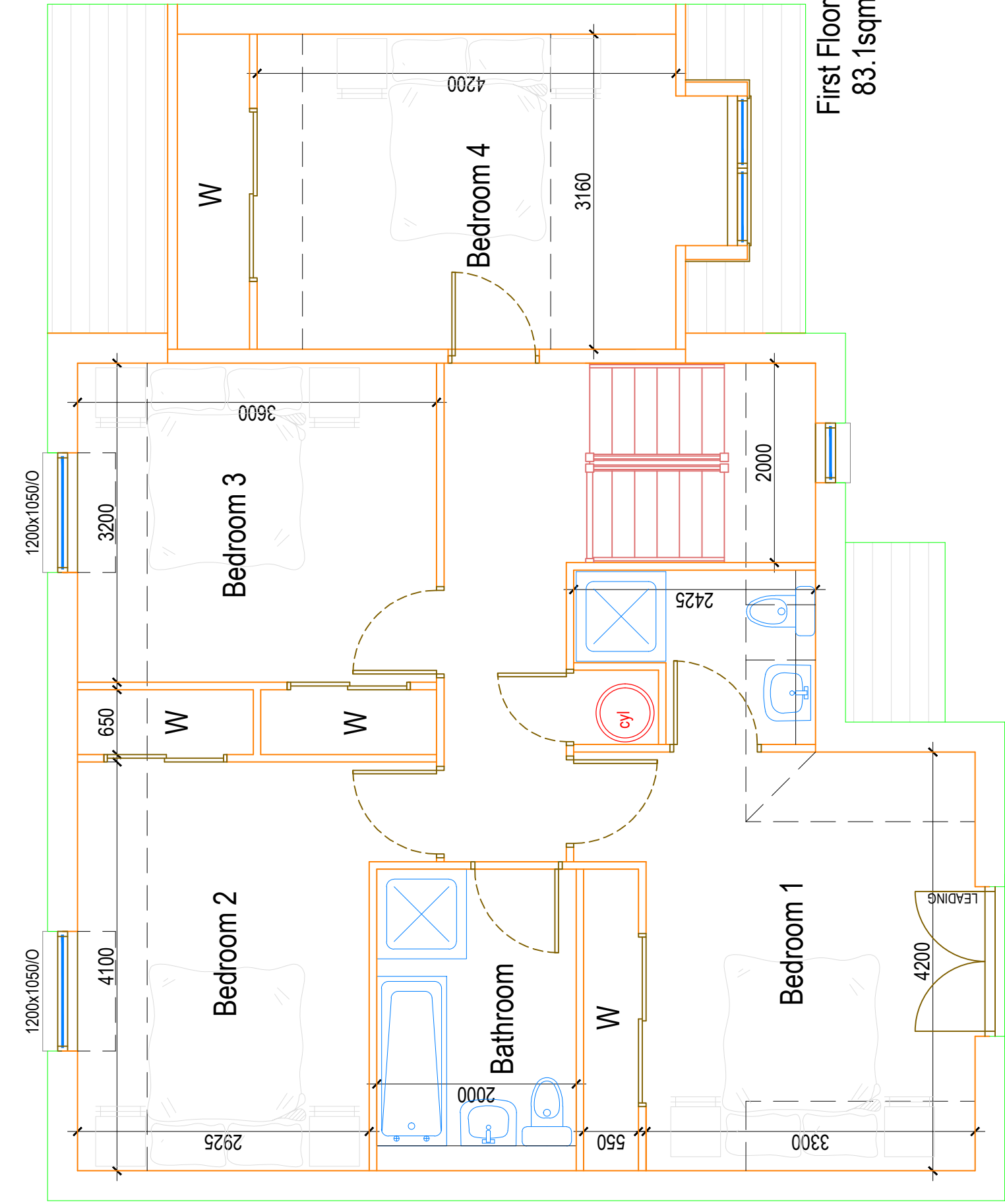
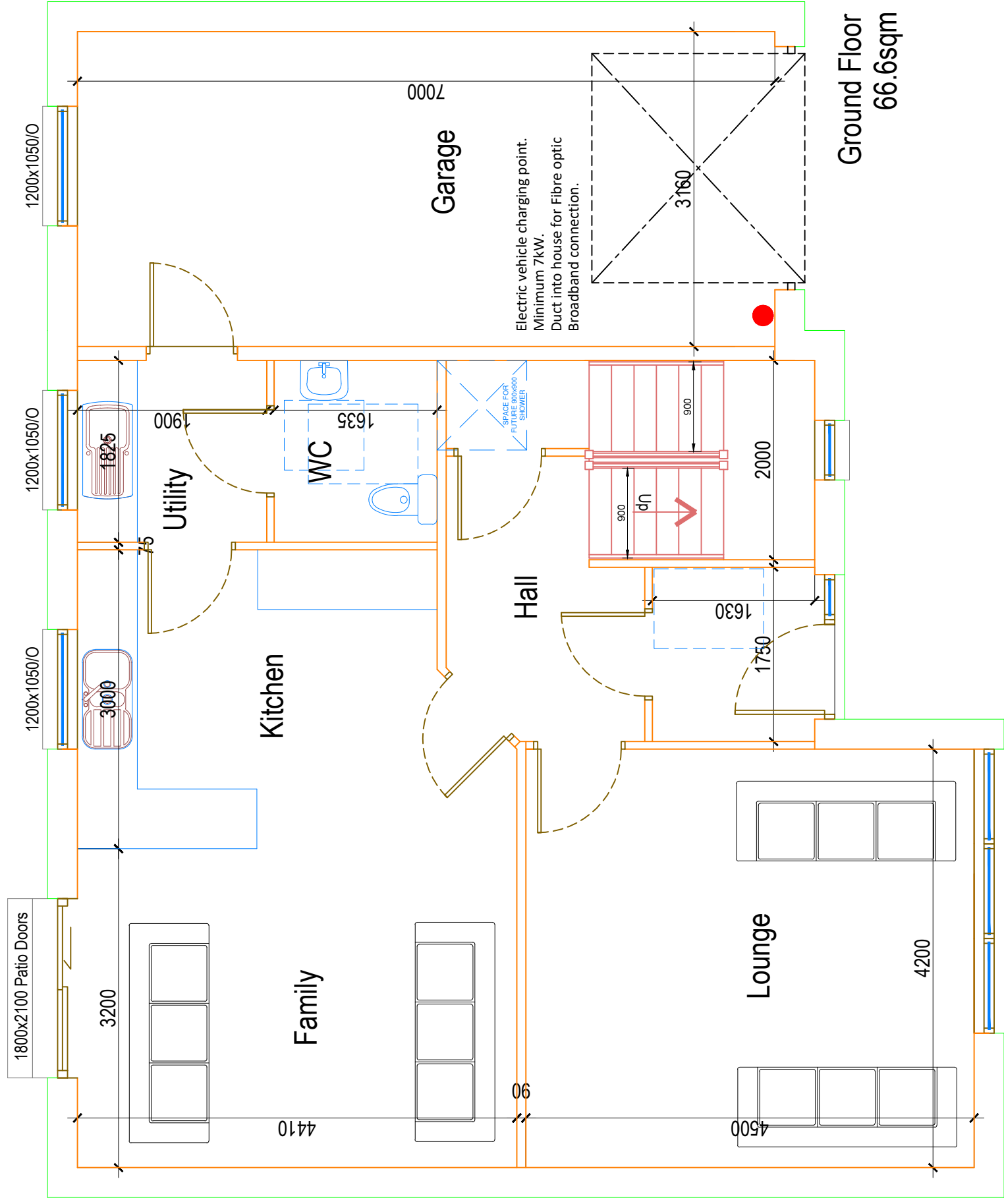
South West Elevation



South East Elevation



North East Elevation



D	7m Garages	CB	26/11/20		
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Revision					Date



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Project
Plot 2
Station Road
Portessie

Drawing
Floor Plans & Elevations

Scale
1:50/100 (A1)

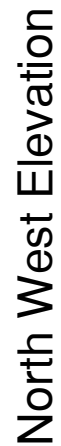
Date
05-03-2020

Drawn By
C Bremner

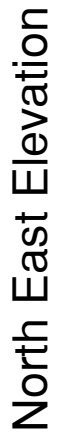
Drawing No.
20-40/PL/P1/01

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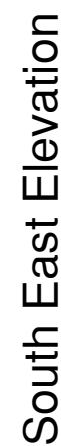
1. Marley Edgemere Concrete Roof Tiles - Grey
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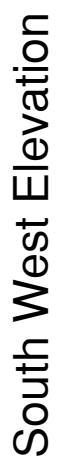
North West Elevation



North East Elevation



South East Elevation



South West Elevation



Project

Plot 3 Station Road Portessie

Drawing

Floor Plans & Elevations

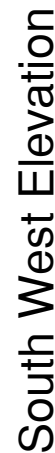
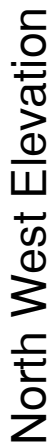
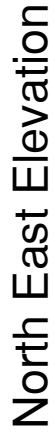
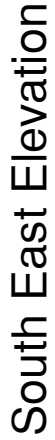
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Date	05-03-2020
Drawn By	C Bremner

Drawing No.

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1. Marley Edgemere Concrete Roof Tiles - Grey
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3. Denfind stone panel
4. Timber Windows And Doors - Grey
5. Timber Fascia And Soffit - Grey



119 High Street, Buckie, Moray AB56 4DX
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e-mail : chris@morlich.co.uk

project

House type 2
Plot 4
Station Road
Portessie

Floor Plans & Elevations

1:50/100 (A1)

Date	05-03-2020
Drawn By	C Bremner

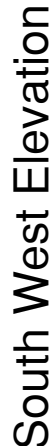
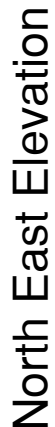
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EXTERNAL FINISHES:-

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5. Timber Fascia And Soffit - Grey



	Decision	Date
A.	Stone clad areas revised	03/07/20
B	Chimneys and cladding to garage added	24/09/20
C	But and Swift boxes added to gables	20/11/20
D	7m Garages	26/11/20



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Project

House type 2

Plot 5

Station Road

Portessie

Drawing

Floor Plans & Elevations

5scale
1:50/100 (A1)

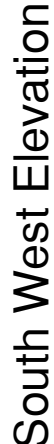
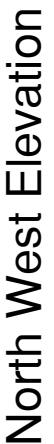
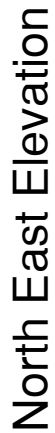
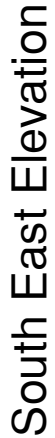
Date	05-03-2020
Drawn By	C Bremner

Drawing No.

20-40/PL/5/01

All Morlich Homes drawings to be read in conjunction with structural engineers drawings.
Do not scale this drawing.
All dimensions to be checked on site prior to commencement of construction and prior to ordering of materials and components.

1. Marley Edgemere Concrete Roof Tiles - Grey
2. Drydash Wall Finish - Tuscan Beige
3. Denfind stone panel
4. Timber Windows And Doors - Grey
5. Timber Fascia And Soffit - Grey



D	7m Garages		C8	26/11/20
C	Bat and Swift boxes added to gables		C8	20/11/20
B	Chimneys and cladding to garage added		C8	24/9/20
A.	Stone clad areas revised		C8	30/7/20
Decision:				Date:



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e-mail : chris@morlich.co.uk

House type 2
Plot 6
Station Road
Portessie

Floor Plans & Elevations

5scale
1:50/100 (A1)

Date	05-03-2020
Drawn By	C Bremner

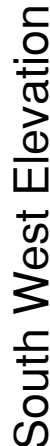
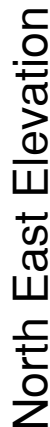
Drawing No.
20-40/PL/P6/01

All Morlich Homes drawings to be read in conjunction with structural engineers drawings.

Do not scale this drawing.
All dimensions to be checked on site prior to commencement of construction and prior to ordering of materials and components.

EXTERNAL FINISHES:-

1. Marley Edgemere Concrete Roof Tiles - Grey
2. Drydash Wall Finish - White
3. Marley Cedar cladding - Slate Grey
4. Timber Windows And Doors - Grey
5. Timber Fascia And Soffit - Grey



					Date
D	7m Garages				26/11/20
C	Bat and Swift boxes added to gables				CB 20/11/20
B	Chimneys and cladding to garage added				CB 24/9/20
A	Stone clad areas revised				CB 30/7/20
	Discretion				



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Project

House type 2

Plot 7

Station Road

Portessie

Drawing

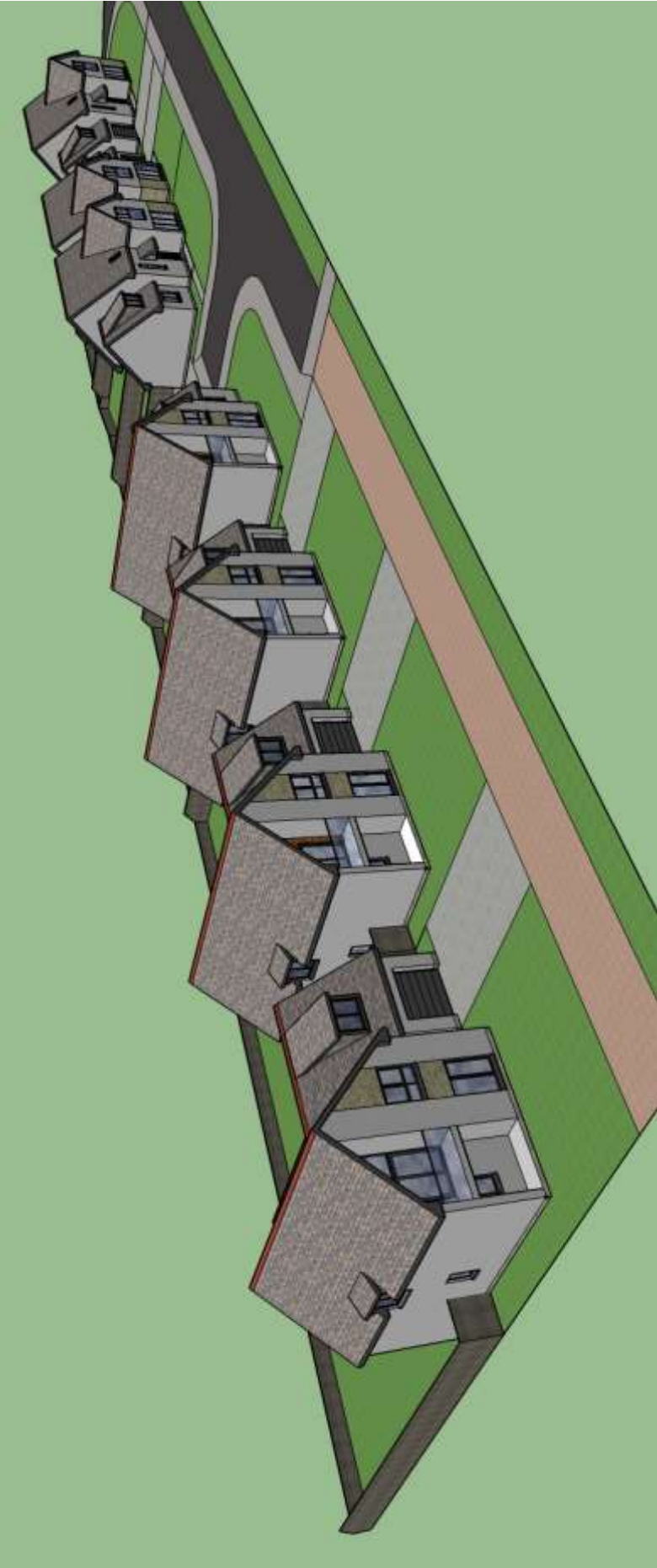
Floor Plans & Elevations

5scale
1:50/100 (A1)

Date 05-03-2020

Drawing No. **20-40/PL/7/01**





Gary Mackintosh
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Surveys, Setting-Out Civil Engineering Design

Drainage Assessment and Flood Statement

STATION ROAD, PORTESSIE

Gary Mackintosh Bsc
gmsurveys@gmail.com

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Assessment completed by:	2
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APPENDICES	

Client:

Morlich Homes Ltd

Site Address:

Site at Station Road
Portessie
Buckie

Planning Reference:

TBC

Date:

April 2020

Job Number:

01057

Company Information:

Assessment completed by:

Gary Mackintosh Bsc

GMCSurveys

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Introduction

The proposals are for 7 new private dwellings, adoptable standard road and access and associated infrastructure within land adjacent to station road in Portessie, Buckie.

To meet the needs of the local Planning Authority, a Drainage Assessment is required in accordance with policy EP5 of The Moray Local Plan.

Existing Site:

The site is located in the area of the former rail station to the south of station road in Portessie. A topographic survey has been carried out within the site which indicates that the site is predominantly flat within the north/north western areas with the former embankment running through the centre of the development area. The site is also raised to the south/south eastern areas adjacent to the field with a low area in the centre.

The existing site is currently partially wooded.

There is no foul water or surface water infrastructure within the site boundary however there is an existing manmade drainage ditch located to the south/south east boundary as indicated within the plans. The ditch runs north east to south west, parallel to the site boundary through the majority of the site. The watercourse is culverted beneath the public road continuing south west joining the wider network. The culvert is 300mm in diameter.

An existing overhead BT pole is located within the south west area of the site.

Flood Risk Statement/Mitigation:

The SEPA Flood Maps have been consulted which indicates significant pluvial flooding throughout the proposed site.

The SEPA flood Maps are based on existing, known topography highlighting low areas within the model mapping as having potential for surface water to pond within these areas while taking consideration of existing watercourses and their impact on potential flooding.

As noted within the 'Existing Site' section above, due to the position of the former rail embankment, a low area has formed between the exiting field area to the south/south east and the embankment. A site walkover confirmed that these areas do collect surface waters as per the SEPA Mapping.

Further investigation of the existing drainage ditch along the south/south east boundary highlighted that the watercourse becomes poorly formed before opening in to open ground prior to the discharge via the existing culvert. With an overland flow discharging to the culvert, much of the surface waters are gathering within the low areas and not fully draining through the exiting culvert.

Measures will be required therefore to alleviate the potential for surface water flooding within the site area and prevent an increase in surface water flooding out with the site.

During construction of the site it is proposed that the embankment is to be removed and the site area levelled as such that the existing low area within the site will be removed. The floor levels are to be positioned above the existing road level creating an overall even gradient throughout the development.

The properties are to be position a minimum of 6m from the top of the bank of the existing drainage ditch.

The existing drainage ditch is to be upgraded at the point where it discharges to the open ground in the form of extending the ditch towards the south/south east end of the development, channelling the surface waters directly to the culvert and removing the overland flow.

The above measures are to ensure that the current factors impacting the development are removed/improved ensuring that there are no areas for the surface waters to build up within the site with flows impacting the wider area. In addition, the surface water drainage features within the site are to be sized to manage surface water flows up to and including a 1:200year event.

Ground Conditions:

Soil investigations have been carried out within the site in November 2019 to assess the existing ground conditions and their suitability for the use of sub surface soakaways as a method of surface water management.

200mm – 400mm Topsoil with some fibrous rootlets and some roots overlying light brown to medium to medium dense, coarse gravelly sands to a depth of 1.0 – 1.2m and light brown medium to loose, fine gravelly Sands to the depth of the excavations.

The ground conditions remained consistent throughout the site. There was no evidence of contamination or water table within the test holes.

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

Infiltration Test	Pit Dimensions (w/l)	Test Zone (mbgl)	Infiltration Rate (m/s)
SA01	0.8m x 1.0m	1.4 – 2.0	6.83×10^{-5}
SA02	1.0m x 1.0m	1.0 – 1.7	4.92×10^{-5}
SA03	0.9m x 1.1m	0.6 – 1.2	3.14×10^{-5}

Infiltration testing carried out during the investigations yielded average site infiltration rates of 0.0000232m/s or 4.96×10^{-5} m/s.

Local Water Courses:

As noted, there is an existing drainage ditch located along the majority of the south/south east boundary, the watercourse enters the wider network of drainage ditches. It is assumed that the drainage network discharges to the Burn of Rathven, approximately 800m to the south west of the proposed site.

The coastline is located approximately 300m north of the development.

Existing Foul and Surface Water Runoff:

The proposed development site area may be considered to produce 0.27l/s runoff during a two - year return period storm event (runoff calculations are included in Appendix D).

There is no existing foul water discharge from within the site area.

The Proposed Site

The site plan is shown in APPENDIX A.

The current proposals are for 7 new residential properties made up of detached housing, parking and access infrastructure.

The Overall site area is approximately 6,226m² which is inclusive of landscaping areas and the existing section of track.

The site is to be made of the following impermeable areas:

760m² – Roof Areas

370m² – Driveways

1250m² – Adoptable and Private Road Area (inclusive of footpaths and service verges)

Total Proposed Impermeable area 2,380m² which represents an increase of 38.2% impermeable area.

Drainage Strategy

Foul Drainage

In accordance with good practice the development will require to be served by a separate foul and surface water system and incorporate SUDS facilities.

The foul drainage from the individual properties is to enter a new 150mm diameter foul water sewer located beneath the development roads

The foul water for the development is to discharge, via gravity, to the existing Scottish Water foul water sewer located within the public road to the north west of the site.

The new foul water system is to be adopted and maintained by Scottish Water.

Storm Drainage

The surface water drainage will require to be designed in accordance with the principles of sustainable development. The objective of SUDS drainage systems is to manage the surface water runoff from the development by providing flow attenuation, water treatment and controlled discharge or dispersal. The aim is to maintain the pre-development runoff rate which would be achieved by agreeing a pre-development Greenfield runoff rate and designing a system to limit the post development discharge to this value.

The preferred method for incorporating SUDS within a development is to provide a series of features forming a management train throughout the site for the surface water.

Source control methods such as individual soakaways, porous vehicle surfaces and roadside infiltration trenches or swales are situated at the upstream end of the train. The downstream end of the chain can be made up of detention basins, ponds or wetlands where required.

It is therefore proposed that a roadside swale with infiltration beneath be installed along the length of the new road, sized to manage surface water flows up to and including a 1:200year event to prevent runoff entering areas sensitive to surface water flooding. The surface water runoff from the road area will enter the swale via flush kerbed runoffs as per the details shown within the appendices.

The road drainage system is to be adopted and maintained by The Moray Council.

The proposed roof and driveway areas are to discharge to private soakaways formed in Polycell storm water crates or similar approved and installed beneath the private driveway areas. The Soakaways are to be maintained by the individual property owners.

Conclusion

The proposals are for 7 new residential properties and associated infrastructure.

The foul water discharge from the development is to disperse to the existing foul sewer located to the north west of the site via gravity within a new foul water sewer to be located beneath the development roads.

The roads within the site are to discharge surface waters to roadside swales utilising infiltration as the method of surface water management. The roadside swales are to be adopted by The Moray Council following the completion of the development.

The roof and driveway areas are to discharge to privately maintained soakaways located beneath to individual driveways.

All surface water systems are to be sized to manage surface water flows up to and including a 1:200year event with 35% allowance for climate change.

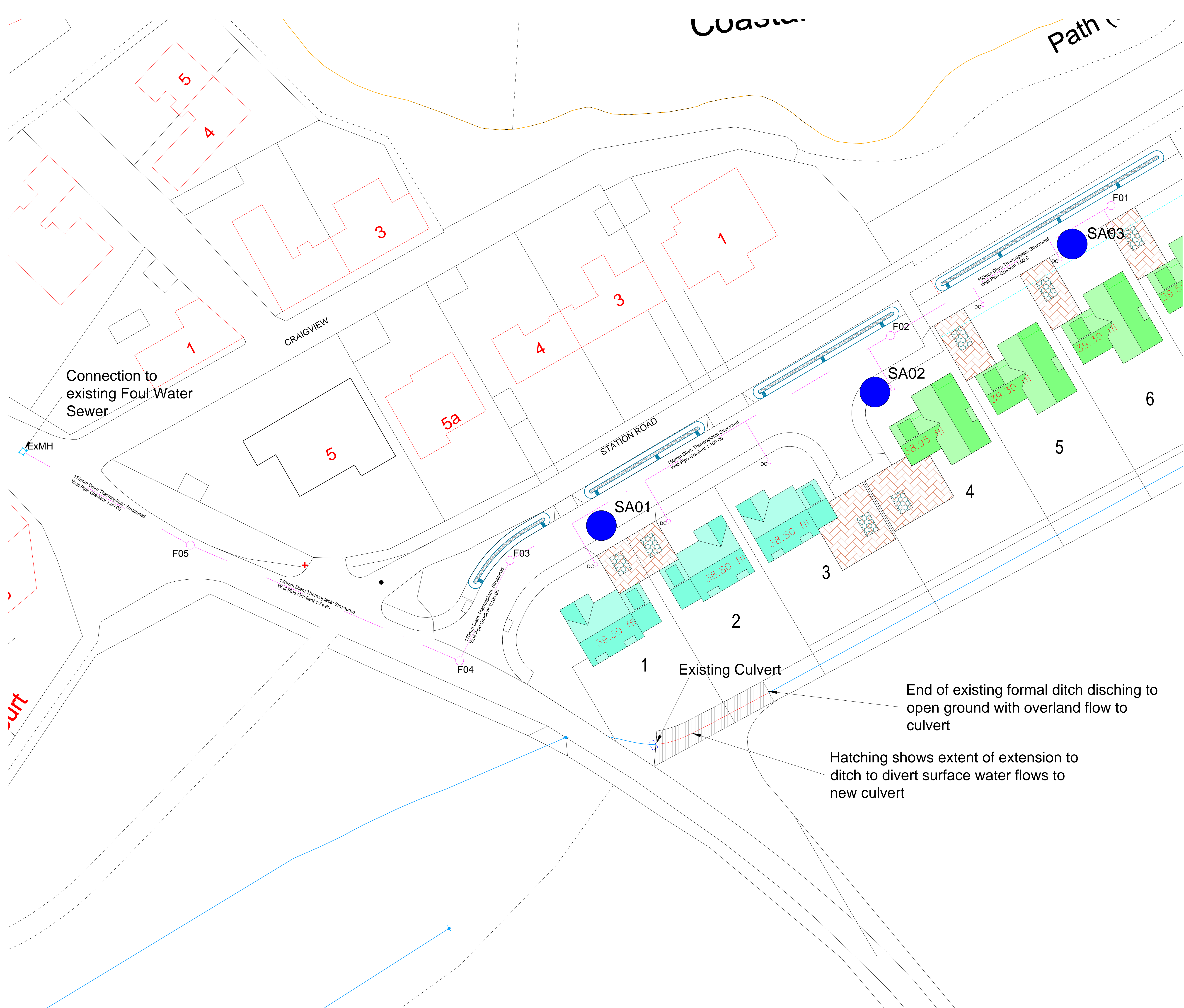
Improvement works are to be carried out within the existing ditch in order to alleviate the surface water flood risk within the site area.

References

1. Scottish Planning Policy 7: Planning and Flooding. Scottish Executive, Feb 2004.
2. Planning Advice Note 61: Planning and Sustainable Drainage Systems. Scottish Executive, July 2001.
3. CIRIA C521 Sustainable Urban Drainage Systems, Design Manual for Scotland and Northern Ireland, 2000.
4. CIRIA C697 Sustainable Urban Drainage Systems, Design Manual for Scotland and Northern Ireland 2007.
5. Building Research Establishment. BRE Digest 365 – Soakaway Design, 1991.
6. CIRIA, Report 156, Infiltration Drainage – Manual of Good Practice, 1996.
7. WRc plc Sewers for Scotland – A Policy, Design and Construction Guide for Developers in Scotland, 2001.

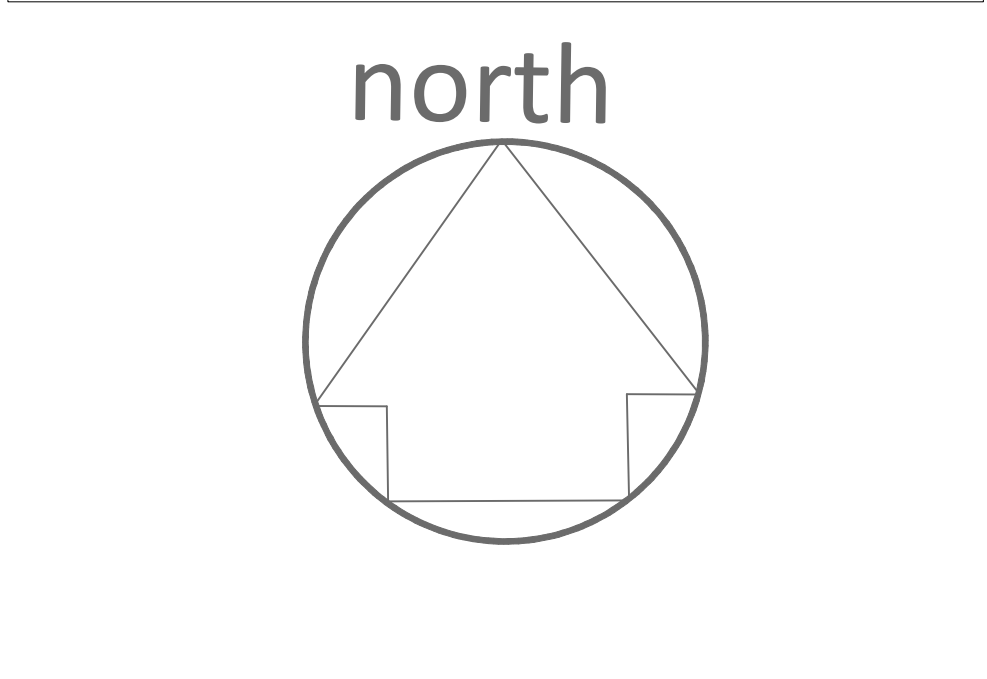
APPENDIX A

Drainage Strategy



Legend:

- Proposed roadside swale of varying depth with flush kerb. Offlets to be adopted by The Moray Council
- F - Foul Water Manhole
- Proposed Foul Water Sewer at varying depth and diameter to be adopted by Scottish Water
- Foul Water Disconnecting Chamber
- Private Surface Water Soakaway



REV:	DESCRIPTION:	BY:	DATE:
STATUS: For Approval			

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CLIENT: **Morlich Homes Ltd**
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AB56 4DX

SITE:	Station Road Portessie		
TITLE:	Road Drainage Layout		
SCALE AT A1: 1:250	DATE: APR20	DRAWN: GM	CHECKED:
PROJECT NO: 01057	DRAWING NO: Appendix A	REVISION:	

APPENDIX B

Greenfield Runoff Estimation



MasterDrain
SW 11.0

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Job No. 01057		
Sheet no. 1		
Date 16/04/20		
By GM	Checked	Approved

Project **Station Road, Portessie**
Title **Greenfield Runoff Estimation**

Hydrological Data:-

FSR Hydrology:-

Location = BUCKIE (GRAMP)	Grid reference = NJ4265
M5-60 (mm) = 13.5	r = 0.25
Soil runoff = 0.15	SAAR (mm/yr) = 750
WRAP = 1	Area = Scotland & N. Ireland
Hydrological area = 1	Hydrological zone = 2

Soil classification for WRAP type 1

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

Design data:-

Area = 0.00623 Km² - 0.623 Ha - 6230 m²

Calculation method:-

Runoff is calculated from:-

$$Q_{\text{BAR(rural)}} = 0.00108 \text{ AREA}^{0.89} \cdot \text{SAAR}^{1.17} \cdot \text{SOIL}^{2.17}$$

where

AREA = Site area in Km²
SAAR = Standard Average Annual Rainfall (mm/yr)
SOIL = Soil value derived from Winter Rainfall Acceptance Potential
 $Q_{\text{BAR(rural)}}$ = Runoff (cumecs)

$Q_{\text{BAR(rural)}}$ is then multiplied by a growth factor - GC(T) - for different storm return periods derived from EA publication W5-074/A.

Calculated data:-

For areas less than 50Ha, a modified calculation which multiplies the 50Ha runoff value by the ratio of the site area to 50Ha is used
Reducing factor used for these calculations is 0.012

Mean Annual Peak Flow $Q_{\text{BAR(rural)}}$ = 0.27 l/s



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01057

Sheet no. **2**

Date
16/04/20

Project
Station Road, Portessie

Title
Greenfield Runoff Estimation

By
GM

Checked

Approved

Values for $Q_{BAR(rural)}$

Ret. per. 1yr	m ³ /hr	l/s	l/s/ha	Ret. per. 100yr+20%	m ³ /hr	l/s	l/s/ha
2yr	0.886	0.246	0.395	100yr+30%	3.200	0.889	1.427
5yr	1.211	0.336	0.540	100yr+40%	3.446	0.957	1.537
10yr	1.428	0.397	0.637	200yr	2.757	0.766	1.229
30yr	1.802	0.501	0.803	200yr + 30%	3.584	0.996	1.598
50yr	2.087	0.580	0.931	500yr	3.200	0.889	1.427
100yr	2.462	0.684	1.098	1000yr	3.574	0.993	1.594

Growth factors -

1yr	2yr	5yr	10yr	30yr	50yr	100yr	200yr	500yr	1000yr
0.85	0.90	1.23	1.45	1.83	2.12	2.50	2.80	3.25	3.63

The above is based on the Institute of Hydrology Report 124
to which you are referred for further details (see Sect 7).
Note that the 200 and above year growth curves were taken from W5-074.

APPENDIX C

Preliminary Drainage Calculations

Roadside Swales

Swale 1 and 2 Combined

Road Area (including footpaths and service verges) = 1250m²

Length of Swales (as Shown) = 88.0m

Infiltration Rate (average) = 0.178m/hr (4.96 x 10⁻⁵m/s)

From the calculation Sheet below, a swale with infiltration beneath and dimensions of 88.0m x 0.5m with a depth of 1.5m will provide adequate storage up to and including a 1:200year event with 35% allowance for climate change.

It is therefore proposed to install a roadside swale with an overall length of 88.0m, a width of 0.5m and a depth of 1.6m as per the details shown within Appendix D.

Private Soakaways

It is proposed to use the largest proposed roof and driveway area combined.

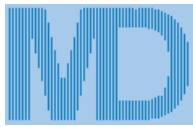
Contributing Area = 200m² (Largest Roof 115m², Largest Drive 85m²)

Infiltration Rate = 0.178m/hr (4.96 x 10⁻⁵m/s) (average)

From the calculation sheet below, a surface water soakaway formed in Polycell storm crates or similar approved with dimensions of 3.0m x 2.0m x 1.5m in depth is adequate to manage the surface water flows for the largest available contributing area up to and including a 1:200year event with 35% allowance for climate change.

The sizing has been applied to all plots within the drainage layout to demonstrate adequate space is available within the site. The individual soakaways are to be sized during the building warrant application and will be reduced in size based on the contributing areas.

The private soakaways could potentially be located within the proposed garden areas however further testing would be required following the clearing/regrading of the development to establish accurate infiltration rates.



MasterDrain
SW 16.52

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Job No. 01057		
Sheet no. 1		
Date 16/04/20		
By GM	Checked	Approved

Project **Station Road, Portessie**
Title **Road Side Swale Size Requirements**

Data:-

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.

Design data:-

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

Equivalent porosity (n1) = 0.45

Area drained = 1250 m²

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

Return period = 200 yrs

Climate change factor = 35%

Calculations :-

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

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

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

Results :-

Emptying time to 50% volume = 0:32 (hr:min)

hMax (Depth) = 1.5 metres

Time to maximum = 0:01 hr:min

Rainfall at maximum = 47.08mm/hr

Width (m) = 0.5

Length (m) = 88.0

Total Infiltration area = 309.2m² (base area + sidewall area).

Total available volume = 29.67m³

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



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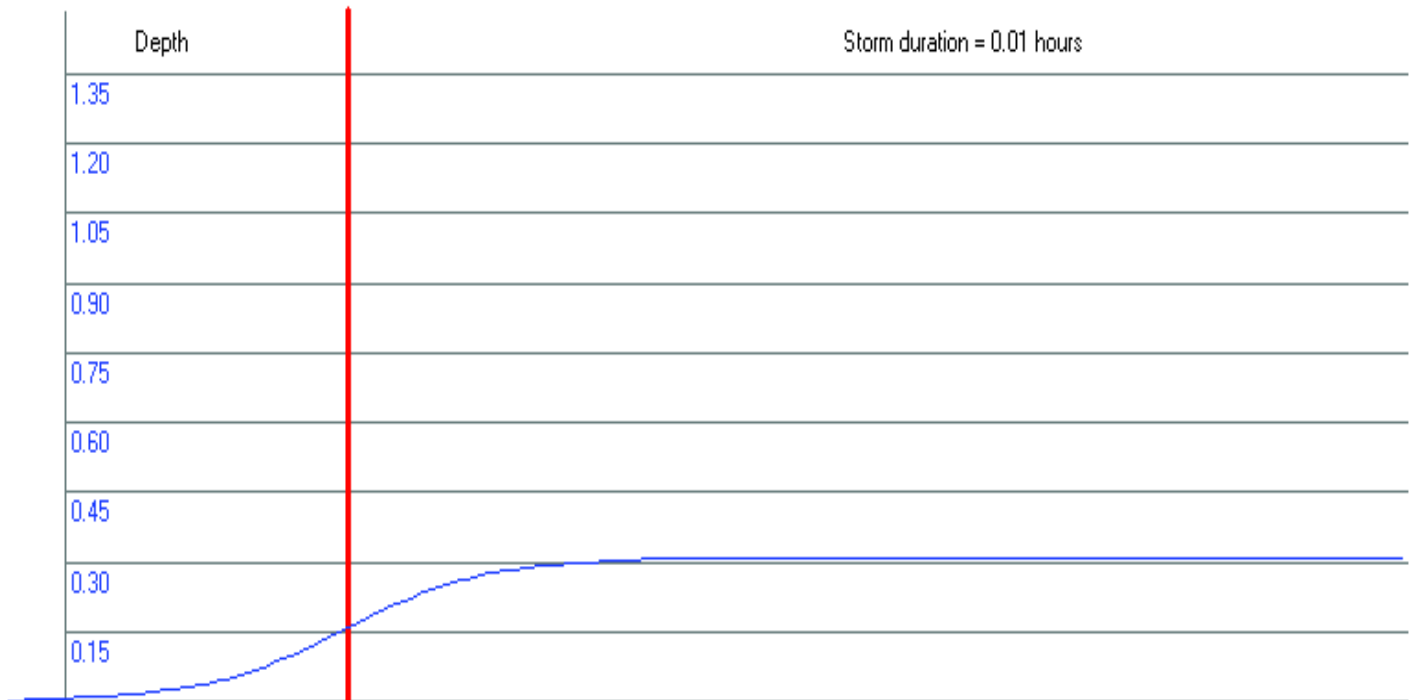
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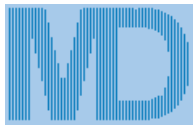
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Job No.	01057	
Sheet no.	2	
Date	16/04/20	
By	GM	Checked
		Approved

Project
Station Road, Portessie

Title
Worst case soakaway times to empty.





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Job No. 01057		
Sheet no. 1		
Date 16/04/20		
By GM	Checked	Approved

Project **Station Road, Portessie**
Title **Surface Water Soakaway**

Rectangular pit design data:-

Pit length	= 3 m	Pit width	= 2 m
Depth below invert	= 1.5 m	Percentage voids	= 95.0%
Imperm. area	= 200 m ²	Infilt. factor	= 0.00005 m/s
Return period	= 200 yrs	Climate change	= 35%

Calculations :-

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

$$a_{s50} = 2 \times (\text{length} + \text{width}) \times \text{depth}/2 = 7.5 \text{ m}^2$$

Outflow factor : $O = a_{s50} \times \text{Infiltration rate} = 0.000375 \text{ m/s}$

Soakaway storage volume : $S_{\text{actual}} = \text{length} \times \text{width} \times \text{depth} \times \% \text{voids}/100 = 8.6 \text{ m}^3$

Duration	Rainfall mm/hr	Inflow m ³	Depth (hmax) m	Outflow m ³	Storage m ³
5 mins	132.5	2.2	0.37	0.11	2.09
10 mins	104.1	3.5	0.57	0.22	3.23
15 mins	87.5	4.4	0.71	0.34	4.04
30 mins	62.4	6.2	0.98	0.68	5.56
1 hrs	42.2	8.4	1.25	1.35	7.10
2 hrs	27.1	10.9	1.43	2.70	8.16
4 hrs	17.1	13.7	1.45	5.40	8.29
6 hrs	13.0	15.6	1.31	8.10	7.49
10 hrs	9.1	18.3	0.84	13.50	4.77
24 hrs	5.0	23.8	0.00	32.40	0.00

Actual volume : $S_{\text{actual}} = 8.550 \text{ m}^3$

Required volume : $S_{\text{reqd.}} = 8.290 \text{ m}^3$

Soakaway volume storage OK.

Minimum required a_{s50} : 7.27 m²

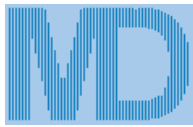
Actual a_{s50} : 7.50 m²

Minimum depth required: 1.45 m

Time to maximum 4 hrs

Emptying time to 50% volume = $t_{s50} = S_{\text{reqd}} \times 0.5 / (a_{s50} \times \text{Infiltration rate}) = 03:04 \text{ (hr:min)}$

Soakaway emptying time is OK.



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Job No. 01057		
Sheet no. 2		
Date 16/04/20		
By GM	Checked	Approved

Project **Station Road, Portessie**
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

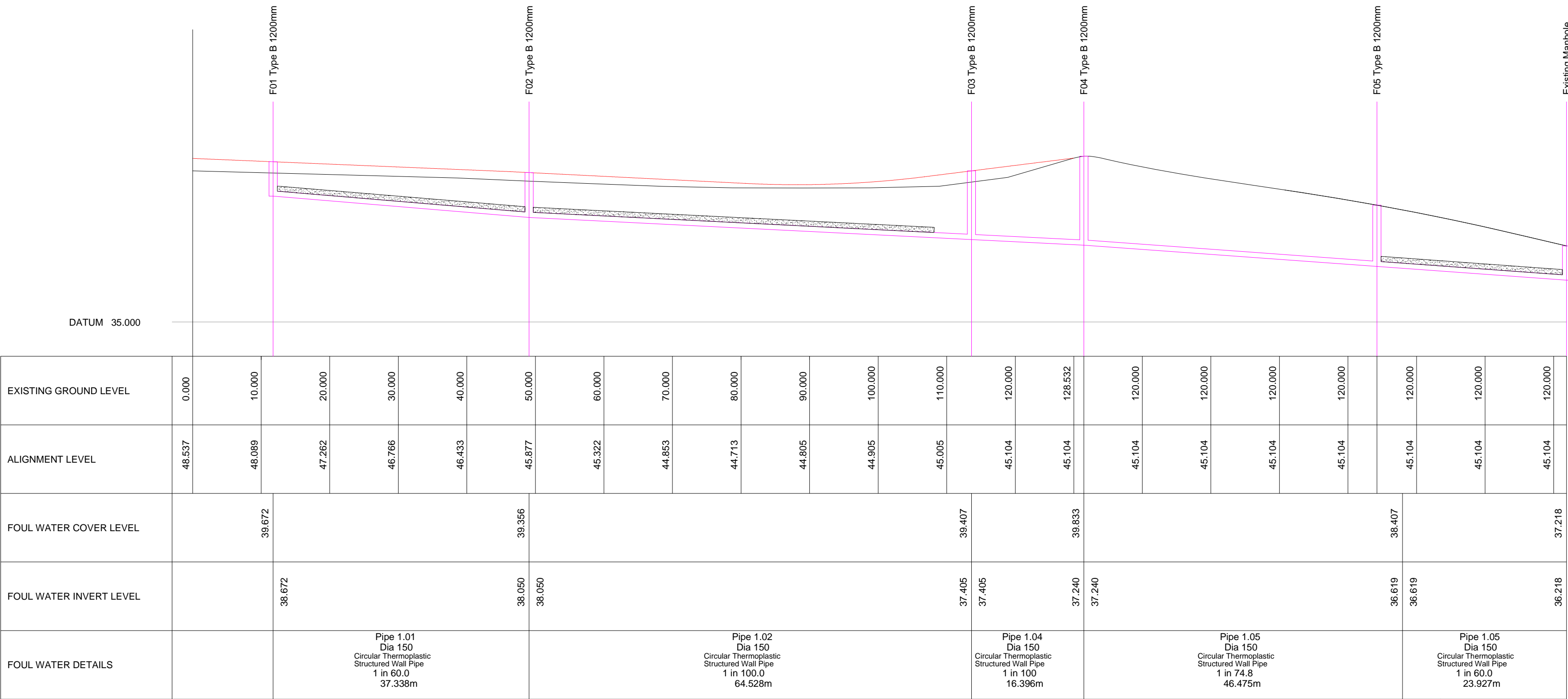
Soil classification for WRAP type 1

- 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 D

Drainage Details



REV:	DESCRIPTION:	BY:	DATE:
STATUS:		For Approval	

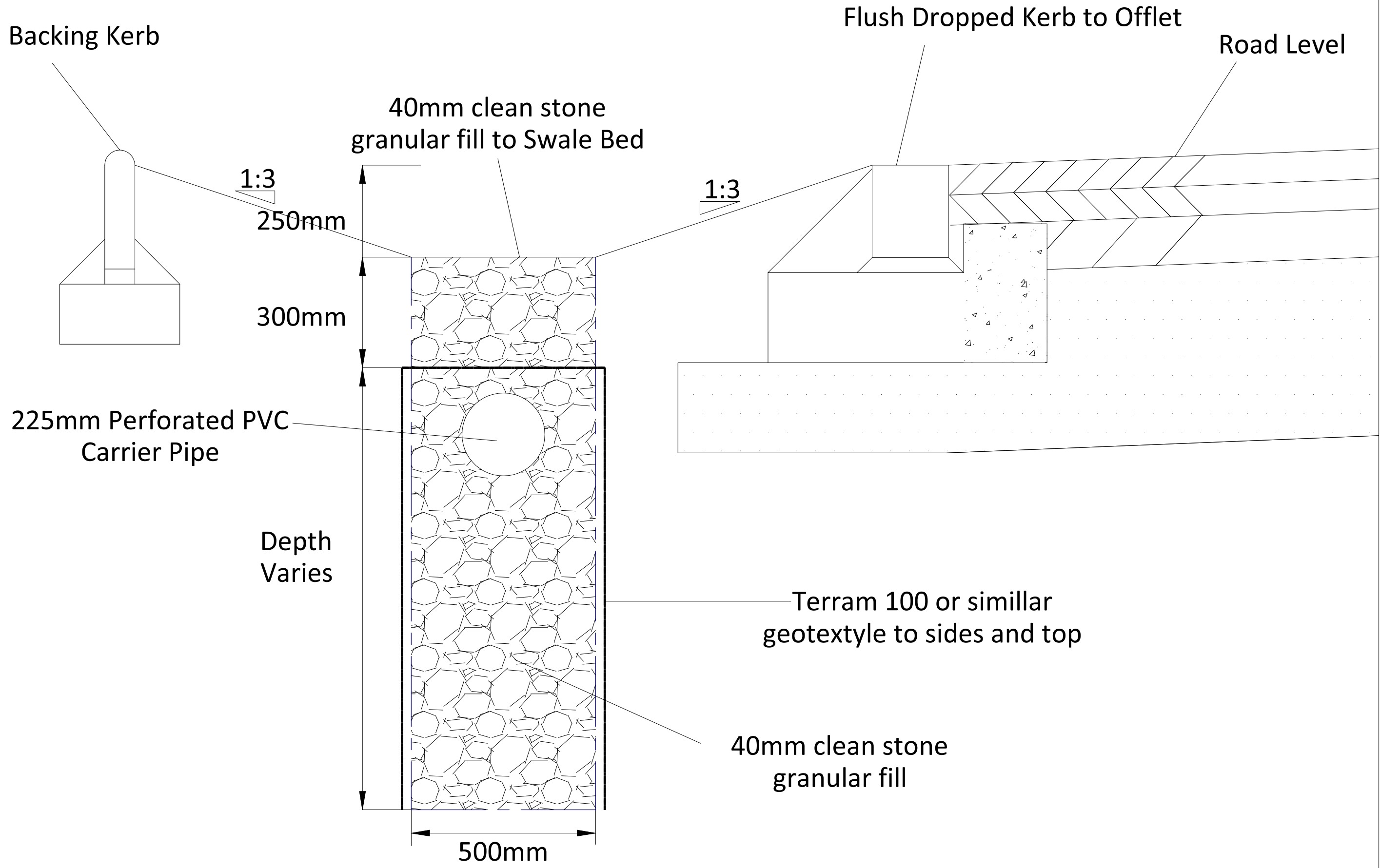
gmcsurveys
Surveys, Setting Out, Civil Engineering Design
T: 07557 431 702
E: gmcsurveys@gmail.com

CLIENT:
Morlich Homes Ltd
119 High Street
Buckie
AB56 4DX

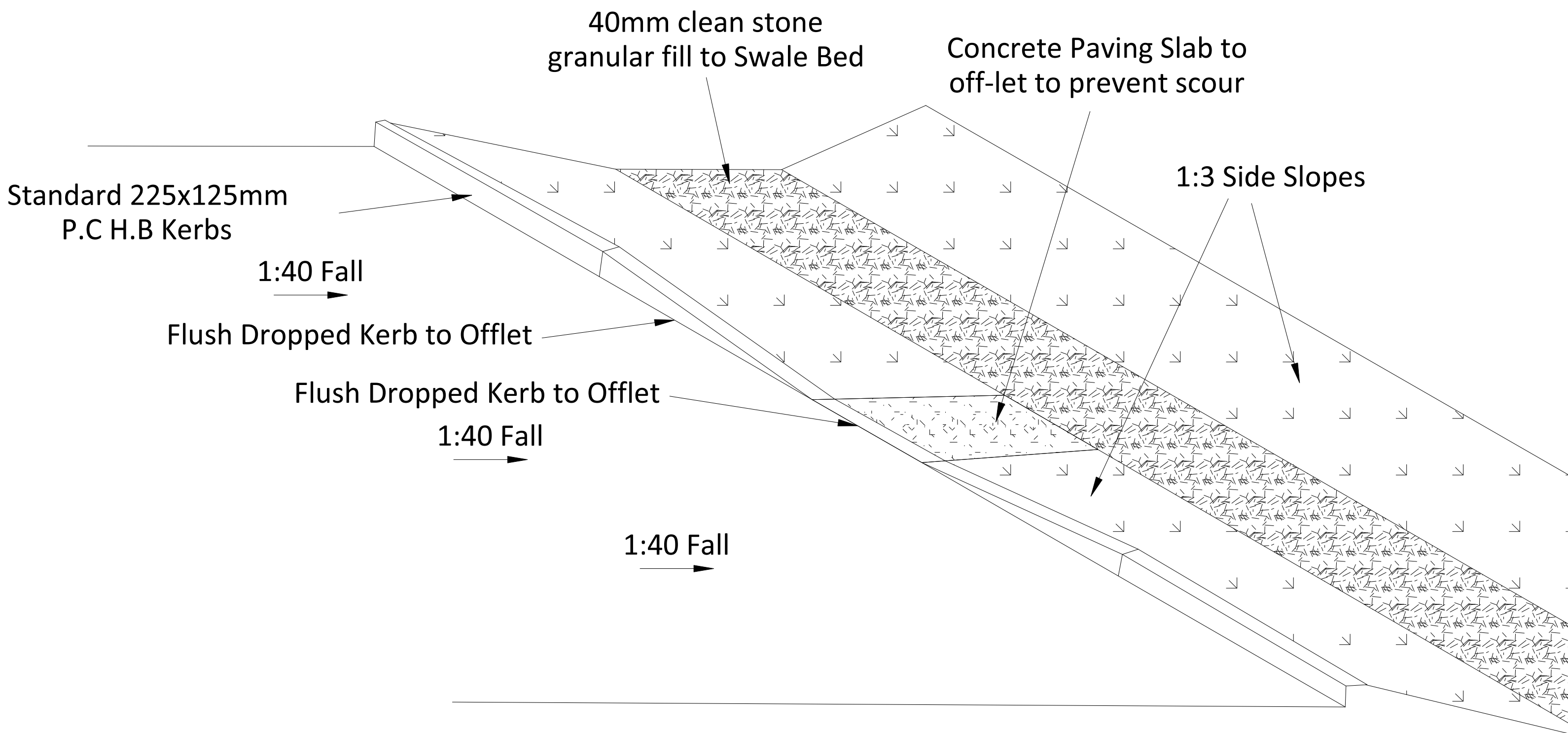
SITE:
Station Road
Portessie

TITLE:
Drainage Longitudinal
Sections Foul Water

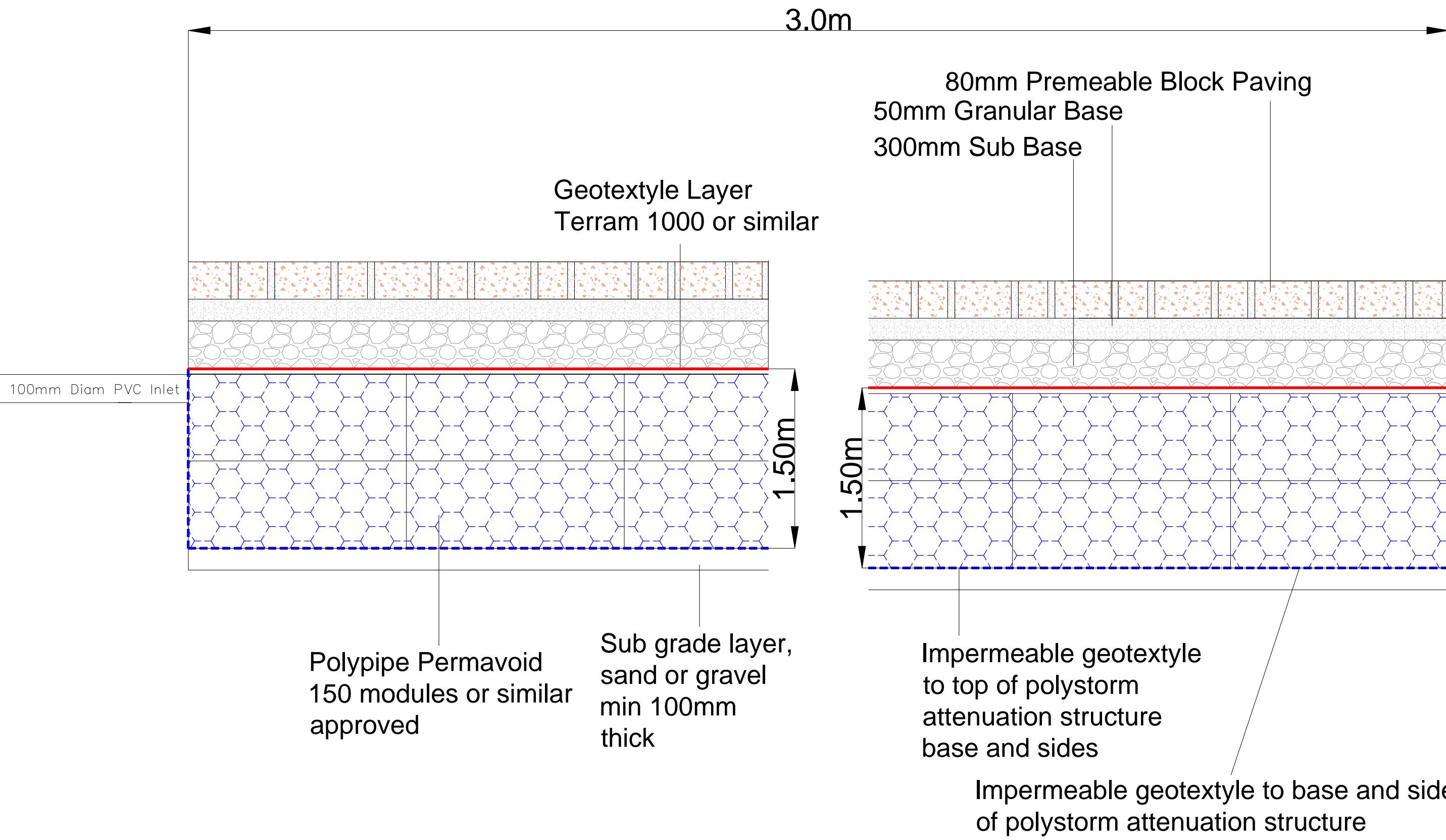
SCALE AT A1: 1:100V/1:500H	DATE: APR20	DRAWN: GM	CHECKED:
PROJECT NO: 01057	DRAWING NO: Appendix D1	REVISION:	



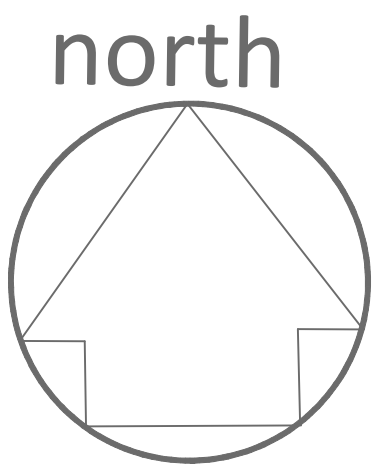
Typical section through Roadside Swale 1:10



Isometric View (NTS)



Proposed Crate Soakaway Details



REV:	DESCRIPTION:	BY:	DATE:
STATUS: For Approval			

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

CLIENT: **Morlich Homes Ltd**
119 High Street
Buckie
AB56 4DX

SITE: Station Road Portessie			
TITLE: Drainage Construction Details			
SCALE AT A1: 1:25/10	DATE: APR20	DRAWN: GM	CHECKED:
PROJECT NO: 01057	DRAWING NO: Appendix D2	REVISION:	

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	29th May 2020
Planning Authority Reference	20/00544/APP
Nature of Proposal (Description)	Erect 7 detached dwellinghouses on
Site	Site Adjacent To 1-5 Station Road Portessie Buckie
Site Postcode	N/A
Site Gazetteer UPRN	000133073124
Proposal Location Easting	344496
Proposal Location Northing	866500
Area of application site (M²)	6226
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=Q9HI4YBGK6K00
Previous Application	
Date of Consultation	15th May 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Morlich Homes Ltd
Applicant Organisation Name	
Applicant Address	119 High Street Buckie Scotland AB56 4DX
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Contaminated Land

Planning Application Ref. No: 20/00544/APP

Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road Portessie Buckie for Morlich Homes Ltd

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

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

Condition(s)

The site is former railway land.

Condition

Unless otherwise agreed in writing, no development shall commence until a strategy to assess and then, where subsequently appropriate, a strategy to deal with potential contamination on the site have been submitted to, and accepted in writing by, the Council as Planning Authority. The strategies shall be devised and overseen by an appropriately qualified person in accordance with relevant up-to-date authoritative technical guidance, e.g. BS10175 'The Investigation of Potentially Contaminated Sites - Code of Practice', and shall include:

- i) an appropriate level of characterisation of the type, nature and extent of contamination on the site and accompanying risk assessment as described in Planning Advice Note 33 Development of Contaminated Land (Revised 2000);
- ii) how any identified contamination will be dealt with during construction works;
- iii) details of remedial measures required to treat, remove or otherwise mitigate contamination to ensure that the site is suitable for the proposed use, and that it does not represent a risk to health or of pollution in the wider environment; and
- iv) a means of verifying the condition of the site on completion of the remedial measures.

Thereafter, no development shall commence (other than those works required to investigate and remediate contamination on the site) until written confirmation has been

issued by the Council as Planning Authority that the works have been implemented and completed in accordance with the agreed details.

Reason

To ensure that the site is suitable for the proposed use, and that risks to the wider environment and to users of neighbouring land from on-site contamination are appropriately assessed and managed.

Contact: Adrian Muscutt
email address:
Consultee:

Date: 29.05.2020
Phone No

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

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

From: DeveloperObligations
Sent: 29 May 2020 12:59:09 +0100
To: Iain Drummond
Cc: DC-General Enquiries
Subject: 20/00544/APP DRAFT Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road, Portessie, Buckie
Attachments: 20-00544-APP DRAFT Erect 7 detached dwelling houses on Site Adjacent To 1-5 Station Road Portessie Buckie.pdf

Hi

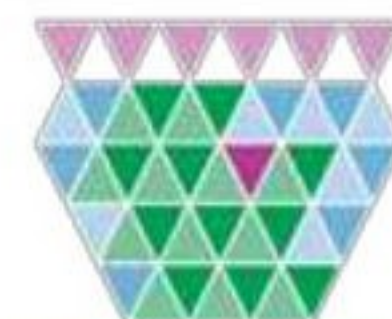
Please find attached the draft developer obligations assessment that has been undertaken for the above planning application. A copy of the report has been sent to the applicant.

Thanks,
Rebecca

Rebecca Morrison | Infrastructure Growth/Obligations Officer (Strategic Planning and Development) | Economic Growth and Development
rebecca.morrison@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) | [newsdesk](#)
01343 563583



Developer Obligations: DRAFT ASSESSMENT REPORT



moray
council

Date: 29/05/2020

Reference: 20/00544/APP

Description: Erect 7 detached dwelling houses on Site Adjacent To 1-5 Station Road Portessie Buckie

Applicant: Morlich Homes Ltd

This assessment has been carried out by Moray Council. This assessment is carried out in relation to policy IMP3 Developer Obligations of the Moray Local Development Plan 2015 (LDP) and associated Supplementary Guidance (SG) on Developer Obligations which was adopted on 1 March 2018.

The LDP and SG can be found at http://www.moray.gov.uk/moray_standard/page_100443.html

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	To be advised by Transportation Section
Healthcare (<i>Contribution towards reconfiguration of Seafield and Cullen Medical Practice</i>)	
Sports and Recreation	Nil
Total Developer Obligations	
Affordable Housing (<i>Commuted payment towards Affordable Housing units</i>)	
TOTAL	

Breakdown of Calculation

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

7 x 4 bed (1.2 SRUE) = 8.4 SRUE

This assessment is therefore based on 8.4 SRUE.



Moray Council DEVELOPER OBLIGATIONS

INFRASTRUCTURE

Education

Primary Education

This development will generate 2.52 primary pupils (8.4 SRUE x 0.3 primary pupils per SRUE).

The pupils generated by this development are zoned to Portessie Primary School. The school is currently operating at 71% functional capacity and the additional pupils as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Primary Education = Nil

Secondary Education

This development will generate 1.26 secondary pupils (8.4 SRUE x 0.15 secondary pupils per SRUE).

Pupils generated by this development are zoned to Buckie High School. The school is currently operating at 85% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Secondary Education = Nil.

Transport

The Moray Council Transportation Section to advise on developer obligations to be sought for this proposal.

Contributions towards Transport = To be advised by Transportation Section

Healthcare

Healthcare Facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities. The recommended number of patients is 1500 per General Practitioner (GP) and floorspace requirement per GP is 271m².

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

Seafeld and Cullen Medical Practice is working at design capacity and existing space will be required to be reconfigured.

Contributions are calculated based on a proportional contribution of [REDACTED] per SRUE.

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

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

Contribution for Sports and Recreation Facilities = Nil



TERMS OF ASSESSMENT

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

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

PAYMENT OF CONTRIBUTIONS

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

INDEXATION

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

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



Consultation Request Notification – Development Plans

Planning Authority Name	Moray Council
Response Date	29th May 2020
Planning Authority Reference	20/00544/APP
Nature of Proposal (Description)	Erect 7 detached dwellinghouses on
Site	Site Adjacent To 1-5 Station Road Portessie Buckie
Site Postcode	N/A
Site Gazetteer UPRN	000133073124
Proposal Location Easting	344496
Proposal Location Northing	866500
Area of application site (M²)	6226
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=Q9HI4YBGK6K00
Previous Application	
Date of Consultation	15th May 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Morlich Homes Ltd
Applicant Organisation Name	
Applicant Address	119 High Street Buckie Scotland AB56 4DX
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

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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:-

PLEASE COMPLETE AND RETURN WITHIN 48 HOURS
to consultation.planning@moray.gov.uk

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Development Plans

Planning Application Ref. No: 20/00544/APP

**Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road Portessie
Buckie for Morlich Homes Ltd**

Ward: 03_17 Buckie

DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN

(For Structure/Local Plan Comment)

		Page No	Policy No(s)	Yes	No
	Departure from Moray Local Development Plan 2020		<u>LDP 2020</u> EP5 Open Space ENV5 DP1 Development Principles DP2 a) Housing DP2 Housing d) Affordable Housing EP2 Biodiversity PP1 Placemaking	X X X X X X	 X
2	Further Discussion Required				

REASONING FOR THIS DECISION:

Update

The following is an updated response to the previous Strategic Planning & Development consultation (1/7/20). At the time of the previous consultation the MLDP 2020 was not formally adopted but was a material consideration in the determination of planning applications. The MLDP 2020 was formally adopted on 27 July.

As the plan was not formally adopted at the time of writing, the previous response provided an assessment against both the relevant MLDP 2015 and MLDP 2020 plans and

highlighted that the proposal failed to comply with several policies.

Throughout the determination of the application the applicant sought to address some of the identified issues, particularly in relation to Policy PP1 Placemaking and EP2 Biodiversity. While these changes made improvements to the overall design the fundamental policy objection relating to the principle of residential development on an ENV designation remains.

EP5 Open Space – ENV5 Natural/Semi Natural Greenspace

The site is designated as an ENV in the MLDP 2020 and Policy EP5 Open Space applies and is the overriding policy for proposals within ENV designations. Policy EP5 seeks to protect existing areas of open space. The policy states that development that would result in a change of use of a site identified under an ENV designation in a settlement statement to anything other than an open space use will be refused. The proposal for housing within an ENV designation is not an acceptable change of use in terms of the policy and is therefore contrary to Policy EP5.

DP2 Housing

Part a) of the policy relates to windfall housing sites. As has been stated the principle of development is not supported as the site currently has an existing use as it is covered by an ENV designation to protect the open space. Given this designation the principle of the site as a windfall site for housing is not acceptable.

Part d) of the policy relates to affordable housing provision where proposals of 4 or more units must provide 25% of the total units as affordable housing. Housing and Property have confirmed that a commuted payment in lieu of affordable units from this development would be taken.

PP1 Placemaking, DP1 Development Principles

While the principle of development on the site is not supported the previous Strategic Planning & Development response provided comments on the design of the layout and highlighted several areas that would have to be improved if the proposal were to comply with PP1 and DP1.

Design and Layout

Throughout the determination of the application the applicant endeavoured to make several changes to the layout and design of the houses to make the development more reflective of Portessie. This included;

- Changes to the house design to provide variations in colours of render, adding mock chimneys, timber cladding on the smaller parts of the houses, and increased stone features on the principal elevations; and
- Stone walls and hedging as boundary treatments to reflect existing properties on Station Road.

The applicant also provided an improved and detailed landscaping plan showing that a variety and significant amount of woodland planting is proposed along the southern along the boundary as well as wildflower planting along the roadside swale.

Parking

PP1 states that car parking must not dominate the streetscape to the front of properties. A minimum of 50% of car parking must be provided to the side or rear and behind the building line with a maximum of 50% car parking within the front curtilage or street, subject to the visual impact being mitigated by hedging, low stone boundary walls or other acceptable treatments.

The applicant has demonstrated that the internal garages meet the Council's parking standards and are therefore considered to count as a parking space. On that basis the layout will provide 50% of parking spaces to the side or rear and behind the building line in line with PP1. Furthermore the low density nature of the development with large front gardens and beech hedging and stone wall boundary treatments will ensure that the development will not be visually dominated by parked cars.

Biodiversity

PP1 seeks to create a variety of high quality green/blue spaces and networks that connect people and nature and developments must safeguard and where physically possible extend or enhance wildlife corridors and prevent fragmentation of existing habitats. PP1 states that to achieve this proposals must comply with Policy EP2 Biodiversity and EP5 Open Space.

The ENV designation seeks to protect this area of open space/green corridor. As stated the principle of development for housing in an ENV designation is unacceptable and contrary to Policy EP5 as it is an unacceptable change of use that would result in the loss of part of this green corridor. While the applicant has sought to support biodiversity through a number of measures (see EP2), the principle of the loss of this green corridor is not supported and would result in the loss of an existing natural habitat and open space which the ENV designation seeks to protect.

EP2 Biodiversity

Proposals for 4 or more housing units must create new or where appropriate enhance natural habitats of ecological and amenity value. All development proposals must, where possible, retain, protect and enhance features of biological interest and provide for their appropriate management. Development must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.

Notwithstanding the fundamental policy objection to the principle of development the applicant has sought to support and promote biodiversity within the development.

This includes significant woodland planting on the southern edge of the site where it is proposed to plant over 1000 trees with a variety of species. It is also proposed to plant wildflowers along the roadside swale which further adds to the variety of planting across the site and supports biodiversity.

It is proposed to provide post and wire fencing along the southern boundary of the development which will allow for the free movement of hedgehogs between gardens and the wider area. It is also proposed to include bat and swift boxes within the development

which is welcomed.

While it is acknowledged that the applicant has undertaken work to provide measures to support and promote biodiversity, the proposed development represents an unacceptable change of use of an ENV designation which seeks to protect this green corridor and existing natural habitat and is therefore contrary to the aims of EP2 Biodiversity.

Conclusion

While the applicant sought to address several design and placemaking issues the fundamental policy objection relating to the principle of housing development on an ENV designation remains. For the reasons given above the proposal does not comply with policies EP5, PP1, EP2, and DP2 a) and is not supported.

Other consultees will provide comments on compliance with other MLDP 2020 policies.

Contact: Keith Henderson
email address: keith.henderson@moray.gov.uk
Consultee: Development Plans

Date 23/11/20
Phone No 3614

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

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Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	29th May 2020
Planning Authority Reference	20/00544/APP
Nature of Proposal (Description)	Erect 7 detached dwellinghouses on
Site	Site Adjacent To 1-5 Station Road Portessie Buckie
Site Postcode	N/A
Site Gazetteer UPRN	000133073124
Proposal Location Easting	344496
Proposal Location Northing	866500
Area of application site (M²)	6226
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=Q9HI4YBGK6K00
Previous Application	
Date of Consultation	15th May 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Morlich Homes Ltd
Applicant Organisation Name	
Applicant Address	119 High Street Buckie Scotland AB56 4DX
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

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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 Manager

Planning Application Ref. No: 20/00544/APP

Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road Portessie Buckie for Morlich Homes Ltd

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 | x |
| (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"/> |

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact:
email address:
Consultee:

Date.....
Phone No

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

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Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	29th May 2020
Planning Authority Reference	20/00544/APP
Nature of Proposal (Description)	Erect 7 detached dwellinghouses on
Site	Site Adjacent To 1-5 Station Road Portessie Buckie
Site Postcode	N/A
Site Gazetteer UPRN	000133073124
Proposal Location Easting	344496
Proposal Location Northing	866500
Area of application site (M²)	6226
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=Q9HI4YBGK6K00
Previous Application	
Date of Consultation	15th May 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Morlich Homes Ltd
Applicant Organisation Name	
Applicant Address	119 High Street Buckie Scotland AB56 4DX
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
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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: Moray Council Other Depts - Housing

Planning Application Ref. No: 20/00544/APP

Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road Portessie Buckie for Morlich Homes Ltd

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

Reason(s) for objection

Condition(s)

Policy H8 requires that 25% of the total number of units in new developments must be provided as affordable housing. As 7 housing units are proposed an affordable contribution of 1.75 units will be required.

The affordable housing requirement of one unit arising from this development is considered too small to be viable for affordable housing landlords to deliver, and/or provide a landlord service to. Social landlords operating in the area have been given the opportunity to participate in the delivery of one unit at this location but this has been declined. Therefore Housing and Property will accept a commuted payment in lieu of affordable units from this development, to be used in the provision of affordable housing elsewhere in the Buckie housing market area.

This approach is consistent with the Strategic Housing Investment Plan (SHIP) approved by Communities Committee on 17 December 2019 and available here http://www.moray.gov.uk/moray_standard/page_95565.html.

The commuted payment must be formalised in a Section 75/Section 69 Agreement prior to issue of any detailed planning approval on the site.

Policy H9 is not applicable.

Further comment(s) to be passed to applicant

Information on commuted payments is available on the Council's website at http://www.moray.gov.uk/moray_standard/page_94665.html

Further information required to consider the application

Contact:	Fiona Geddes	Date:	29 May 2020
email address:	fiona.geddes@moray.gov.uk	Phone No:	01343 563506
Consultee:	Housing and Property		

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.

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	29th May 2020
Planning Authority Reference	20/00544/APP
Nature of Proposal (Description)	Erect 7 detached dwellinghouses on
Site	Site Adjacent To 1-5 Station Road Portessie Buckie
Site Postcode	N/A
Site Gazetteer UPRN	000133073124
Proposal Location Easting	344496
Proposal Location Northing	866500
Area of application site (M²)	6226
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=Q9HI4YBGK6K00
Previous Application	
Date of Consultation	15th May 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Morlich Homes Ltd
Applicant Organisation Name	
Applicant Address	119 High Street Buckie Scotland AB56 4DX
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

two month determination period to be exceeded.
--

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 20/00544/APP

Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road Portessie Buckie for Morlich Homes Ltd

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

Please

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

Preamble

At the time of writing this response no response has been provided by Strategic Planning and Development (SPD) officers advising of the requirements for EV Charging Unit provision. This response has been submitted on the basis that parking spaces for EV charging must be provided however any policy requirement for provision shall be advised separately by SPD officers.

Condition(s)

Notwithstanding the details submitted on the site layout and location plans (Drawings 20-40-PL-01 and 20-40-PL-02) for the changes required to Station Road (which are not acceptable), no development shall commence until detailed proposals for the reconfigured road footway and crossings at the existing PU79 (Station Road)/U66L (Station Road) junction have been submitted for approval by Planning in consultation with the Roads Authority.

Reason: To ensure acceptable infrastructure is provided for all road users and the provision of suitable access to existing properties, in the interests of road safety and the submission of information currently lacking.

No development shall commence until evidence has been submitted to confirm that the statutory process to stop up PU79 (Station Road) to vehicular traffic (except cycles) at its junction with the U66L (Station Road), has been completed.

Thereafter no dwelling house shall be completed until the works required to modify the existing road layout at the junction of PU79 (Station Road) with U66L (Station Road) have been completed in accordance with the approved details.

Reason: To ensure acceptable infrastructure is provided for road users in the interests of road safety.

Notwithstanding the details submitted on the site layout and location plans (Drawings 20-40-PL-01 and 20-40-PL-02) for the Plot 1 boundary (which is not acceptable). No development shall commence until revised plans have been submitted to show the site layout and Plot 1 boundary modified to ensure the plot 1 boundary is behind the 4.5m x 115m visibility splay as shown on Drawing 911 (Visibility Splay).

Reason: To ensure the proposals are consistent and the provision of an acceptable site layout and visibility splays at the access to the development in the interest of road safety.

No development shall commence until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority showing the provision of a minimum of one parking space per plot which can be served by an Electric Vehicle (EV) charger unit (minimum specification 7kw and with parking space accessible to, and located within 5 metres of the EV charger unit) and the location/specification of the EV charger unit. Thereafter the car parking spaces and EV charger unit shall be provided within the site in accordance with the approved drawing and be fully operational prior to the first occupation of the dwelling house and thereafter be retained and maintained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

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

A visibility splay of 4.5 metres by 43 metres to the north and 4.5 metres by 90 metres to the south shall be provided and maintained at the access from the development onto Station Road (U66L). A schedule of maintenance for the splay area shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and

ii) the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and

iii) thereafter, the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

Reason: To enable drivers of vehicles entering or exiting the site to have a clear view so

that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0 metre in height and fronting onto the public road shall be within 2.4 metres of the edge of the carriageway, measured from the level of the public carriageway, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

Reason - To enable drivers of vehicles leaving driveways 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.

Parking provision shall be provided and made available for use at all times at the following level(s) of provision:

Dwellinghouses:

- up to 3 bedrooms - 2 spaces; and
- 4 or more bedrooms - 3 spaces.

Thereafter, no dwellinghouse shall be occupied until parking has been provided and made available for use by that house and the parking arrangements shall be retained and maintained in perpetuity as parking spaces for use in conjunction with that house hereby approved.

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.

Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced with bituminous macadam unless otherwise agreed with the Council, as Planning Authority in consultation with the Roads Authority.

Reason - To ensure acceptable infrastructure is provided at the property accesses.

No works shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:

- duration of works;
- construction programme;
- full details of any temporary construction access;
- measures to be put in place to prevent material being deposited on the public road;

- measures to be put in place to safeguard the movements of pedestrians;
- traffic management measures to be put in place during works including any specific instructions to drivers; and
- parking provision, loading and unloading areas for construction traffic.

Thereafter, the development shall be implemented in accordance with the approved details.

Reason - To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.

Further comment(s) to be passed to applicant

The current proposals do not provide sufficient detail for the reconfiguration of the existing Station Road junction. Details required to show the provision for retaining vehicular access to Number 5 Station Road, the extension of the footway across the existing junction and provision of a continuous two metre wide path within the road verge in the east side of the U66L (Station Road) linking the proposed development access to the south side of the junction at Craigview. Provision of drop kerbing at locations to be agreed with Transportation and provision for the crossing of the NCN1 route and associate signage and bollards. Details for the path construction, kerbing etc all to be agreed as part of the Roads Construction Consent.

The formation of the proposed access will require resurfacing of the full width of the U66L (Station Road) over the width of the new access. Details for this to be agreed as part of the Roads Construction Consent.

EV Charging Unit and parking provision shall be provided in accordance with Moray Council EV Charging Provision guidance (DRAFT) (a copy of which can be provided on request.)

Where required, EV Charging Units shall be provided prior to the first occupation of the dwelling house and thereafter be retained and maintained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Before commencing development, the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The applicant will be required to provide technical information, including drawings and drainage calculations, and provide a Road Bond to cover the full value of the works in accordance with the Security for Private Road Works (Scotland) 1985 Regulations. Advice on this matter can be obtained from the Moray Council web site or by emailing transport.develop@moray.gov.uk

Construction Consent shall include a CCTV survey of all existing roads drainage to be adopted and core samples to determine the construction depths and materials of the existing road. A Road Safety Audit for the modifications to the existing public road (including X Road improvements and proposed site for a Stage 3 or 4 Road Safety Audit

will be determined through the Roads Construction Consent process or subsequent to the road construction prior to any road adoption.

Requirement for any traffic calming, road construction materials and specifications and any SUDs related to the drainage of the public road must be submitted and approved through the formal Roads Construction Consent process.

Planning consent does not carry with it the right to carry out works within the public road boundary and the applicant is obliged to contact the Transportation Manager for road opening permit in accordance with the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road.

For garage parking to be included within the parking provision the applicant must demonstrate the garage car parking spaces have minimum clear internal dimensions not less than of 3 metres by 7 metres.

Any street furniture which requires to be removed or replaced and any existing roadside ditch which require a pipe or culvert will be at the developers expense Advice on these matters can be obtained by e-mailing transport.develop@moray.gov.uk

Street lighting will be required as part of the development proposal.

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

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

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

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

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

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

Contact: JEK
email: transport.develop@moray.gov.uk
Consultee: Transportation

Date...03/07/20.....
Phone No

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.

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Access Manager

Planning Application Ref. No: 20/00544/APP

**Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road Portessie
Buckie for Morlich Homes Ltd**

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 |
X |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below |

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

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Ian M Douglas

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

Date 18/05/2020.....

.....

Phone

7049.....

No

From: Claire Herbert
Sent: 26 May 2020 13:52:25 +0000
To: Planning Consultation
Cc: Iain Drummond
Subject: Planning application 20/00544/APP - Archaeology comments

Planning Reference: 20/00544/APP

Case Officer Name: Iain T. Drummond

Proposal: Erect 7 detached dwellinghouses

Site Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Site Post Code:

Grid Reference: NJ 4450 6651

Having considered the above application, which lies within the archaeology site NJ46NW0075, the remains of a 19th century railway, I would ask that the following condition is applied:

Programme of archaeological works

No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

A full specification for archaeological works can be provided by ourselves, but we would expect works to comprise photographic recording of the remnants of the railway after all trees/vegetation have been removed, along with targeted archaeological investigations at the locations of the two buildings visible on early OS maps (a signal box and second building of unknown function) in the form of excavated trenches. All works to be undertaken by a suitably qualified archaeological contractor.

Kind regards,
Claire

Claire Herbert MA(Hons) MA MCIfA

Archaeologist

Archaeology Service
Infrastructure Services
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

01467 537717
07825356913

claire.herbert@aberdeenshire.gov.uk

Archaeology Service for Aberdeenshire, Moray, Angus & Aberdeen City Councils

<https://www.aberdeenshire.gov.uk/leisure-sport-and-culture/archaeology/>

<https://online.aberdeenshire.gov.uk/smrpub/>

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Dh'fhaodadh fiosrachadh sochaire, a tha a-mhàin airson an neach gu bheil am post-dealain air a chur, a bhith an seo. Ma tha thu air am post-dealain fhaighinn mar mhearachd, gabh ar leisgeul agus cuir fios chun an neach a chuir am post-dealain agus dubh às am post-dealain an dèidh sin. 'S e beachdan an neach a chuir am post-dealain a tha ann an gin sam bith a thèid a chur an cèill agus chan eil e a' ciallachadh gu bheil iad a' riochdachadh beachdan Chomhairle Shiorrachd Obar Dheathain.

www.aberdeenshire.gov.uk

Monday, 18 May 2020

Local Planner
High Street
Elgin
IV30 1BX



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

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

Dear Sir/Madam

SITE: Site Adjacent To 1-5 Station Road, Portessie, Buckie, AB56 1SY
PLANNING REF: 20/00544/APP
OUR REF: DSCAS-0013492-WXQ
PROPOSAL: Erect 7 detached dwellinghouses

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

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

- ▶ This proposed development will be fed from Turriff Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Waste Water Capacity Assessment

- ▶ There is currently **sufficient** capacity for a foul only connection in the Moray East PFI Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.



To find out more about connecting your

property to the water and waste water supply visit:



So, how are we doing?

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

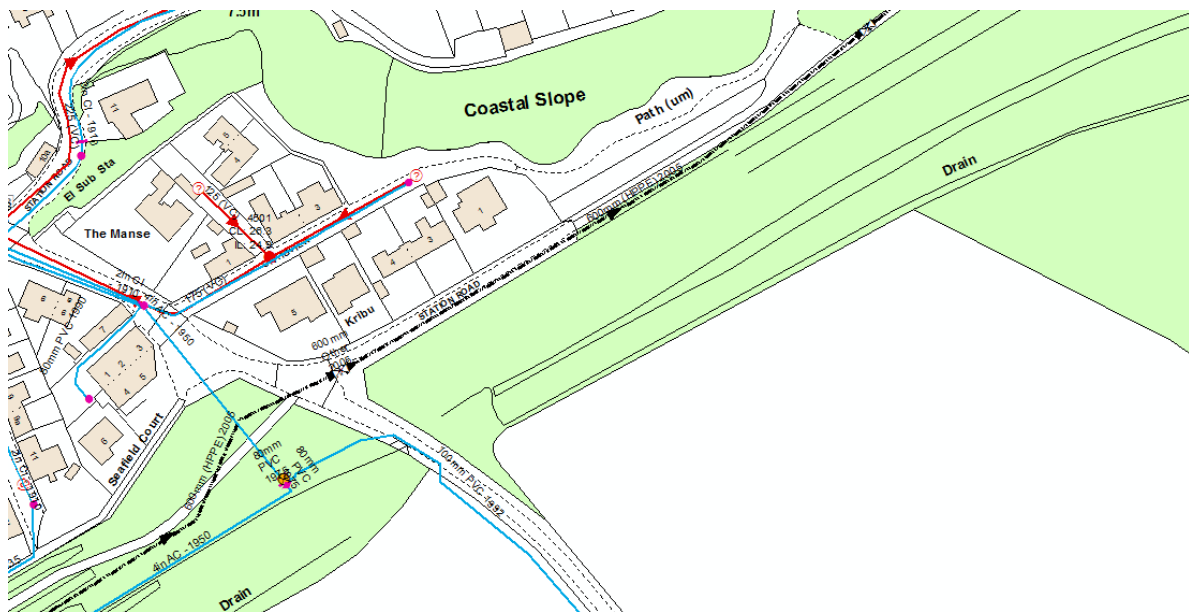


Please Note

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

Asset Impact Assessment

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



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

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

Surface Water

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

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



To find out more about connecting your property to the water and waste water supply visit:



So, how are we doing?

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



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

General notes:

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

Next Steps:

▶ All Proposed Developments

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

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer,



To find out more about connecting your

property to the water and waste water supply visit:



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which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ **Non Domestic/Commercial Property:**

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

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

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

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



To find out more about connecting your

property to the water and waste water supply visit:



So, how are we doing?

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



Yours sincerely,

Planning Application Team

Development Operations Analyst

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

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



To find out more about connecting your

property to the water and waste water supply visit:



So, how are we doing?

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



Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: It is good to finally see new properties being proposed in Portessie as it is a beautiful area with a limited market supply. During these difficult times it is essential we generate employment opportunities in the construction industry and this development gives that opportunity to local builders. The final part that will be great to see is the much needed upgrade of Station Road which is a ruin of potholes and a danger to pedestrians, motorists and cyclists.

Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This is a fantastic opportunity for the area. Given the uncertain times we find ourselves in this would create employment for local trades which can only be a good thing. There is a very limited market supply of houses in the Portessie area and this site would upgrade Station Road which is in a poor state of repair at the moment.

Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Petition

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment

Comment: Ridiculous to cut down trees to put up houses. Animals live there, children play there. Why on earth choose that piece of land? The animals, birds and insects will have nowhere to go.

Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Road access
- Road safety
- Traffic

Comment: As a resident of Rathven, I am concerned about the increase in traffic not only during the development but once it's completed. The average house now has 2 vehicles which will increase traffic via Rathven which is a small narrow road that already has issues with speeding. The area of the proposed site is home to many wildlife and is a popular walking/cycling route steeped in history.

Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: These would be great for the area with demand Houses like this with high specifications and a great view included be very desirable.

Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment

Comment: I am objecting this application because of the affect this will have on wild life and the environment

Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The area currently lacks new build properties. My children currently attend the local primary school, and we have been searching in vain to buy a new build, energy efficient family home, within safe walking distance to the school. I believe this development is something that the Portessie area badly needs.

Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: My family and I are in support of this application. We are looking to relocate to the area and having great difficulty finding a suitable property with 4 bedrooms. The proposed small scale development would be ideal for our needs as we are looking for a new build property within a community but without living on a large scale development/site.

Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Height of proposed development
- Loss of privacy (being overlooked)
- Road access
- Road safety
- View affected

Comment: Once again it's sad to see another development in our beautiful countryside. This small woodland is home to lots of wildlife . The opposite dwellings are going to be hugely affected and a once SAFE area to live & children to play will no longer exist . Personally my dwelling overlooks the sea the beautiful horizon now my view will be modern houses designed for towns not countryside . It confuses me how these developers are constantly granted permission to blot our landscape .

Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Parking
- Road access
- Road safety

Comment: Having viewed the proposed plans for development across from my property I am objecting for the following reason.

The plans show that Station road would be made purely into a cycle/pedestrian route and that access to owner own property would be through a gap in the access from the new properties. Station road is our main access point for ourselves for our driveway and our property. Not only that this is the access road we require for workmen and deliveries of larger items to be delivered to our property as there are no other suitable access. Station road is also where family members and carers park to gain access to our properties.

I also feel there would be a safety impact on pedestrians and cyclist should we have to gain access through a different route due to lack of sight. I am also very concerned with the high volume of traffic and work vehicles that would be present during development as we have kids playing in the area and the area is busy with walkers and cyclists.

The area proposed for development is also rich in wildlife and is used by kids to play in and explore the old railway line and buildings which would be lost if the development went ahead. I feel there would be a lot of debris and rubbish during the development which would have an impact on my own property/family.

REPORT OF HANDLING

Ref No:	20/00544/APP	Officer:	Iain T Drummond
Proposal Description/ Address	Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road Portessie Buckie		
Date:	02.12.20	Typist Initials:	FJA

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

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Environmental Health Manager	26/11/20	No objections
Contaminated Land	29/05/20	No objections subject to condition to investigate potential contamination on site.
Transportation Manager	03/07/20	No objections subject to conditions and informatives
Scottish Water	18/05/20	No objections
Strategic Planning And Development	24/11/20	Identifies that the proposal does not comply with development plan policy and recommends refusal.
Planning And Development Obligations	29/05/20	Identified contributions towards healthcare and affordable housing
Moray Flood Risk Management	22/05/20	No objections
Moray Council Other Depts - Housing	29/05/20	Identified that a financial contribution towards affordable housing would be the most appropriate option in relation to this site.
Moray Access Manager	18/05/20	No objections

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP1 Placemaking	Y	
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	

DP2 Housing	Y	
EP2 Biodiversity	Y	
EP5 Open Space	Y	
EP7 Forestry Woodland and Trees	Y	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	
EP14 Pollution Contamination Hazards	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received 5 objections and 7 in support		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: Road safety</p> <ul style="list-style-type: none"> Concerns regarding the proposals to access the existing house via the proposed new access road and restrict movements along Station road to pedestrian and cyclist and the impact this would have on the ability of larger delivery vehicles and other visitors to access the existing properties. The proposed access arrangement would have a detrimental impact on the safety of pedestrians and cyclists due to reduced visibility/lack of sight. There would be a high volume of traffic during the construction of the development which would be dangerous for children playing in the area and pedestrians/cyclists. Concerns about the increase in traffic not only during the development but once its completed. The average house now has 2 vehicles which will increase traffic via Rathven which is a small narrow road that already has issues with speeding. <p>Comments (PO): The transportation service have been consulted on the proposals and subject to the conditions as recommended, which includes measures for visibility splays the proposals are not considered to result in road safety concerns.</p> <p>In terms of access for delivery vehicles and visitors to existing houses the proposed arrangements should provide a greater amount of turning and parking space than is presently available on Station Road.</p> <p>With regard to road safety concerns during the construction process, a condition requiring a construction traffic management plan has been recommended and would ensure that construction traffic is managed to minimise impact on the neighbouring properties.</p> <p>Issue: Impact on natural environment</p> <ul style="list-style-type: none"> The area proposed for development is also rich in wildlife and is used by kids to play in and explore the old railway line and buildings which would be lost if the development went ahead. Once again it's sad to see another development in our beautiful countryside. This small woodland is home to lots of wildlife. The area of the proposed site is home to many wildlife and is a popular walking/cycling route steeped in history. 		

- Ridiculous to cut down trees to put up houses. Animals live there, children play there. Why on earth choose that piece of land? The animals, birds and insects will have nowhere to go.

Comments (PO): this issue is discussed in the observations section of this report, where it is concluded that due to the impact on the ENV designation the application is to be refused on this basis.

Issue: Loss of view

- Now my view will be modern houses designed for towns not countryside

Comments (PO): The design of the houses have been amended during the consideration of this application, to better reflect the traditional vernacular of Portessie, however, loss of view as a result of the proposed houses is not a material planning consideration and cannot be taken into account in the determination of this application.

Issue: There would be a lot of rubbish and debris during the construction of the development which would adversely affect the existing neighbouring properties.

Comments (PO): This is a speculative comment on which it would be unreasonable to refuse a planning application on these grounds as there is no guarantee that such an impact would occur. If the development resulted in a statutory nuisance in terms of noise or dust pollution then Environmental Health would have power to take action to rectify the issue.

Issue: Privacy impact on existing houses

Summary and Assessment of main points raised in support of the proposals

- This is a fantastic opportunity for the area. Given the uncertain times we find ourselves in this would create employment for local trades which can only be a good thing. There is a very limited market supply of houses in the Portessie area and this site would upgrade Station Road which is in a poor state of repair at the moment.
- It is good to finally see new properties being proposed in Portessie as it is a beautiful area with a limited market supply.
- We are looking to relocate to the area and having great difficulty finding a suitable property with 4 bedrooms. The proposed small scale development would be ideal for our needs as are looking for a new build property within a community but without living on a large scale development/site.
- The development will help support the school role of Portessie primary school, where it is difficult to find a property within the catchment which suits family needs.
- There is a large amount of availability for new build energy efficient homes in other areas of Buckie but no availability in the Portessie area.
- Without developments like this that school numbers will fall and as has been seen with other areas the school will inevitably close which would be a huge loss to the area.
- An energy efficient family home, within safe walking distance to the school. I believe this development is something that the Portessie area badly needs.
-

Comments (PO): Whilst these points are noted, 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.

As outlined within the observations section of the report, the site lies within a designated ENV5 area where residential development is not permitted and therefore this application is refused on this basis.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Proposal

This application seeks detailed planning permission for the erection of 7 dwellinghouses at Station Road, Portessie, Buckie.

The proposed houses are 4-bed, one and a half storeys with single integral garages and comprise two main house types, with variations from plot to plot, including the addition of a sun lounge on plot 1 and re-orientation of the garages on plots 3 and 4. It is proposed that the houses be finished in a mixture of render, natural stone and cedar cladding on the walls and smooth grey concrete tiles on the roof, with the houses on plots 2 to 6 being finished in beige render and the houses on the end plots (1 & 7) being finished in white render. Each of the houses incorporate an electric (EV) charging point within the garage and ducting is provided to all houses to allow for fibre optic broadband connections. Each of the houses also incorporate a swift and bat box on either gable elevation of the houses.

A new access road is proposed which would serve both the proposed houses and existing neighbouring houses, which is separate to but runs in parallel to Station Road, which would be retained for pedestrian/cycle purposes. Roadside swales, which form part of the overall SUDs scheme for the site are located between the new access and Station Road and are to be planted with wildflowers. The front and side gardens of the houses are bounded by a mixture of beech hedging and natural stone walls with the south of the sites being finished in post and wire fencing and 1.8m high timber screen fencing proposed between the rear garden areas of the houses.

A 6m wide buffer strip/habitat corridor is proposed adjacent to the existing ditch, which runs along the along the southern boundary of the site, where it is also proposed to plant over 1000 trees within this area.

Site

The site lies to the south of Portessie within the settlement boundary of Buckie and comprises a small portion of the larger Buckie ENV5 green corridor designation, as defined in the Moray Local Development Plan 2020. The site is bounded to the north by Station Road, which forms part of the Sustrans Aberdeen to Inverness cycle route and designated core path network. Station Road also serves the 5 existing houses which bound the site to the north.

The site is presently a relatively dense thicket of bushes bounded to the west by the public road and further dense bushes beyond, to the east by more dense bushes and to the south by a drainage ditch with open farmland beyond.

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 (Buckie ENV5 (Portessie Station/Cycle Path), EP2, EP5, EP7, PP1, DP1 and DP2)

This site was designated as a residential site Buckie R10 within the proposed 2020 MLDP, however, following an examination of the plan by Scottish Ministers in May 2020 the Reporter concluded the following regarding the site,

"While I note that there is a requirement to protect the cycle route, improve the core path and for any proposed layout to take account of any existing services present, this site is subject to a number of site specific constraints. It is unclear at this stage how these constraints would be overcome.

At my site inspection I found it mostly to be covered in shrub and it was boggy and poorly drained. While I note that there may be no important habitat on the site, the established vegetation effectively screens the built edge of Portessie (even in Winter) from the open countryside and provides a valuable landscape setting to the settlement. A similar effect is also achieved on the opposite side of Station Road to the west. The development of this site would breach the natural limit of the village and I would be concerned over the precedent that may be set if it were to remain as a designation for housing. Therefore, I recommend that it is removed from the plan and reinstated as ENV5 as "Green Corridor". I do not consider that the removal of this small site from the plan would impact on the overall supply of housing within the Buckie Housing Market Area."

This application was submitted prior to the Reporters finding above being published and therefore prior to the adoption of the MLDP 2020, however, taking into account these findings and the now adopted MLDP 2020, this application must be assessed on the basis that the site is an ENV5 area and not the Buckie R10 housing designation.

With the above in mind, Development within ENV areas, must be assessed in accordance with the associated policy EP5, which stipulates the type of development which may be acceptable in these ENV areas and is therefore the leading policy consideration in the determination of this application.

Policy EP5 outlines that development which would result in a change of use of a site identified under the ENV designation in settlement statements or amenity land designations in rural groupings to anything other than open space use will be refused. The only exceptions are where the proposal is for essential community infrastructure required to deliver the key objectives of the Council and its Community Planning Partners, excluding housing, or for a site specific opportunity identified within the settlement statement.

In this case the proposal is contrary to Policy EP5 Open Space. The policy is clear that development that would change the use of an identified environmental designation will be refused. There are exceptions to this, including essential community infrastructure however housing is specifically excluded. Where it is considered development can be sensitively accommodated within an ENV this has been written into the accompanying designation text in the environment/green infrastructure section of the settlement statement within the LDP 2020. No such text has been added to ENV5 Portessie Station/Cycle Path designation.

The policy is very explicit that housing within an environmental designation is not an acceptable use and there is no justification to support a departure from this policy to allow a housing designation in this location.

In conclusion, the proposal is contrary to EP5 Open Spaces and this form the basis for the refusal of this application.

On the basis that the proposal lies within an ENV area and fails to comply with policy EP5, other policies within the plan such as policy PP1, DP1 and DP2 all require proposal to comply with policy EP5 and as this proposal does not comply with EP5, in turn the proposal automatically fails to comply with these policies as well. Policies EP2 and EP7 also aim to ensure safeguards against adverse impacts on wildlife corridors/green networks and fragmentation of existing habitats and loss of woodland. Whilst the site is contained in the national forest inventory, prior to inclusion of the site within the Proposed MLDP 2020 a biodiversity report was provided at the Main Issues Report which demonstrated that there are no rare species of rare flora or fauna on the site. Whilst it is recognised that the site is contained in the national forest inventory, it is debatable as to whether the plant species on site constitute woodland and are not more of a dense thicket of bushes. At the time of proposing the site for residential development it was concluded that need for housing within this area outweighed the loss of vegetation on this site, however, now that the site has been designated as an ENV area, the loss of bushes from the site is contrary to the requirements of policy EP2 and EP7.

The applicants have outlined in support of their case that whilst the Reporters comments are noted, they have been able to show how the site can be developed whilst taking into account the constraints and this is demonstrated by the lack of any objections from consultees on the proposals. In addition to this they have highlighted that the proposed development is of a very high standard of design and reflects the traditional character of Portessie. The proposals also retain the green edge to the settlement via the provision of the 6m wide habitat corridor along the south of the site, where over 1000 trees are proposed to be planted which addresses the second main concern raised by the Reporter. The applicants have also incorporated wildflower SUDs features, proposed post and wire fencing to allow free movement of hedgehogs, incorporated swift and bat boxes when all taken together would result in a development of high biodiversity value.

Whilst the details of the applicant's case are noted and an assessment of the overall design and layout of the scheme has concluded that the proposals would have been compliant with development plan policy on placemaking, design, biodiversity, drainage, parking, access etc, should the site have been designated within the adopted 2020 MLDP for residential development, however, the fact remains that the site was designated as an ENV area within the adopted MLDP 2020 and there are no caveats within policy EP5 or any other local development plan policy, which would allow for housing to be constructed within this ENV area, nor are the matters outlined considered to be of sufficient weight to justify a departure from policy.

Drainage (EP12 and 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. Scottish Water have also raised no objection to the proposed use of the public foul sewer or water supply and as such the proposal is considered to comply with policy EP12.

Access (DP1)

The Transportation service, have confirmed they have no objection to the approval of the proposals, subject to conditions, as such the proposed access details comply with policy DP1.

The Moray Access Manager has been consulted in relation to the potential impact on the cycleway/core path which bounds the site and given the development has been largely separated from the cycleway/core path and this route has been retained, no objections have been raised in relation to this aspect of the proposals.

Developer obligations and affordable housing (PP3 and DP2)

The applicants have confirmed that they are agreeable to entering into a legal agreement to secure the identified developer obligations and affordable housing contributions and as such the proposals are considered compliant with policies PP3 and DP2 in this regard.

Conclusion and Recommendation

Whilst it is acknowledged that when this application was submitted this site was a proposed residential designation, the proposed MLDP had very limited material planning weight at this time and now that the MLDP 2020 had been adopted and this residential designation has been removed from the plan and replaced with the Buckie ENV5 designation. As outlined above policy EP5 explicitly excludes residential development and therefore regardless of whether or not any proposed houses could be adequately served in terms of infrastructure, the fundamental principle of locating housing within an ENV area is unacceptable and as such this proposal is recommended for refusal on this basis.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

HISTORY			
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Reference No.	Description		
	Decision		Date Of Decision

ADVERT		
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Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Advertiser and Herald	No Premises	15/06/20
PINS	No Premises	15/06/20

DEVELOPER CONTRIBUTIONS (PGU)	
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Status	CONT SOUGHT
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DOCUMENTS, ASSESSMENTS etc. *		
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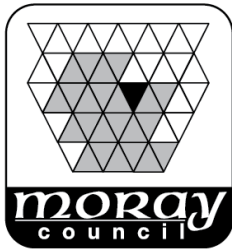
** Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Drainage assessment	
Main Issues:	Outlines the drainage methodology for the site.	

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

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



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

REFUSAL OF PLANNING PERMISSION

**[Buckie]
Application for Planning Permission**

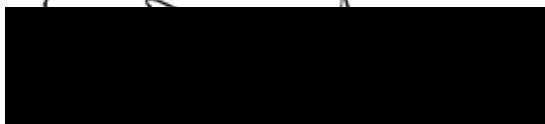
TO Morlich Homes Ltd
119 High Street
Buckie
Scotland
AB56 4DX

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:-

**Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road
Portessie Buckie**

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

Date of Notice: **2 December 2020**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Fincance
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: -

The proposal would be contrary to the Buckie ENV5 designation and associated policies PP1, DP1, DP2, EP2, EP5 and EP7 of the Moray Local Development Plan 2020, in that the development would result in the loss of land within an ENV designation where these policies aim to protect and preserve the characteristics of ENV areas and where policy EP5 specifically excludes residential development within ENV designations.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
20-40/PL/03		Landscape layout
20-40/PL/02		Location plan
20-40/PL/P1/01 D		Plot 1 - elevations and floor plans
20-40/PL/P1/01 D		Plot 2 - elevations and floor plans
20-40/PL/P3/01 D		Plot 3 - elevations and floor plans
20-40/PL/P4/01 D		Plot 4 - elevations and floor plans
20-40/PL/5/01 D		Plot 5 - elevations and floor plans
20-40/PL/P6/01 D		Plot 6 - elevations and floor plans
20-40/PL/01		Site layout
20-40/PL/7/01 D		Plot 7 - elevations and floor plans

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

N/A

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

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, 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 100349692-001

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

Agent Details

Please enter Agent details

Company/Organisation:	G H JOHNSTON BUILDING CONSULTANTS LTD		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Kenny	Building Name:	WILLOW HOUSE
Last Name: *	Shand	Building Number:	
Telephone Number: *	01463-237229	Address 1 (Street): *	STONEFIELD BUSINESS PARK
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	INVERNESS
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV2 7PA
Email Address: *	yvonne@ghjohnston.co.uk		

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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Morlich Homes Ltd"/>	Building Name:	<input type="text" value="c/o Agents"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Willow House"/>
Company/Organisation	<input type="text" value="Morlich Homes Ltd"/>	Address 2:	<input type="text" value="Stoneyfield Business Park"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="INVERNESS"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="SCOTLAND"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV2 7PA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="admin@ghjohnston.co.uk"/>		

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

Northing	<input type="text" value="866507"/>	Easting	<input type="text" value="344496"/>
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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)

Development of 7 detached dwellinghouses on site adjacent to 1 - 5 Station Road, Portessie, Buckie

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

See attached Supporting Statement.

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)

GHJ Productions GHJ1 - GHJ17

Application Details

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

20/00544/APP

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

28/04/2020

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

02/12/2020

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: Miss Yvonne Macdonald

Declaration Date: 24/02/2021

**20/00544/APP ERECT 7 DETACHED DWELLINGHOUSES ON SITE
ADJACENT TO 1-5 STATION ROAD****PORTESSIE, BUCKIE****Morlich Homes Ltd****STATEMENT OF REVIEW****G H Johnston Building Consultants Ltd**
*planning and architecture***Proposal**

- 1.1 The proposal **[GHJ1]** concerns the development of 7 detached family homes on land adjacent to 1-5 Station Road, Portessie, Buckie. The planning application (20/00544/APP) was submitted in detail on the 28th April 2020 and refused under delegation on the 2nd December 2020.

Decision

- 2.1 The decision notice dated 2nd December 2020 **[GHJ2]** indicates the reason for refusal as follows:
- 2.2 *The proposal would be contrary to the Buckie ENV5 designation and associated policies PP1, DP1, DP2, EP2, EP5 and EP7 of the Moray Local Development Plan 2020, in that the development would result in the loss of land within an ENV designation where these policies aim to protect and preserve the characteristics of ENV areas and where policy EP5 specifically excludes residential development within ENV designations.*

Purpose

- 3.1 The purpose of this Statement is to demonstrate that while the proposal is contrary to part of the Buckie ENV5 designation and therefore policy EP5 there are significant Material Considerations as defined in Annex A of Circular 3/2013 **[GHJ3]** which can be given weight and allow you as the Decision Makers to make an alternative decision to that of the appointed Planning Officer.

- 3.2 Because of these material considerations outlined in the following paragraphs, the proposed development can be approved as a departure from a relatively small part of Buckie ENV5 and Policy EP5 and as a result proven not to be contrary to policies PP1, DP1, DP2, EP2, and EP7 as stated in the refusal notice.
- 3.3 The statement outlines the Site & Planning History briefly and will show that a small-scale high quality residential development of the type proposed is an appropriate one for this location.
- 3.4 It illustrates that the Buckie ENV5 designation which is the key barrier to approval in this case was attached to the site during the final stage of Examination by the appointed Scottish Government Reporter and failed to recognise the sites proximity to and availability of all necessary infrastructure. Along with an appropriate Sustainable Urban Drainage System solution proposed which will improve the current situation that exists on Station Road **[GHJ4]** the site clearly overcomes any 'site specific constraints' that will allow for development on part of this larger Buckie ENV 5 designation.
- 3.5 That the landscape impact upon the Buckie ENV5 designation can be satisfactorily mitigated through the landscaping proposed by the applicant and the backdrop created by planting 1,000 new Trees along the Southern site boundary, by maintaining a riparian corridor, by introducing both bat and swift nesting boxes on each of the properties and by introducing wildflower areas along service strips. In addition a biodiversity report concluded that there were no rare species of flora or fauna present on the proposed site.
- 3.6 The statement highlights that importantly the site is in an area where there is demand for family housing and which is not addressed in the larger allocations present in the wider Buckie Housing Market. This neighbourhood requirement/need is a key material consideration, and one which was recognised by the Development Plan Team when it designated this site R10 Portessie in the Proposed Moray Local Development Plan in 2019 **[GHJ5]** and which was subsequently marketed for Sale by Moray Council Estates. **[GHJ6]**
- 3.7 Crucially in this case the emerging NPF4 by introducing the concept of 20 minute neighbourhoods **[GHJ7]** is also looking to support more local neighbourhoods and local living of the very type that this site can deliver in Portessie.

- 3.8 To highlight that Scottish Planning Policy (SPP) **[GHJ8]** and the emerging National Planning Framework 4 (NPF4) **[GHJ9]** is adding increasing weight to the delivery of this type of site through consideration of the re-use or re-development of brownfield land before new development takes place on greenfield sites.
- 3.9 That consideration and significant weight should be given to the Economic benefits of delivering 7 family sized homes on this site in the post-COVID economy. And that the delivery of family housing at this specific location will assist in maintaining the future viability of Portessie Primary School by supporting its School Roll **[GHJ10]**.
- 3.10 Showing that the Planning Officer's Report of Handling clearly indicates that in all other respects this development proposal is a good one and one which addresses all key Policy criteria in terms of Placemaking, Design, Biodiversity, Drainage, Parking, Access, Affordable Housing and Developer Obligations. Additionally, it confirms that all statutory Consultees in this case have no objections to our Clients proposed development.
- 3.11 The Net Environmental, Economic and Infrastructure gains achieved by developing the site in line with the submitted details far outweigh the 'late in the day' Buckie ENV5 designation attached to it and provide significant material weight such that the reason for the proposal being refused can be revisited by this Review Board.

Setting and Site History

- 4.1 The site forms part of the former Portessie railway station to the south of station road in Portessie, Buckie. It is currently overgrown with self-seeded vegetation and bushes including whin. The Planning Officer's report of handling **[GHJ11]** describes the site as follows:
- 4.2 *'The site lies to the south of Portessie within the settlement boundary of Buckie and comprises a small portion of the larger Buckie ENV5 green corridor designation, as defined in the Moray Local Development Plan 2020. The site is bounded to the north by Station Road, which forms part of the Sustrans Aberdeen to Inverness cycle route and designated core path network. Station Road also serves the 5 existing houses which bound the site to the north.'*
- 4.3 *'The site is presently a relatively dense thicket of bushes bounded to the west by the public road and further dense bushes beyond, to the east by more dense bushes and to the south by a drainage ditch with open farmland beyond.'*

- 4.4 There is also clear evidence and visible structures associated with the previous railway use, including the stone sidings, the rail bed and embankment located in the middle portion of the site. This previous use now places the site into a 'Brownfield' classification and as such there is clear National Planning support to direct development, including residential development, by considering these areas first, in preference over greenfield allocations. The photographs show the site in its current state. **[GHJ12]**
- 4.5 The topographic survey undertaken across the site indicates that the site is predominantly flat within the north/north western areas with the former railway embankment running through the centre of the proposed development area.
- 4.6 The setting is one on the edge of the Portessie neighbourhood and wholly contained within the Buckie town boundary and physically separated from countryside to the South by the existing drainage ditch.
- 4.7 The site history is varied from its initial use as part of the wider railway network in the last century to its inclusion in successive Local Development Plans in this, some of which is briefly outlined in the following paragraphs for information.
- 4.8 In the Adopted Moray Local Plan 2000 (MLP 2000) which was replaced in November 2008 with the Moray Local Plan 2008 (MLP 2008) the proposed site formed part of a much larger residential development designation known as R6 Portessie with the following description **[GHJ13]**:
- 4.9 *R6 Portessie*
Adjoining the golf course, a high quality housing development could be provided allowing the release of single plots, if appropriate. Materials should be selected to cope with the exposed position of the site and to blend (rather than stand out from) the surrounding countryside and townscape. A pedestrian link through the site must be retained in addition to the tree embankment to the south. Hilltop edge development (i.e. The Moray Council Development Plan 2000 within 10m of the cliff face), will be discouraged, and an open area to the south of the golf course has been excluded from the settlement boundary. Any proposed development must allow for the retention of access along the railway line. Access to this site should be taken onto Loanhead / Strathlene Road with provision of 5 passing places. Five passing places must also be provided on the Loanhead Road (Between Station Road and Loanhead Farm). A footway should be provided from the site frontage to Great Eastern Road. A 10m strip of shrubs, e.g., whin, must be provided to the south and eastern boundaries of the site.

- 4.10 In 2008 the site's Residential Designation was removed and replaced in whole with an ENV designation which remained in place across what was the larger R6 site and was carried forward after review into the Moray Local Development Plan in 2015 (MLDP 2015).
- 4.11 In 2017 a review of the MLDP 2015 was started and the site the subject of this Review was identified in January 2018 in the Main Issues Report as BK5 Station Road, Portessie (LDP2020_MIR_BK5) for Residential Development, a Moray Council owned site promoted by Moray Council Estates, seeking a zoning for up to 16 houses. **[GHJ14]**
- 4.12 Having been identified and promoted by the Council during the MIR it was then carried forward into the Proposed Moray Local Development Plan published and placed on consultation in January 2019 identifying the site as R10, Station Road, Portessie with capacity for 5 dwellings. **[GHJ15]**
- 4.13 The zoning R10 was maintained after the proposed plan consultation period ended and the Councils Development Plan Team concluded in response to only one outstanding representation received that no modification was required prior to formal Adoption of the Proposed Plan **[GHJ16]**. They stated:
- 4.14 *'The site is located on the eastern side of Buckie and is currently covered by an ENV designation. The site was previously part of a larger housing designation for housing in the Moray Local Plan 2000. It was changed to an ENV designation in the Local Plan 2008 by the Reporter due to the high biodiversity and amenity value of the site. The site was retained in the Moray Local Development Plan 2015. In support of the allocation of the site in the Proposed Plan, a biodiversity report was provided at the Main Issues Report which demonstrated that there are no rare species of rare flora or fauna on the site.*
- 4.15 *Due to various constraints there are very limited options for development in the eastern side of Buckie. In order to try to facilitate development on the eastern side of Buckie there is scope to allocate a small area of land for low density development. An indicative capacity of five is given which reflects the existing development pattern/density along Station Road as well as respecting the location on top of the coastal cliffs.*
- 4.16 *The developer will be required to consider the potential impact of crossing any services/pipework including sewage pipes within their layout to ensure their proposals prevent adverse impacts. Impact on the existing foul drainage system and any necessary mitigation measures will be dealt with at the planning application stage through Policy EP13 Foul Drainage. The designation text requires a Drainage Impact Assessment to be provided.*

Site capacities are indicative, and the developable area may be affected by any constraints.

- 4.17 *The Council acknowledges the importance of the existing cycle path which provides good east west connections across Buckie and the coast. This has been reflected in the site designation text which requires the cycle path to be retained and remain segregated from the road access. This will ensure that any development proposals will not have an adverse impact on this key connection.*
- 4.18 *There is no suggestion or plan to reopen the old railway line. The disused railway line runs through the settlement and other allocated sites in the Local Development Plan and therefore is not a valid planning reason not to allocate the site for development.*
- 4.19 *Issues relating to archaeological features are noted. The regional archaeologist was consulted and raised no objection to the site being included in the plan.'*
- 4.20 Following this period of consultation and the fact there was still only one unresolved representation the matter was referred to the Scottish Government Reporter at the final Examination stage of the Development Plan process.
- 4.21 The Reporter concluded **[GHJ17]** in May/June 2020 that the R10 Designation should be removed from the MLDP2020 for the following reasons:
- 4.22 *'While I note that there is a requirement to protect the cycle route, improve the core path and for any proposed layout to take account of any existing services present, this site is subject to a number of site specific constraints. It is unclear at this stage how these constraints would be overcome.*
- 4.23 *At my site inspection I found it mostly to be covered in shrub and it was boggy and poorly drained. While I note that there may be no important habitat on the site, the established vegetation effectively screens the built edge of Portessie (even in Winter) from the open countryside and provides a valuable landscape setting to the settlement. A similar effect is also achieved on the opposite side of Station Road to the west. The development of this site would breach the natural limit of the village and I would be concerned over the precedent that may be set if it were to remain as a designation for housing. Therefore, I recommend that it is removed from the plan and reinstated as ENV5 as "Green Corridor". I do not consider that the removal of this small site from the plan would impact on the overall supply of housing within the Buckie Housing Market Area.'*

Reason for Refusal

- 5.1 *The proposal would be contrary to the Buckie ENV5 designation and associated policies PP1, DP1, DP2, EP2, EP5 and EP7 of the Moray Local Development Plan 2020, in that the development would result in the loss of land within an ENV designation where these policies aim to protect and preserve the characteristics of ENV areas and where policy EP5 specifically excludes residential development within ENV designations.*
- 5.2 *The Planning Officers Report of Handling concludes that ‘Whilst it is acknowledged that when this application was submitted this site was a proposed residential designation, the proposed MLDP had very limited material planning weight at this time and now that the MLDP 2020 had been adopted and this residential designation has been removed from the plan and replaced with the Buckie ENV5 designation. As outlined above policy EP5 explicitly excludes residential development and therefore regardless of whether or not any proposed houses could be adequately served in terms of infrastructure, the fundamental principle of locating housing within an ENV area is unacceptable and as such this proposal is recommended for refusal on this basis.’*
- 5.3 It is accepted that the proposal is contrary to part of the Buckie ENV5 designation and therefore policy EP5 however there are material considerations as defined in Annex A of Circular 3/2013 [GHJ3] which can be given weight and allow you as the decision makers to take an alternative view and decision to that of the appointed Planning Officer.
- 5.4 Specifically, the following approach has to be taken when deciding an application:
- *Identify any provisions of the development plan which are relevant to the decision,*
 - *Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,*
 - *Consider whether or not the proposal accords with the development plan,*
 - *Identify and consider relevant material considerations for and against the proposal, and*
 - *Assess whether these considerations warrant a departure from the development plan.*

- 5.5 The following paragraphs identify a number of material considerations which would support a departure from part of the Buckie ENV5 designation and Policy EP5 and as a result of these material considerations an acceptable departure would not to be contrary to policies PP1, DP1, DP2, EP2, and EP7 as stated in the refusal notice and confirmed in the Planning Officer's report of handling where it's stated:
- 5.6 *'Whilst the details of the applicant's case are noted and an assessment of the overall design and layout of the scheme has concluded that the proposals would have been compliant with development plan policy on placemaking, design, biodiversity, drainage, parking, access etc, should the site have been designated within the adopted 2020 MLDP for residential development...*
- 5.7 *Drainage (EP12 and 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. Scottish Water have also raised no objection to the proposed use of the public foul sewer or water supply and as such the proposal is considered to comply with policy EP12.
- 5.8 *Access (DP1)*
The Transportation service, have confirmed they have no objection to the approval of the proposals, subject to conditions, as such the proposed access details comply with policy DP1.
- 5.9 *The Moray Access Manager has been consulted in relation to the potential impact on the cycleway/core path which bounds the site and given the development has been largely separated from the cycleway/core path and this route has been retained, no objections have been raised in relation to this aspect of the proposals.*
- 5.10 *Developer obligations and affordable housing (PP3 and DP2)*
The applicants have confirmed that they are agreeable to entering into a legal agreement to secure the identified developer obligations and affordable housing contributions and as such the proposals are considered compliant with policies PP3 and DP2 in this regard'

Material Considerations

- 6.1 Annex A of Circular 3/2013 makes the following statement in relation to the weight to be given to material considerations by the decision maker(s):

- 6.2 *'The decision maker will have to decide what considerations it considers are material to the determination of the application. However, the question of whether or not a consideration is a material consideration is a question of law and so something which is ultimately for the courts to determine. It is for the decision maker to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance'*
- 6.3 It goes on to illustrate the type of possible material considerations which amongst others include those below which are in no particular order of significance of the weight to be attributed to each :
- *Scottish Government policy and UK Government policy on reserved matters;*
 - *the National Planning Framework;*
 - *Policy in the Scottish Planning Policy and Designing Streets*
 - *Scottish Government planning advice and circulars;*
 - *EU policy;*
 - *a proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance;*
 - *guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act;*
 - *a National Park Plan;*
 - *community plans;*
 - *the environmental impact of the proposal;*
 - *the design of the proposed development and its relationship to its surroundings;*
 - *access, provision of infrastructure and planning history of the site;*
 - *views of statutory and other consultees;*
 - *legitimate public concern or support expressed on relevant planning matters.*
- 6.4 Scottish Planning Policy (SPP) **[GHJ7]** and the emerging National Planning Framework 4 (NPF4) **[GHJ8]** are clearly key material considerations in many cases and specifically in this one in directing development, in the first instance towards consideration of the re-use and redevelopment of brownfield land over greenfield.
- 6.5 The sites history is one of a former railway station and associated rail network infrastructure from the last Century which over the years has been left and is now overgrown with whin and other bushes and shows clear evidence of it's former railway use (platform stonework, rail bed and embankments).

- 6.6 In National Scottish Government policy terms and indeed in the emerging NPF4 the policy position is to direct development here over allocations which would utilise greenfield land and is a material consideration this case.
- 6.7 The environmental and landscape impact upon the relatively small part of the Buckie ENV5 designation can be satisfactorily mitigated through the landscaping proposed by the applicant through creating/reinforcing a backdrop by planting 1,000 new Trees along the Southern site boundary ensuring containment, by maintaining a riparian corridor, by introducing both bat and swift nesting boxes on each of the properties and by introducing wildflower areas along service strips.
- 6.8 It is also proposed to have post and wire fences along house plot boundaries to aid the free movement of any hedgehog populations in the area.
- 6.9 A biodiversity report commissioned at the time of the MIR concluded that there were no rare species of flora or fauna present on the proposed site.
- 6.10 Importantly also in terms of the sites Amenity it has been confirmed that the site is a boggy poorly drained one and one which will benefit in this specific case from a new SUDS system managing the drainage and improving general amenity for surrounding neighbours.
- 6.11 These mitigation factors along with the baseline biodiversity survey data from the MIR stage show that in terms of its impact upon the environment the proposal is minimal with potentially significant net gains being made through the re-use of a brownfield site and the creation of several new types of habitat as a result of the proposal. This is another material consideration that can be given significant weight.
- 6.12 The Planning Officer's Report of Handling highlights that the design of the proposed development and its relationship to its surroundings is compliant with Development Plan Policy stating:
- 6.13 *'...an assessment of the overall design and layout of the scheme has concluded that the proposals would have been compliant with development plan policy on placemaking, design, biodiversity, drainage, parking, access etc, should the site have been designated within the adopted 2020 MLDP for residential development..'*

- 6.14 The sites Planning History has been well covered elsewhere in this statement and it just remains to say that it can be considered as another key material consideration and again given weight as such in coming to a view on the proposal under review.
- 6.15 There is clear demand for family housing in Portessie and which is not addressed in the larger allocations present in the wider Buckie Housing Market Area. In the Reporters findings the following statement was made:
- 6.16 *'I do not consider that the removal of this small site from the plan would impact on the overall supply of housing within the Buckie Housing Market Area.'*
- 6.17 It is true to say that not allocating a site for 5 houses will have no direct impact on the overall supply figure for the Buckie HMA; however, by not including this small-scale development site at Portessie it has been left bereft of any opportunities for families with specific locational requirements within Portessie itself to secure a new home or indeed for others looking to return from further afield.
- 6.18 This aspect of the zoning was clearly recognised at the time of preparation of the Proposed Plan by the Development Plan Team when it designated this site R10 Portessie and in responding to outstanding representations whereby they stated:
- 6.19 *'Due to various constraints there are very limited options for development in the eastern side of Buckie. In order to try to facilitate development on the eastern side of Buckie there is scope to allocate a small area of land for low density development. An indicative capacity of five is given which reflects the existing development pattern/density along Station Road as well as respecting the location on top of the coastal cliffs.'*
- 6.20 This clearly also has a knock-on effect in terms of supporting the local Portessie Primary School Role at a time when the School Estate is under constant review regarding capacity take up. The development of 7 new family sized homes gives the opportunity to maintain its longer-term viability. This should be considered material in this specific case for the reasons highlighted and appropriate weight attached to supporting the delivery of local housing for local people and which supports local services.
- 6.21 The emerging NPF4 adds a key national planning policy direction and consideration (albeit in Draft form) by seeking to introduce the concept of 20 minute neighbourhoods. Portessie as a location and the approval of this site are exactly the types of place that this new national planning framework is looking to support and encourage and again weight should be assigned to this as a material consideration.

6.22 Consideration and weight has to be given to the Economic benefits of delivering 7 family sized homes on this site can bring locally in the uncertain post-COVID economy.

6.23 A further material consideration in this case is that all statutory Consultees have no objections to our Clients proposed development, again something which can be considered when coming to a view on the proposal.

6.24 Our Clients proposal whilst receiving 5 objections/representations also received 7 representations in support of their development proposal which were summarised in the Planning Officer's Report of Handling and which are worth reiterating as a final point for consideration. The representations in support stated the following:

- *This is a fantastic opportunity for the area. Given the uncertain times we find ourselves in this would create employment for local trades which can only be a good thing. There is a very limited market supply of houses in the Portessie area and this site would upgrade Station Road which is in a poor state of repair at the moment.*
- *It is good to finally see new properties being proposed in Portessie as it is a beautiful area with a limited market supply.*
- *We are looking to relocate to the area and having great difficulty finding a suitable property with 4 bedrooms. The proposed small scale development would be ideal for our needs as are looking for a new build property within a community but without living on a large scale development/site.*
- *The development will help support the school role of Portessie primary school, where it is difficult to find a property within the catchment which suits family needs.*
- *There is a large amount of availability for new build energy efficient homes in other areas of Buckie but no availability in the Portessie area.*
- *Without developments like this that school numbers will fall and as has been seen with other areas the school will inevitably close which would be a huge loss to the area.*
- *An energy efficient family home, within safe walking distance to the school. I believe this development is something that the Portessie area badly needs.*

- 6.25 The Net Environmental, Economic and Infrastructure gains achieved by developing the site in line with the submitted details far outweigh the somewhat 'late in the day' Buckie ENV5 designation attached to it and provide significant material weight such that the reason for the proposal being refused can be revisited by this Review Board.

Summary

- 7.1 In summary there are a significant number of material considerations in this particular case which have been outlined in the preceding paragraphs of this statement of review and which would justifiably allow development on part of this Buckie ENV5 designation. Whilst a departure from Policy EP5 it can be considered as an acceptable one given the nature and extent of these.

Conclusion

- 8.1 **The Review Body is invited to approve the application as an acceptable departure from part of the Buckie ENV5 designation and Policy EP5 given the material considerations outlined and to therefore Grant our Clients planning permission in full for the development of 7 detached family homes on land adjacent to 1-5 Station Road, Portessie, Buckie.**

- 9.1 **Productions**

[GHJ1] Planning Application and Submitted Plans

[GHJ2] Decision Notice Dated 2nd December 2020

[GHJ3] Annex A of 3/2013 Development Management Procedures

[GHJ4] GMC Survey Report – Drainage Impact Assessment

[GHJ5] Extract from 2019 Proposed Plan (Map)

[GHJ6] Moray Council Site R10 Marketing Schedule

[GHJ7] Extract from NPF4 Draft (Page 13 Concept of 20 minute neighbourhoods)

[GHJ8] Extract from SPP Extract (Page 13 Para 40)

[GHJ9] Extract from NPF4 Draft (Page 32)

[GHJ10] Extract from School Roll Forecasts

[GHJ11] Planning Officers Report of Handling (20/00544/APP)

[GHJ12] Site Photographs

[GHJ13] Extract from MLP2000 (Map and Text)

[GHJ14] Extract from MIR Schedule (Page 1 & BK5 Station Road)

[GHJ15] Extract from Proposed Plan (Page 2, R10 Text and Map)

[GHJ16] Planning Authority Response to Outstanding Representation on
Proposed R10

[GHJ17] Extract from Reporters Examination Findings (Page 395)

GHJ/KS/2690
24.02.2021



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 100251076-001

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

Type of Application

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

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

Description of Proposal

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

Erect 7 detached dwellings

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Christopher"/>	Building Number: <input type="text" value="119"/>
Last Name: *	<input type="text" value="Bremner"/>	Address 1 (Street): * <input type="text" value="High Street"/>
Company/Organisation	<input type="text" value="Morlich Homes Ltd"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text" value="01542 836510"/>	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 4DX"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="chris@morlich.co.uk"/>	

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

Northing	<input type="text" value="866508"/>	Easting	<input type="text" value="344474"/>
----------	-------------------------------------	---------	-------------------------------------

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

6226.00

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)

Scrub land

Access and Parking

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

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)? *

21

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

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

- ☒ Yes – connecting to public drainage network
☐ No – proposing to make private drainage arrangements
☐ Not Applicable – only arrangements for water supply required

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 ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☒ Yes ☐ No

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

Waste Storage and Collection

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

☒ Yes ☐ No

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

Kerbside recycling

Residential Units Including Conversion

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

☒ Yes ☐ No

How many units do you propose in total? *

7

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 ☒ No

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? * ☐ Yes ☒ No

Is any of the land part of an agricultural holding? * ☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? * ☒ Yes ☐ No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Address:

Date of Service of Notice: *

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed: Mr Christopher Bremner

On behalf of:

Date: 27/04/2020

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principal 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)

Computer generated images

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☒ Yes ☐ N/A

Drainage/SUDS layout. *

☒ Yes ☐ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Christopher Bremner

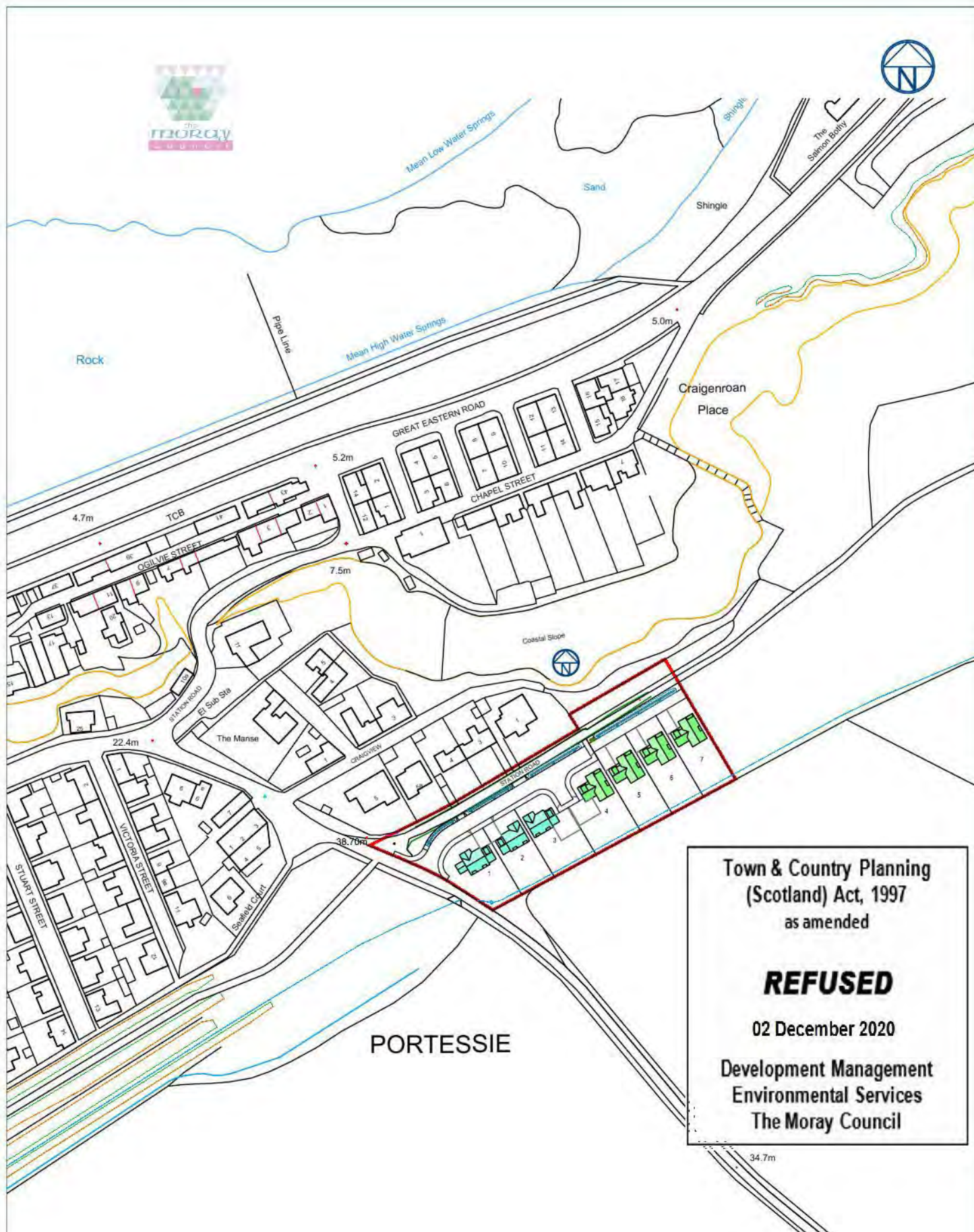
Declaration Date: 27/04/2020

Payment Details

Online payment: 082675

Payment date: 27/04/2020 16:48:37

Created: 27/04/2020 16:48



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

REFUSED

02 December 2020

Development Management
Environmental Services
The Moray Council



119 High Street, Buckie, Moray AB56 4DX
Telephone (01542) 836510 Fax (01542) 832225

Project
**Station Road
Portessie**

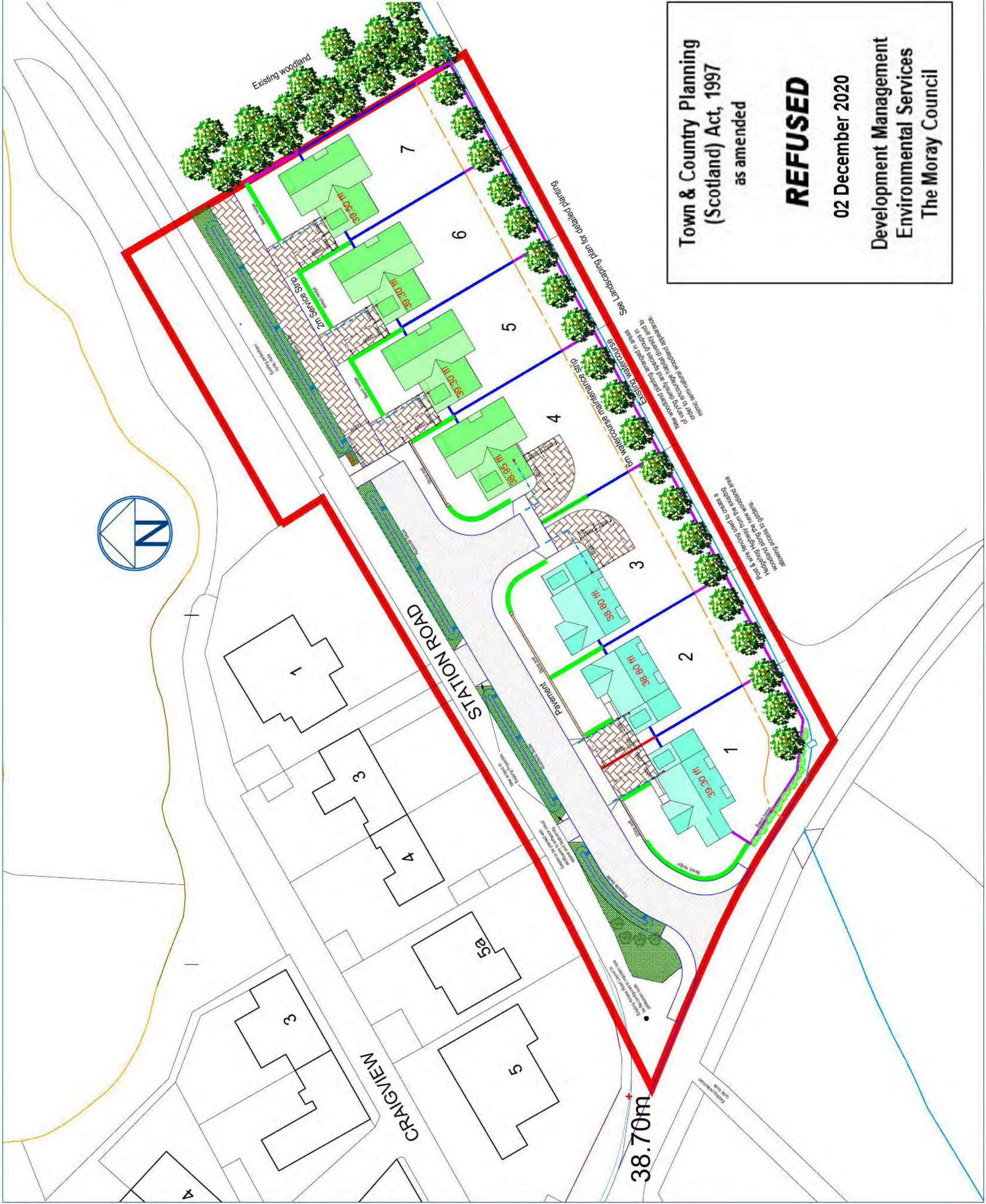
Drawing
Location Plan

Scale
1:2000 (A4)

Date
23-04-2020

Drawn By
C Bremner

Drawing No.
20-40/PL/02



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

REFUSED

02 December 2020

Development Management
Environmental Services
The Moray Council

Notes

All Morlich Homes drawings to be read in conjunction with the relevant planning application.

Do not scale this drawing.

All dimensions to be checked on site prior to commencement of construction and prior to ordering of materials and components.

Legend:

- Beech hedging
- Natural stone wall 900mm high
- Post and Wire Fencing
- 300mm Timber Trip Fencing
- 1800mm Timber Fencing
- swales to be planted with wildflowers to enhance visual appeal and biodiversity.
- Duct for future fibre broadband connection

Revision	Date
A	26/11/20
B	26/11/20
C	26/11/20
D	26/11/20
E	26/11/20
F	26/11/20
G	26/11/20
H	26/11/20
I	26/11/20
J	26/11/20
K	26/11/20
L	26/11/20
M	26/11/20
N	26/11/20
O	26/11/20
P	26/11/20
Q	26/11/20
R	26/11/20
S	26/11/20
T	26/11/20
U	26/11/20
V	26/11/20
W	26/11/20
X	26/11/20
Y	26/11/20
Z	26/11/20

MorlichHomes

119 High Street, Buckie, Moray AB56 4DX
Telephone (01542) 836510 Fax (01542) 832225
e-mail: enquiries@morlich.co.uk

**Station Road
Portessie**

Site Layout

Scale: 1:500 (A3)

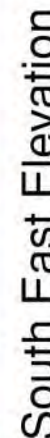
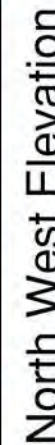
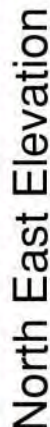
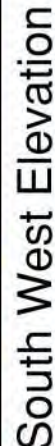
Date: 05-03-2020

Drawn By: C Bremner

Drawing No: 20-40/PL/01

All Morlich Homes drawings to be read in conjunction with structural engineers drawings.
Do not scale this drawing.
All dimensions to be checked on site prior to commencement of construction and prior to ordering of materials and components.

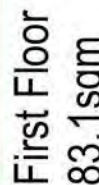
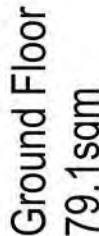
1. Marley Edgemere Concrete Roof Tiles - Grey
2. Drydash Wall Finish - White
3. Denfind stone panel
4. Marley Cedar cladding - Slate Grey
5. Timber Windows And Doors - Grey
6. Timber Fascia And Soffit - Grey



REFUSED

02 December 2020

**Development Management
Environmental Services
The Moray Council**

[illegible]

1119 High Street, Buckie, Moray AB56 4DX
Telephone (01542) 836510 Fax (01542) 832225
e-mail : chris@morlich.co.uk

Plot 1 Station Porters

Floor Plans & Elevations

NOTES

All Morlich Homes drawings to be read in conjunction with structural engineers drawings.
Do not scale this drawing.
All dimensions to be checked on site prior to commencement of construction and prior to ordering of materials and components.

EXTERNAL FINISHES:-

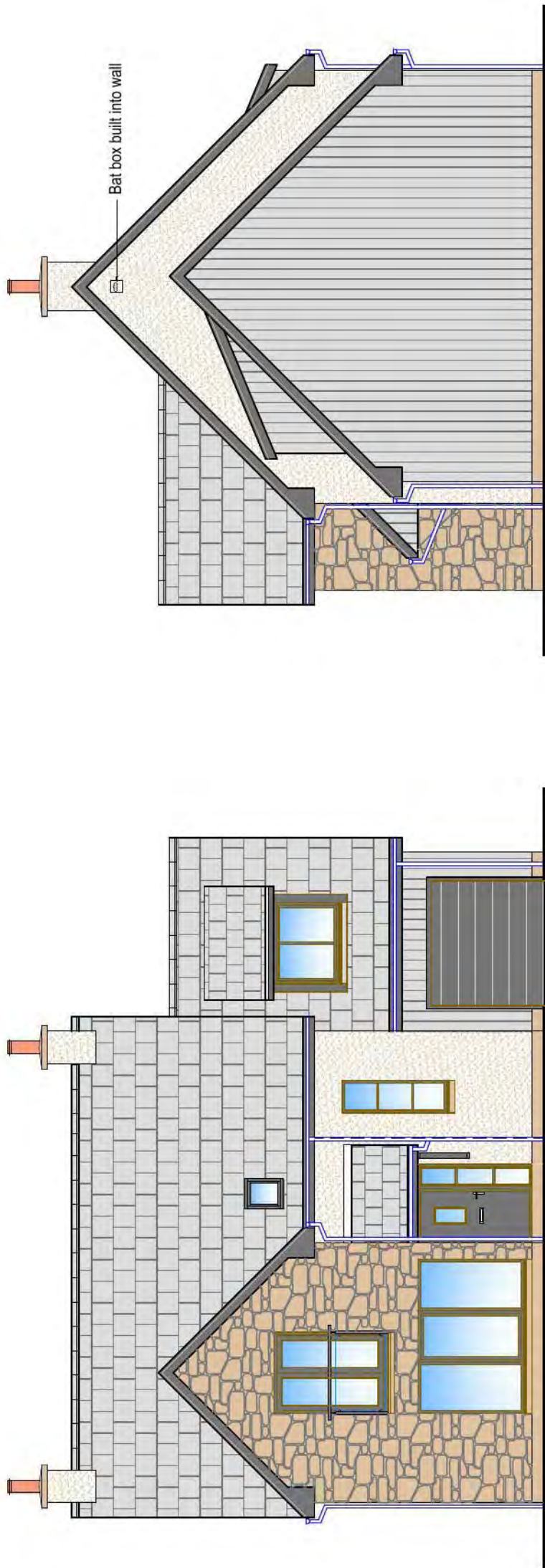
- 1. Marley Edgemere Concrete Roof Tiles - Grey
- 2. Drydash Wall Finish - Tuscany Beige
- 3. Denfind stone panel
- 4. Marley Cadral cladding - Slate Grey
- 5. Timber Windows And Doors - Grey
- 6. Timber Fascia And Soffit - Grey

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

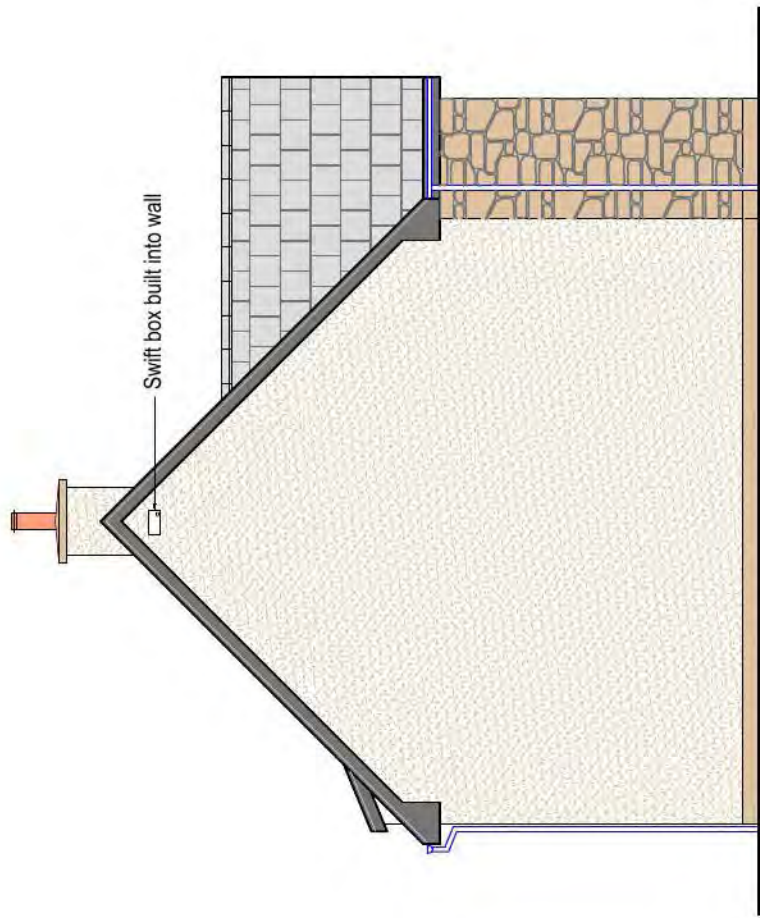
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02 December 2020

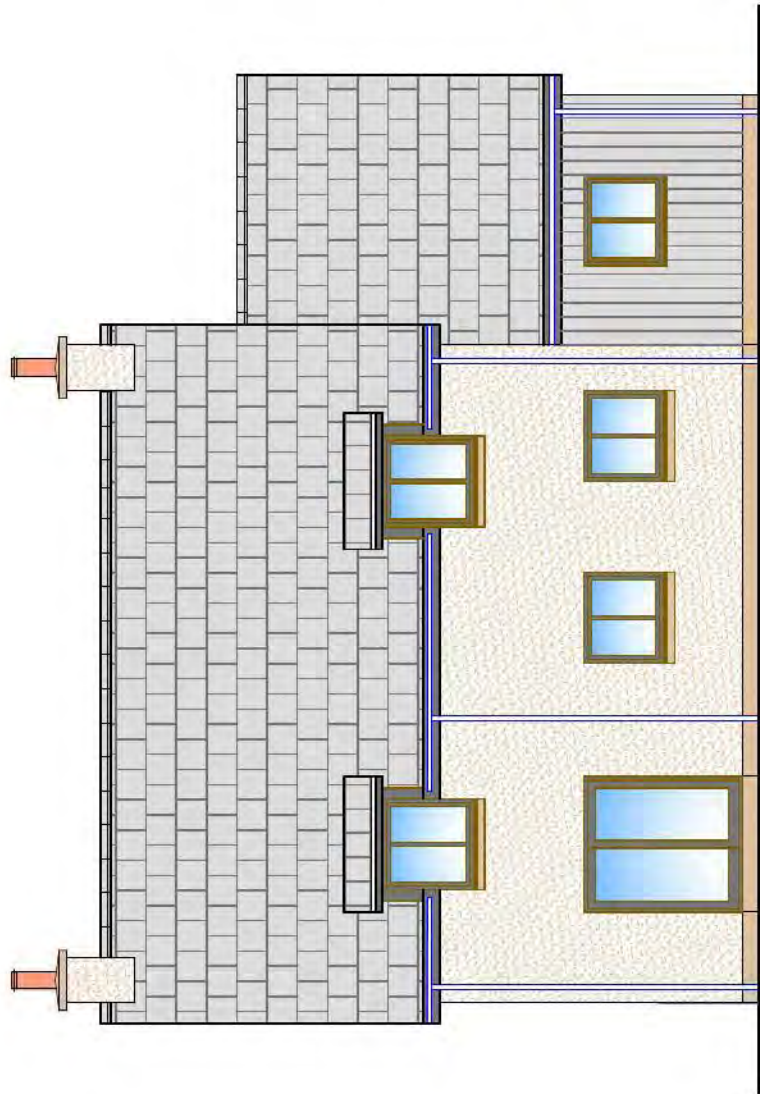
Development Management
Environmental Services
The Moray Council



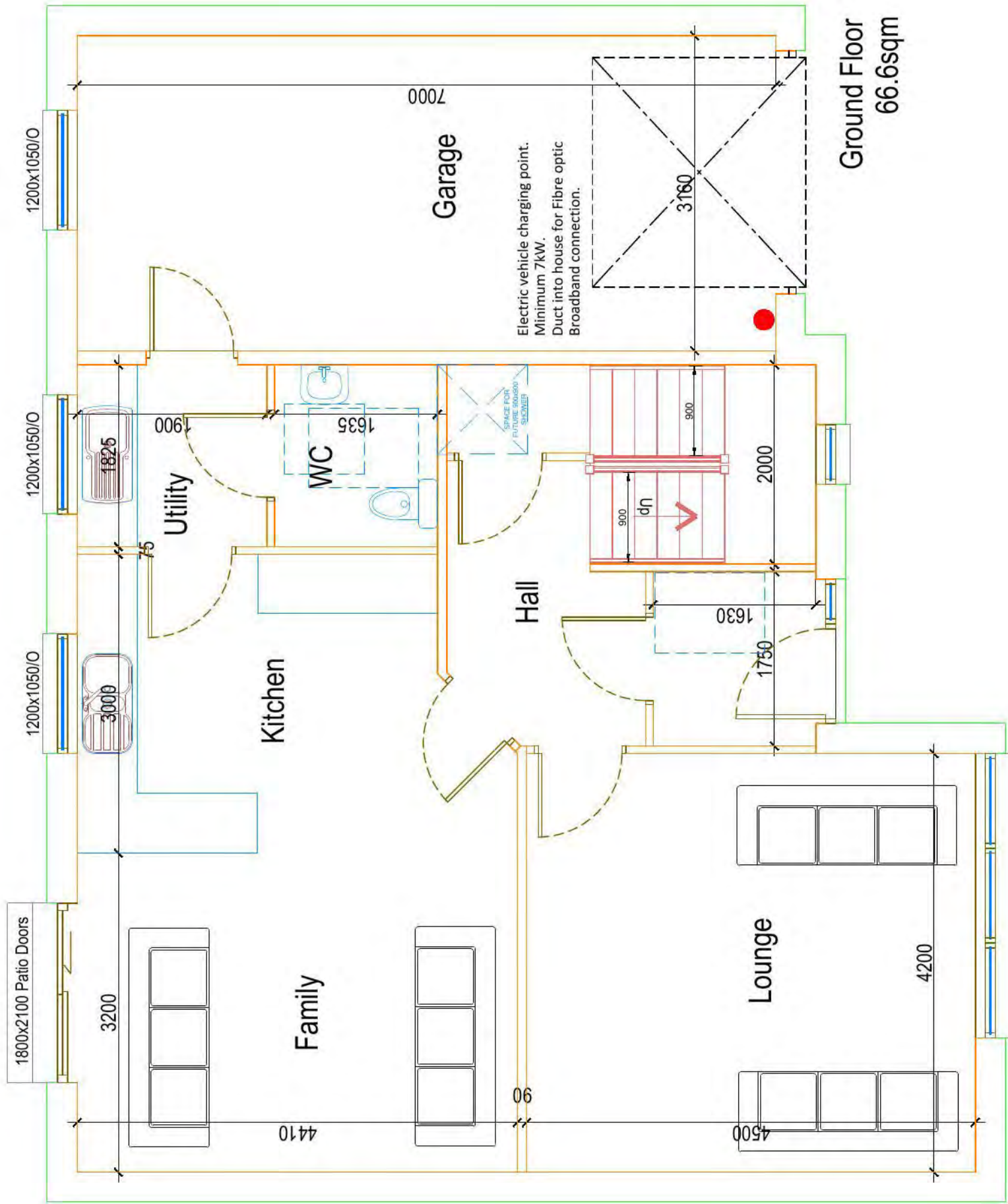
South West Elevation



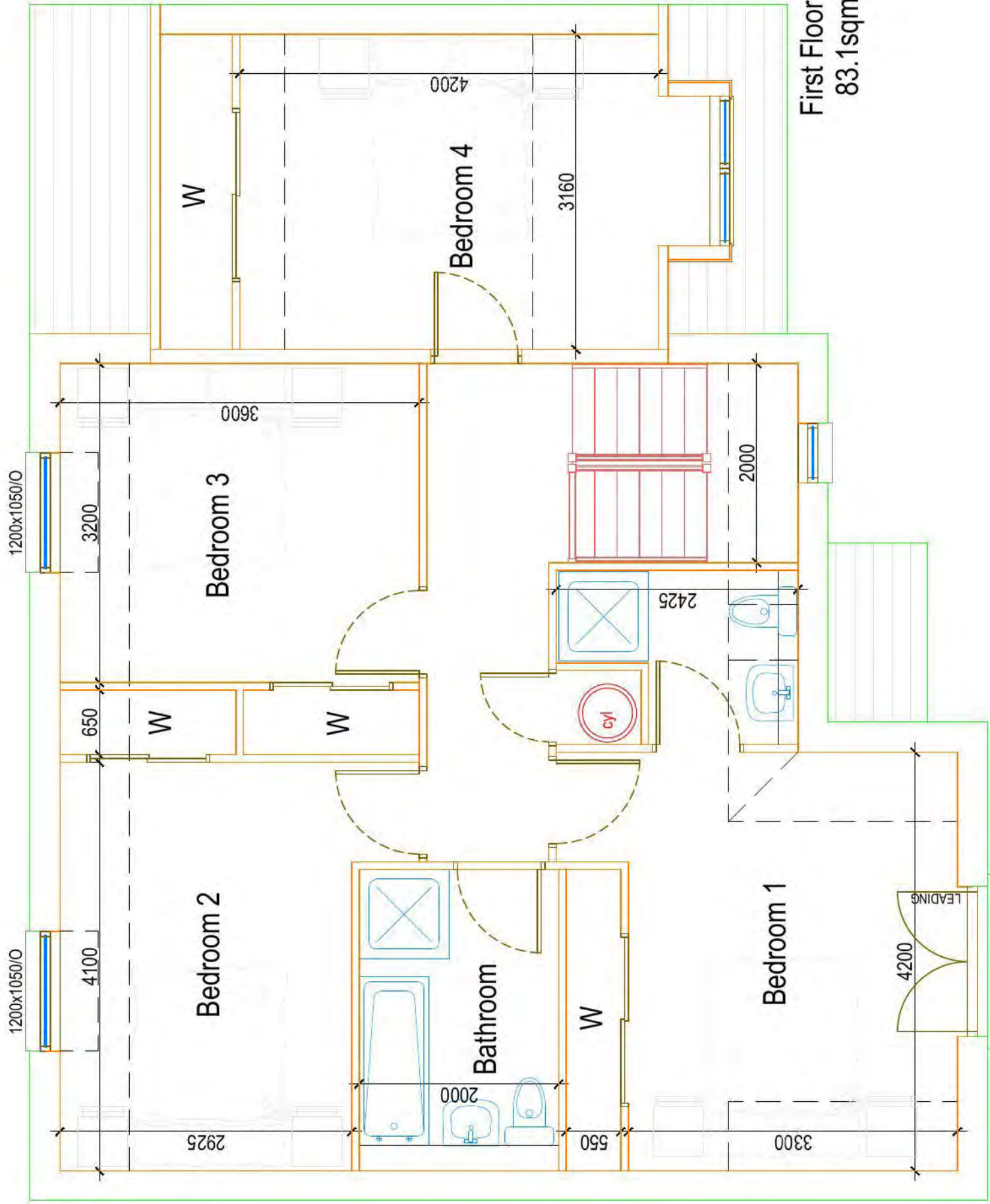
North East Elevation



South East Elevation



Ground Floor
66.6sqm



First Floor
83.1sqm

D	7m Garages	CB	26/11/20		
C	Bat and Swift boxes added to gables.	CB	20/11/20		
B	Chimneys and cladding to garage added	CB	24/9/20		
A	Stone clad areas revised	CB	30/7/20		
Revision					Date



119 High Street, Buckie, Moray AB56 4DX
Telephone (01542) 836510 Fax (01542) 832225
e-mail : chris@morlich.co.uk

Project
**Plot 2
Station Road
Portessie**

Drawing
Floor Plans & Elevations

Scale
1:50/100 (A1)

Date
05-03-2020

Drawn By
C Bremner

Drawing No.
20-40/PL/P1/01

All Morlich Homes drawings to be read in conjunction with structural engineers drawings.

Do not scale this drawing.
All dimensions to be checked on site prior to commencement of construction and prior to ordering of materials and components.

EXTERNAL FINISHES:-

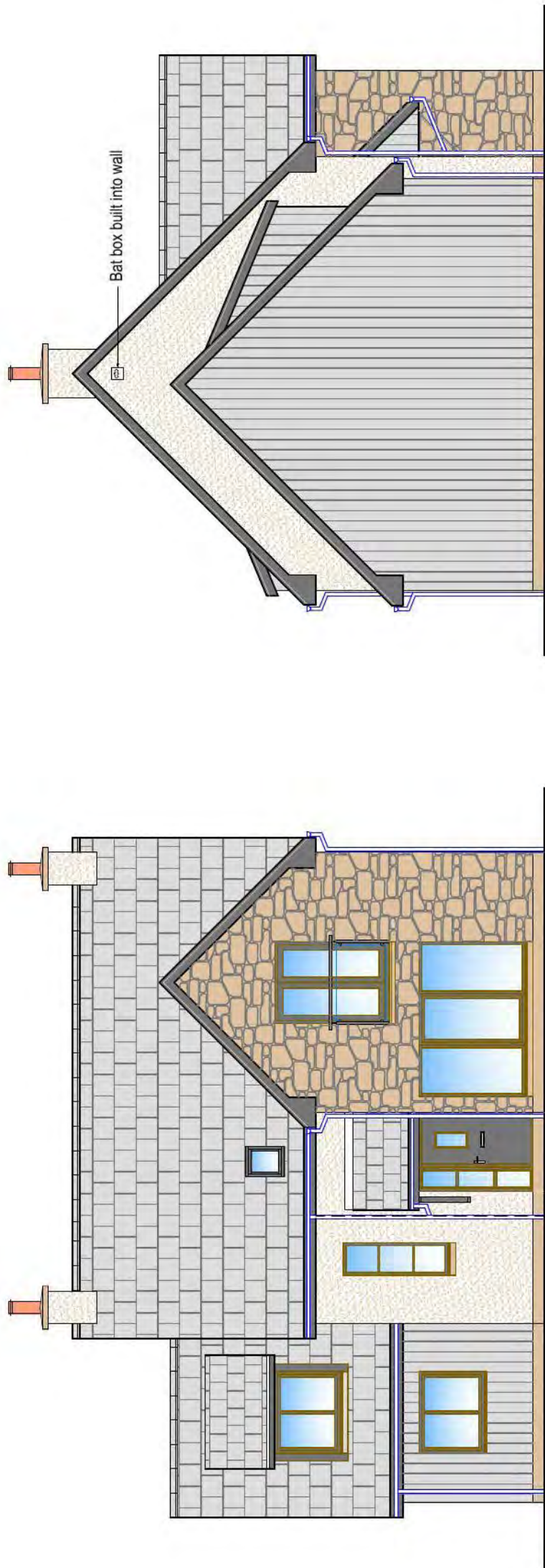
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2. Drydash Wall Finish - Tuscan Beige
3. Denfind stone panel
4. Marley Cedral cladding - Slate Grey
5. Timber Windows And Doors - Grey
6. Timber Fascia And Soffit - Grey

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

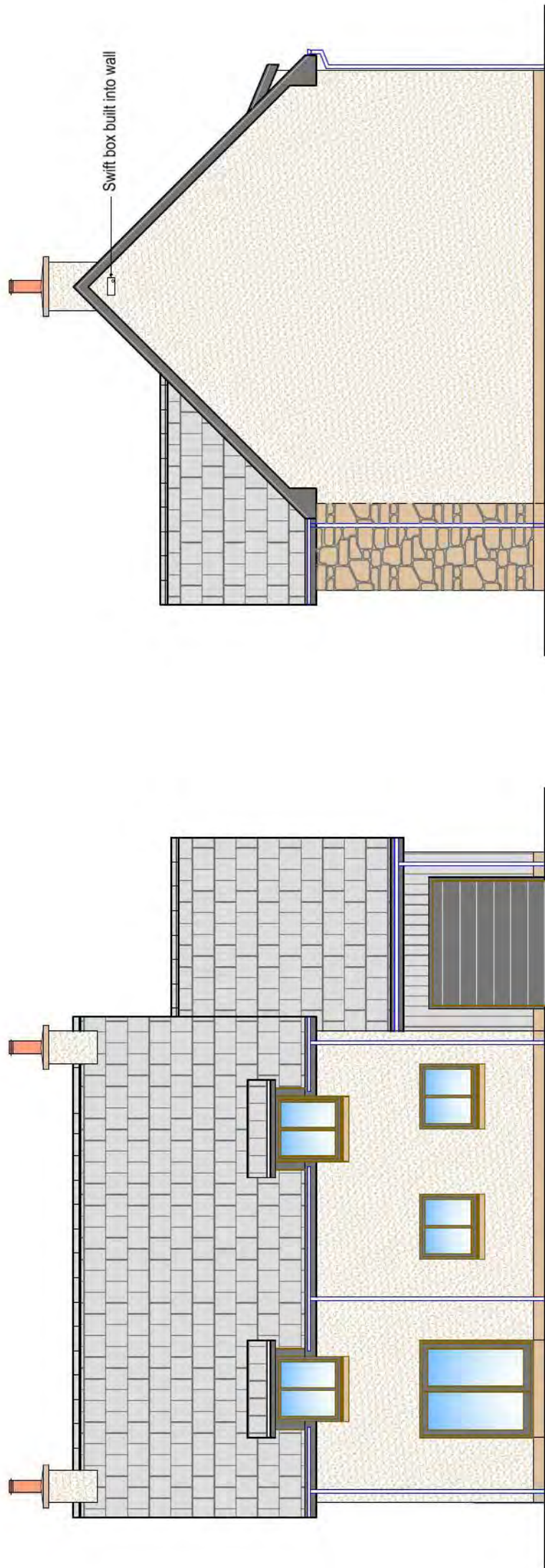
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02 December 2020

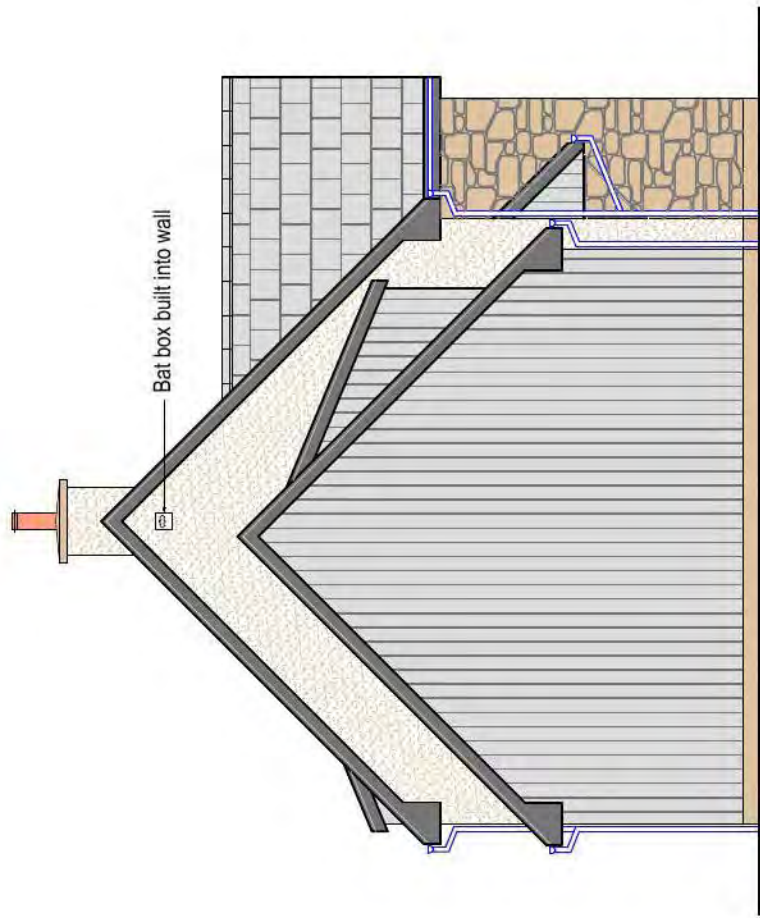
**Development Management
Environmental Services
The Moray Council**



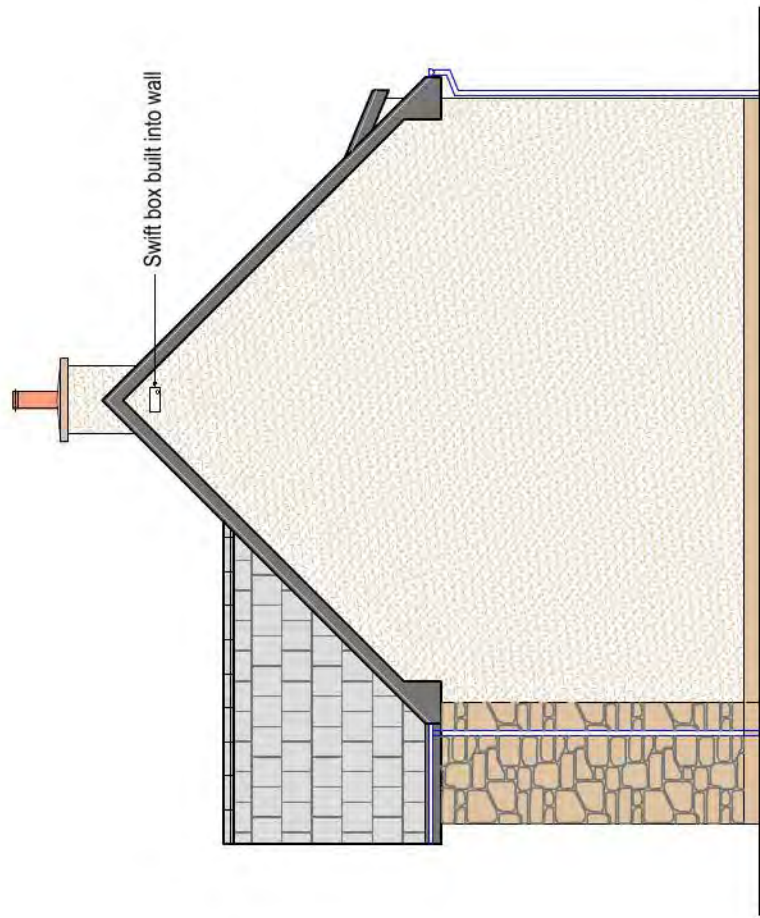
North West Elevation



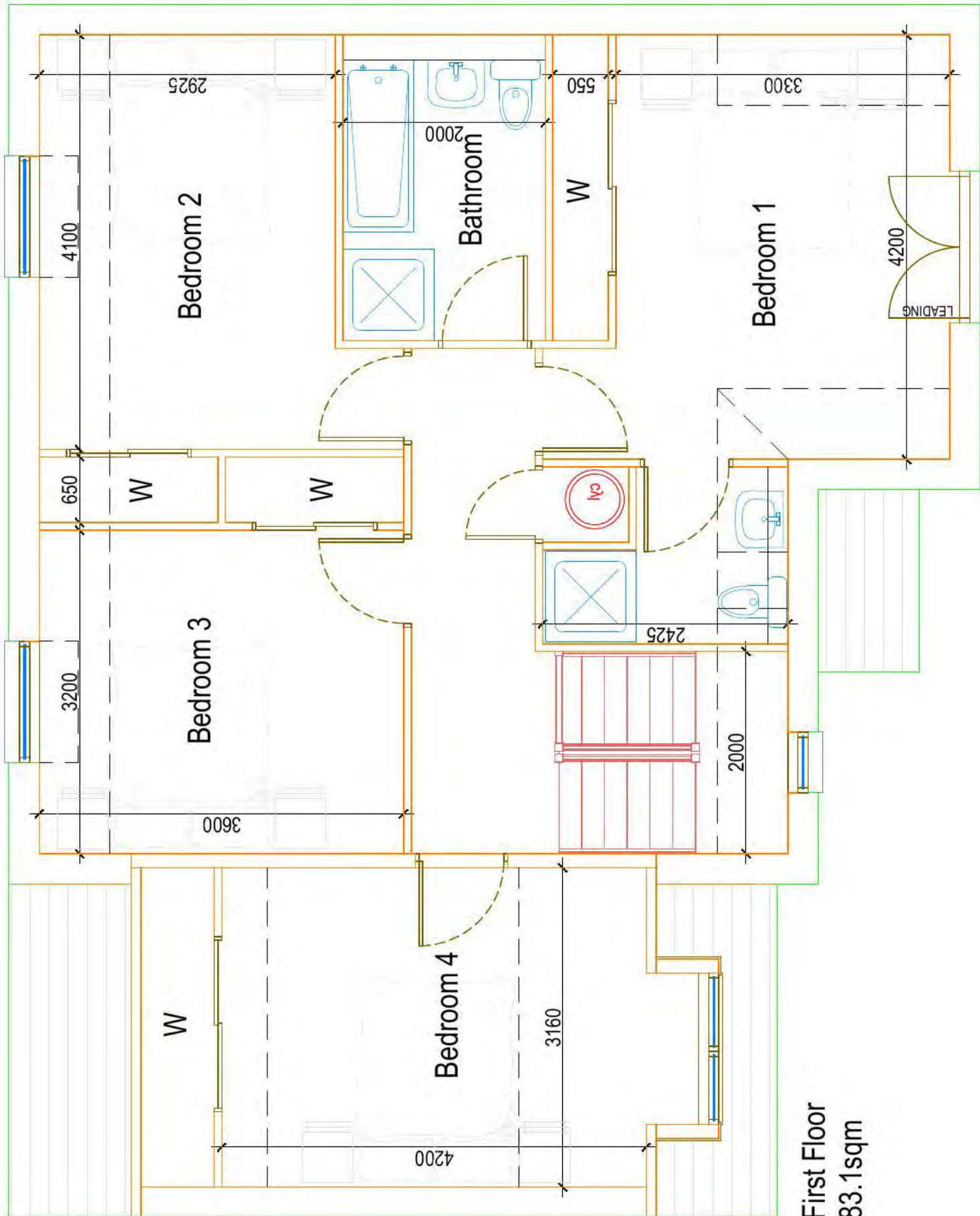
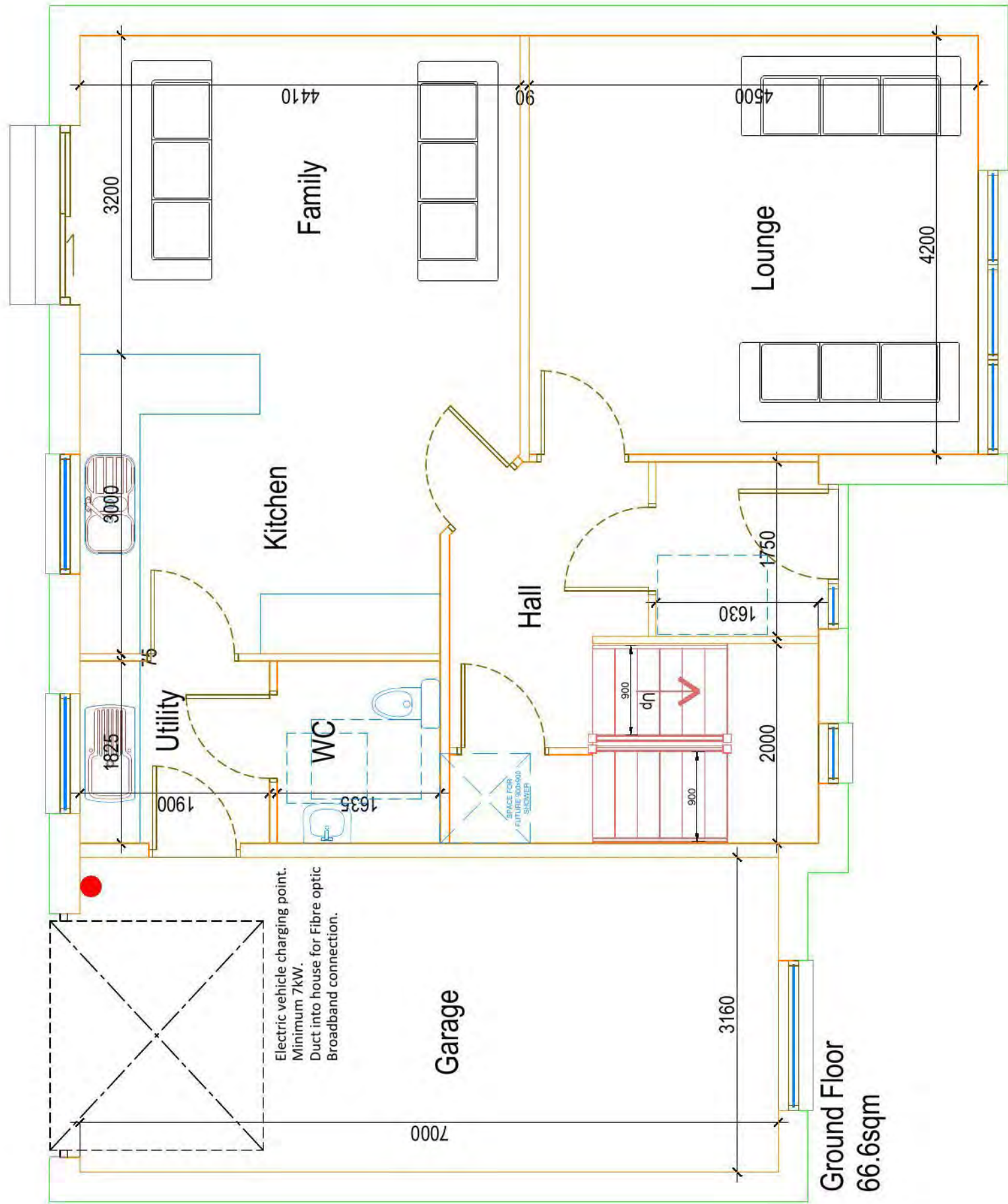
South East Elevation



North East Elevation



South West Elevation

[illegible]

MorlichHomes

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Telephone (01542) 836510 Fax (01542) 832225
e-mail : chris@morlich.co.uk

Project

Plot 3
Station Road
Portessie

Drawing

Floor Plans & Elevations

5scale
1:50/100 (A1)

Date
05-03-2020

Drawing No.
20-40/PL/P3/01

All Morlich Homes drawings to be read in conjunction with structural engineers drawings.

Do not scale this drawing.
All dimensions to be checked on site prior to commencement of construction and prior to ordering of materials and components.

EXTERNAL FINISHES:-

1. Marley Edgemere Concrete Roof Tiles - Grey
2. Drydash Wall Finish - Tuscan Beige
3. Denfind stone panel
4. Timber Windows And Doors - Grey
5. Timber Fascia And Soffit - Grey

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

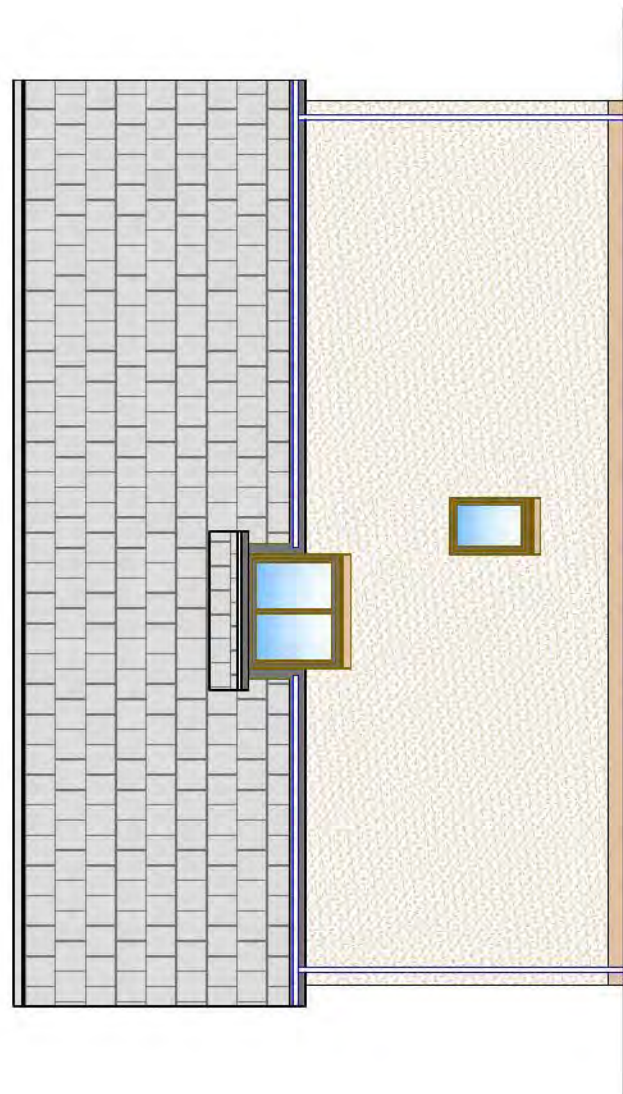
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02 December 2020

**Development Management
Environmental Services
The Moray Council**



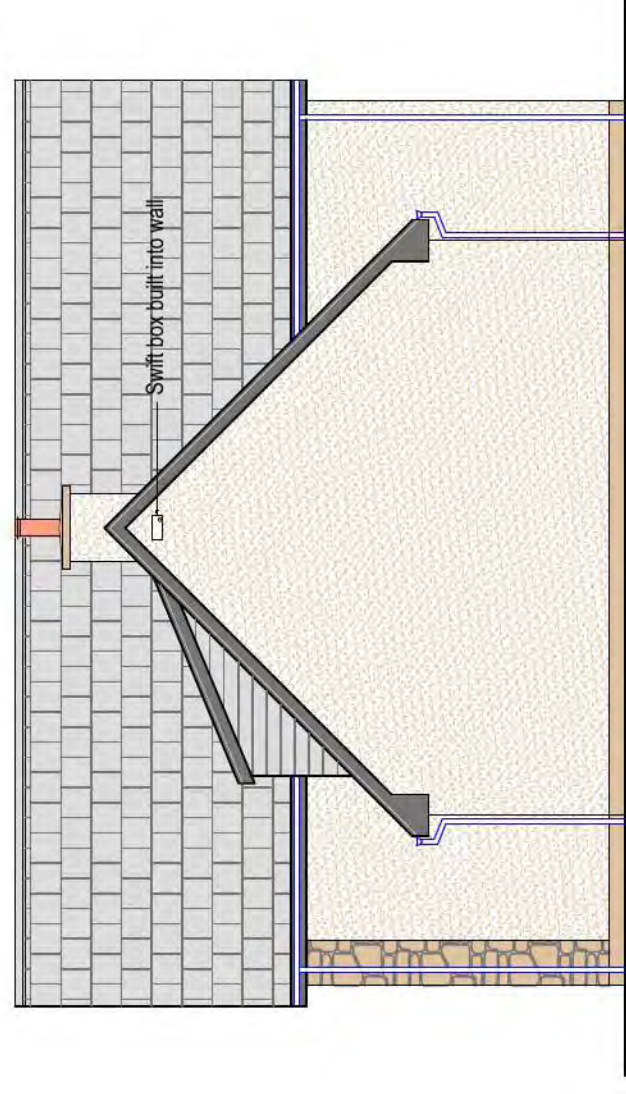
South East Elevation



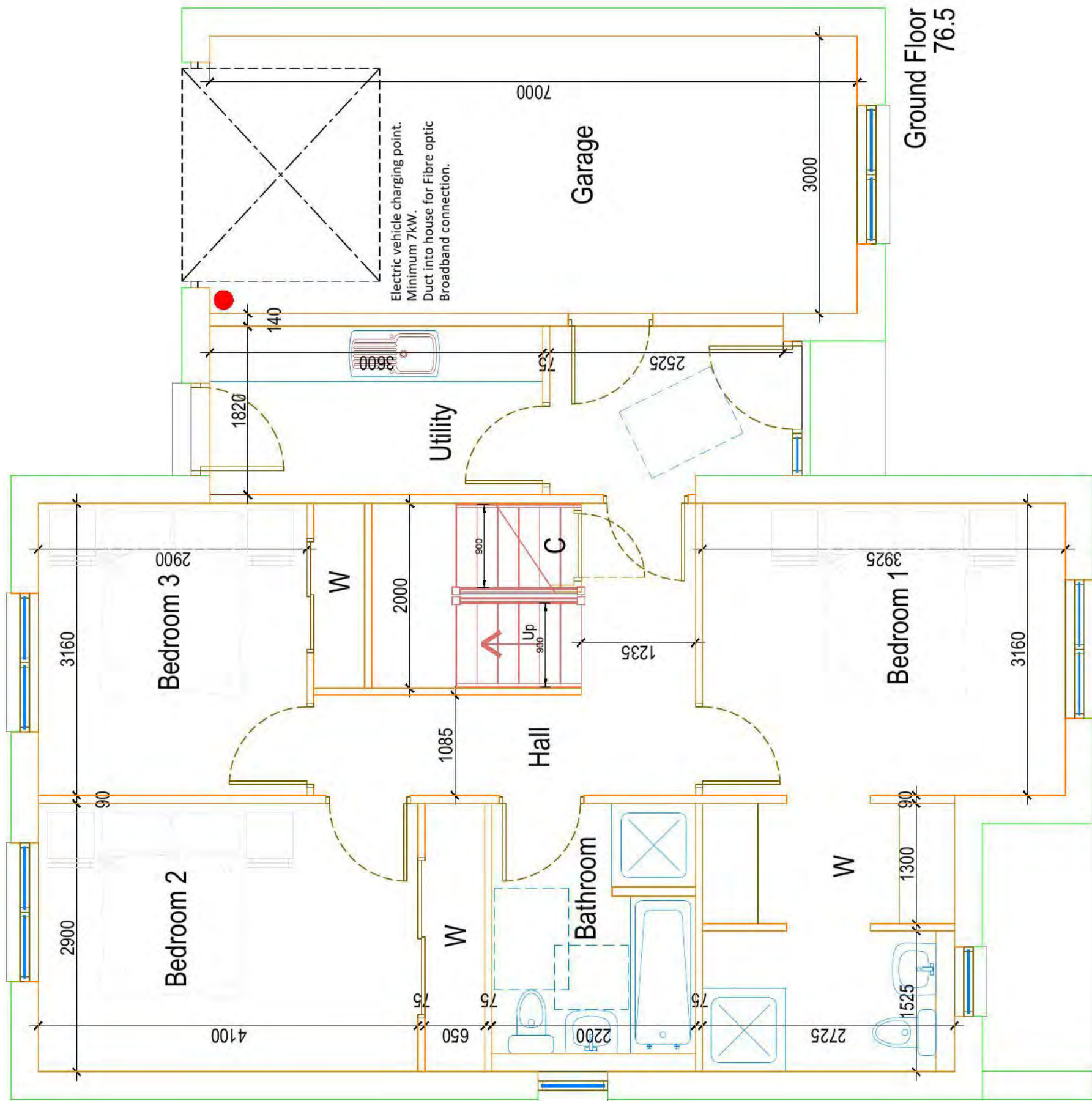
North East Elevation



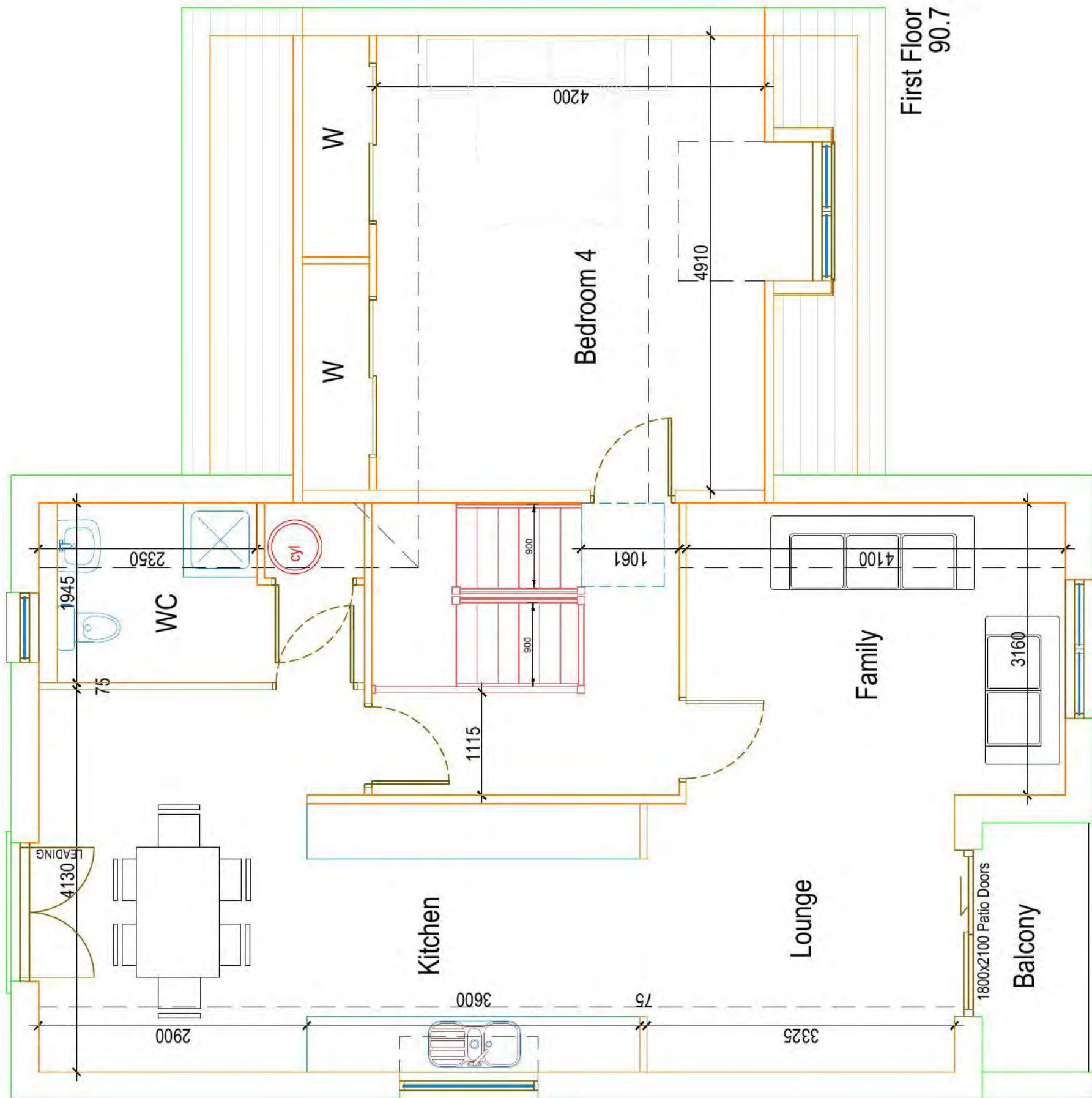
North West Elevation



South West Elevation



Ground Floor
76.5



First Floor
90.7

[illegible]

MorlichHomes

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Telephone (01542) 836510 Fax (01542) 832225
e-mail : chris@morlich.co.uk

Project

House type 2
Plot 4
Station Road
Portessie

Drawing

Floor Plans & Elevations

1:50/100 (A1)

Date	05-03-2020
Drawn By	C Bremner

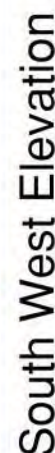
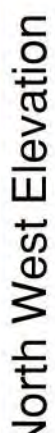
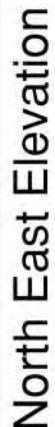
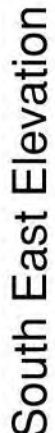
Drawing No. **20-40/PL/P4/01**

All Morlich Homes drawings to be read in conjunction with structural engineers drawings.
Do not scale this drawing.
All dimensions to be checked on site prior to commencement of construction and prior to ordering of materials and components.

1. Marley Edgemere Concrete Roof Tiles - Grey
2. Drydash Wall Finish - Tuscany Beige
3. Marley Cedrel cladding - Slate Grey
4. Timber Windows And Doors - Grey
5. Timber Fascia And Soffit - Grey

REFUSED

**Development Management
Environmental Services
The Moray Council**

[illegible]

NOTES

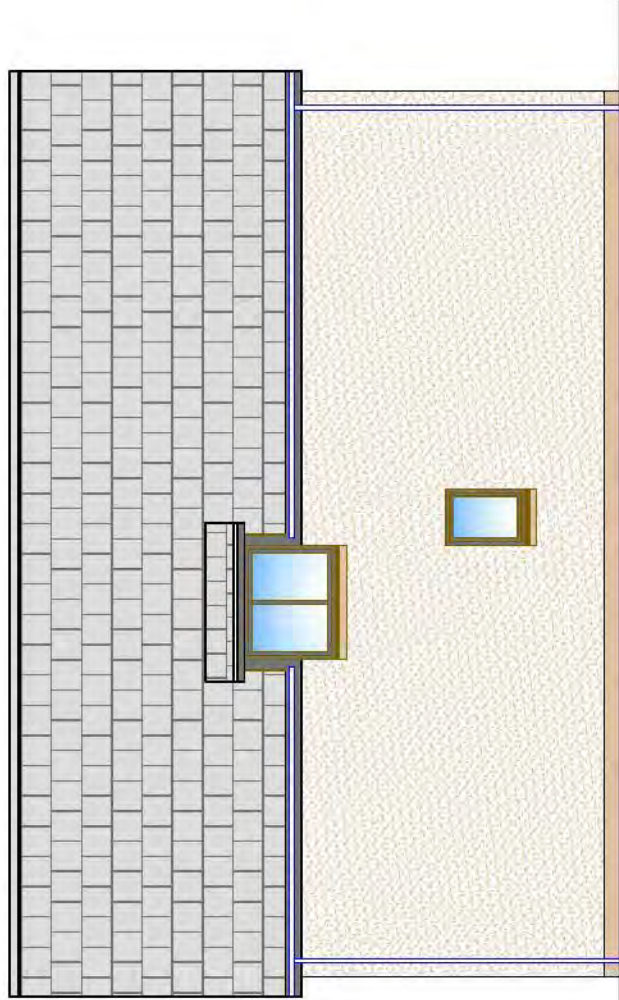
All Morlich Homes drawings to be read in conjunction with structural engineers drawings.
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All dimensions to be checked on site prior to commencement of construction and prior to ordering of materials and components.

EXTERNAL FINISHES:-

- 1. Marley Edgemere Concrete Roof Tiles - Grey
- 2. Drydash Wall Finish - Tuscany Beige
- 3. Denfind stone panel
- 4. Timber Windows And Doors - Grey
- 5. Timber Fascia And Soffit - Grey



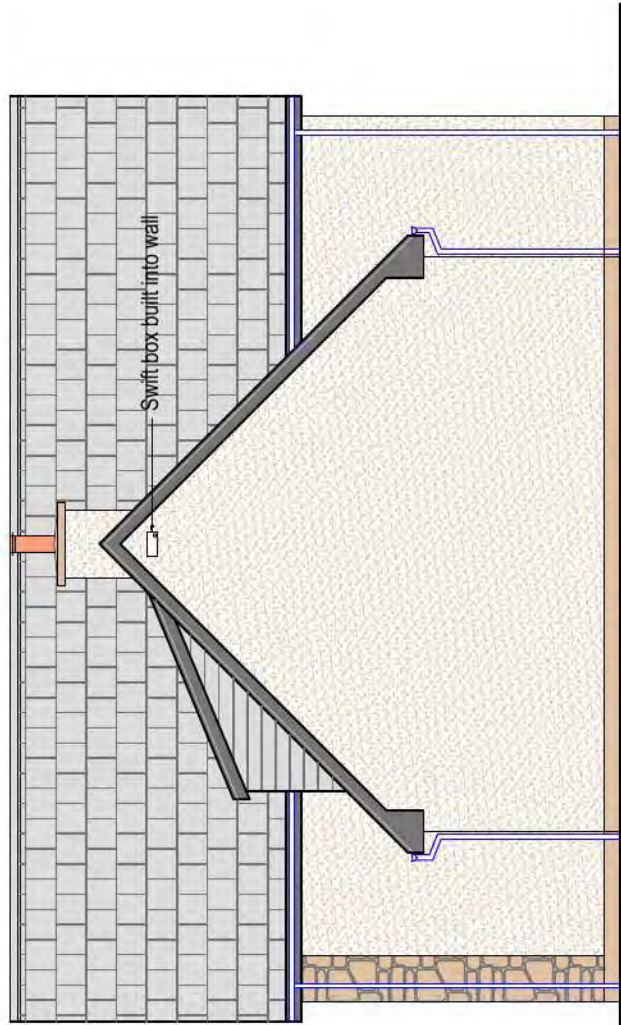
South East Elevation



North East Elevation



North West Elevation



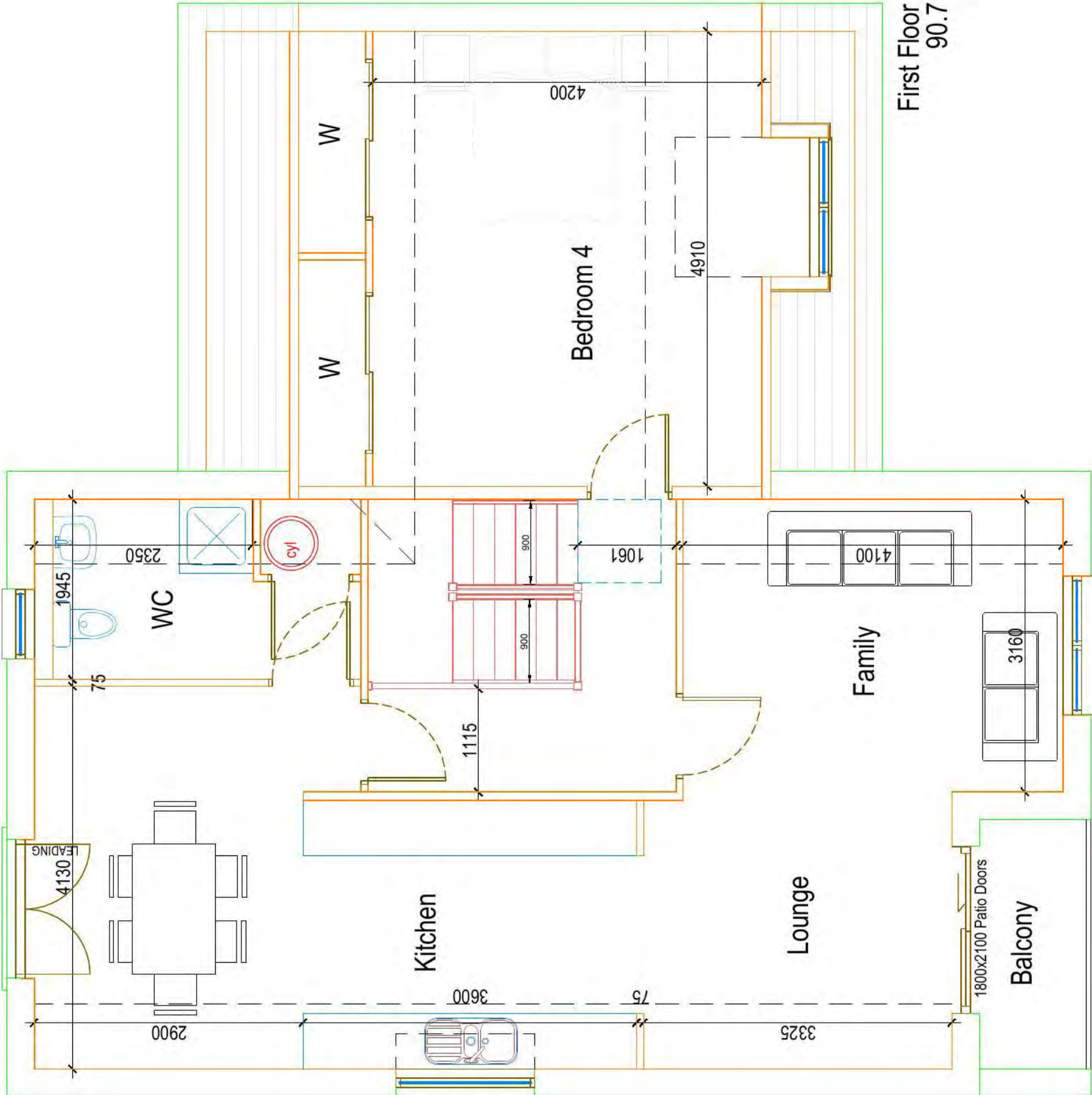
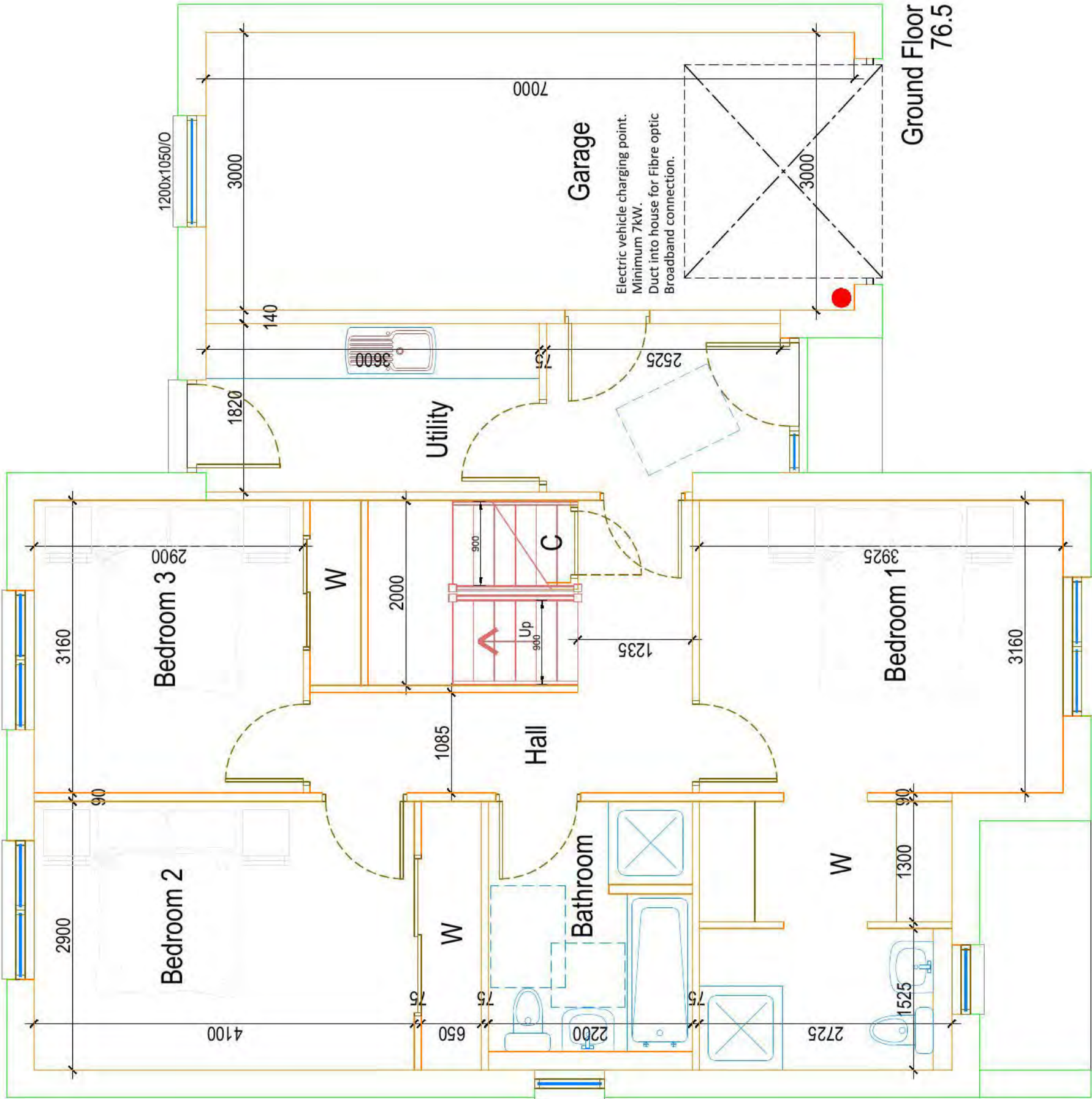
South West Elevation

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

REFUSED

02 December 2020

Development Management
Environmental Services
The Moray Council



D	7m Gargoes	CB	26/11/20		
C	Bay and Swift boxes added to gables	CB	20/11/20		
B	Chimneys and cladding to garage added	CB	24/9/20		
A	Stone clad areas revised	CB	30/7/20		
Revision				Date	



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Telephone (01542) 836510 Fax (01542) 832225
e-mail : chris@morlich.co.uk

Project
House type 2
Plot 6
Station Road
Portessie

Floor Plans & Elevations

Scale
1:50/100 (A1)

Date
05-03-2020

Drawn By
C Bremner

Drawing No.
20-40/PL/P6/01

All Morlich Homes drawings to be read in conjunction with structural engineers drawings.

Do not scale this drawing.
All dimensions to be checked on site prior to commencement of construction and prior to ordering of materials and components.

EXTERNAL FINISHES:-

1. Marley Edgemere Concrete Roof Tiles - Grey
2. Drydash Wall Finish - White
3. Marley Cedral cladding - Slate Grey
4. Timber Windows And Doors - Grey
5. Timber Fascia And Soffit - Grey

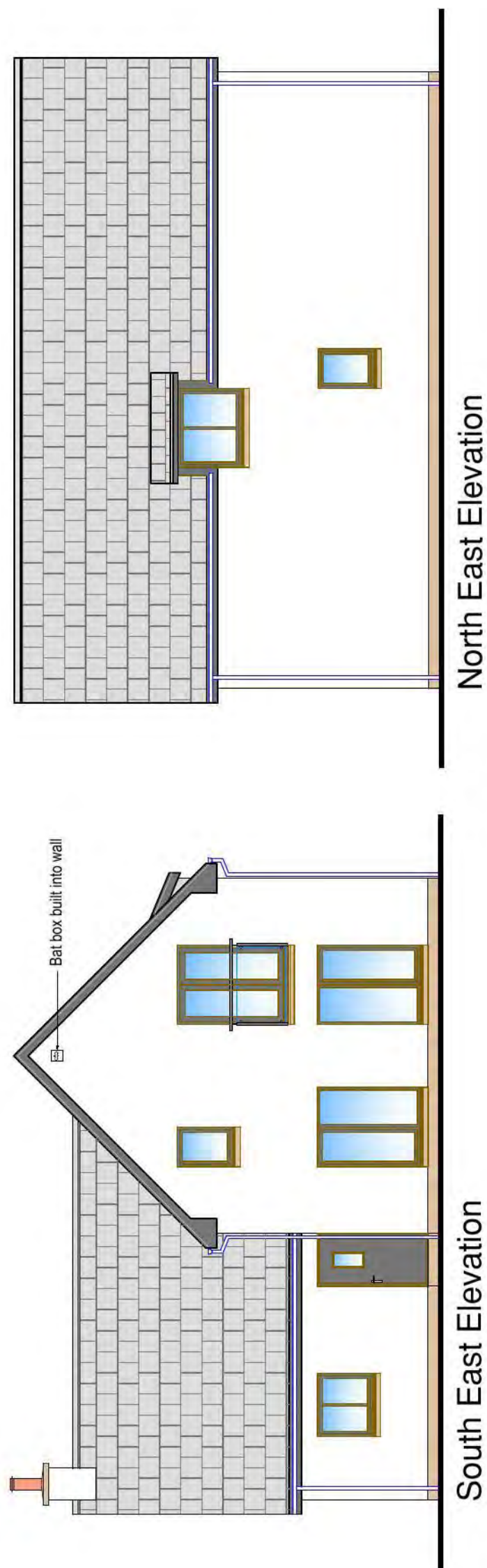
**Town & Country Planning
(Scotland) Act, 1997**

as amended

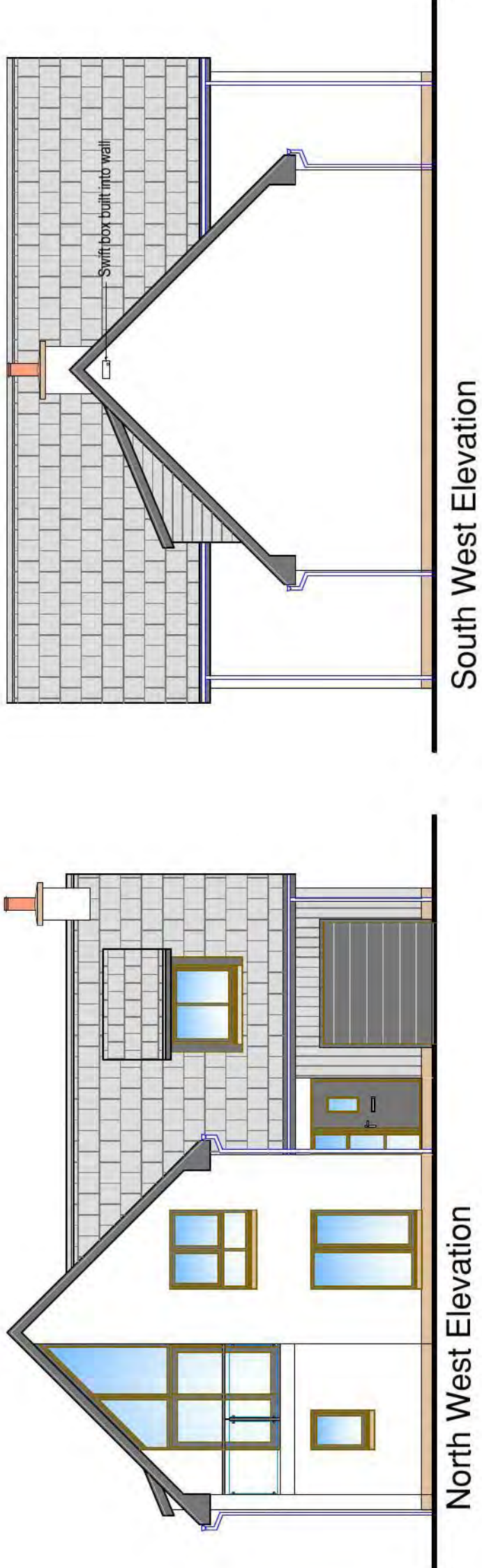
REFUSED

02 December 2020

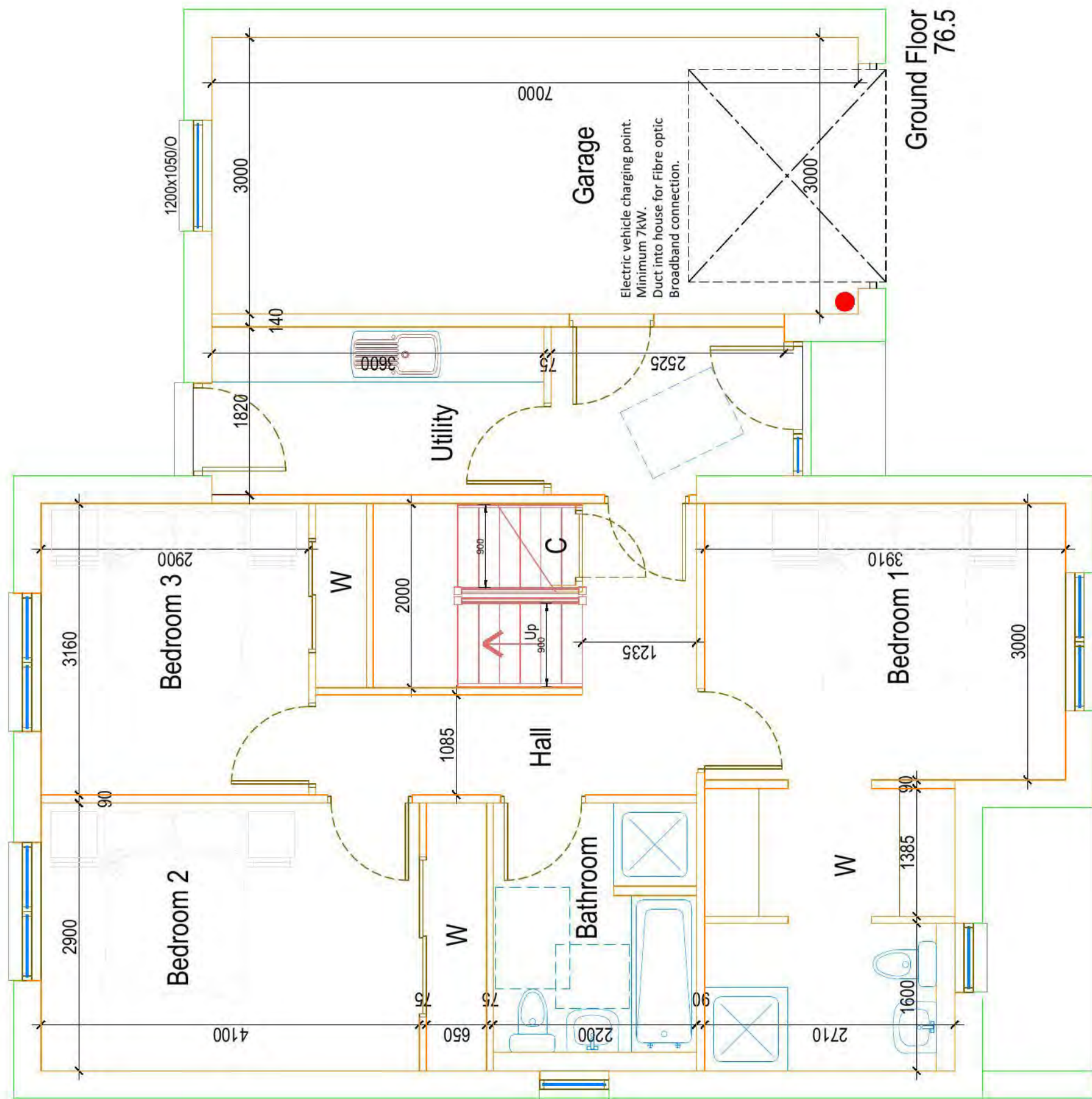
**Development Management
Environmental Services
The Moray Council**



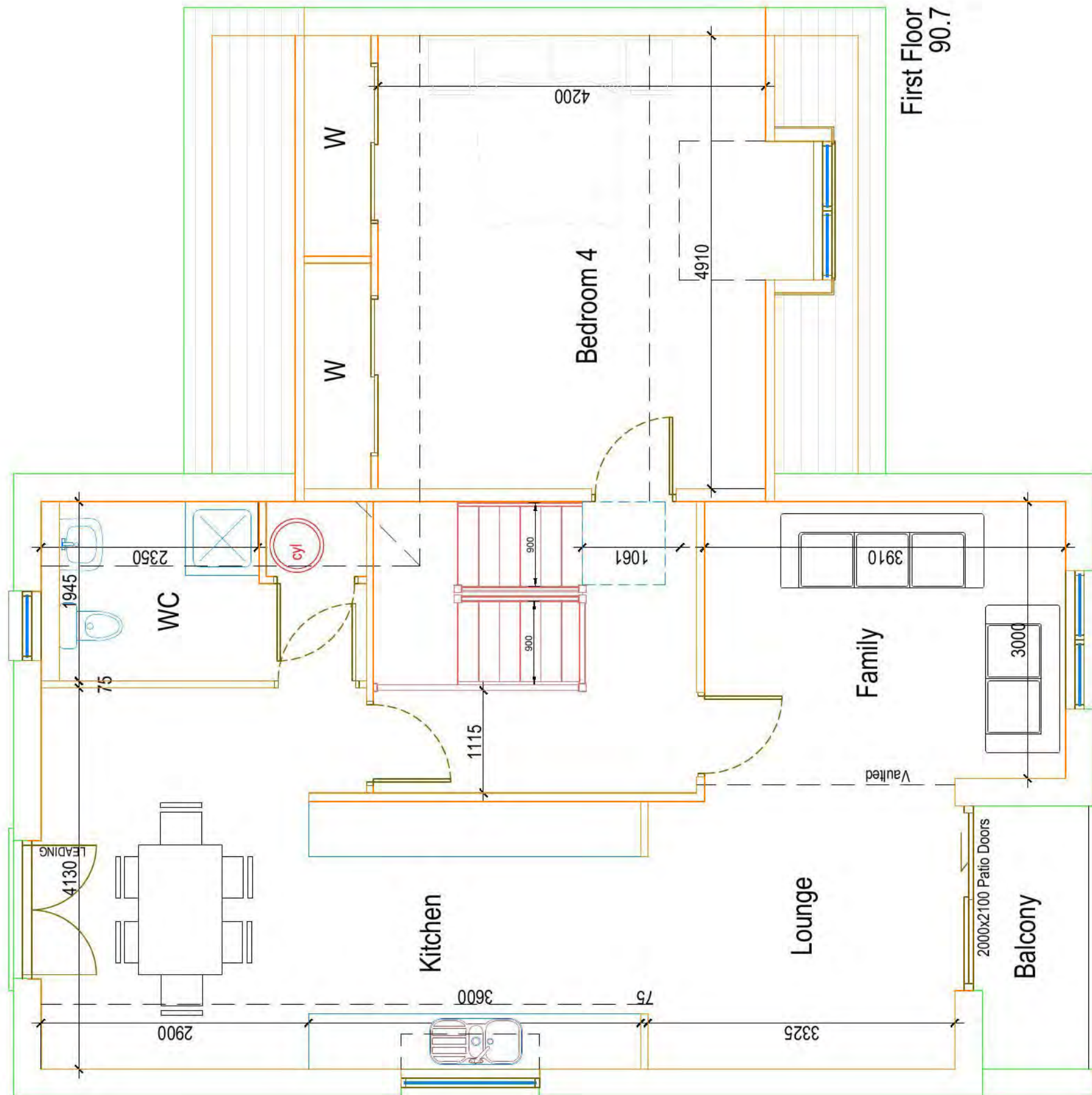
North East Elevation



South West Elevation



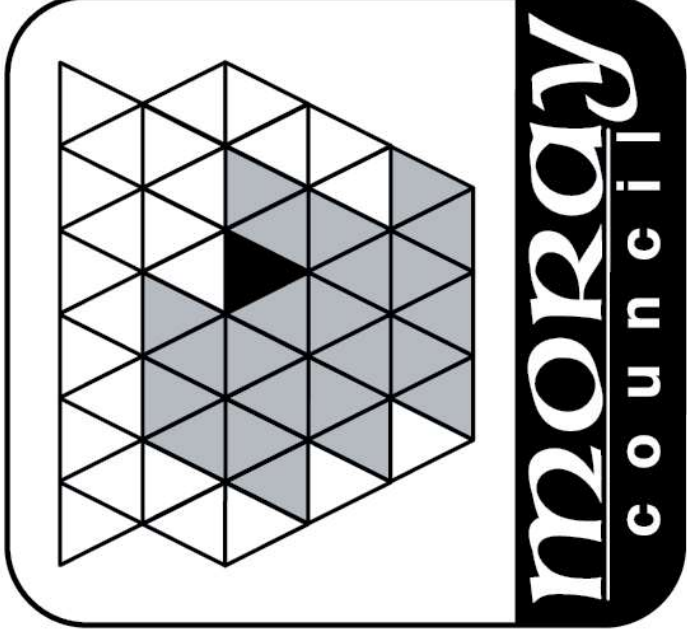
76.5



First Floor 90.7

D	7m Garages	C8	26/11/20						
C	Bat and Swift boxes added to gables	C8	20/11/20						
B	Chimneys and cladding to garage added	C8	24/9/20						
A	Stone clad areas revised	C8	30/7/20						
Revision			Date						
119 High Street, Buckle, Moray AB56 4DX Telephone (01542) 836510 Fax (01542) 832225 e-mail : chriss@morlich.co.uk									
Project									
House type 2									
Plot 7									
Station Road									
Portessie									
Drawing									
Floor Plans & Elevations									
Scale									
1:50/100 (A1)									
Date									
Drawn By									
C Brenner									
Drawing No.									
20-40/PL/7/01									





SCHOOL ROLL FORECASTS

Based on Annual School Census 2019

Version 1.0, August 2020

PORTESSIE		ACTUAL							FORECAST						
(PM107)		2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	
INPUTS															
Primary I Input							11	11	13	12					
Pupils per household		0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	
Housing		0	0	0	0	0	0	0	0	5	5	5	0	0	
Placing Requests		1	0	7	4	7	3	4	4	4	4	4	4	4	
CLASS															
P1		13	4	19	20	22	14	15	17	16	17	16	16	17	
P2		12	13	6	21	18	22	14	15	17	16	17	16	16	
P3		14	13	13	7	25	18	22	14	15	17	16	17	16	
P4		16	13	12	14	7	25	18	22	14	15	18	16	17	
P5		9	17	12	12	15	7	25	18	22	14	16	18	16	
P6		9	10	17	12	11	15	7	25	18	22	15	16	18	
P7		9	9	10	17	13	11	15	7	25	18	23	15	16	
Total Roll		82	79	89	103	111	112	116	118	127	120	119	113	116	
Physical Capacity															
Total Roll - Physical Capacity		192	192	192	192	192	192	192	192	192	192	192	192	192	
(Tot Roll/Physical Capacity)%		-110	-113	-103	-89	-81	-80	-76	-74	-65	-72	-73	-79	-76	
		43%	41%	46%	54%	58%	58%	60%	61%	66%	63%	62%	59%	60%	
Functional Capacity															
Total Roll - Functional Capacity		160	160	150	150	160	160								
(Total Roll/Functional Capacity)%		-78	-81	-61	-47	-49	-48								
		51%	49%	59%	69%	69%	70%								

Because of rounding, the Total Roll may not be exactly the same as the sum of the P1-P7 figures.

REPORT OF HANDLING

Ref No:	20/00544/APP	Officer:	Iain T Drummond
Proposal Description/ Address	Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road Portessie Buckie		
Date:	02.12.20	Typist Initials:	FJA

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	26/11/20	No objections
Contaminated Land	29/05/20	No objections subject to condition to investigate potential contamination on site.
Transportation Manager	03/07/20	No objections subject to conditions and informatives
Scottish Water	18/05/20	No objections
Strategic Planning And Development	24/11/20	Identifies that the proposal does not comply with development plan policy and recommends refusal.
Planning And Development Obligations	29/05/20	Identified contributions towards healthcare and affordable housing
Moray Flood Risk Management	22/05/20	No objections
Moray Council Other Depts - Housing	29/05/20	Identified that a financial contribution towards affordable housing would be the most appropriate option in relation to this site.
Moray Access Manager	18/05/20	No objections

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1 Placemaking	Y	
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	

DP2 Housing	Y	
EP2 Biodiversity	Y	
EP5 Open Space	Y	
EP7 Forestry Woodland and Trees	Y	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	
EP14 Pollution Contamination Hazards	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received 5 objections and 7 in support		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: Road safety</p> <ul style="list-style-type: none"> Concerns regarding the proposals to access the existing house via the proposed new access road and restrict movements along Station road to pedestrian and cyclist and the impact this would have on the ability of larger delivery vehicles and other visitors to access the existing properties. The proposed access arrangement would have a detrimental impact on the safety of pedestrians and cyclists due to reduced visibility/lack of sight. There would be a high volume of traffic during the construction of the development which would be dangerous for children playing in the area and pedestrians/cyclists. Concerns about the increase in traffic not only during the development but once its completed. The average house now has 2 vehicles which will increase traffic via Rathven which is a small narrow road that already has issues with speeding. <p>Comments (PO): The transportation service have been consulted on the proposals and subject to the conditions as recommended, which includes measures for visibility splays the proposals are not considered to result in road safety concerns.</p> <p>In terms of access for delivery vehicles and visitors to existing houses the proposed arrangements should provide a greater amount of turning and parking space than is presently available on Station Road.</p> <p>With regard to road safety concerns during the construction process, a condition requiring a construction traffic management plan has been recommended and would ensure that construction traffic is managed to minimise impact on the neighbouring properties.</p> <p>Issue: Impact on natural environment</p> <ul style="list-style-type: none"> The area proposed for development is also rich in wildlife and is used by kids to play in and explore the old railway line and buildings which would be lost if the development went ahead. Once again it's sad to see another development in our beautiful countryside. This small woodland is home to lots of wildlife. The area of the proposed site is home to many wildlife and is a popular walking/cycling route steeped in history. 		

- Ridiculous to cut down trees to put up houses. Animals live there, children play there. Why on earth choose that piece of land? The animals, birds and insects will have nowhere to go.

Comments (PO): this issue is discussed in the observations section of this report, where it is concluded that due to the impact on the ENV designation the application is to be refused on this basis.

Issue: Loss of view

- Now my view will be modern houses designed for towns not countryside

Comments (PO): The design of the houses have been amended during the consideration of this application, to better reflect the traditional vernacular of Portessie, however, loss of view as a result of the proposed houses is not a material planning consideration and cannot be taken into account in the determination of this application.

Issue: There would be a lot of rubbish and debris during the construction of the development which would adversely affect the existing neighbouring properties.

Comments (PO): This is a speculative comment on which it would be unreasonable to refuse a planning application on these grounds as there is no guarantee that such an impact would occur. If the development resulted in a statutory nuisance in terms of noise or dust pollution then Environmental Health would have power to take action to rectify the issue.

Issue: Privacy impact on existing houses

Summary and Assessment of main points raised in support of the proposals

- This is a fantastic opportunity for the area. Given the uncertain times we find ourselves in this would create employment for local trades which can only be a good thing. There is a very limited market supply of houses in the Portessie area and this site would upgrade Station Road which is in a poor state of repair at the moment.
- It is good to finally see new properties being proposed in Portessie as it is a beautiful area with a limited market supply.
- We are looking to relocate to the area and having great difficulty finding a suitable property with 4 bedrooms. The proposed small scale development would be ideal for our needs as are looking for a new build property within a community but without living on a large scale development/site.
- The development will help support the school role of Portessie primary school, where it is difficult to find a property within the catchment which suits family needs.
- There is a large amount of availability for new build energy efficient homes in other areas of Buckie but no availability in the Portessie area.
- Without developments like this that school numbers will fall and as has been seen with other areas the school will inevitably close which would be a huge loss to the area.
- An energy efficient family home, within safe walking distance to the school. I believe this development is something that the Portessie area badly needs.
-

Comments (PO): Whilst these points are noted, 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.

As outlined within the observations section of the report, the site lies within a designated ENV5 area where residential development is not permitted and therefore this application is refused on this basis.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Proposal

This application seeks detailed planning permission for the erection of 7 dwellinghouses at Station Road, Portessie, Buckie.

The proposed houses are 4-bed, one and a half storeys with single integral garages and comprise two main house types, with variations from plot to plot, including the addition of a sun lounge on plot 1 and re-orientation of the garages on plots 3 and 4. It is proposed that the houses be finished in a mixture of render, natural stone and cedar cladding on the walls and smooth grey concrete tiles on the roof, with the houses on plots 2 to 6 being finished in beige render and the houses on the end plots (1 & 7) being finished in white render. Each of the houses incorporate an electric (EV) charging point within the garage and ducting is provided to all houses to allow for fibre optic broadband connections. Each of the houses also incorporate a swift and bat box on either gable elevation of the houses.

A new access road is proposed which would serve both the proposed houses and existing neighbouring houses, which is separate to but runs in parallel to Station Road, which would be retained for pedestrian/cycle purposes. Roadside swales, which form part of the overall SUDs scheme for the site are located between the new access and Station Road and are to be planted with wildflowers. The front and side gardens of the houses are bounded by a mixture of beech hedging and natural stone walls with the south of the sites being finished in post and wire fencing and 1.8m high timber screen fencing proposed between the rear garden areas of the houses.

A 6m wide buffer strip/habitat corridor is proposed adjacent to the existing ditch, which runs along the along the southern boundary of the site, where it is also proposed to plant over 1000 trees within this area.

Site

The site lies to the south of Portessie within the settlement boundary of Buckie and comprises a small portion of the larger Buckie ENV5 green corridor designation, as defined in the Moray Local Development Plan 2020. The site is bounded to the north by Station Road, which forms part of the Sustrans Aberdeen to Inverness cycle route and designated core path network. Station Road also serves the 5 existing houses which bound the site to the north.

The site is presently a relatively dense thicket of bushes bounded to the west by the public road and further dense bushes beyond, to the east by more dense bushes and to the south by a drainage ditch with open farmland beyond.

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 (Buckie ENV5 (Portessie Station/Cycle Path), EP2, EP5, EP7, PP1, DP1 and DP2)

This site was designated as a residential site Buckie R10 within the proposed 2020 MLDP, however, following an examination of the plan by Scottish Ministers in May 2020 the Reporter concluded the following regarding the site,

"While I note that there is a requirement to protect the cycle route, improve the core path and for any proposed layout to take account of any existing services present, this site is subject to a number of site specific constraints. It is unclear at this stage how these constraints would be overcome.

At my site inspection I found it mostly to be covered in shrub and it was boggy and poorly drained. While I note that there may be no important habitat on the site, the established vegetation effectively screens the built edge of Portessie (even in Winter) from the open countryside and provides a valuable landscape setting to the settlement. A similar effect is also achieved on the opposite side of Station Road to the west. The development of this site would breach the natural limit of the village and I would be concerned over the precedent that may be set if it were to remain as a designation for housing. Therefore, I recommend that it is removed from the plan and reinstated as ENV5 as "Green Corridor". I do not consider that the removal of this small site from the plan would impact on the overall supply of housing within the Buckie Housing Market Area."

This application was submitted prior to the Reporters finding above being published and therefore prior to the adoption of the MLDP 2020, however, taking into account these findings and the now adopted MLDP 2020, this application must be assessed on the basis that the site is an ENV5 area and not the Buckie R10 housing designation.

With the above in mind, Development within ENV areas, must be assessed in accordance with the associated policy EP5, which stipulates the type of development which may be acceptable in these ENV areas and is therefore the leading policy consideration in the determination of this application.

Policy EP5 outlines that development which would result in a change of use of a site identified under the ENV designation in settlement statements or amenity land designations in rural groupings to anything other than open space use will be refused. The only exceptions are where the proposal is for essential community infrastructure required to deliver the key objectives of the Council and its Community Planning Partners, excluding housing, or for a site specific opportunity identified within the settlement statement.

In this case the proposal is contrary to Policy EP5 Open Space. The policy is clear that development that would change the use of an identified environmental designation will be refused. There are exceptions to this, including essential community infrastructure however housing is specifically excluded. Where it is considered development can be sensitively accommodated within an ENV this has been written into the accompanying designation text in the environment/green infrastructure section of the settlement statement within the LDP 2020. No such text has been added to ENV5 Portessie Station/Cycle Path designation.

The policy is very explicit that housing within an environmental designation is not an acceptable use and there is no justification to support a departure from this policy to allow a housing designation in this location.

In conclusion, the proposal is contrary to EP5 Open Spaces and this form the basis for the refusal of this application.

On the basis that the proposal lies within an ENV area and fails to comply with policy EP5, other policies within the plan such as policy PP1, DP1 and DP2 all require proposal to comply with policy EP5 and as this proposal does not comply with EP5, in turn the proposal automatically fails to comply with these policies as well. Policies EP2 and EP7 also aim to ensure safeguards against adverse impacts on wildlife corridors/green networks and fragmentation of existing habitats and loss of woodland. Whilst the site is contained in the national forest inventory, prior to inclusion of the site within the Proposed MLDP 2020 a biodiversity report was provided at the Main Issues Report which demonstrated that there are no rare species of rare flora or fauna on the site. Whilst it is recognised that the site is contained in the national forest inventory, it is debatable as to whether the plant species on site constitute woodland and are not more of a dense thicket of bushes. At the time of proposing the site for residential development it was concluded that need for housing within this area outweighed the loss of vegetation on this site, however, now that the site has been designated as an ENV area, the loss of bushes from the site is contrary to the requirements of policy EP2 and EP7.

The applicants have outlined in support of their case that whilst the Reporters comments are noted, they have been able to show how the site can be developed whilst taking into account the constraints and this is demonstrated by the lack of any objections from consultees on the proposals. In addition to this they have highlighted that the proposed development is of a very high standard of design and reflects the traditional character of Portessie. The proposals also retain the green edge to the settlement via the provision of the 6m wide habitat corridor along the south of the site, where over 1000 trees are proposed to be planted which addresses the second main concern raised by the Reporter. The applicants have also incorporated wildflower SUDs features, proposed post and wire fencing to allow free movement of hedgehogs, incorporated swift and bat boxes when all taken together would result in a development of high biodiversity value.

Whilst the details of the applicant's case are noted and an assessment of the overall design and layout of the scheme has concluded that the proposals would have been compliant with development plan policy on placemaking, design, biodiversity, drainage, parking, access etc, should the site have been designated within the adopted 2020 MLDP for residential development, however, the fact remains that the site was designated as an ENV area within the adopted MLDP 2020 and there are no caveats within policy EP5 or any other local development plan policy, which would allow for housing to be constructed within this ENV area, nor are the matters outlined considered to be of sufficient weight to justify a departure from policy.

Drainage (EP12 and 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. Scottish Water have also raised no objection to the proposed use of the public foul sewer or water supply and as such the proposal is considered to comply with policy EP12.

Access (DP1)

The Transportation service, have confirmed they have no objection to the approval of the proposals, subject to conditions, as such the proposed access details comply with policy DP1.

The Moray Access Manager has been consulted in relation to the potential impact on the cycleway/core path which bounds the site and given the development has been largely separated from the cycleway/core path and this route has been retained, no objections have been raised in relation to this aspect of the proposals.

Developer obligations and affordable housing (PP3 and DP2)

The applicants have confirmed that they are agreeable to entering into a legal agreement to secure the identified developer obligations and affordable housing contributions and as such the proposals are considered compliant with policies PP3 and DP2 in this regard.

Conclusion and Recommendation

Whilst it is acknowledged that when this application was submitted this site was a proposed residential designation, the proposed MLDP had very limited material planning weight at this time and now that the MLDP 2020 had been adopted and this residential designation has been removed from the plan and replaced with the Buckie ENV5 designation. As outlined above policy EP5 explicitly excludes residential development and therefore regardless of whether or not any proposed houses could be adequately served in terms of infrastructure, the fundamental principle of locating housing within an ENV area is unacceptable and as such this proposal is recommended for refusal on this basis.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**HISTORY**

Reference No.	Description		
	Decision		Date Of Decision

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Advertiser and Herald	No Premises	15/06/20	
PINS	No Premises	15/06/20	

DEVELOPER CONTRIBUTIONS (PGU)

Status	CONT SOUGHT
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DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	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)			



View Towards Site from North.



Railway Platform Structure seen through Bushes.



View Towards Site from South.

TOWN & VILLAGE STATEMENTS

BUCKIE

THE PLANNING BACKGROUND

With a population of 8,440, Buckie is a major service centre in Moray. It is best known for its commercial harbour, by far the largest in Moray. The harbour has traditionally been the natural focus for the town and it has recently been considered for designated port status.

Job prospects appear stable and unemployment has fallen over the past year and is presently below the Scottish average. The town does have a reasonably vibrant and structured shopping area, as well as a good range of facilities and services. The commercial core occupies a prime location, which has not been compromised by out of town retail developments.

Recent house building programmes in Buckie suggest a preference for private plot development of bungalows and 1½ storey houses. Approximately 120 new dwellings have been developed on designated housing sites since the

approval of the Moray District Local Plan in June 1993. Just over one third of housing sites identified in the previous Plan are now complete, many of them on greenfield land to the south.

Since the refusal of an application submitted by the former Regional Council to develop a waste water treatment plant at March Road, in March 1996, there has been continuing debate regarding the requirement for and ultimate location of a sewage treatment works in Buckie. North of Scotland Water Authority are anticipated to submit a further application early in 2000.

One unfulfilled objective in the previous Local Plan was the lack of progress in developing a management plan for the former railway land through the town and the three interconnected valleys of the Buckie, Freuchny and Rathven Burns. There is also still some way to go towards improving the quality of the environment at the entrances to the town and on the boundaries of industrial sites.

A current issue is that of traffic management: access from the recently de-trunked A98 main road is considered dangerous where it meets the High Street, heavy goods traffic along the coast road is an ongoing problem for residents in Buckpool, the Yardie and Ianstown in particular.

CHARACTER OF THE TOWN

Buckie is a well planned town comprising traditional Seatowns on raised beaches (one of these, the Yardie, is a Conservation Area), a gridiron Victorian area on the clifftop and twentieth century developments to the south. Its identity has not been undermined by coalescence towards Findochty, Rathven or Portgordon. The retail area occupies a pivotal central location near the public square, serviced by a busy wide thoroughfare. The March Road Estate provides sufficient room for industrial expansion, both visually and functionally separate from the town. Buckie has a well maintained stock of stone built terraced housing, and the town enjoys an excellent aspect to the Moray Firth.

The three green corridors of the Buckie, Freuchny and Rathven Burns present attractive wooded backdrops to the built-up areas of the town. Complementing these three corridors is the disused railway line, running east to west. In parts of Buckpool and eastern Buckie, the built-up area between these corridors is however dense and lacking quality open space. Closely adjoining much of the railway line are the town's braes, important landmarks which are worthy of protection.

OBJECTIVES

- (i) To generate more business through the Harbour.
- (ii) To encourage the development and regeneration of the harbour area by adopting a more broadly-based policy in respect of acceptable land uses.
- (iii) To consolidate major commercial and industrial activity at the March Road industrial estate and retail activity at the designated town centre.
- (iv) To investigate the possibility of developing a management plan for the disused railway line, the smaller line to the south and the three valleys at the burns.
- (v) To improve the quality and attractiveness of the environment by introducing soft landscaping, particularly at the entrances to the town, at the boundaries of greenfield housing and industrial sites and in and around dense built-up areas.

Population 8300

- (vi) To secure a planned and phased release of housing land to meet the demands of the town in the next 5 years.
- (vii) To protect the separate physical identities of Buckie, Rathven and Portgordon.
- (viii) To identify preferred site(s) for a new waste water treatment plant.
- (ix) To promote tourism and recreation in the town.

POLICIES AND PROPOSALS

In addition to the site specific requirements identified below and in development briefs, all developments must meet the terms of the Implementation policies (L/IMP1-8) in Chapter 8 (relating to siting, layout and design, character impact, landscaping, drainage, environmental and traffic impact). Subject to the scale of the development having a measurable impact on local community facilities, amenities or infrastructure, funding policies L/F1 Developer Contributions and L/F2 'Commuted Payments' in Chapter 7 may also apply.

BUSINESS ACTIVITIES

The Local Plan policies for business development are contained in Chapter 1 'Economic Development'.

Four well located industrial sites exist to the east of the town. Adequate land is available on these sites to cater for forecast future needs; expansion of existing businesses; the provision of sufficient room to enable the diversification of the town's economic base. Site servicing infrastructural works are necessary, however, to bring some of these sites on stream.

Industrial Estates (L/ED2, L/ED3)

11 March Road

A limited number of small sites are available.

12 Maltings

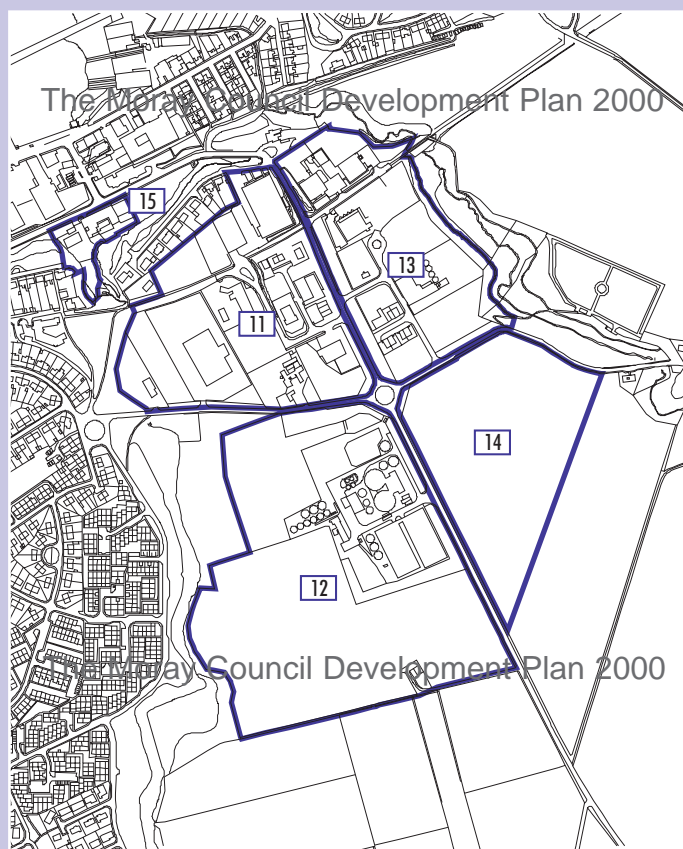
An area of approximately 8 ha is reserved for the southward expansion of the Maltings, otherwise its use will be as present for agriculture. A 15m landscape strip shall be reserved to the south and a 10m strip to the east.

13 Rathven Phase 1

Serviced sites remain to the north and south.

14 Rathven Phase 2

The northern end of this site was identified by the former Grampian Regional Council in 1995 as a potential location for the proposed waste water treatment plant. The application was refused at a planning hearing in March 1996 due to lack of clarity regarding the associated environmental impacts of such development. Subject to a resolved alternative site for the waste water treatment plant (see Waste Water Treatment, page 149), this 6 ha (15 acre) site will be available for industrial development when site 13 is substantially taken up or when appropriate industry cannot be accommodated by land elsewhere in the town. A 10m dense tree and shrub planting strip is to be provided to the west and a 15m strip to the south and east with initial development encouraged to locate at the northern end of the site.



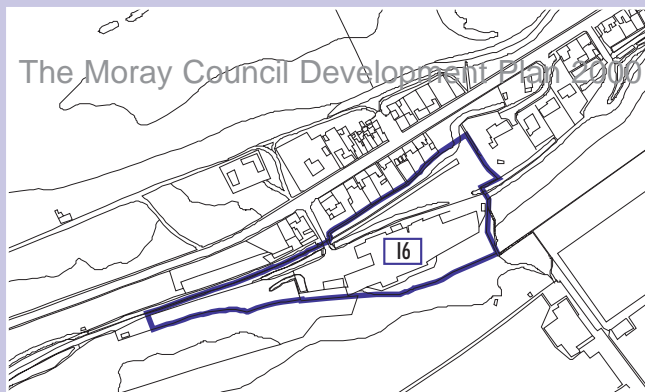
Established Business Areas (L/ED4)

I5 McLaren's Brae

This 1.6 ha (4 acre) site is conveniently located near the harbour and is considered suitable for storage or light industry development. Retail development will not be acceptable but a consent has been granted for some housing to the north east of the site. Access is to be taken into this site from the west, avoiding the bad corner at March Road.

I6 Grampian Country Park

This is inappropriately sited in a residential area and has noise, traffic and sewage implications. It is however an important employer in the town, but this site is recognised as being physically constrained by the embankment of the former railway line, Great Western Road and the Countryside Around Towns designation. Any development proposal at the western end of the site will require very sensitive design and boundary treatment and should screen off areas of storage, delivery yards and parking seen from the main road. The treatment of sewage and the management of car parking and traffic from the site are significant issues which are currently under discussion. Further extensions will only be permitted where there is clear evidence to demonstrate that the existing shortcomings can be overcome. Ultimately the Council will support a proposal for relocation of the business to a more suitable location



Mixed Use Areas (L/ED5)

I7 The Harbour

Also see Policy L/T6, Chapter 4. Within the area defined priority will continue to be given to development associated with harbour operations including processing, cargo traffic, marketing, storage, chandler, boat building and other ancillary uses. Alternative uses such as residential (e.g. in the form of flats above commercial premises), tourist or wholly commercial development which may not be directly related to the harbour but contribute to diversifying the character and environmental quality of the harbour area will be considered on their merits. In order to promote the development and regeneration of the area including the rehabilitation of redundant buildings, the infilling of gap sites and the creation of pedestrian links through environmental improvements, the Council will endeavour to establish a detailed masterplan for the area in partnership with the Moray Badenoch and Strathspey Enterprise Company and the local community. Road access to the harbour must be designed so as to minimise disturbance to local residents.



Opportunity Sites (L/ED6)

Opportunity Sites are sites which have the potential for redevelopment for a range of possible uses. The governing local plan policy is L/ED6 in Chapter 1. Other policies may apply pending the nature of the redevelopment proposal.

OPP1 Highland Yard

A mixed industrial area, this site has opportunities for a sensitive, well-designed redevelopment, but not in a piecemeal manner. Comprehensively planned, this site could be re-used for a mix of high density town flats/retail/office/commercial/car parking development. Any development proposals will include a footpath north/south through the site. The south end of Highland Yard is to be used for a small specialist housing development (see R4). Existing industrial premises may be relocated to designated industrial zones in the town, e.g. site I3.

OPP2 South Pringle Street/Blairdaff Street

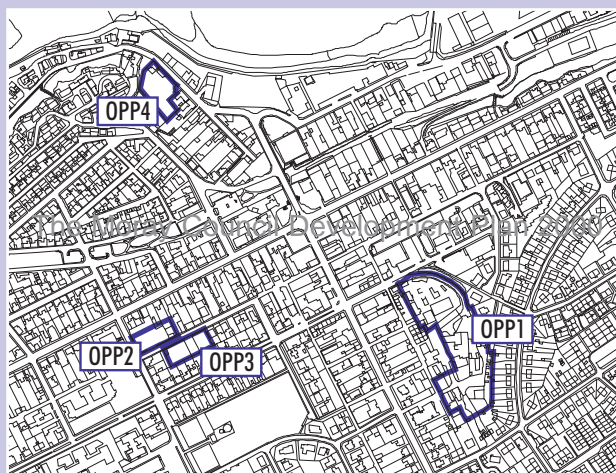
This site was identified in the previous Local Plan as being suitable for retail, commercial or flatted residential development. Planning consent was granted in January 1996 for flatted development of 21 units.

OPP3 Cruickshank Lemonade Factory

These vacant premises are suited for conversion to housing, including some provision as specialist housing for single persons, the elderly or disabled (see L/H8). The existing two storey buildings at the west of the site should be rehabilitated as part of the overall development of the site.

OPP4 Gas Works, Baron Street

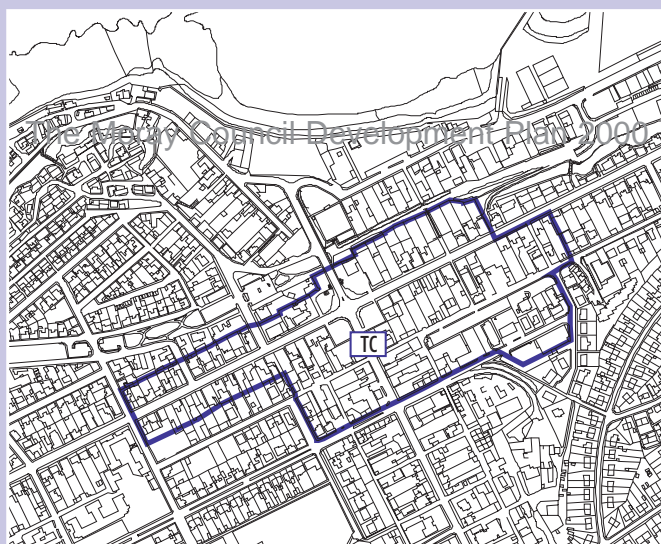
This site is located adjacent to the harbour and residential areas and could suitably be developed as two or three storey flatted accommodation with on-site parking. Some affordable and/or specialist housing should be considered (see L/H8). Some commercial use relating to the harbour could also be included. The general scale and street frontage of adjacent buildings should be respected with taller buildings sited to the back of the site.



SHOPPING

The governing policies for retail developments are contained in Chapter 6.

TC - Buckie is one of Moray's four shopping centres, the retention of which is of primary importance to the town. Existing premises in the identified Town Centre may therefore be redeveloped for retail purposes and existing ground floor shops must be retained as such. Moreover, the Council is determined to ensure that the integrity of the retail centre of Buckie is not undermined by out of town sites. Accordingly, new retail developments will be required in the first instance to locate within this defined town centre area (See Policy L/R1). However, the northern end of site OPP1 could provide a significant opportunity for retail redevelopment requiring the extension of the shopping area boundary.



TOURISM

Tourism is not a primary economic activity of the town but there is certainly undeveloped tourist potential in the area. Improvement of existing facilities, and the possible introduction of additional tourist developments in the harbour area and Strathlene Beach, may encourage an increase in the number of visitors to Buckie and the neighbouring fishing villages.

The governing policies for Tourism are L/ED16 and 17 in Chapter 1 (Tourist Facilities and Accommodation and Roadside Signs). The Economic Development policies in Chapter 1 apply where relevant and policy L/CF4 in Chapter 5 safeguards established routes for walking, cycling, trails and cross-country skiing.

T1 Caravan Park, Strathlene

Ancillary developments associated with the operation of this caravan park must be located within the site boundaries as identified in the plan. The need for further expansion will be monitored.

T2 Coastal Strip, Strathlene House

The coastal strip overlooking the bay, including the former outdoor swimming pool and land to the front of Strathlene House is a Site of Interest to Natural Science (SINS) but has potential for enhanced public facilities and for tourism-related development associated with a relatively low intensity sensitive use. This area is used informally by visitors in the summer season as a recreational spot with vehicles unfortunately being driven through the existing car park onto the grass. A coastal footpath leads on to Findochty and this may eventually be formalised (T3). The area has a poor standard of maintenance and contains the boundary walls and remnants of the disused swimming pool. Environmental improvement works should be included within development proposals for this area which respect the integrity of the SINS designation in the area. Development for private use in this area will not be permitted. Coastal erosion in this area will be subject to monitoring. Scottish Natural Heritage will be consulted as part of the consideration of development proposals for this site.

T3 Coastal Footpath

The identification of a Coastal Footpath route through the town to Cullen is being investigated as part of a Moray Firth Coastal Access Study (MOFCAS) although it is noted that this section may be susceptible to some coastal erosion.

T4 - Speyside Way Extension

The Speyside Way has been extended along the coast from Tugnet to Buckpool. The Council will promote an initial terminus at the Buckie harbour with a future extension through to Cullen.

T5 - Sustrans Cycle Route

The Council is promoting the Moray section of the Sustrans National Cycle Network and will consequently safeguard the route. Opportunities to promote tourism within the town should be taken.

ENVIRONMENT

The policies for the maintenance and enhancement of the local environment are found in Chapters 2 (Environment) and 8 (Implementation). The principal policies are L/ENV10 'Settlement Boundaries' and L/ENV18 'Public Amenity and Open Spaces' in Chapter 2, and L/IMP1 'Development in Built Up Areas' in Chapter 8.

Under the terms of policy L/ENV18 (Public Amenity and Open Spaces) a number of spaces have been identified which contribute to the environment and amenity of the town. The purpose of policy L/ENV18 is to protect the integrity of these spaces from inappropriate development and to ensure that their contribution to the amenity of the built up area is not compromised.

ENV1 Railway Lines, River Valleys and Coastline

The preparation of an Integrated Management Plan, for the two disused railway lines and the three valleys, will be investigated as an environmental project for the town involving the local community. The main objectives for these areas will be:-

- (i) to provide for improved public access (as part of a Moray Access Initiative), by extending the footpath network and by maintaining existing paths, and to provide a way-marked pedestrian trail penetrating into the town and skirting its boundaries to the town's countryside;**
- (ii) to maintain these features as visual landmarks, amenity features and as boundaries to discrete areas within the town;**

- (iii) to provide for wildlife habitats through better management;
- (iv) to promote the recreational, educational and tourist potential of these areas;
- (v) to monitor and possibly manage flooding from the town's burns;
- (vi) to consider the need for further bridging.

As part of the Sustrans network, the Council will look to provide a cycle/pedestrian link from west of Buckpool to Cluny Place and beyond to Rathven. Feeder links into this network will also be investigated.

Pedestrian links from Rathven to Buckie may therefore be upgraded along the Rathven Burn and the grassed area, east of Archibald Grove could be planted and an informal wooded footpath network would link Buckie railway south with March Road. The Buckie Burn perhaps offers the best opportunities for informal recreation and an area has been identified on the Town Map from the Mains of Buckie to Buckpool Harbour. The wetland areas will be managed as natural habitat and in some cases footbridges will require to be provided.

ENV1 also includes coastal areas which will be protected both for their amenity value and for the views they provide to the sea. These are as follows:

Coastal views - Great Western Road (two sites); Baron Street (one site); Great Eastern Road (two sites).

Coastal Open Spaces - Cliff Terrace (as a setting for the Leading Light, and views to existing housing); the Braes (Buckpool, Ianstown and Portessie); Buckpool Harbour:- the Council will seek the upgrading of the harbour environment as the terminus of the new Speyside Way extension.

The retention of the area of open space to the south of the coast road separating Ianstown and Portessie will be promoted and if existing buildings become redundant they should be removed.

Opportunities to upgrade all of these areas will be considered.

Millbank Terrace - Former railway line and adjacent 'buffer zone' area.

ENV2 Cluny Square

The council will investigate with MBSE an environmental improvement for the Square, emphasising the need to create a civic focal point for Buckie. The possible reorganisation of traffic flows, or car parking arrangements, sign posting and street furniture will be considered and community endorsement will be sought prior to any implementation.

ENV3 Recreation Areas

The following areas will be retained for educational and/or recreational purposes: Buckie High School and Playing Field, (including the field to the south which could accommodate any future sporting/recreational facility); Ian Johnston Park; the playing fields east of Buckpool golf course; Portessie Primary School grounds; Millbank primary School grounds; Victoria Bowling Green; Bank Street Bowling Green; Linzee Gordon Park.

ENV4 Wilson's Land

This is an area of underused ground located in a residential zone in Buckpool's clifftop strip. A derelict property contributes to the declining image of the area. The opportunity should therefore be taken to upgrade to built fabric on the site and improve the public amenity through the use of hard and soft landscaping. Any proposals involving new-build would be required to meet policies L/IMP1, L/H6, L/ENV16 and L/ENV18.

ENV5 General Amenity Areas

The following areas will retain their current function as open amenity space for adjoining housing areas: Letterfourie Road play area; Bruce Avenue North and South (two sites) location of lock-ups and formal play area. The Council may consider proposals to upgrade these areas by working in association with local residents.

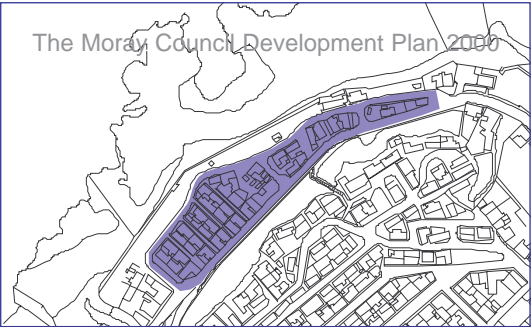
There are **wider environmental designations** relating to areas of local, national and international scientific importance and to areas of high scenic and landscape quality which in most cases may relate to areas just beyond the settlement boundary. Where sites of scientific importance are found within settlement boundaries, these will be listed above. The governing policies for the following designations are found in Chapter 2 (Environment).

- CAT** **The town is enclosed by a Countryside Around Towns area (see policy L/ENV11) shown on a separate map**
- CPZ** **The coastal area east and west of the town boundary, is designated as a Coastal Protection Zone. (See the proposals map and detailed maps held in the Council's Environmental Services Department).**
- SINS** **Two sites have been designated at Portessie for ornithological interest, and at Buckpool for both ornithological and geographical significance.**
- Detailed maps of all the above are held by The Moray Council.*

Yardie Conservation Area

The boundary of the Yardie Conservation area was reduced in the previous Local Plan to exclude the area at the top of the brae on the grounds that it is neither visually nor functionally associated with built townscape of the foreshore. (See detailed maps held in the Council's Environmental Services Department).

The governing local plan policy for development within Conservation Areas is L/ENV15 in Chapter 2. (Listed Buildings are controlled under policy L/ENV14).



HOUSING

On the basis of current market trends, the Structure Plan predicts that sites for an additional 100 houses are required over the next 5 years, although the population level of the town is not expected to increase significantly. These sites must be designated on new development land and are detailed below as follows:

- R7 Letterfourie Road (South): Capacity 20 houses.
- R8 Parklands: capacity 45-50 houses.
- R9 High Street (South): capacity 30 houses.

The main governing local plan policy for new housing developments is L/H3 in Chapter 3 (Servicing and Layout of new Housing Developments). Policy L/H7 in Chapter 3 (Affordable Housing provision) may also apply pending on the size and location of the development.

- R1 Burnbank**
Two grassed rectangular areas of ground and a small corner site fronting onto Buckie High Street has consent to provide for a total of 39 houses. New housing must respect the building line and formation of existing houses to the north and east since the townscape of High Street is important to Buckie's character.
- R2 High Street**
A large 4 ha site currently being developed to a mix of housing types by Stewart Milne Homes. A landscaped area will be provided along the southern boundary of

the site to screen the development from the main approach road into the town. A children's play area and link road from Shearer Avenue will also be incorporated within the overall site development. Preparatory works for the development of the southern section of the site are currently on-going.

R3 Highfield Road

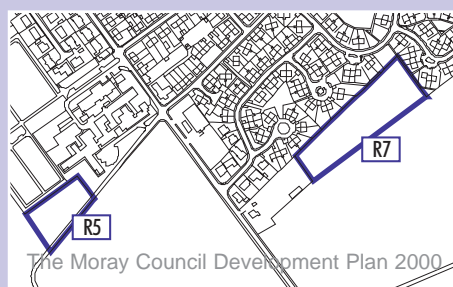
Planning consent was granted in January 1996 for the laying out and servicing of 26 house plots. However the site retains potential for specialist housing provision under the terms of policies L/H7 and L/H8. Landscaping and the provision of a pedestrian link adjoining the burn on the western boundary were incorporated as conditions of development.

R4 Highland Yard

A small site suitable for specialist housing, (see policy L/H8 in Chapter 3) possibly on two storeys, gaining access from Well Road. Provision should be made for a footpath link at either the west or east end of the site, connecting with the north/south link through OPP1 Highland Yard. The building line and scale of adjoining buildings, along with the need for a well designed street frontage, will be factors worthy of special consideration at the design stage.

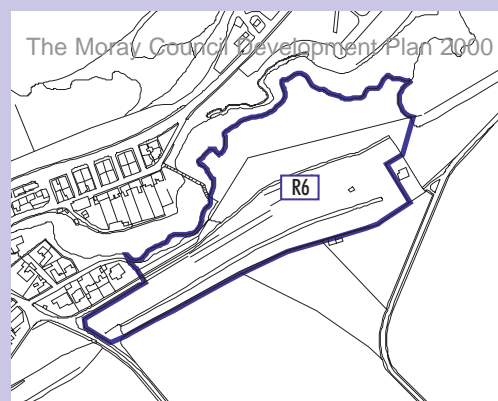
R5 Seafield Hospital

This is an attractive south-facing site suited to detached or general needs housing. Access is taken off Barhill Road and would require to be upgraded as part of site development. The existing tree line on the northern boundary of the site must be retained as part of the development proposal and the eastern edge should be suitably planted to wholly screen the housing from the adjoining hospital grounds.



R6 Portessie

Adjoining the golf course, a high quality housing development could be provided allowing the release of single plots, if appropriate. Materials should be selected to cope with the exposed position of the site and to blend (rather than stand out from) the surrounding countryside and townscape. A pedestrian link through the site must be retained in addition to the tree embankment to the south. Hilltop edge development (i.e. within 10m of the cliff face), will be discouraged, and an open area to the south of the golf course has been excluded from the settlement boundary. Any proposed development must allow for the retention of access along the railway line. Access to this site should be taken onto Loanhead/Strathlene Road with provision of 5 passing places. Five passing places must also be provided on the Loanhead Road (Between Station Road and Loanhead Farm). A footway should be provided from the site frontage to Great Eastern Road. A 10m strip of shrubs, e.g. whin, must be provided to the south and eastern boundaries of the site.

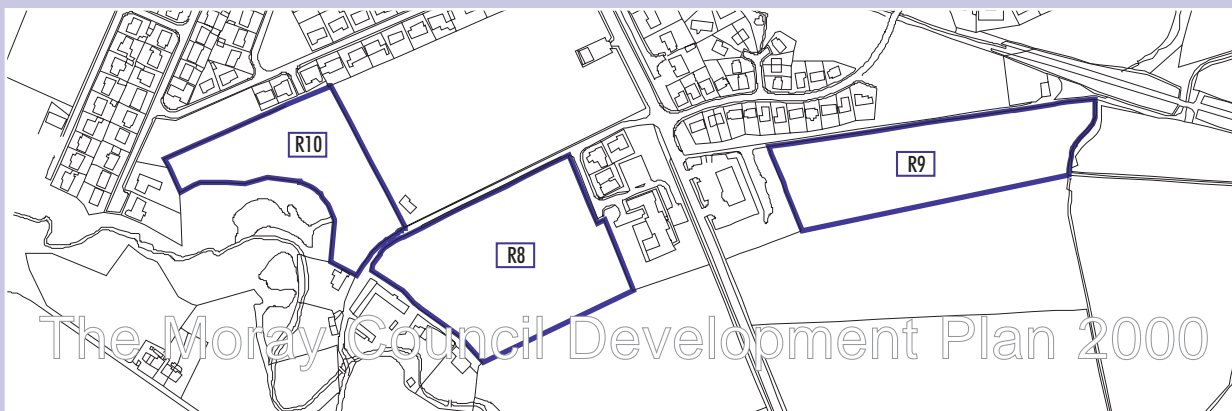


R7 Letterfourie Road (South)

An infill opportunity on the southern boundary of the town. This site would be suitable for general needs housing of a similar density to surrounding housing and taking access from Letterfourie Road. The southern boundary of the site must be planted with trees and shrubs providing a partial screen from Barhill Road.

R8 Parklands

This site could accommodate approximately 45-50 houses and should take access off High Street by means of a mini roundabout to the south of Parklands Nursing Home. This will be the main entrance into the site. A 3m wide emergency access should be provided onto Mill of Buckie Road. The access will have bollards to prevent the continuing use of vehicular traffic but may be used by pedestrians. New roads will have to be constructed to the Moray Council specification and an application made under Section 21 Roads (Scotland) Act for Construction Consent. The roundabout on the A942 will have to be designed to current standards and, if R8 is developed prior to R9, the development shall also consider the position of the roundabout to permit future access to R9. The development of this site would warrant the provision of a children's play area and formal play equipment to a standard agreed with the Council. Landscaping along the southern boundary of the site is essential due to its visibility from the main approach road to Buckie and a landscaping screen is required to the rear of the Nursing Home.



R9 High Street (South)

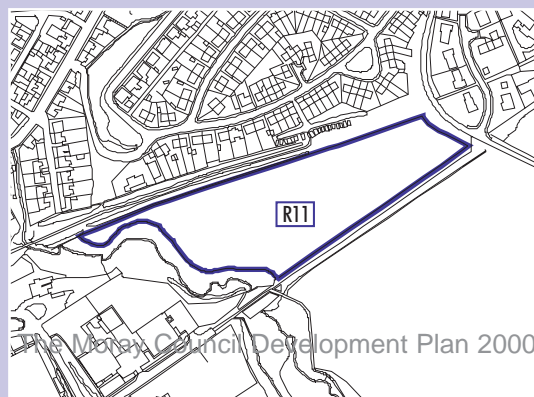
This site, currently in agricultural use, could accommodate approximately 30 houses. Access should be provided by means of a roundabout on the A942. This should tie in with the access to serve R8. An emergency access should be provided. This could possibly be provided along the track to the north of the site which should be surfaced in bitmac. The emergency access should be 3 metres in width and have bollards to prevent the continuous use by vehicular traffic. It would be beneficial if R9 could be linked into the existing R2. Construction Consent would be required, under Section 21 of the Roads (Scotland) Act 1984, for all new roads within the site. This would include the design and construction of the roundabout on the A942. Development should incorporate a 15 m tree and shrub landscaped strip to the south and east acting as a buffer zone on the edge of the town boundary.

R10 Steinbeck Road

This site will accommodate up to 30 houses with landscaped strip provided to the south and a pedestrian link reserved along the boundary of the Buckie Burn. A footpath link to Cluny Park is also required. Two houses have been developed to the north east of the site since its designation in the previous Local Plan. Planning consent has been granted on the proviso that no further development will take place until site R1 Burnbank is substantially complete. The Council will also encourage the release of single plots for development, if considered appropriate.

R11 Rathburn

This site is suitable for a mix of family and single person accommodation including specialist housing (see L/H8). The Council will also encourage the release of single plots for development, if considered appropriate. Access to the site must be taken from March Road Industrial Estate across the Burn of Rathven, utilising the line of the old railway, connecting to the Rathven Road. This road should be 5.5 m wide with one footway. The developer must also provide a footway link north along the Rathven Road to the roundabout. Traffic calming, soft landscaping and play facilities within the development will be necessary.



Pedestrian access links to the northern and southern "railway" paths will be incorporated into any housing layout, which must be sensitive to its prominent location.

COMMUNITY FACILITIES

The combination of development sites would result in a significant increase in Buckie's population and may require the provision of an additional fitness facility and enhanced arts provision for the town. The Council is currently considering a significant upgrade to the Buckie swimming pool.

The governing local plan policy for community facilities is L/CF1 in Chapter 5.

WASTE WATER TREATMENT

To comply with EC Urban Waste Water Treatment Directive, secondary (biological) treatment must be provided at Buckie by December 2000. This matter is currently being investigated by the North of Scotland Water Authority and will be resolved following discussion with the town's main industries which currently discharge into the public system. Two Council preferred sites have been identified for the location of a waste water treatment plant one at March Road (see I4) and one at Carnoch Wood. (See settlement map). These locations are considered worthy of further detailed investigation and offer the greatest potential for mitigating the impact of the plant on both the urban and natural environments. They are also understood to meet the technical criteria required by the North of Scotland Water Authority who will be responsible for the development. The Council does not favour a plant located along the raised beach coastal zone due to the residential and tourist nature of this area.

Flooding

Parts of Buckie are subject to flood risk and developments within these areas will be subject to assessment under the terms of policy L/ENV26 'Control of Development in Flood Risk Areas'.

Flood Prevention

The Moray Council will pursue the preparation of a Flood Prevention Scheme for Buckie under the terms of the Flood Prevention (Scotland) Act 1961 as amended. This scheme will be prepared in line with statutory process under the Act, require extensive hydrological research and will be subject to public consultation and environmental assessment.

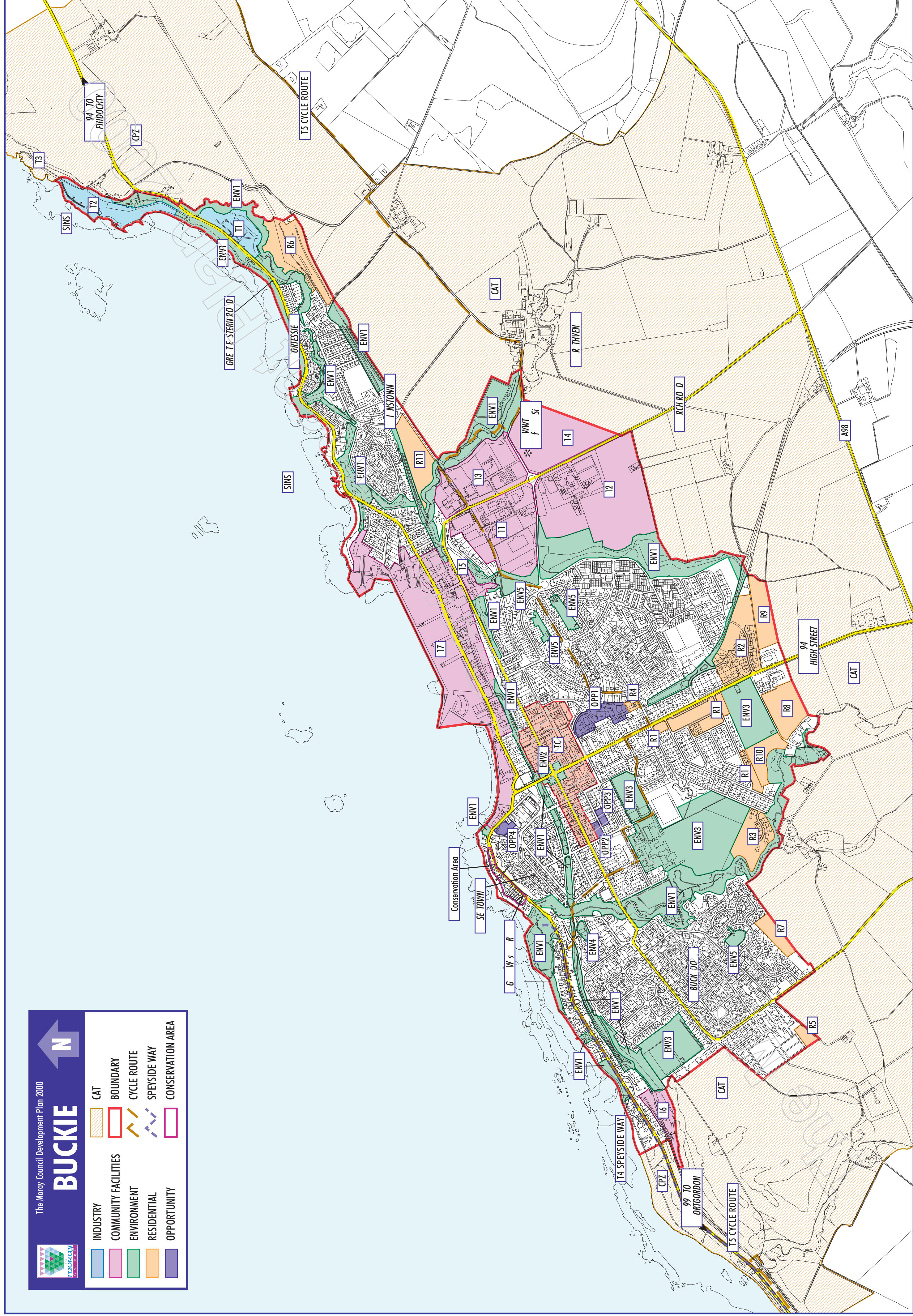


The Moray Council Development Plan 2000

BUCKIE



INDUSTRY	CAT
COMMUNITY FACILITIES	BOUNDARY
ENVIRONMENT	CYCLE ROUTE
RESIDENTIAL	SPEYSIDE WAY
OPPORTUNITY	CONSERVATION AREA



BUCKIE

Sites recommended for inclusion in Proposed Plan	MIR Reference/ LDP'15 ref	Site name	Use
	BK3	Land at Ardach Health Centre	Residential
	BK5	Station Road, Portessie	Residential
	BK6	Land at March Road (I1)	Opportunity site
	BK7	Land at Muirton	Residential
	BK9	Land to south west of Buckie	Residential
	BK11	Land to south west of Buckie	Allocate as LONG
	BK13	Land south of March road	Strategic reserve of employment land
	R3/BK14	Archibald Grove	Residential
	BK15/BP1/R10	High Street	Merge with R10 and BP1 to form mixed use site
	R1	Burnbank	Residential – existing designation
	R5	Rathburn (N)	Residential – existing designation
	R6	Rathburn (S)	Residential – existing designation
	R9 (e)	High Street	Residential – existing designation
	R11	Barhill Road	Residential – existing designation
	I1 (NW)	March Road	Industrial Estate – existing designation
	I2 (NE)	March Road	Industrial Estate – existing designation
	I3 (SE)	March Road	Industrial Estate – existing designation
	I4	Maltings	Business Area – existing designation
	I5	Harbour Area	Business area– existing designation
	OPP1	Highland Yards	Opportunity site– existing designation
	OPP2	Blairdaff Street	Opportunity site– existing designation
	OPP3	Barron Street	Opportunity site– existing designation
	OPP4	Bank Street	Opportunity site– existing designation
	OPP5	Former Jones Shipyard	Opportunity site– existing designation
	OPP6	Former Grampian Pork	Opportunity site– existing

Moray Council Estates**000179**

Proposal for 10 units on an area of land adjacent to the Ardach Health Centre

LDP2020 MIR BK5 – Station Road, Portessie**SEPA****000569**

Drain running perpendicular to Station Road. SUDS must protect it.

Moray Council Estates**000179**

Proposal to designate an existing ENV designation for housing in the LDP 2020. An indicative capacity of 16 units has been provided.

Moray Council Transportation

Support in principle subject to the changes to the turning head type and additional foot and cyclepath requirements.

LDP2020 MIR BK6 – Land at March Road (I1)**SEPA****000569**

No comments

Mr Angus Kerr 001570

Lives in property adjacent to the proposed site and bought it as it is not overlooked. Current area is a green field and is well used with dog walkers and joggers. Understand the need for development but some green areas should remain to meet the leisure and well-being needs of the local residents. Would like a maintenance strip/landbank between the site and east wall of the property. This will retain the existing tree and property wall and preserve privacy. Would like a strip of 1 ½ - 2m wide the length of the garden at 19 Erralston Marchmont Crescent.

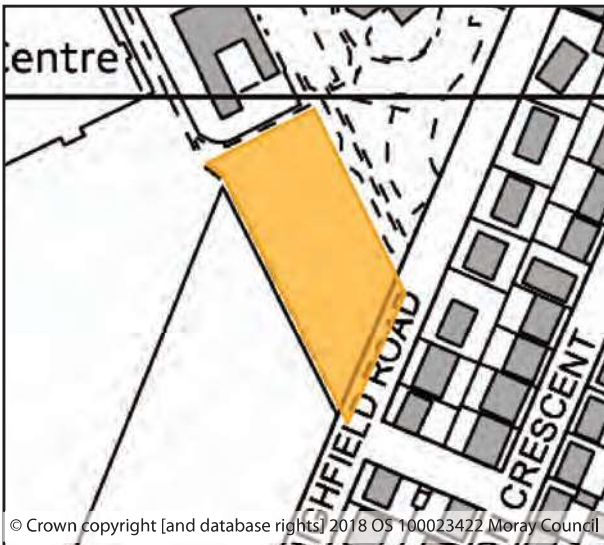
LDP2020 MIR BK7 – Land at Muirton**SEPA****000569**

Proposal forms part of a cumulatively large expansion with potential landscape impacts. SEPA have stated that should the bid be supported, adequate measures must be put in place to avoid pollution entering the drain. The site is also within proximity to Gollachy Civic Amenity & Transfer Station, Buckie and burn on east side of site has cooling water discharge from Inchgower distillery.

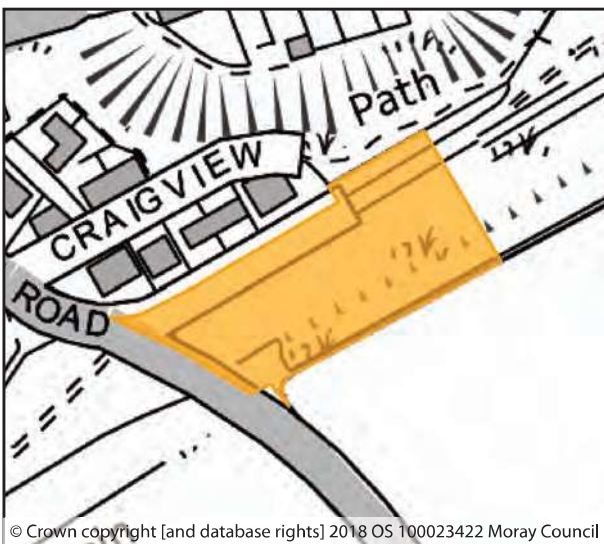
Morlich Homes**001861**

Request that the site is included as a residential allocation, indicatively for 142 units. To ensure it timely delivery and support the implementation of the Council's growth strategy, the site should be allocated without the need for it to be allocated as part of a masterplan for the wider area. A masterplanned approach runs contrary to the Council's preferred approach to deliver more housing units in the early part of the plan. Given the divided land ownership, the requirement of a joint masterplan potentially jeopardises the delivery of them.

The allocation of the site without the requirement for it to be included in a masterplan would be in line with the MIR's ambition to deliver an increased number of homes in the early years of the emerging LDP in line with local and national government policy. It will ensure that the site is not constrained by the

R9 Site at Ardach Health Centre**0.44ha****5 units**

- Opportunity for a small low density development. Development must not restrict access to the school, existing paths, or the area of open space.
- To maintain the character of the area, a low density development of up to 5 houses is appropriate.
- Buildings must be single storey to reflect the existing character of Highfield Road.
- Footway along frontage of the site must be widened to 2m.
- Opportunities to provide improved connection to school along west side of site must be included within the site layout.
- A Transport Statement may be sought.
- Drainage Impact Assessment (DIA) required.
- Noise Impact Assessment (NIA) may be required.

R10 Site at Station Road, Portessie**0.59ha****5 units**

- Opportunity for low density development that respects the prominent location and settlement pattern on Station Road.
- The existing cycle path must be retained and remain segregated. National Cycle Path Network Route 1 runs through the site. Provision of an improved section of cyclepath through the site required by providing an off-route cyclepath on the north side of the road.
- Landscaping must be provided along the southern boundary of the site.
- Site is a former railyard. A Contamination Assessment may be required.
- Improvement to core path BK4 will be sought.
- Development to be connected to mains water and sewerage, or otherwise to demonstrate that there will be no adverse effect on the integrity of the proposed Moray Firth Special Protection Area (pSPA) or cause changes in water quality affecting the habitats and prey species that the qualifying interests of the pSPA rely on.
- Drainage Impact Assessment (DIA) required.



characterised by bungalows.

The designation text states that any proposal must provide a 2m footpath along the frontage of the site as well as improving connections to the school along the west of the site. These measures will help to ensure and improve safe access to the school.

The requirement for a Transportation Statement has been included in the designation requirements. Details regarding parking requirements and any necessary road improvements will be dealt with at the planning application stage. Any proposal will have to comply with Policy DP1 (ii) which contains all of the relevant Transportation requirements which any proposal will have to adhere to.

No modification is proposed.

R10 Site at Station Road, Portessie

Charles Lachlan MacPherson (1993/1/1)

The site is located on the eastern side of Buckie and is currently covered by an ENV designation. The site was previously part of a larger housing designation for housing in the Moray Local Plan 2000. It was changed to an ENV designation in the Local Plan 2008 by the Reporter due to the high biodiversity and amenity value of the site. The site was retained in the Moray Local Development Plan 2015. In support of the allocation of the site in the Proposed Plan, a biodiversity report was provided at the Main Issues Report which demonstrated that there are no rare species of rare flora or fauna on the site.

Due to various constraints there are very limited options for development in the eastern side of Buckie. In order to try to facilitate development on the eastern side of Buckie there is scope to allocate a small area of land for low density development. An indicative capacity of five is given which reflects the existing development pattern/density along Station Road as well as respecting the location on top of the coastal cliffs.

The developer will be required to consider the potential impact of crossing any services/pipework including sewage pipes within their layout to ensure their proposals prevent adverse impacts. Impact on the existing foul drainage system and any necessary mitigation measures will be dealt with at the planning application stage through Policy EP 13 Foul Drainage. The designation text requires a Drainage Impact Assessment to be provided. Site capacities are indicative and the developable area may be affected by any constraints.

The Council acknowledges the importance of the existing cycle path which provides good east west connections across Buckie and the coast. This has been reflected in the site designation text which requires the cycle path to be retained and remain segregated from the road access. This will ensure that any development proposals will not have an adverse impact on this key connection.

There is no suggestion or plan to reopen the old railway line. The disused railway line runs through the settlement and other allocated sites in the Local Development Plan and therefore is not a valid planning reason not to allocate the site for development.

Issues relating to archaeological features are noted. The regional archaeologist was consulted and raised no objection to the site being included in the plan.

No modification is proposed.

LONG1 Land to south west of Buckie

Scottish Environment Protection Agency (569/12/4)

The requirement for a Flood Risk Assessment was omitted from site text in error.

If the Reporter is so minded, the Council would not object to the requirement for a Flood Risk Assessment being added into the site designation text. The following wording is considered suitable "Flood Risk Assessment (FRA) required."

ENV5 Burn of Buckie

Ronald Mair (1992/1/1), Douglas Ross MP (538/1/1)

The objections relate to four properties (Ferndale, Burnbank, Burnside and Doonharee) that are located within the ENV5 Burn of Buckie designation. The objection seeks to remove these properties and curtilages from the ENV5 designation.

The four properties have been located within the ENV designation from the Local Plan 2000 which reflects their location within the Burn of Buckie green corridor. At the time of this allocation there were no other properties built in this area.

A planning application (19/00126/APP) has been approved at Ferndale to change an area of this ENV to garden ground. On this basis the Council accepts that the boundary of the ENV designation should be redrawn to reflect this approval.

It is accepted that the area around the Burn of Buckie has become more developed with a number of houses being built outside of the ENV designation which are in close proximity to the four properties in the objection.

The garden ground of the properties Burnside and Doonahree are well established, small in size, and sit above the burn. The Council would not object to the ENV boundary being redrawn to exclude these properties and curtilages.

If the Reporter is so minded, the Council would not object to the following changes being made to the ENV5 Burn of Buckie designation;

- The ENV designation boundary being amended to reflect the planning approval at the property Ferndale;
- The ENV designation boundary at Burnbank being amended to be consistent with the approach taken at Ferndale; and
- The ENV designation boundary being amended to remove the properties and curtilages at Burnside and Doonahree;

ENV 6 Mill of Buckie

Frederick Basil Parkes (2014/1/1)

The site had no designation in the Moray Local Development Plan 2015 and was classed as "white land". Through the Tesco development in Buckie the Council secured £20 000

PROPOSED MORAY LOCAL DEVELOPMENT PLAN

R9 Site at Ardach Health Centre

6. This site is designated for a small low density housing development of 5 units. There is an opportunity to provide single storey houses. Access to the school, existing paths and open space must also be protected. I note that the designation text refers to the requirement for the existing footway across the front of the site to be widened to 2 metres. All of these measures should ensure a safe route to school is provided and can be considered once a detailed proposal is submitted. Therefore, I see no need to add anything further to the designation text.

R10 Site at Station Road, Portessie

7. While I note that there is a requirement to protect the cycle route, improve the core path and for any proposed layout to take account of any existing services present, this site is subject to a number of site specific constraints. It is unclear at this stage how these constraints would be overcome.

8. At my site inspection I found it mostly to be covered in shrub and it was boggy and poorly drained. While I note that there may be no important habitat on the site, the established vegetation effectively screens the built edge of Portessie (even in Winter) from the open countryside and provides a valuable landscape setting to the settlement. A similar effect is also achieved on the opposite side of Station Road to the west. The development of this site would breach the natural limit of the village and I would be concerned over the precedent that may be set if it were to remain as a designation for housing. Therefore, I recommend that it is removed from the plan and reinstated as ENV5 as "Green Corridor". I do not consider that the removal of this small site from the plan would impact on the overall supply of housing within the Buckie Housing Market Area.

LONG1 Land to South West of Buckie

9. A reference to the requirement for a flood risk assessment for this site appears to have been omitted in error. As there are watercourses on both the east and west boundaries as well as within the site, it is likely that an assessment of flood risk would be required. Therefore, I recommend that this requirement is included within the designation text for this site.

ENV5 Burn of Buckie

10. The council is agreeable to remove the four properties referred to in the representations from the ENV5 designation. These properties appear to have been built within the timeframe of establishing the green corridor within earlier versions of the plan. The circumstances have therefore clearly altered. In order to be consistent with other properties in the area, I recommend that the boundary for the ENV5 Burn of Buckie designation is amended in this particular area as suggested by the council.

ENV6 Mill of Buckie

11. The council informs me that planning permission was granted in December 2019 for 11 dwellings on part of this site. The remainder of the site is to be used as a community woodland. Given this updated position, I recommend that the site be designated for residential purposes (11 units) and as a community woodland (under the



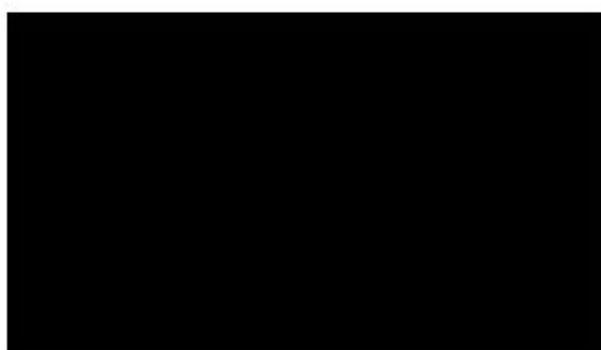
**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

[Buckie]

Application for Planning Permission

TO

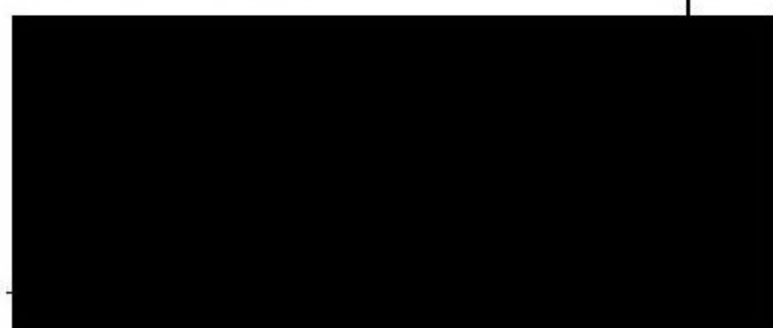


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road
Portessie Buckie**

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

Date of Notice: **2 December 2020**



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: -

The proposal would be contrary to the Buckie ENV5 designation and associated policies PP1, DP1, DP2, EP2, EP5 and EP7 of the Moray Local Development Plan 2020, in that the development would result in the loss of land within an ENV designation where these policies aim to protect and preserve the characteristics of ENV areas and where policy EP5 specifically excludes residential development within ENV designations.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
20-40/PL/03		Landscape layout
20-40/PL/02		Location plan
20-40/PL/P1/01	D	Plot 1 - elevations and floor plans
20-40/PL/P1/01	D	Plot 2 - elevations and floor plans
20-40/PL/P3/01	D	Plot 3 - elevations and floor plans
20-40/PL/P4/01	D	Plot 4 - elevations and floor plans
20-40/PL/5/01	D	Plot 5 - elevations and floor plans
20-40/PL/P6/01	D	Plot 6 - elevations and floor plans
20-40/PL/01		Site layout
20-40/PL/7/01	D	Plot 7 - elevations and floor plans

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

N/A

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

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, 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.

Gary Mackintosh

Email: gmsurveys@gmail.com

Tel: 07557431702

gmsurveys

Surveys, Setting-Out Civil Engineering Design

Drainage Assessment and Flood Statement

STATION ROAD, PORTESSIE

Gary Mackintosh Bsc

gmsurveys@gmail.com

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APPENDICES	

Client:

Morlich Homes Ltd

Site Address:

Site at Station Road
Portessie
Buckie

Planning Reference:

TBC

Date:

April 2020

Job Number:

01057

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 for 7 new private dwellings, adoptable standard road and access and associated infrastructure within land adjacent to station road in Portessie, Buckie.

To meet the needs of the local Planning Authority, a Drainage Assessment is required in accordance with policy EP5 of The Moray Local Plan.

Existing Site:

The site is located in the area of the former rail station to the south of station road in Portessie. A topographic survey has been carried out within the site which indicates that the site is predominantly flat within the north/north western areas with the former embankment running through the centre of the development area. The site is also raised to the south/south eastern areas adjacent to the field with a low area in the centre.

The existing site is currently partially wooded.

There is no foul water or surface water infrastructure within the site boundary however there is an existing manmade drainage ditch located to the south/south east boundary as indicated within the plans. The ditch runs north east to south west, parallel to the site boundary through the majority of the site. The watercourse is culverted beneath the public road continuing south west joining the wider network. The culvert is 300mm in diameter.

An existing overhead BT pole is located within the south west area of the site.

Flood Risk Statement/Mitigation:

The SEPA Flood Maps have been consulted which indicates significant pluvial flooding throughout the proposed site.

The SEPA flood Maps are based on existing, known topography highlighting low areas within the model mapping as having potential for surface water to pond within these areas while taking consideration of existing watercourses and their impact on potential flooding.

As noted within the 'Existing Site' section above, due to the position of the former rail embankment, a low area has formed between the exiting field area to the south/south east and the embankment. A site walkover confirmed that these areas do collect surface waters as per the SEPA Mapping.

Further investigation of the existing drainage ditch along the south/south east boundary highlighted that the watercourse becomes poorly formed before opening in to open ground prior to the discharge via the existing culvert. With an overland flow discharging to the culvert, much of the surface waters are gathering within the low areas and not fully draining through the exiting culvert.

Measures will be required therefore to alleviate the potential for surface water flooding within the site area and prevent an increase in surface water flooding out with the site.

During construction of the site it is proposed that the embankment is to be removed and the site area levelled as such that the existing low area within the site will be removed. The floor levels are to be positioned above the existing road level creating an overall even gradient throughout the development.

The properties are to be position a minimum of 6m from the top of the bank of the existing drainage ditch.

The existing drainage ditch is to be upgraded at the point where it discharges to the open ground in the form of extending the ditch towards the south/south east end of the development, channelling the surface waters directly to the culvert and removing the overland flow.

The above measures are to ensure that the current factors impacting the development are removed/improved ensuring that there are no areas for the surface waters to build up within the site with flows impacting the wider area. In addition, the surface water drainage features within the site are to be sized to manage surface water flows up to and including a 1:200year event.

Ground Conditions:

Soil investigations have been carried out within the site in November 2019 to assess the existing ground conditions and their suitability for the use of sub surface soakaways as a method of surface water management.

200mm – 400mm Topsoil with some fibrous rootlets and some roots overlying light brown to medium to medium dense, coarse gravelly sands to a depth of 1.0 – 1.2m and light brown medium to loose, fine gravelly Sands to the depth of the excavations.

The ground conditions remained consistent throughout the site. There was no evidence of contamination or water table within the test holes.

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

Infiltration Test	Pit Dimensions (w/l)	Test Zone (mbgl)	Infiltration Rate (m/s)
SA01	0.8m x 1.0m	1.4 – 2.0	6.83×10^{-5}
SA02	1.0m x 1.0m	1.0 – 1.7	4.92×10^{-5}
SA03	0.9m x 1.1m	0.6 – 1.2	3.14×10^{-5}

Infiltration testing carried out during the investigations yielded average site infiltration rates of 0.0000232m/s or 4.96×10^{-5} m/s.

Local Water Courses:

As noted, there is an existing drainage ditch located along the majority of the south/south east boundary, the watercourse enters the wider network of drainage ditches. It is assumed that the drainage network discharges to the Burn of Rathven, approximately 800m to the south west of the proposed site.

The coastline is located approximately 300m north of the development.

Existing Foul and Surface Water Runoff:

The proposed development site area may be considered to produce 0.27l/s runoff during a two - year return period storm event (runoff calculations are included in Appendix D).

There is no existing foul water discharge from within the site area.

The Proposed Site

The site plan is shown in APPENDIX A.

The current proposals are for 7 new residential properties made up of detached housing, parking and access infrastructure.

The Overall site area is approximately 6,226m² which is inclusive of landscaping areas and the existing section of track.

The site is to be made of the following impermeable areas:

760m² – Roof Areas

370m² – Driveways

1250m² – Adoptable and Private Road Area (inclusive of footpaths and service verges)

Total Proposed Impermeable area 2,380m² which represents an increase of 38.2% impermeable area.

Drainage Strategy

Foul Drainage

In accordance with good practice the development will require to be served by a separate foul and surface water system and incorporate SUDS facilities.

The foul drainage from the individual properties is to enter a new 150mm diameter foul water sewer located beneath the development roads.

The foul water for the development is to discharge, via gravity, to the existing Scottish Water foul water sewer located within the public road to the north west of the site.

The new foul water system is to be adopted and maintained by Scottish Water.

Storm Drainage

The surface water drainage will require to be designed in accordance with the principles of sustainable development. The objective of SUDS drainage systems is to manage the surface water runoff from the development by providing flow attenuation, water treatment and controlled discharge or dispersal. The aim is to maintain the pre-development runoff rate which would be achieved by agreeing a pre-development Greenfield runoff rate and designing a system to limit the post development discharge to this value.

The preferred method for incorporating SUDS within a development is to provide a series of features forming a management train throughout the site for the surface water.

Source control methods such as individual soakaways, porous vehicle surfaces and roadside infiltration trenches or swales are situated at the upstream end of the train. The downstream end of the chain can be made up of detention basins, ponds or wetlands where required.

It is therefore proposed that a roadside swale with infiltration beneath be installed along the length of the new road, sized to manage surface water flows up to and including a 1:200year event to prevent runoff entering areas sensitive to surface water flooding. The surface water runoff from the road area will enter the swale via flush kerbed runoffs as per the details shown within the appendices.

The road drainage system is to be adopted and maintained by The Moray Council.

The proposed roof and driveway areas are to discharge to private soakaways formed in Polycell storm water crates or similar approved and installed beneath the private driveway areas. The Soakaways are to be maintained by the individual property owners.

Conclusion

The proposals are for 7 new residential properties and associated infrastructure.

The foul water discharge from the development is to disperse to the existing foul sewer located to the north west of the site via gravity within a new foul water sewer to be located beneath the development roads.

The roads within the site are to discharge surface waters to roadside swales utilising infiltration as the method of surface water management. The roadside swales are to be adopted by The Moray Council following the completion of the development.

The roof and driveway areas are to discharge to privately maintained soakaways located beneath to individual driveways.

All surface water systems are to be sized to manage surface water flows up to and including a 1:200year event with 35% allowance for climate change.

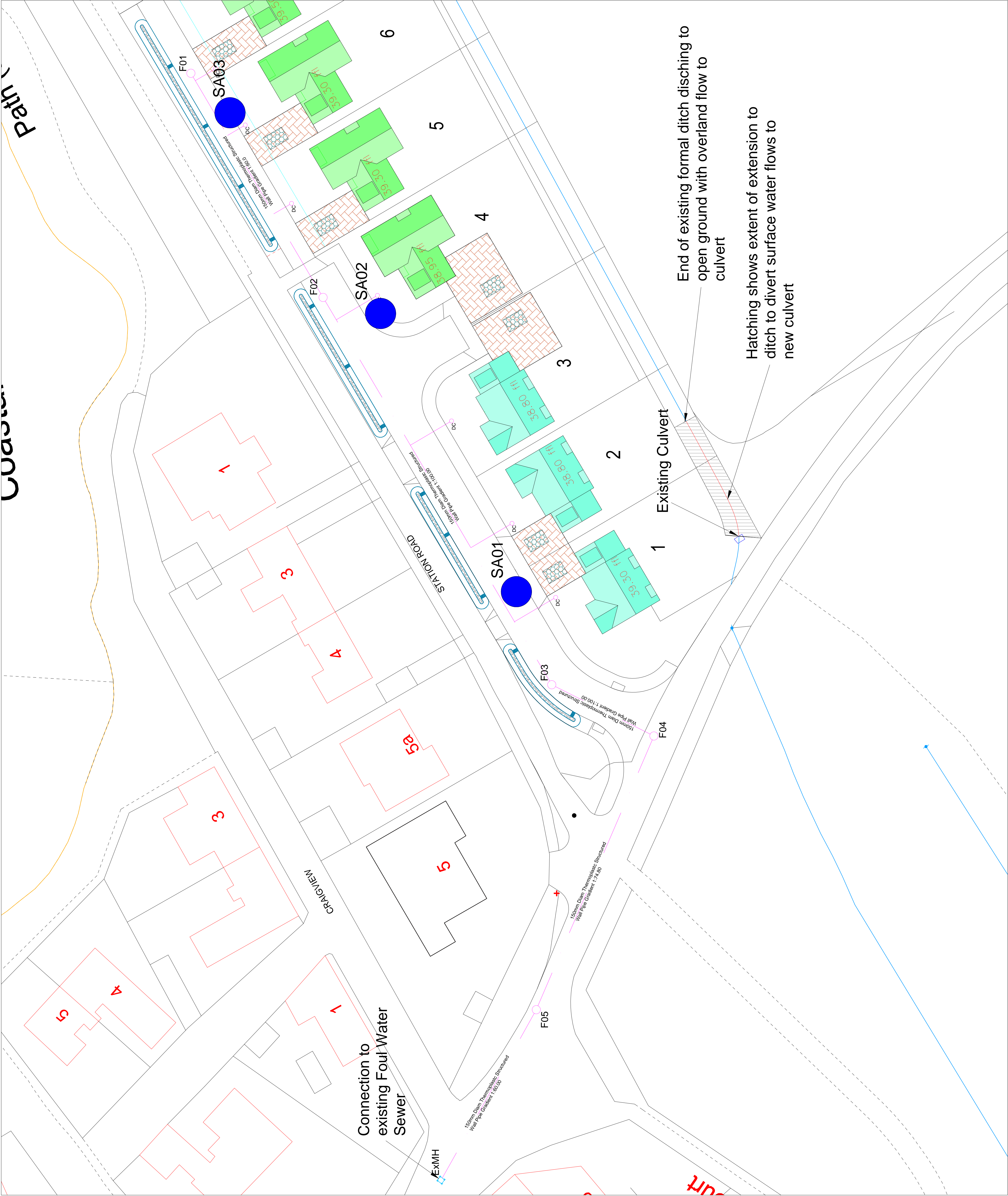
Improvement works are to be carried out within the existing ditch in order to alleviate the surface water flood risk within the site area.

References

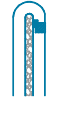




1. Scottish Planning Policy 7: Planning and Flooding. Scottish Executive, Feb 2004.
2. Planning Advice Note 61: Planning and Sustainable Drainage Systems. Scottish Executive, July 2001.
3. CIRIA C521 Sustainable Urban Drainage Systems, Design Manual for Scotland and Northern Ireland, 2000.
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5. Building Research Establishment. BRE Digest 365 – Soakaway Design, 1991.
6. CIRIA, Report 156, Infiltration Drainage – Manual of Good Practice, 1996.
7. WRc plc Sewers for Scotland – A Policy, Design and Construction Guide for Developers in Scotland, 2001.

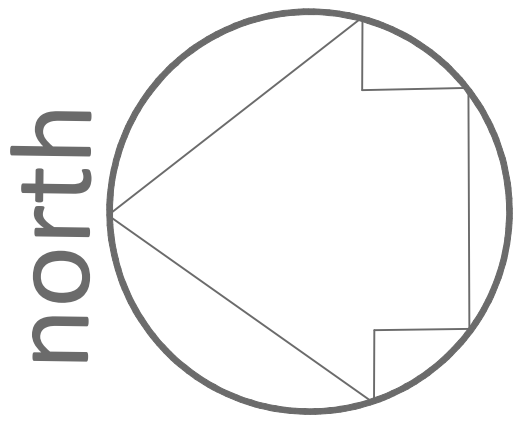
APPENDIX A

Drainage Strategy



Legend:

-  -Proposed roadside swale of varying depth with flush kerb. Offsets to be adopted by The Moray Council.
-  F - Foul Water Manhole
-  -Proposed Foul Water Sewer at varying depth and diameter to be adopted by Scottish Water
-  - Foul Water Disconnecting Chamber
-  - Private Surface Water Soakaway



REV:	DESCRIPTION:	BY:	DATE:	STATUS: For Approval	



Surveys, Setting Out, Civil Engineering Design
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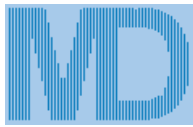
CLIENT:

Morlich Homes Ltd
119 High Street
Buckie
AB56 4DX

SITE:				Station Road Portessie	
TITLE: Road Drainage Layout					
SCALE AT A1:		DATE:	DRAWN:	CHECKED:	
1:250		APR20	GM		
PROJECT NO:		DRAWING NO:		REVISION:	
01057		Appendix A			

APPENDIX B

Greenfield Runoff Estimation



MasterDrain
SW 11.0

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. 01057		
Sheet no. 1		
Date 16/04/20		
By GM	Checked	Approved

Project **Station Road, Portessie**
Title **Greenfield Runoff Estimation**

Hydrological Data:-

FSR Hydrology:-

Location = BUCKIE (GRAMP)	Grid reference = NJ4265
M5-60 (mm) = 13.5	r = 0.25
Soil runoff = 0.15	SAAR (mm/yr) = 750
WRAP = 1	Area = Scotland & N. Ireland
Hydrological area = 1	Hydrological zone = 2

Soil classification for WRAP type 1

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

Design data:-

Area = 0.00623 Km² - 0.623 Ha - 6230 m²

Calculation method:-

Runoff is calculated from:-

$$Q_{\text{BAR(rural)}} = 0.00108 \text{ AREA}^{0.89} \cdot \text{SAAR}^{1.17} \cdot \text{SOIL}^{2.17}$$

where

AREA = Site area in Km²
SAAR = Standard Average Annual Rainfall (mm/yr)
SOIL = Soil value derived from Winter Rainfall Acceptance Potential
 $Q_{\text{BAR(rural)}}$ = Runoff (cumecs)

$Q_{\text{BAR(rural)}}$ is then multiplied by a growth factor - GC(T) - for different storm return periods derived from EA publication W5-074/A.

Calculated data:-

For areas less than 50Ha, a modified calculation which multiplies the 50Ha runoff value by the ratio of the site area to 50Ha is used
Reducing factor used for these calculations is 0.012

Mean Annual Peak Flow $Q_{\text{BAR(rural)}}$ = 0.27 l/s



MasterDrain
SW 11.0

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Job No.
01057

Sheet no. **2**

Date
16/04/20

Project
Station Road, Portessie

Title
Greenfield Runoff Estimation

By
GM

Checked

Approved

Values for $Q_{BAR(rural)}$

Ret. per. 1yr	m ³ /hr	l/s	l/s/ha	Ret. per. 100yr+20%	m ³ /hr	l/s	l/s/ha
2yr	0.886	0.246	0.395	100yr+30%	3.200	0.889	1.427
5yr	1.211	0.336	0.540	100yr+40%	3.446	0.957	1.537
10yr	1.428	0.397	0.637	200yr	2.757	0.766	1.229
30yr	1.802	0.501	0.803	200yr + 30%	3.584	0.996	1.598
50yr	2.087	0.580	0.931	500yr	3.200	0.889	1.427
100yr	2.462	0.684	1.098	1000yr	3.574	0.993	1.594

Growth factors -

1yr	2yr	5yr	10yr	30yr	50yr	100yr	200yr	500yr	1000yr
0.85	0.90	1.23	1.45	1.83	2.12	2.50	2.80	3.25	3.63

The above is based on the Institute of Hydrology Report 124
to which you are referred for further details (see Sect 7).
Note that the 200 and above year growth curves were taken from W5-074.

APPENDIX C

Preliminary Drainage Calculations

Roadside Swales

Swale 1 and 2 Combined

Road Area (including footpaths and service verges) = 1250m²

Length of Swales (as Shown) = 88.0m

Infiltration Rate (average) = 0.178m/hr (4.96 x 10⁻⁵m/s)

From the calculation Sheet below, a swale with infiltration beneath and dimensions of 88.0m x 0.5m with a depth of 1.5m will provide adequate storage up to and including a 1:200year event with 35% allowance for climate change.

It is therefore proposed to install a roadside swale with an overall length of 88.0m, a width of 0.5m and a depth of 1.6m as per the details shown within Appendix D.

Private Soakaways

It is proposed to use the largest proposed roof and driveway area combined.

Contributing Area = 200m² (Largest Roof 115m², Largest Drive 85m²)

Infiltration Rate = 0.178m/hr (4.96 x 10⁻⁵m/s) (average)

From the calculation sheet below, a surface water soakaway formed in Polycell storm crates or similar approved with dimensions of 3.0m x 2.0m x 1.5m in depth is adequate to manage the surface water flows for the largest available contributing area up to and including a 1:200year event with 35% allowance for climate change.

The sizing has been applied to all plots within the drainage layout to demonstrate adequate space is available within the site. The individual soakaways are to be sized during the building warrant application and will be reduced in size based on the contributing areas.

The private soakaways could potentially be located within the proposed garden areas however further testing would be required following the clearing/regrading of the development to establish accurate infiltration rates.



MasterDrain
SW 16.52

gmcsurveys
Surveys, Setting Out Civil Engineering Design

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Job No.	01057		
Sheet no.	1		
Date	16/04/20		
By	GM	Checked	Approved

Project	Station Road, Portessie
Title	Road Side Swale Size Requirements

Data:-

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.

Design data:-

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

Equivalent porosity (n1) = 0.45

Area drained = 1250 m²

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

Return period = 200 yrs

Climate change factor = 35%

Calculations :-

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

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

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

Results :-

Emptying time to 50% volume = 0:32 (hr:min)

hMax (Depth) = 1.5 metres

Time to maximum = 0:01 hr:min

Rainfall at maximum = 47.08mm/hr

Width (m) = 0.5

Length (m) = 88.0

Total Infiltration area = 309.2m² (base area + sidewall area).

Total available volume = 29.67m³

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



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SW 16.52

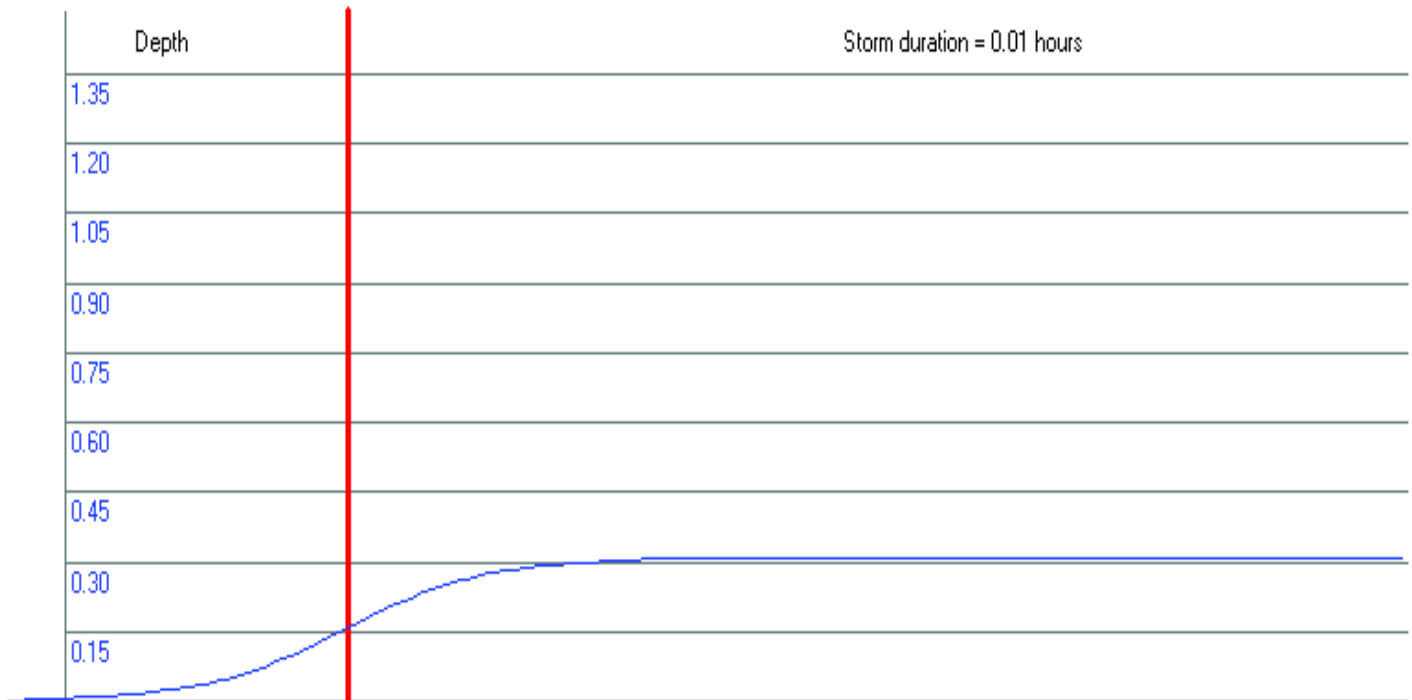
gmcsurveys
Surveys, Setting Out Civil Engineering Design

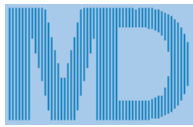
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Job No.	01057	
Sheet no.	2	
Date	16/04/20	
By	GM	Checked
		Approved

Project
Station Road, Portessie

Title
Worst case soakaway times to empty.





MasterDrain
SW 16.52

gmcsurveys
Surveys, Setting Out Civil Engineering Design

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Job No. 01057		
Sheet no. 1		
Date 16/04/20		
By GM	Checked	Approved

Project **Station Road, Portessie**
Title **Surface Water Soakaway**

Rectangular pit design data:-

Pit length	= 3 m	Pit width	= 2 m
Depth below invert	= 1.5 m	Percentage voids	= 95.0%
Imperm. area	= 200 m ²	Infilt. factor	= 0.00005 m/s
Return period	= 200 yrs	Climate change	= 35%

Calculations :-

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

$$a_{s50} = 2 \times (\text{length} + \text{width}) \times \text{depth}/2 = 7.5 \text{ m}^2$$

Outflow factor : $O = a_{s50} \times \text{Infiltration rate} = 0.000375 \text{ m/s}$

Soakaway storage volume : $S_{\text{actual}} = \text{length} \times \text{width} \times \text{depth} \times \% \text{voids}/100 = 8.6 \text{ m}^3$

Duration	Rainfall mm/hr	Inflow m ³	Depth (hmax) m	Outflow m ³	Storage m ³
5 mins	132.5	2.2	0.37	0.11	2.09
10 mins	104.1	3.5	0.57	0.22	3.23
15 mins	87.5	4.4	0.71	0.34	4.04
30 mins	62.4	6.2	0.98	0.68	5.56
1 hrs	42.2	8.4	1.25	1.35	7.10
2 hrs	27.1	10.9	1.43	2.70	8.16
4 hrs	17.1	13.7	1.45	5.40	8.29
6 hrs	13.0	15.6	1.31	8.10	7.49
10 hrs	9.1	18.3	0.84	13.50	4.77
24 hrs	5.0	23.8	0.00	32.40	0.00

Actual volume : $S_{\text{actual}} = 8.550 \text{ m}^3$

Required volume : $S_{\text{reqd.}} = 8.290 \text{ m}^3$

Soakaway volume storage OK.

Minimum required a_{s50} : 7.27 m²

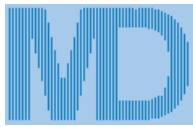
Actual a_{s50} : 7.50 m²

Minimum depth required: 1.45 m

Time to maximum 4 hrs

Emptying time to 50% volume = $t_{s50} = S_{\text{reqd}} \times 0.5 / (a_{s50} \times \text{Infiltration rate}) = 03:04 \text{ (hr:min)}$

Soakaway emptying time is OK.



MasterDrain
SW 16.52

gmcsurveys
Surveys, Setting Out Civil Engineering Design

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

Job No. 01057		
Sheet no. 2		
Date 16/04/20		
By GM	Checked	Approved

Project **Station Road, Portessie**
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.

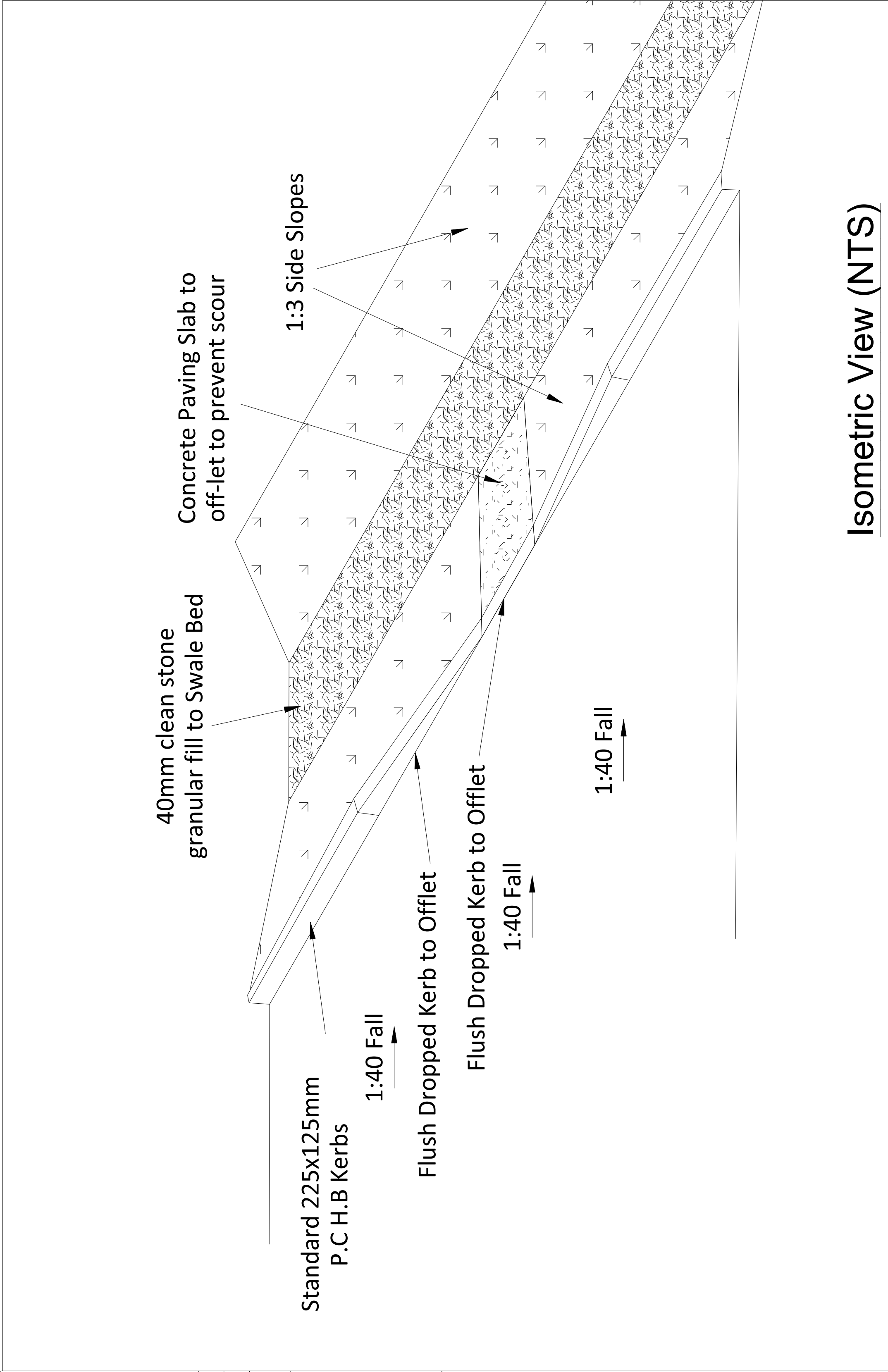
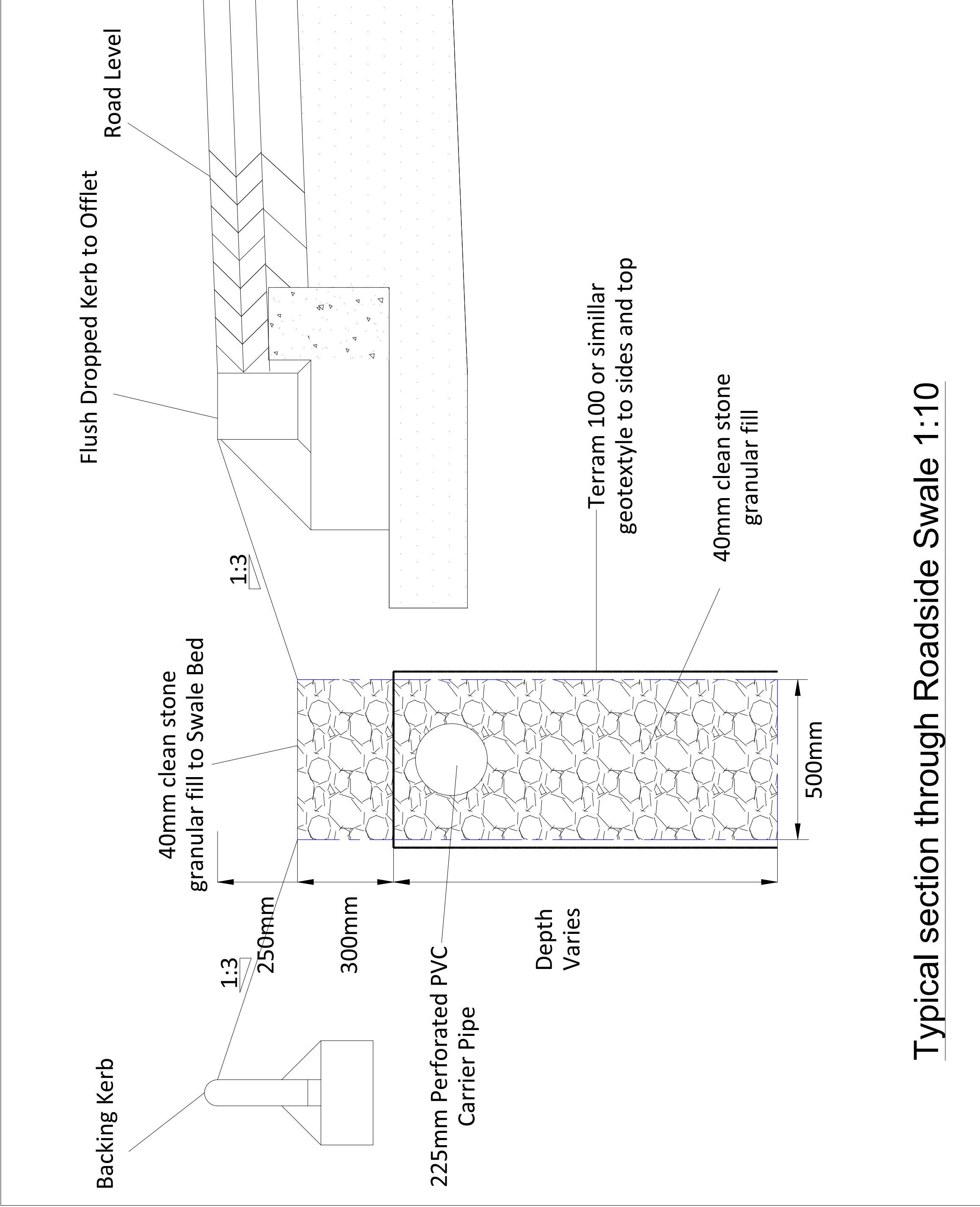
N.B. The rainfall rates are calculated using the location specific values above in accordance with the Wallingford procedure.

APPENDIX D

Drainage Details

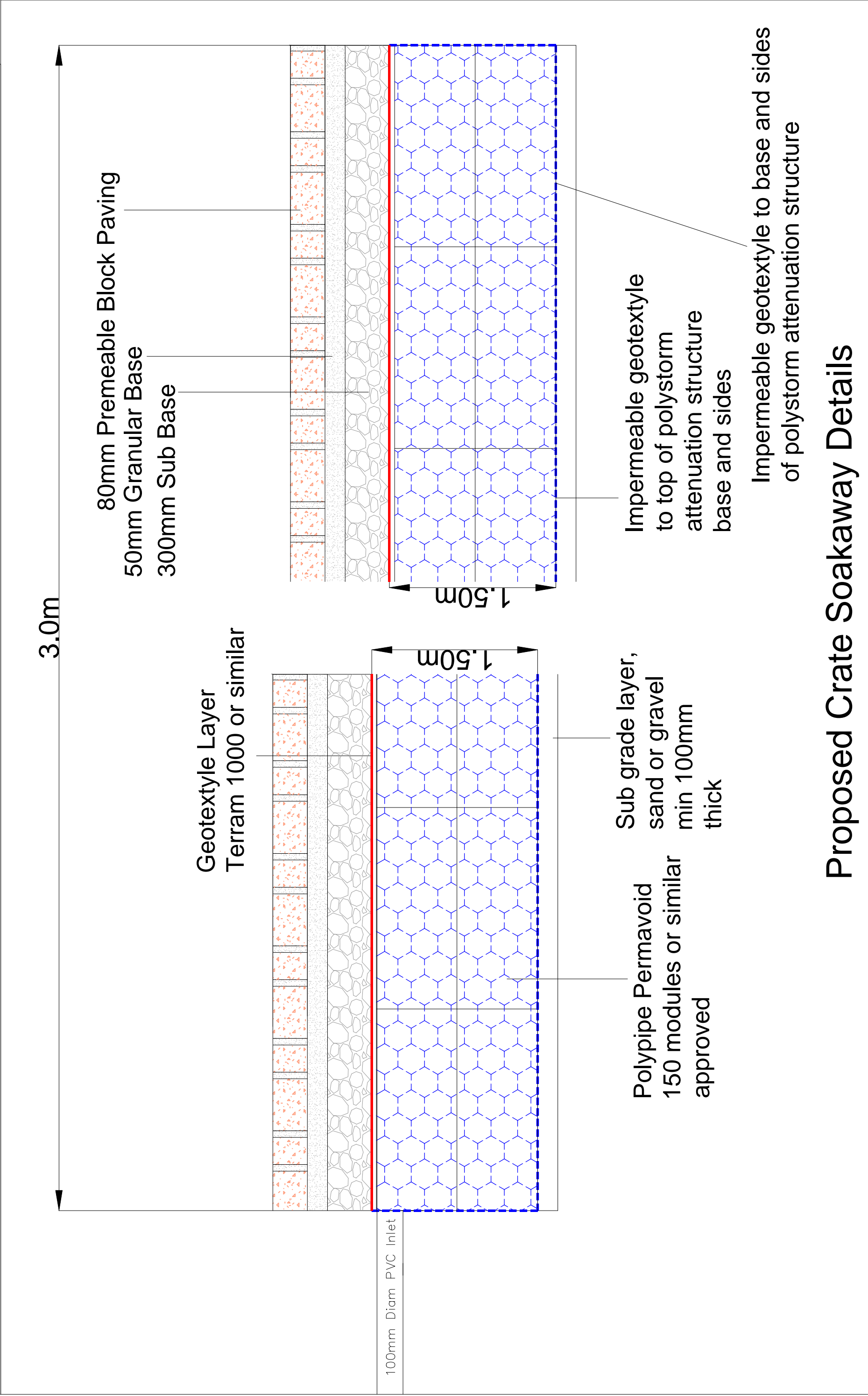
gmcsurveys
Surveys, Setting Out, Civil Engineering Design
T: 07557 431 702
E: gmcsurveys@gmail.com

SITE: Station Road Portessie	TITLE: Drainage Longitudinal Sections Foul Water	SCALE AT 1: 1"=100V/1"=500H	DATE: APR 20	DRAWN: GM	CHECKED:
		PROJECT NO: 01057			DRAWING NO: Appendix D1

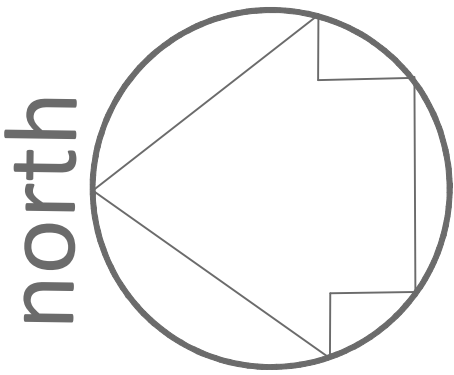


Isometric View (NTS)

Typical section through Roadside Swale 1:10



Proposed Crate Soakaway Details



REV	DESCRIPTION		BY:	DATE:	STATUS: For Approval

gmcsurveys
Surveys, Setting Out, Civil Engineering Design
T: 07567 431 702
E: gmcsurveys@gmail.com

CLIENT:
Morlich Homes Ltd
119 High Street
Buckie
AB56 4DX

SITE: Station Road				
Portessie				
TITLE: Drainage Construction Details				
SCALE AT A1:	DATE:	DRAWN:	CHECKED:	REVISION:
	1:25/10	APR20	GM	
PROJECT NO:	DRAWING NO:	Appendix D2		
01057				

BUCKIE GREENSPACE MAP





The Moray Council Property Sales Housing & Property

Council Offices
High Street
Elgin
IV30 1BX

FOR SALE

RESIDENTIAL DEVELOPMENT SITE STATION ROAD, PORTESSIE, BUCKIE



Offers to purchase are invited

Closing date: 12 noon on Monday 13th January 2020

The site is situated in a quiet location one mile east of Buckie town centre on the outskirts of the town. It extends to approximately 0.59 hectares, is generally level and is currently mainly naturalised scrub with a public footpath/cycleway. There is open farmland to the south.

Planning guidance indicates it has capacity for a low density of 5 houses.

Any party wishing to submit an offer should first note their interest. Full instructions on submitting an offer will subsequently be issued only to parties who have noted interest.

Location/Description

The site extends to approximately 0.59 hectares (1.46 acres) and is shown indicatively on the attached plan.

Services

Mains electricity, gas, water and sewerage are understood to be located in close proximity to the site. Indicative drawings of utilities are provided via this [pdf link](#), but purchasers should satisfy themselves as to the location, condition and suitability of all service supplies.

It is understood a pumped sewer runs through the site from east to west along the route of the cycleway/Station Road.

The Council will offer appropriate servitude rights over adjoining Council property where it is reasonably required to service the development.

Access

Vehicular access would be expected to be taken from Station Road and to be to an adoptable standard. The access would require to be designed in a manner to be agreed with the Council to enable access to the Council's land immediately to the east (shown indicatively on the drawing available via this [pdf link](#)) for maintenance purposes in the short term, but also to facilitate access to potential future phases of development. The Council would retain servitude rights of access and services over the site in this respect.

Contaminated Land

A contaminated land site investigation report can be accessed via this [pdf link](#).

Planning

The site has an environmental designation in the current Moray Development Plan, but has been designated as R10 in the new Proposed Local Development Plan with a guide that it is suitable for a low density development of 5 houses. For more detailed planning guidance in terms of the Proposed new Local Development Plan is provided via this link <http://www.moray.gov.uk/downloads/file123064.pdf>

For further advice on planning issues please visit the Council's web site via this link http://www.moray.gov.uk/moray_standard/page_41669.html or contact the Duty Officer
Tel: 03001234561 between 2pm and 4pm Mon-Fri.

Building Control

For advice on Building Control issues please contact the Duty Officer, Building Control Section, Moray Council, Council Offices, High Street, Elgin, IV30 1BX, Tel No: 0300 1234561 between 2pm and 4pm Mon – Fri.

Title

The Council's Title to the property can be viewed by arrangement by contacting Elaine Gutcher, Solicitor, Moray Council, Council Offices, High Street, Elgin, IV30 1BX, Tel No: 01343 563022 Email: elaine.gutcher@moray.gov.uk

Viewing

The site is open, but accompanied viewings can be arranged by contacting Alex Burrell, Estates Surveyor, Moray Council, Council Offices, High Street, Elgin, Tel No: 01343 563296 or email estates@moray.gov.uk

Prospective purchasers should be aware of uneven ground and large uncultivated vegetation and take suitable precautions/care if visiting the site unaccompanied.

Offers

A closing date has been set for 12noon on Monday 13th January 2020.

All parties interested in submitting an offer should note their interest in writing to the Estates Manager, Moray Council, Council Offices, High Street, IV30 1BX, or email estates@moray.gov.uk you will then be provided with details of the procedure and instructions for the submission of offers, together with an official offer label.

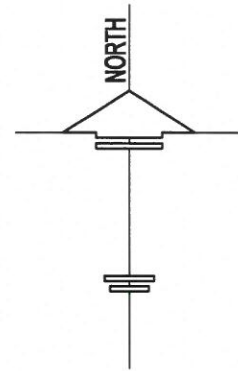
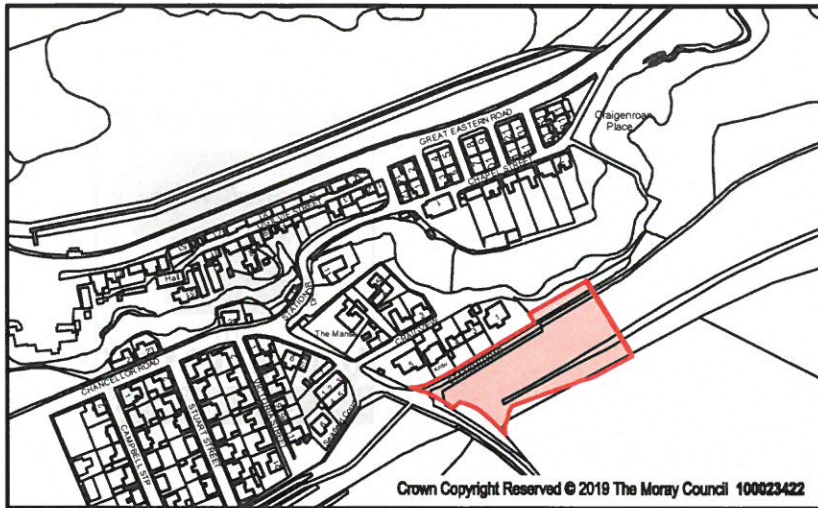
It should be noted that the Council is not obliged to accept the highest offer or any offer.

Disclaimer

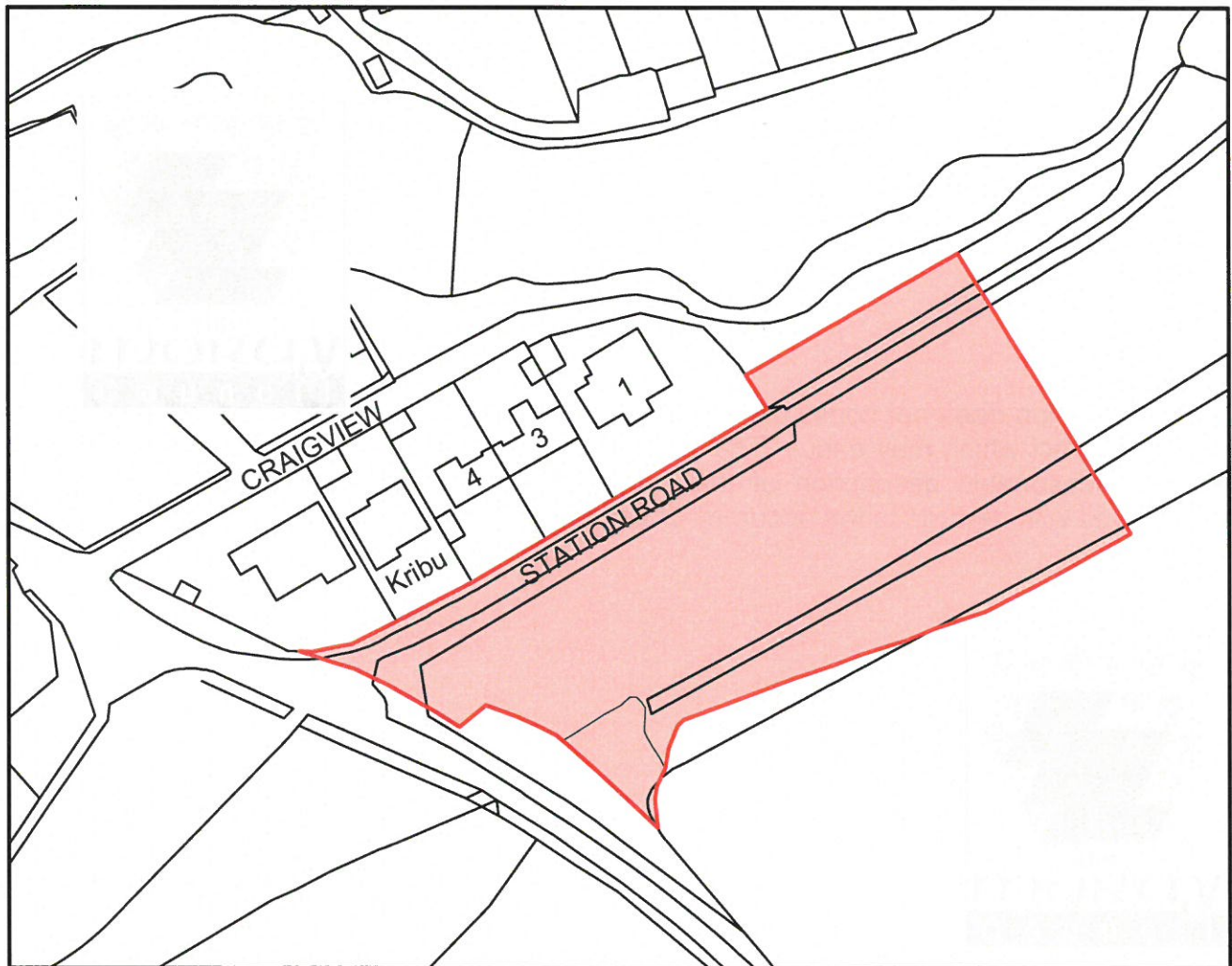
This information does not constitute a representation, warranty or offer and will not form part of any contract which may ensue. The information provided here is purely intended to give a fair and reasonable description of the subjects and prospective purchasers must satisfy themselves with regards to the accuracy of any statements contained in the above particulars.

Any intending offerors must satisfy themselves by inspection or otherwise, as to the correctness of each of the statements contained in these particulars. In accordance with the Requirements of the Writing (Scotland) Act 1995 these particulars are neither intended to create nor to be relied upon as creating any contractual relationship or commitment. Any contract shall only be entered in to by way of missives between respective solicitors.

PROHIBITED FOR USE WITH PLANNING APPLICATIONS.



LOCATION PLAN



Property For Sale

**Land at Station Road,
Portessie,
Buckie.**

Housing & Property Services
Estates

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The Moray Council
Council Office, High Street, Elgin IV30 1BX
Telephone: 01343 563281



Scotland's Fourth National Planning Framework Position Statement

November 2020



Our new spatial strategy will:

Apply the concept of 20 minute neighbourhoods

Our spatial strategy and policies will reflect the needs and aspirations of people living throughout Scotland by building quality places that work for everyone. 20 minute neighbourhoods have the potential to reduce emissions and improve our health and wellbeing. We will explore how a new emphasis on living locally could work in different parts of Scotland, from remote rural communities to our towns and cities, taking into account the needs of everyone in society so that equality is built in from the start.

The 20 minute neighbourhood concept doesn't exist in isolation but scales up to include larger geographies and networked areas providing access and opportunities for the wide range of facilities and services that communities require. The ability to access goods and services through high quality walkable and accessible environments is increasingly recognised as providing strategic competitive advantage to attract and retain people and investment.

This vision will be supported by new and improved planning policies that bring together services and homes, giving life to the Place Principle and supporting public health and wellbeing and reducing inequality.

Strengthen community resilience

A focus on neighbourhoods and local living will help our places to adapt to the impacts of climate change. Our climate is getting warmer and wetter, and more frequent extreme weather events will affect people and places. In summer, more intense rainfall could increase surface water flooding. In winter, more frequent rainfall could bring increased flooding from rivers. Sea level rise could affect the viability of some coastal communities through flooding and erosion. Scotland's Climate Change Adaptation Programme¹¹ promotes a joined-up approach to place-making that reflects local diversity.

Some places will be more vulnerable to the impacts of climate change than others: flood risk may be particularly acute in parts of our cities, whilst the livability and accessibility of our smaller towns could be significantly affected by flooding events in the future. By future-proofing the design of our streets and buildings and investing in natural infrastructure, including creating and restoring habitats upstream in catchments, we can substantially reduce our communities' exposure to flooding and the risks from changing temperatures. This also has the potential to provide equality, health, economic and wellbeing benefits for communities.

Promote inclusion and equality and eliminate discrimination

The Scottish Government is committed to promoting equality, tackling discrimination and fostering good relations between people in all of our communities. We want to ensure that every person and every community in our country is able to achieve their full potential. The changes we are making to the planning system aim to strengthen public trust and encourage engagement in decisions about the future of our places. The Planning (Scotland) Act 2019 introduces local place plans. Linked to the NPF and local development plans they will provide the opportunity for communities to influence the development of their neighbourhoods in a way which builds on community empowerment across Scotland. These and wider changes also underline the importance of engaging with a wider range of people to develop our places, including children and young people.

We will consider how our future policies can learn from the experience of COVID-19 including by responding to the Social Renewal Advisory Board's recommendations and learning from their work to capture our shared experience of delivering equality and social justice.



Scottish Planning Policy



39. The design-led approach should be applied at all levels – at the national level in the NPF, at the regional level in strategic development plans, at the local level in local development plans and at site and individual building level within master plans that respond to how people use public spaces.

Planning should direct the right development to the right place.

40. This requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. To do this decisions should be guided by the following policy principles:

- optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;
- using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;
- considering the re-use or re-development of **brownfield land** before new development takes place on greenfield sites;
- considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to its location or viability issues; and
- locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.

Planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place.

- ***Distinctive***

41. This is development that complements local features, for example landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

- ***Safe and Pleasant***

42. This is development that is attractive to use because it provides a sense of security through encouraging activity. It does this by giving consideration to crime rates and providing a clear distinction between private and public space, by having doors that face onto the street creating active frontages, and by having windows that overlook well-lit streets, paths and open spaces to create natural surveillance. A pleasant, positive sense of place can be achieved by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.



Scotland's Fourth National Planning Framework Position Statement

November 2020



We will reflect on the Town Centre Action Plan, continue to embed the Town Centre First Principle in decision making and respond to the outcome of the ongoing review of the plan to ensure our policies help to create more vibrant, healthier inclusive and greener town centres. Greater consideration will be given to the provision of more good quality homes in town centres, with access to shops and facilities, which can bring life back into town centres and create good places to live including by making sustainable and efficient use of the existing building stock.

City and town centres have the potential to contribute a great deal to our response to climate change, and to meeting the future needs of our diverse population. By making better and more creative use of our settlement centres, we can significantly reduce the need to travel unsustainably whilst maintaining and enhancing the character and identity of our towns and cities to create vibrant places that meet our future needs. Although the approaches will vary to reflect local circumstances, we will highlight shared opportunities to reinvent town centres and strengthen our networks of settlements.

Re-use vacant and derelict land and empty buildings

There is a clear case for acting now to prioritise the use of vacant and derelict land and properties. This has the potential to deliver significant benefits including sustainable, inclusive growth and reduced emissions as an integral part of our future sustainable and circular economy.

Scotland has too much vacant and derelict land – this is rightly regarded as unacceptable and an issue of national concern that needs to be urgently addressed. The consequences come at too high a price, directly impacting on health and blighting economic, social and environmental recovery. Vacant and derelict land introduces a level of redundancy that our society

can ill afford. Whether it is large scale long-term dereliction, or small scale short-term vacancy, we need to set out a stronger policy framework that will give confidence to communities and public and private sectors that vacant and derelict land represents an opportunity to stimulate a positive future whilst building on the legacy of the past.

Our national planning policies can complement wider work on vacant and derelict land. The Vacant and Derelict Land Taskforce has identified longstanding vacant and derelict sites which the planning system could play a role in bringing back into use and this is a key priority highlighted by the Scottish Land Commission which proposes this as a national priority for NPF to address, and the Vacant and Derelict Land Fund seeks to provide funding solutions to the issues.

We must change the perception of vacant and derelict land from being a liability to becoming an asset. We could do much to inspire innovation and imagination in considering how we can achieve this. The strategy can set out spatial priorities and opportunities that help to guide future investment.

The relationship between town centres and suburbs and the role of the green belt will also benefit from a long term spatial perspective that reflects our net-zero and environmental ambitions. We will develop a vision for the future use of vacant and derelict land so that regional strategies and local development plans can work collectively to unlock the potential of land within our existing settlements to provide multiple benefits. Supporting this, stronger policies to limit greenfield development and recognise the potential for green belts to form a part of multifunctional green networks could help to achieve positive effects for biodiversity whilst also helping to realise the health and climate benefits of growth within existing urban areas.

3

2013

DEVELOPMENT MANAGEMENT PROCEDURES

circular

ANNEX A

DEFINING A MATERIAL CONSIDERATION

1. Legislation requires decisions on planning applications to be made in accordance with the development plan (and, in the case of national developments, any statement in the National Planning Framework made under section 3A(5) of the 1997 Act) unless material considerations indicate otherwise. The House of Lord's judgement on *City of Edinburgh Council v the Secretary of State for Scotland* (1998) provided the following interpretation. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.
2. The House of Lord's judgement also set out the following approach to deciding an application:
 - Identify any provisions of the development plan which are relevant to the decision,
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
 - Consider whether or not the proposal accords with the development plan,
 - Identify and consider relevant material considerations for and against the proposal, and
 - Assess whether these considerations warrant a departure from the development plan.
3. There are two main tests in deciding whether a consideration is material and relevant:
 - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
 - It should relate to the particular application.
4. The decision maker will have to decide what considerations it considers are material to the determination of the application. However, the question of whether or not a consideration is a material consideration is a question of law and so something which is ultimately for the courts to determine. It is for the decision maker to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.
5. The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:

Circular 3/2013 Development Management Procedures

- Scottish Government policy and UK Government policy on reserved matters;
 - the National Planning Framework;
 - Policy in the Scottish Planning Policy and Designing Streets
 - Scottish Government planning advice and circulars;
 - EU policy;
 - a proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance;
 - guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act;
 - a National Park Plan;
 - community plans;
 - the environmental impact of the proposal;
 - the design of the proposed development and its relationship to its surroundings;
 - access, provision of infrastructure and planning history of the site;
 - views of statutory and other consultees;
 - legitimate public concern or support expressed on relevant planning matters.
6. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

Lissa Rowan

From: Stuart Beveridge
Sent: 18 March 2021 09:05
To: Lissa Rowan
Cc: Alexander Burrell
Subject: FW: Portessie Station - Notice of Review: Planning Application 20/00544/APP

Hi Lissa,

The Estates Section has been trying to sell this site for the Council and would support the review.

Thanks, Stuart

From: Lissa Rowan <Lissa.Rowan@moray.gov.uk>
Sent: 04 March 2021 11:15
Subject: Notice of Review: Planning Application 20/00544/APP

Dear Sir/Madam,

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
['the Regulations']

Notice of Review: Planning Application 20/00544/APP – Development of 7 detached dwellinghouses on site adjacent to 1-5 Station Road, Portessie, Buckie

As an interested party to the above application, you are hereby notified that a Notice of Review (NOR) has been served on the Moray Local Review Body (MLRB). The MLRB now have a statutory responsibility to review the original decision.

The NOR and associated documents can be viewed at http://www.moray.gov.uk/moray_standard/page_65978.html. A copy of the documents can also be made available for inspection, on request, at the Access Point, Council Offices, Elgin.

All representations previously made by you will be considered by the MLRB. If you want to make further representations, these should be sent to the Clerk of the MLRB, by email **on or before 19 March 2021**.

Please note, it is important that you consider whether the NOR contains new matters (not forming part of the original application) which you would now like to highlight and/or comment on. The statutory process does not provide this opportunity at a later date.

Any further representations that you make will be forwarded to the Applicant for comment.

In due course, you will be notified of the date, time and venue of the review meeting.

If you have any queries, please do not hesitate to contact me on the above details.

Yours faithfully,

Lissa Rowan
Committee Services Officer
Clerk to the MLRB

Lissa Rowan | Committee Services Officer | Legal and Democratic Services

lissa.rowan@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [newsdesk](#)

07971 879293





APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS

Lissa Rowan

From: Kenny Shand <kenny@ghjohnston.co.uk>
Sent: 18 March 2021 09:34
To: Lissa Rowan
Cc: Yvonne MacDonald
Subject: RE: LRB Site at Station Road Portessie - Morlich Homes Ltd.
Attachments: FW: Portessie Station - Notice of Review: Planning Application 20/00544/APP

Importance: High

Hi Lissa

Many thanks for the attached email and we very much welcome the support from the Estates Team as it is clearly a site that requires a sympathetic development such as the one proposed by our Client.

And would greatly appreciate this going to the meeting next week if at all possible?

Kind regards

Kenny
