



MORAY LOCAL REVIEW BODY

17 DECEMBER 2020

SUMMARY OF INFORMATION FOR CASE No LR248

Planning Application 20/00947/PPP – Small dwelling house at, Heatheryfold Caravan, Damhead, Rafford, Forres

Ward 8 – Forres

Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 16 October 2020 on the grounds that:

The proposal is contrary to the requirements of the Moray local Development Plan 2020 policies PP3 (Infrastructure and Services) and DP1 (Development Principles) because the existing U107E/B9011 junction serving the site is considered to be inadequate to serve the proposed development, by reason of its restricted visibility and width. If permitted, the proposal would result in an intensification of use of the constrained junction and would likely give rise to conditions detrimental to the safety of road users.

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

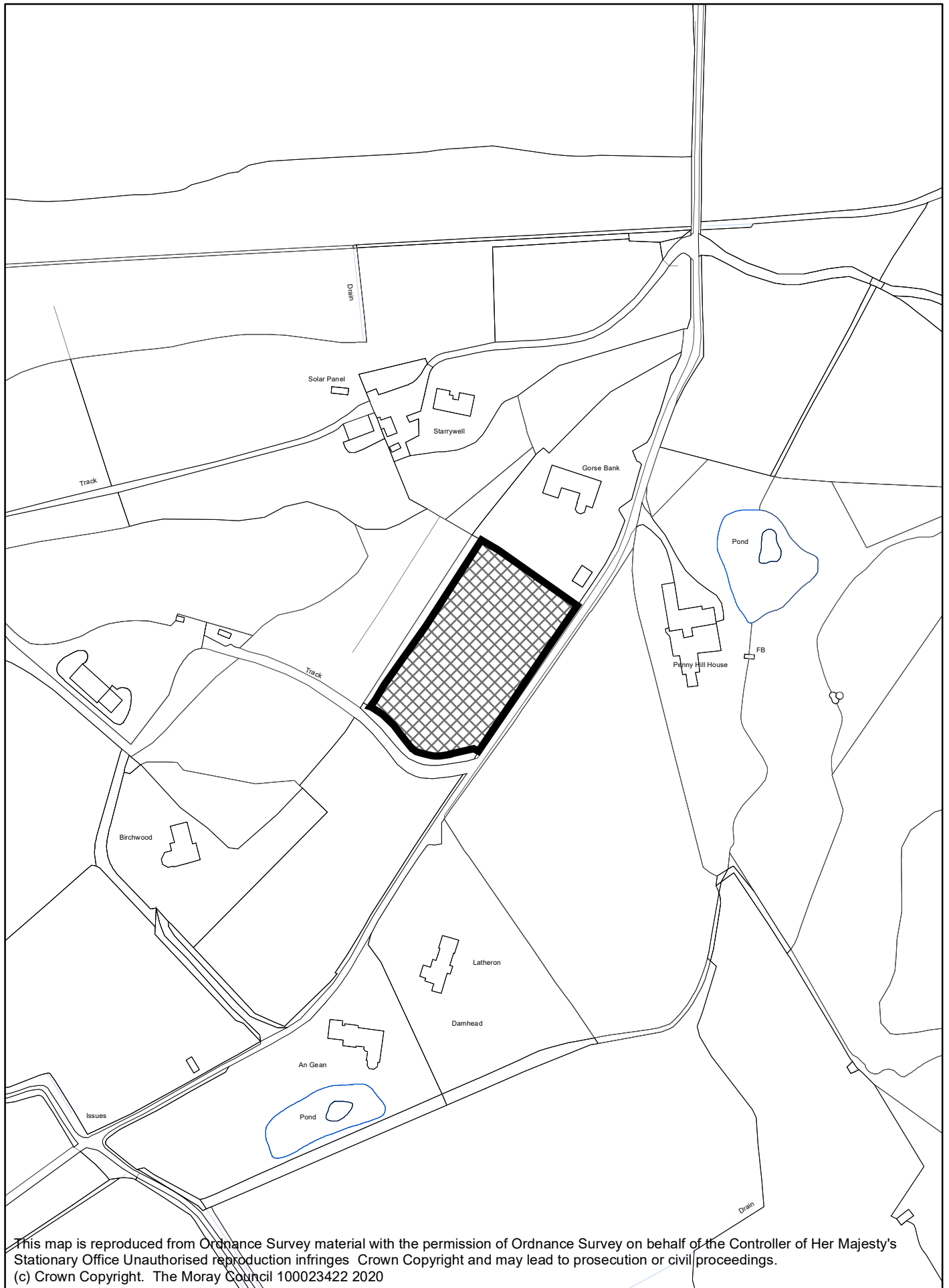
The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

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 : 20/00947/PPP



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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 100287961-001

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 dwelling house on small holding

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="Mrs"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Gorse Bank"/>
First Name: *	<input type="text" value="Susan"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Kemp"/>	Address 1 (Street): * <input type="text" value="Damhead"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text" value="Rafford"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: * <input type="text" value="Forres"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Moray"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="IV36 2SJ"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value=""/>	

Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="HEATHERYFOLD CARAVAN"/>
Address 2:	<input type="text" value="DAMHEAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="FORRES"/>
Post Code:	<input type="text" value="IV36 2SJ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="854309"/>	Easting	<input type="text" value="306785"/>
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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:

8094.00

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)

Empty, last used as agricultural field.

Access and Parking

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

Water Supply and Drainage Arrangements

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

☒ Yes ☐ 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

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- ☒ New/Altered septic tank.
☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

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

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Drainage will be to septic tank and soak away.

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.

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mrs Susan Kemp

On behalf of:

Date: 27/07/2020

☒ 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 principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

- ☐ Site Layout Plan or Block plan.
- ☐ Elevations.
- ☐ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mrs Susan Kemp

Declaration Date: 29/07/2020

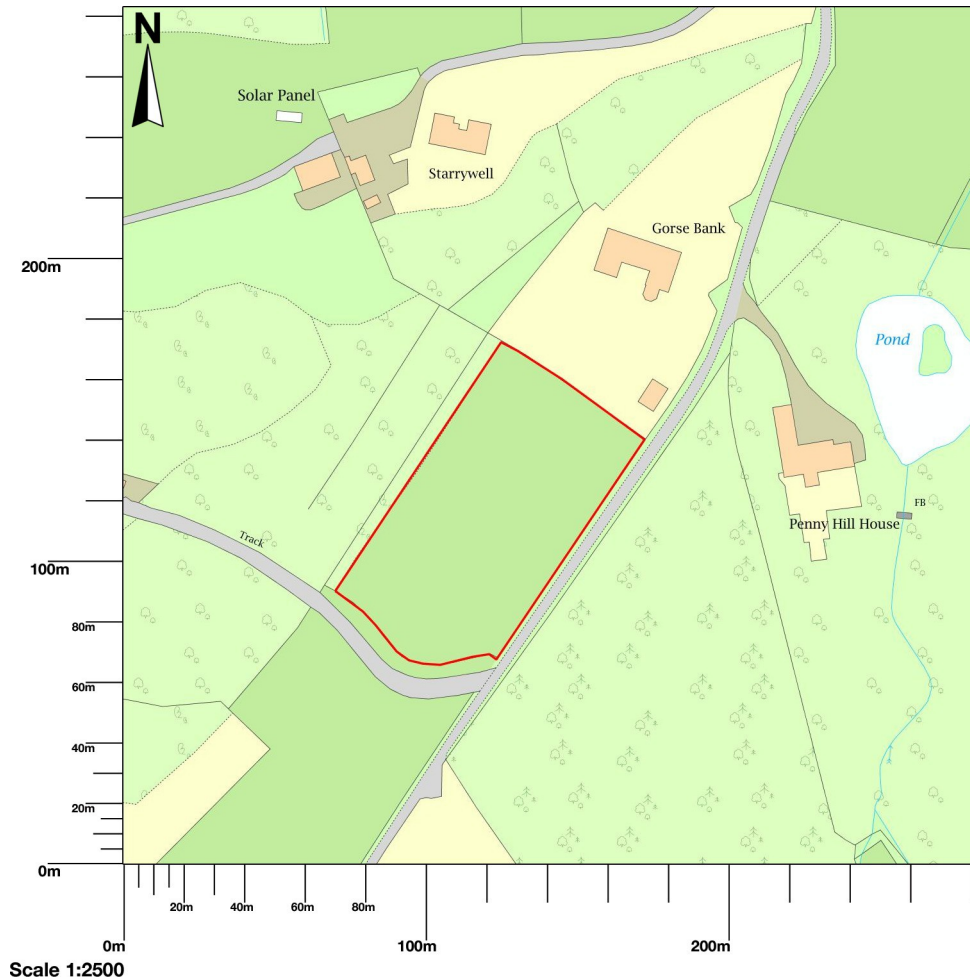
Payment Details

Online payment: 160576

Payment date: 29/07/2020 14:53:05

Created: 29/07/2020 14:53

Heatheryfold Caravan Damhead Forres



Map area bounded by: 306694,854208 306976,854490. Produced on 31 July 2020 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2020. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p8buk/487809/661635

From: DeveloperObligations
Sent: 7 Aug 2020 13:53:31 +0100
To: Andrew Miller
Cc: DC-General Enquiries
Subject: 20/00947/PPP Erect dwelling house on small holding Heatheryfold Caravan, Damhead, Forres, IV36 2SJ
Attachments: 20-00947-PPP Erect dwelling house on small holding Heatheryfold Caravan, Damhead, Forres, IV36 2SJ.pdf

Hi

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

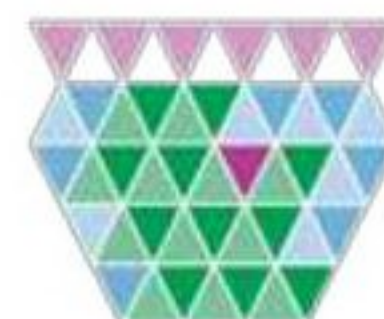
Thanks,
Rebecca

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

moray
council



Developer Obligations & Affordable Housing: ASSESSMENT REPORT



moray
council

Date: 07/08/2020

Reference: 20/00947/PPP

Description: Erect dwelling house on small holding Heatheryfold Caravan, Damhead, Forres, IV36 2SJ

Applicant: Mrs Susan Kemp

This assessment has been carried out by Moray Council. For developer obligations, the assessment is carried out in relation to policy PP3 Infrastructure and Services of the adopted Moray Local Development Plan 2020 (MLDP2020) and Supplementary Guidance (SG) on Developer Obligations which was adopted on 1 March 2018. And, for affordable housing, the assessment is carried out in relation to policy DP2 Housing of the MLDP2020. Affordable housing is a policy requirement not a developer obligation however for ease of reference the Affordable Housing contribution is included within this assessment.

The MLDP2020 can be found at www.moray.gov.uk/MLDP2020 and the Developer Obligations SG can be found at <http://www.moray.gov.uk/downloads/file118481.pdf>.

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare (<i>Contribution towards extension at Forres Health Centre, 2 Additional Dental Chairs and reconfiguration to existing Pharmacy outlets</i>)	
Sports and Recreation (<i>Contribution towards 3G pitch in Forres</i>)	
Total Developer Obligations	
Affordable Housing	
TOTAL	

Breakdown of Calculation

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

3 bed = 1 SRUE

The assessment for developer obligations is therefore based on 1 SRUE.



Moray Council **DEVELOPER OBLIGATIONS**

Contributions towards Transport = Nil

Developer Obligations Discount for Small Scale Development

A discount of 80% will be applied to the developer obligation for single unit developments to reflect their small scale nature.

INFRASTRUCTURE

Education

Primary Education

Pupils generated by this development are zoned to Anderson's Primary School. The school is currently operating at 69% functional capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Primary Education = Nil

Secondary Education

Pupils generated by this development are zoned to Forres Academy. The school is currently operating at 75% 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 Services has confirmed that no developer obligations will be sought for this proposal.

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).

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

Contributions are calculated based on a proportional contribution of [REDACTED] per SRUE for the health centre and additional dental chairs each and £759 per SRUE for the pharmacy.

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

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

Moray's provision of synthetic grass pitches is 0.55 (5 x 3G pitches/90,000 population), which is significantly lower than the national average of 0.7 pitches per 10,000 population. Moray Council has agreed that the Council aim is to provide every secondary school with convenient/adjacent access to a 3G pitch given that sportscotland stipulates that pitches should be adjacent to schools. Therefore, contributions will be sought towards a 3G pitch in Forres on the following basis:

[REDACTED]

[REDACTED]

Contribution for Sports and Recreation
Facilities = [REDACTED]

AFFORDABLE HOUSING

The average market value of a serviced plot for 1 Affordable Unit is [REDACTED] Contributions are based on 25% of the total number of units proposed in the application:

[REDACTED]

Therefore, the total contribution towards affordable housing is:

[REDACTED]

Affordable housing is a policy requirement not a developer obligation and will not be subject to negotiation.



TERMS OF ASSESSMENT

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

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

PAYMENT OF CONTRIBUTIONS

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

INDEXATION

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

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



Consultee Comments for Planning Application 20/00947/PPP

Application Summary

Application Number: 20/00947/PPP

Address: Heatheryfold Caravan Damhead Forres Moray IV36 2SJ

Proposal: Erect dwelling house on small holding

Case Officer: Andrew Miller

Consultee Details

Name: Mr EH Consultations

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

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

Comments

Approved unconditionally

Thursday, 13 August 2020



Local Planner
Development Services
Moray Council
Elgin
IV30 1BX

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

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

Dear Sir/Madam

SITE: Heatheryfold Caravan, Damhead, Forres, IV36 2SJ
PLANNING REF: 20/00947/PPP
OUR REF: DSCAS-0019535-BKK
PROPOSAL: Erect dwelling house on small holding

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

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

- ▶ There is currently sufficient capacity in the Glenlatterach Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.



SW Public
Published
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.

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

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk



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

Next Steps:

▶ All Proposed Developments

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

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

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

▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle,



plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

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

Yours sincerely,

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."



Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	18th August 2020
Planning Authority Reference	20/00947/PPP
Nature of Proposal (Description)	Erect dwelling house on small holding
Site	Heatheryfold Caravan Damhead Forres Moray IV36 2SJ
Site Postcode	N/A
Site Gazetteer UPRN	000133066524
Proposal Location Easting	306785
Proposal Location Northing	854309
Area of application site (M²)	8094
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QE9Q1JBGFVO00
Previous Application	
Date of Consultation	4th August 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Mrs Susan Kemp
Applicant Organisation Name	
Applicant Address	Gorse Bank Damhead Rafford Forres Moray Iv36 2SJ
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@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: 20/00947/PPP

Erect dwelling house on small holding Heatheryfold Caravan Damhead Forres Moray for Mrs Susan Kemp

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

Please

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

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

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

The visibility splay to the north west at the U107E/B9011 Junction is severely obstructed by a high hedge (and recently erected high timber boundary fence) along the site boundary of 'Kantara'. Additionally the narrow width of the U107E at the junction makes it difficult for two vehicles to pass each other.

The junction has been identified as requiring improvements to the visibility splays for the minor road and widening works. Further development via this junction would not be acceptable unless the improvements had been implemented. The improvements require land located outwith the extents of the public verge (third party).

Reason for objection

The existing U107E/B9011 junction serving the site is considered to be inadequate to serve the proposed development, by reason of its restricted visibility and width. Transportation therefore considers that the proposal, if permitted, would result in an intensification of use of the constrained junction and be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policy DP1 'Development Principles' section (ii)- 'Transportation', part 'c)' (safe access to and from the road network).

Contact: AG

Date 25 August 2020

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

Consultee: TRANSPORTATION

Return response to

consultation.planning@moray.gov.uk

Consultee Comments for Planning Application 20/00947/PPP

Application Summary

Application Number: 20/00947/PPP

Address: Heatheryfold Caravan Damhead Forres Moray IV36 2SJ

Proposal: Erect dwelling house on small holding

Case Officer: Andrew Miller

Consultee Details

Name: Mr CL Consultations

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

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

Comments

Approved unconditionally

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Flood Risk Management

Planning Application Ref. No: 20/00947/PPP

Erect dwelling house on small holding Heatherfold Caravan Damhead Forres Moray for Mrs Susan Kemp

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

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

Contact:	Javier Cruz	Date..... 05/10/2020
email address:	Javier.Cruz@Moray.gov.uk	Phone No
Consultee:	The Moray Council, Flood Risk Management	

With reference to the Planning Application for: Heatheryfold Caravan, Damhead, Forres, Moray, IV36 2SJ.

I wish to raise a concern re. the above application regarding the supply of an additional Water Connection off the existing water main.

My concern is that supplying a new household (size unknown), may have a detrimental effect on the water pressure being received at my property, which is the last home supplied in the road.

If Scottish Water/Moray Council can guarantee there will be no loss/reduction in my water pressure from supplying the above new development, then I shall withdraw my concern.

Thank you

REPORT OF HANDLING

Ref No:	20/00947/PPP	Officer:	Andrew Miller
Proposal Description/ Address	Erect dwelling house on small holding Heatheryfold Caravan Damhead Forres Moray		
Date:	16/10/20	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	10/08/20	No objections.
Contaminated Land	06/08/20	No objections.
Transportation Manager	25/08/20	<p>Object on basis the proposal results in an intensification of the use of the substandard junction where the U107E Fernielea Road meets the B9010 Main Road, Rafford.</p> <p>The U107E is a narrow, no through road with limited passing places, which gain access to the wider road network via a junction onto the B9010. This junction is substandard because it has restricted visibility from a hedge and timber fence, as well as being narrow to the point two vehicles cannot pass.</p>
Scottish Water	13/08/20	No objection – sufficient capacity at Glenlatterach to provide water supply.
Planning And Development Obligations	07/08/20	Obligations sought towards healthcare (extension to Forres Health Centre), sports and recreation (3G pitch in Forres) and affordable housing.
Moray Flood Risk Management	05/10/20	Following provision of Drainage Statement, no objections.

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP3 Infrastructure and Services	Y	
DP1 Development Principles	Y	
DP2 Housing	N	
DP4 Rural Housing	N	
EP2 Biodiversity	N	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	
EP14 Pollution Contamination Hazards	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
Issue: Assurances sought that water pressure further along water main will not be adversely affected. Comments (PO): Scottish Water have not objected to the principle of another house being served by the public water supply, stating sufficient capacity is available to serve the proposed house.		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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

Site

An area of agricultural ground to the south of Rafford, to the west of the Fernielea Road. The surrounding area has dispersed housing amongst agricultural land.

Proposal

Planning permission in principle is sought for the erection of a house. It would be served by a public water supply, foul drainage to a septic tank and surface water drainage to a soakaway.

Rural Housing

As it is located outwith a defined settlement in the MLDP, the proposal is subject to the requirements of policy DP4 - Rural Housing of the MLDP. Initially, the application was advertised as a departure from the development plan on the basis it was contrary to policy DP4, however following site inspection the proposal is no longer considered to be a departure from the plan.

Evaluation is limited to the suitability of the site given the in principle application. In this case, it is noted there are a number of houses in close proximity to the site, with three houses to the north and

three to the south of the site. There is also a consented house to the west (14/02088/APP - allowed by Local Review Body). Whilst rural housing policy seeks to ensure housing does not have a detrimental impact on the character of rural areas, in this instance it is not considered the siting of a house on this site would result in a cumulative build-up of housing that would be detrimental to the character of the wider area. The site itself is relatively screened from surrounding housing, with mature trees along the western and northern boundaries offering enclosure to the site, as well as a backdrop to mitigate the visual impact of a house. Coupled with tree planting elsewhere, the siting of a house on this site will be well contained without detriment to the rural character of the wider area.

The design criteria under policy DP4 will also ensure any house would be appropriately designed. In light of these considerations, the proposal is considered to comply with the requirements of policy DP4.

Access

Policies PP3 and DP1 require all development to be served by a safe access to and from the road network. The site would be accessed via the Fernielea Road, an adopted unclassified public road. It is a no-through road, leading from the B9010 Main Road, Rafford. The Transportation Manager has objected to the application on the basis the junction of Fernielea Road with the B9010 is inadequate to serve the proposed house and intensification of its use would not be acceptable. The junction is substandard due to restricted visibility to the north west as a result of a timber fence (previously hedging) at the dwelling of Kantara, on the north western (Rafford) side of the junction. In addition, the width of the junction is insufficient to enable two vehicles to pass. In order to enable further development, the junction would need to be upgraded to overcome these issues, however the land necessary is third party land to which the applicant has no control over.

In response to the objection, the applicant has provided information which refers to consented agricultural uses on the site which in their opinion justifies the siting of a house on the basis of no intensification. The applicant has also provided information which they state shows the junction is wide enough to allow two vehicles to pass, as well as showing visibility to the north west is not restricted.

With regard to the previously consented agricultural buildings, these were never implemented, however they were notifications for buildings which are "permitted development" under planning legislation, and notifications only consider siting and design of such structures. Nonetheless, these were not implemented, have lapsed, and thus cannot be considered to justify development on the basis of no intensification.

In relation to the photographs provided, whilst it does show two cars passing, the access is too narrow to facilitate this under normal circumstances (as the vehicle exiting onto the B9010 would have to be already positioned as far over to the left as possible beforehand) and this would only really be feasible if both vehicles see each other before reaching the junction which would be difficult given the restricted sightlines. Additionally it may not simply be two cars meeting each other. A carriageway width of 5.5m over a minimum distance of 10m is generally what would be considered as required to enable two vehicles to pass each other. The visibility to the north west does not meet standards, and the photograph provided by the applicant shows that the driver of a vehicle will be set back from the junction, rather than in the position of the photograph taken from the junction line. A vehicle will still have to pull out beyond the extent of the junction in order to gain visibility.

Accordingly, the proposal fails to comply with the requirements of policies PP3 and DP1.

Landscaping/Biodiversity

Policy EP2 requires all development to enhance biodiversity, whilst DP4 requires at least 15% of a rural housing site to be landscaped with native tree species. As this application is in principle, no detail has been provided but if approved, this could be required by condition.

Drainage

Moray Flood Risk Management initially objected to the application due to a lack of drainage information, though this was subsequently provided. It demonstrates the site can be served by suitable foul and surface water drainage, and as such complies with the requirements of policies EP12 and EP13.

Developer Obligations

Developer Obligations have been identified towards healthcare (extension to Forres Health Centre, 2 additional dental chairs and pharmacy reconfiguration) and sports and recreation (3G pitch in Forres), per the requirement of policy PP3 and the Developer Obligations Supplementary Guidance. Obligations are also sought towards affordable housing in line with policy DP2. As this application is being recommended for refusal obligations have not been sought, however the applicant has confirmed a willingness to pay these. On this basis the proposal does not conflict with the aforementioned policies.

Recommendation: Refuse

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description		
	Decision		Date Of Decision

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Forres Gazette	Departure from development plan No Premises	01/09/20	
PINS	Departure from development plan No Premises	01/09/20	

DEVELOPER CONTRIBUTIONS (PGU)

Status	CONT SOUGHT
--------	-------------

DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Drainage Statement	
Main Issues:	Details the ground conditions on the site, and indicates the drainage solution necessary to serve a house on the site.	
Document Name:	Access Information	
Main Issues:	Photographs and other information from applicant responding to points in transportation objection.	

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 DMR2013 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			

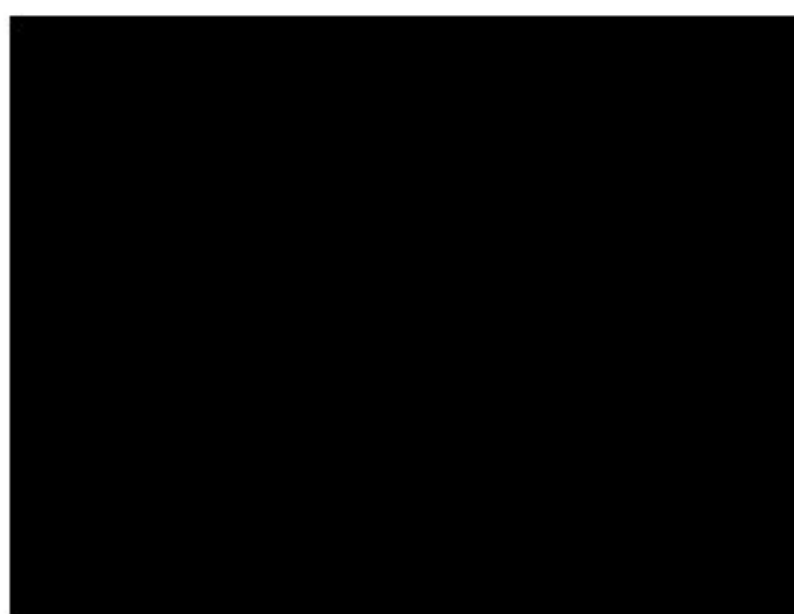


MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended

REFUSAL OF PLANNING PERMISSION

[Forres]
Planning Permission in Principle

TO

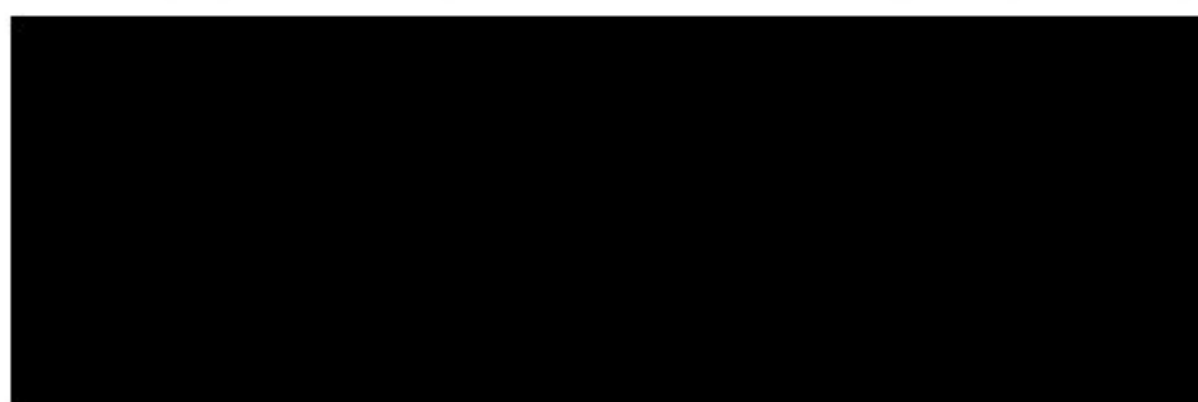


With reference to your application for planning permission in principle under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Erect dwelling house on small holding Heatheryfold Caravan Damhead Forres Moray

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

Date of Notice: 16 October 2020



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance

Moray Council

PO Box 6760

ELGIN

Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal is contrary to the requirements of the Moray Local Development Plan 2020 policies PP3 (Infrastructure and Services) and DP1 (Development Principles) because the existing U107E/B9011 junction serving the site is considered to be inadequate to serve the proposed development, by reason of its restricted visibility and width. If permitted, the proposal would result in an intensification of use of the constrained junction and would likely give rise to conditions detrimental to the safety of road users.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Site location plan

**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.scot/eplanningClient

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mrs	Ref No.	
Forename	Susan	Forename	
Surname	Kemp	Surname	
Company Name		Company Name	
Building No./Name	Gorse Bank	Building No./Name	
Address Line 1	Damhead	Address Line 1	
Address Line 2	Rafford	Address Line 2	
Town/City	Forres	Town/City	
Postcode	IV36 2SJ	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority	Moray Council		
Planning authority's application reference number	20/00947/PPP		
Site address	Heatheryfold Caravan, Damhead, Rafford, Forres, MORAY.		
	Smallholding Business Reference Number 275876		
Description of proposed development	Single dwelling house.		

Date of application

30/07/20

Date of decision (if any)

16/10/20

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

☐

Application for planning permission in principle

☒

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

☐

Application for approval of matters specified in conditions

☐

5. Reasons for seeking review

Refusal of application by appointed officer

☒

Failure by appointed officer to determine the application within the period allowed for determination of the application

☐

Conditions imposed on consent by appointed officer

☐

6. 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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

☐
☐
☒
☒

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

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

Can the site be viewed entirely from public land?

☒

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

☒

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see separate document.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☒ No ☐

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

a) This new material is being raised to provide additional information to the Local Review Body.

b) Previously I was not aware of the legislation concerning the height of a fence that fronts a road.

c) I believe that if the fence is lowered as per legislation then the safety and visibility at the junction will be further improved and the proposal will comply with the requirements of policies PP3 and DP1.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Statement of reasons for requesting a review.
Response document. 2 pages.
2 photographs of Mr Harrison's site.
Photograph showing visibility at the junction in a North East direction.
Photograph of 2 cars passing at the junction.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

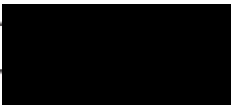
All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

Susan Kemp

Date:

29-10-20

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

Statement of reasons for requesting a review

- a) I believe that there will be no intensification of use of either the U107 or the junction onto the B9010. Traffic to and from the dwelling house will be simply offset by a reduction in traffic to and from the previous owners business.
- b) The recently erected wooden fence along the site boundary of 'Kantara' which fronts onto the B9010 replaced a wide hedge which was removed this summer. This resulted in a vast improvement in visibility and safety of road users on the B9010 in a North West direction.
- c) I have recently been made aware of the legislation concerning the allowable height of a fence that fronts onto a road and believe that if this fence was lowered to comply with this legislation then visibility and hence road safety at the junction would be improved still further and that the proposal would comply with policies PP3 and DP1.
I understand that Moray Council is aware of this issue.
- d) I believe that the above reasons should have an impact on the decision process.

Response to the intensification of use of road junction U107/B9010.

The previous owner of the site Mr Harrison received permission for and constructed several agricultural buildings on the site for his agricultural machinery, equipment and plants. (AFPN08/02170/AGR and AFPN09/00690/AGR)

He also positioned a Caravan in the field which he used as a site office for his Heather and Herb business. (Please see attached photographs showing the Caravan and agricultural buildings) He travelled to and from the site on a daily basis and there were several vehicles making deliveries of horticultural goods. Thus I consider that full implementation did take place.

Any vehicular traffic from a new dwelling house would be offset by a reduction of traffic that serviced Mr Harrison's business, thus there would be no intensification of use.

Response to the standard of the junction and description of road.

The visibility splay at the U107/B9010 junction was considerably improved in 2015 by Moray Council. This improvement included the removal of a hedge and the construction of a stone wall stepped back from the main road.

As can be seen in the photographs attached there is excellent visibility at the junction when joining the normal flow of traffic from the North East direction. As is also shown the junction is wide enough to allow for two cars to pass each other safely.

Following this improvement and acceptance of the photograph showing the two cars passing each other at the junction, consent was given for a dwelling house to the West of the site. (14/02088/APP – allowed by Local Review Body) The construction of this dwelling has not yet commenced.

The recently erected timber fence along the site boundary of 'Kantara' and the B9010 is a vast improvement on the previous wide hedge and allows for improved visibility and safety of road users on the B9010 in a North West direction. This visibility could be further improved if the fence was lowered to meet current legislation as reference below.

The Scottish Government householder permitted development rights: Guidance Legislation Class 3E:

Class 3E.— (1) The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse. (2) Development is not permitted by this class if— (a) any part of the resulting gate, fence, wall or other means of enclosure would exceed 2 metres in height; (b) any part of the resulting gate, fence, wall or other means of enclosure would exceed one metre in height where it— (i) fronts a road; or (ii) extends beyond the line of the wall of the principal elevation or side elevation that is nearest a road; (c) it replaces or alters an existing gate, fence, wall or other means of enclosure and exceeds whichever is the greater of the original height or the heights

described in sub-paragraphs (a) and (b); (d) it would be within a conservation area; or (e) it would be within, or bound, the curtilage of a listed building.

The entry to the new dwelling would be set back from the road with a wide visibility splay to facilitate a generous passing place; most properties on the U107E Fernielea road already have this facility. The site itself is relatively screened from surrounding housing, with mature trees on two boundaries offering enclosure to the site as well as a backdrop to mitigate the visual impact of the house. Coupled with trees recently planted along the road boundary, the siting of a house will be well contained without detriment to the rural character of the wider area.







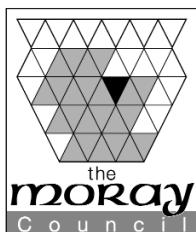
Notice of Review





APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES



ENVIRONMENTAL SERVICES

Diane Anderson

Senior Engineer

PO Box 6760
Elgin, Moray IV30 9BX

Telephone: 01343 563782

Fax: 01343 563990

email: diane.anderson@moray.gov.uk

Website: www.moray.gov.uk

Our reference: LR/LRB248

Your reference: LR248

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

18 November 2020

Dear Madam

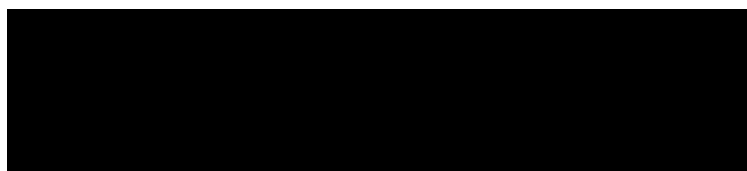
**TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**REQUEST FOR REVIEW: PLANNING APPLICATION 20/00947/PPP ERECT DWELLING HOUSE ON
SMALLHOLDING HEATHERYFOLD CARAVAN DAMHEAD FORRES**

I refer to your letter dated 9th November 2020.

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

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



Diane Anderson
Senior Engineer

Local Review

LRB Ref 248

**Planning Application Reference 20/00947/PPP Erect dwelling house on small holding
Heatheryfold Caravan, Damhead Forres**

Response from Transportation, Moray Council

1. This document is in response to the Notice of Review and the Statement of Case submitted by Mrs Susan Kemp and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 20/00947/PPP to erect a new dwelling house. Access would be provided via a new access onto the U107E Fernielea Road, which joins the wider road network at its junction with the B9010 Main Road, Rafford.
3. Transportation received the consultation for planning application 20/00947/PPP on 4th August 2020. A copy of Transportations consultation response dated 25th August 2020 is attached (TMC01).
4. The basis of the appellants request for review is that the site was the former location of a caravan and agricultural buildings associated with the previous owner of the site (which was for a heather and herb business), and the associated vehicular trips for the previous operations would essentially be replaced by those associated with the proposed new dwelling. Additionally the appellant considers that the visibility splay at the junction onto the B9010 is acceptable, and that the carriageway for the side road (U107E) is wide enough to accommodate two vehicles passing each other at the junction.
5. The previous use and associated buildings did not have Planning Permission, and instead was subject only to 'permitted development' rights for Agricultural use (AGR). The permitted development rights for Agricultural use are strictly subject to various restrictions and limitations, including limits on the use, duration of operations, size of buildings, and distance from a public road. The development "must not give rise to, or alter or extend, a dwelling", and also the "development giving rise to buildings, structures or works not designed for agricultural purposes is not permitted".
6. The previous traffic would have been strictly associated with the restricted Agricultural based permissions (not transferrable to domestic use). Transportation therefore considers that all traffic associated with the proposed new dwelling would be "new" traffic.

Visibility Splays

7. Visibility splays at junctions on the public road are required to ensure that there is adequate inter-visibility between vehicles. If a development involves the intensification of use of a junction where visibility is restricted by adjacent hedges/ boundary fences etc, then this would be likely to give rise to conditions detrimental to the road safety of road users, contrary to Moray Local Plan policy DP1 'Development Principles' section (ii)- 'Transportation', part 'a)' (safe entry and exit)

Local Review

LRB Ref 248

Planning Application Reference 20/00947/PPP Erect dwelling house on small holding Heatheryfold Caravan, Damhead Forbes

8. Visibility splays relate to the visibility available to a driver at or approaching a junction in both directions. It is related to the driver's eye height, object height above the road, distance back from the main road known as the 'x' distance and a distance along the main road known as the 'y' distance. The 'y' distance is related either to a) the design speed of the road and a corresponding 'stopping sight distance' or b) in some circumstances may be based on observed '85th percentile vehicle speeds'. For a junction serving additional development the 'x' distance is 4.5m, measured from the edge of the public carriageway along the centre-line of the side road.
9. A detailed description of the relevance and consideration of visibility splays is attached (TMC02) which is an extract from The Moray Council document Transportation Guidelines for Small Developments in the Countryside (TRSDC). TRSDC was approved at the Economic Development & Infrastructure Committee on 20 April 2010.
10. The B9010 Main Road/U107E Fernielea Road junction was previously identified for improvements on road safety grounds following complaints to Transportation (Traffic section) regarding the restricted visibility. The visibility at this junction onto the B9010 was severely restricted by the boundary hedges of the adjacent properties, 'The Holm' and 'Kantara'.
11. An officer from the Traffic section approached the owners of these properties to secure, by control or agreement, improvements to the sightlines. The improvements undertaken and secured by agreement were the minimum acceptable in terms of road safety and did not go so far as to enable the intensification of use of the junction by additional traffic associated with new development. The improvements to the visibility splays were also only agreed/provided to the south east (in front of The Holm) where a new low boundary wall was erected to replace the previous high hedge. It is understood that the property 'Kantara' has subsequently changed ownership. Notwithstanding this matter the visibility splay to the north-west is still severely restricted due to an existing high hedge and a recently erected timber fence.
12. The improvements undertaken on the frontage of 'The Holm' also provided the minimum improved sightlines from a lesser "x" distance of 2.4 metres, normally used for single house accesses, measured from the edge of the B9010, rather than the standard "x" distance requirement of 4.5m required for multiple properties.

Existing B9010/U107E Fernielea Road Junction

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

Local Review**LRB Ref 248****Planning Application Reference 20/00947/PPP Erect dwelling house on small holding
Heatheryfold Caravan, Damhead Forres**Existing Road Measurements at junction onto the B9010

Distance from Road Markings at edge of B9010	Fernielea Road - Approximate Road Width (edge of carriageway to edge of carriageway)
0 metres	11.0 metres
2.5 metres	5.5 metres
5.0 metres	4.2 metres
7.5 metres	3.4 metres
10.0 metres	3.0 metres
12.5 metres	2.9 metres
15.0 metres	2.8 metres

14. The works previous undertaken by Transportation did not widen the U107E Fernielea Road approach to the B9010 junction. The photograph of two vehicles at this junction submitted by the appellant clearly show one of the vehicles overrunning on the grass verge to enable the passing manoeuvre. Additionally of course not all vehicles are cars, and given the constrained visibility it would also be likely that the exiting vehicle would be positioned in the centre of the carriageway, as they would not be aware of another vehicle about to turn off the B9010.

Additional Development

15. The improvements required to enable additional traffic associated with developments to use the B9010/U107E junction would be an 'x' distance of 4.5 metres and a 'y' distance of 90 metres in both directions, which is in keeping with the standards set out in The Moray Council document Transportation Requirements for Small Developments in the Countryside. The land required to provide this improved visibility splay (to roads standards) lies out with the public road verge and within the garden ground of adjacent properties. Recent photographs taken at 'x' distances of 2.4 metres are attached (TMC03).
16. Further improvements to widen the U107E Fernielea Road would also be required to enable additional traffic associated with development to use this junction. The required widening would be to a minimum of 5.5 metres for a distance of 15 metres measured from the edge of the B9010, as set out in The Moray Council document Transportation Requirements for Small Developments in the Countryside. Verges typically of 2.0 metres in width would be required on either side of the widened road. The land required to provide this road improvement (to roads standards) lies out with the public road verge and within the garden ground of adjacent properties.

Local Review

LRB Ref 248

**Planning Application Reference 20/00947/PPP Erect dwelling house on small holding
Heatheryfold Caravan, Damhead Forres**

Conclusion

17. There is no evidence to indicate the necessary visibility splay and required road widening can be provided by the appellant. There is third party land involved.
18. The proposed new dwelling would be considered to directly result in the intensification of use of this existing constrained junction.
19. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that policy DP1 'Development Principles' section (ii)- 'Transportation', part 'a)' (safe entry and exit) is not satisfied.

Transportation

18 November 2020

Documents

- | | |
|-------|--|
| TMC01 | Transportation Consultation Response dated 25 th August 2020 |
| TMC02 | Extract on Visibility Splays from Transportation Requirement for Small Developments in the Countryside (TRSDC) |
| TMC03 | Site photos (Visibility splays at junction) |

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	18th August 2020
Planning Authority Reference	20/00947/PPP
Nature of Proposal (Description)	Erect dwelling house on small holding
Site	Heatheryfold Caravan Damhead Forres Moray IV36 2SJ
Site Postcode	N/A
Site Gazetteer UPRN	000133066524
Proposal Location Easting	306785
Proposal Location Northing	854309
Area of application site (M²)	8094
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QE9Q1JBGFVO00
Previous Application	
Date of Consultation	4th August 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Mrs Susan Kemp
Applicant Organisation Name	
Applicant Address	Gorse Bank Damhead Rafford Forres Moray Iv36 2SJ
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

two month determination period to be exceeded.
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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: 20/00947/PPP

Erect dwelling house on small holding Heatheryfold Caravan Damhead Forres Moray for Mrs Susan Kemp

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

Please

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

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

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

The visibility splay to the north west at the U107E/B9011 Junction is severely obstructed by a high hedge (and recently erected high timber boundary fence) along the site boundary of 'Kantara'. Additionally the narrow width of the U107E at the junction makes it difficult for two vehicles to pass each other.

The junction has been identified as requiring improvements to the visibility splays for the minor road and widening works. Further development via this junction would not be acceptable unless the improvements had been implemented. The improvements require land located outwith the extents of the public verge (third party).

Reason for objection

The existing U107E/B9011 junction serving the site is considered to be inadequate to serve the proposed development, by reason of its restricted visibility and width. Transportation therefore considers that the proposal, if permitted, would result in an intensification of use of the constrained junction and be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policy DP1 'Development Principles' section (ii)- 'Transportation', part 'c)' (safe access to and from the road network).

Contact: AG

Date 25 August 2020

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

Consultee: TRANSPORTATION

Return response to

consultation.planning@moray.gov.uk

5.6 Visibility Splays

- 5.6.1 A well-designed access is important for the safety and convenience of all road users - those proceeding on the public road as well as those using the access. Proposals for a new access or the intensification of use of an existing access will normally have a number of requirements to promote safety and avoid excessive delay
- 5.6.2 Transportation will object to proposals likely to prejudice road safety.
- 5.6.3 Transportation will also raise an objection to the creation of an access and/or visibility splays, unless the applicant is able to demonstrate control or the reasonable prospect of acquiring control of any land likely to be the subject of a condition relating to the provision of any such access and/or visibility splays.
- 5.6.4 Good visibility is essential to enable drivers emerging from the minor road (Private Access/Development Access) to see and be seen by drivers proceeding along the priority road (Public Road)

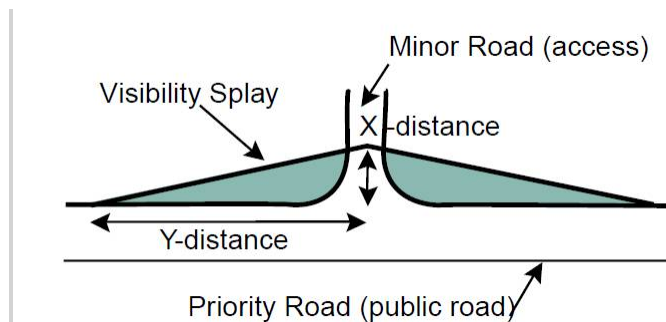


Figure 3: Visibility Splays

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

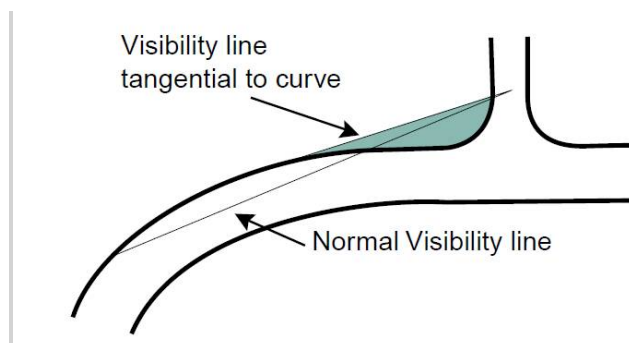


Figure 4: Visibility Splays for Access on Outside of Bend

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

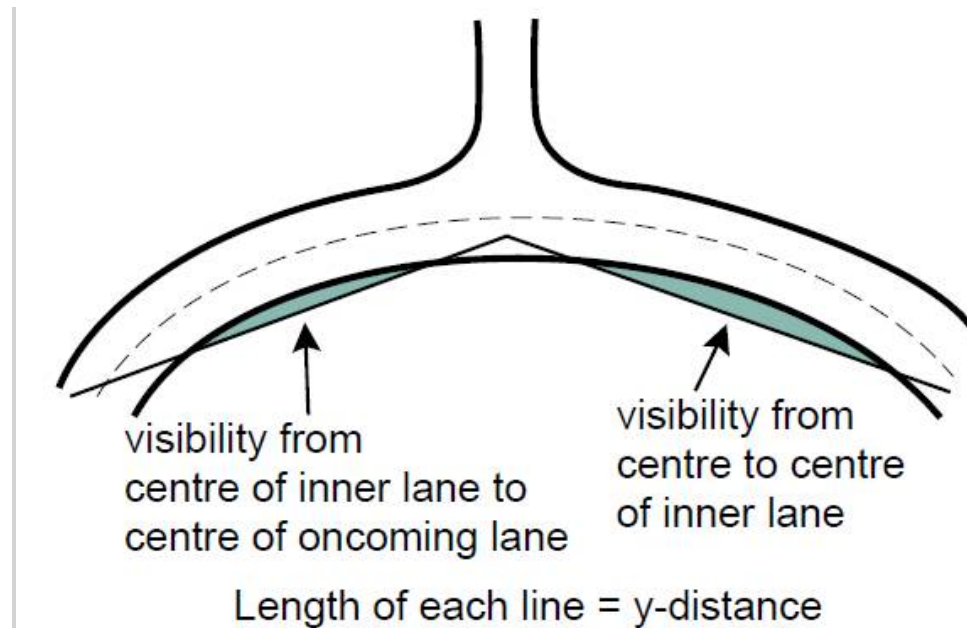


Figure 5: Forward Visibility Requirements

- 5.6.8 The size of the visibility splay depends on the speed limit or observed vehicle speeds on the public road. It is necessary to consider the driver's line of vision, in both the horizontal and vertical planes, and the stopping distance of the vehicle. Where the applicant does not provide observed vehicle speed data, the speed limit will normally be used.
- 5.6.9 The distance along the public road, Y distance, is the distance the driver needs to see along the road edge (see table below). This is measured from the centre line of the access to the location on the road of the approaching vehicle, which varies depending on the speed of approaching traffic. The faster the approaching vehicles, the longer the distance required to see and be seen.
- 5.6.10 The distance back from the public road, X distance, is shown in the table below. The distance varies according to the number of dwellings. The distance is taken from the edge of the carriageway back along the centre line of the private access.

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

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

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

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

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

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

5.7 Providing and Maintaining Visibility Splays

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

- 5.7.2 Applicants should give careful consideration to the Trees and Development Supplementary Guidance. Applicants should note that there is a presumption against the felling/removal of trees purely to form an access/visibility. For the avoidance of doubt the visibility splay is an essential feature required for achieving the Moray Local Development Plan Policy T2 Provision of Road Access.
<http://www.moray.gov.uk/downloads/file100519.pdf>
- 5.7.3 There may be circumstances when the developer wishes to locate the private access on or near a bend in the road. The outside of a bend is the safest option. The extent of the visibility splay must be clearly identified.
- 5.7.4 If there is no alternative arrangement other than to locate the access on the inside of a bend, the applicant must be fully aware of the extent of the area which will be affected by the visibility requirements which they must demonstrate that they have, and can maintain control over, and which must be kept free of obstructions such as buildings, trees shrubs and long grass or other vegetation. In these circumstances early consultation with Transportation officers is recommended.
- 5.7.5 Once provided, visibility splays must be retained and kept clear. In this regard it will be helpful for trees and shrubs to be planted at least 3m to the rear of the visibility splay to allow for future growth.
- 5.7.6 Any boundary walls/fences must be set back to a position behind the required visibility splays.
- 5.7.7 To reduce the impact of an access on the countryside, its location and design must be carefully considered and existing access, including lanes, should be used where possible.
- 5.7.8 Transportation will not introduce a speed limit or warning signage simply to facilitate a new access.
- 5.7.9 Reductions in visibility standards will not be permitted simply because the applicant does not control the required visibility area or does not have a reasonable prospect of bringing it under his control
- 5.7.10 If a dwelling access is located near a junction, visitors might park their vehicles on the priority road and obstruct junction visibility. To reduce this risk, dwelling accesses should not normally join a priority road within the y-distance of a junction.



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



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



IN CAR DRIVERS VIEW TO NORTH-WEST



CARRIGEWAY WIDTH (WHEEL IS LOCATED 10M FROM EDGE OF B9010)



APPELLANTS PHOTOGRAPH SHOWING TWO VEHICLES PASSING EACHOTHER AT JUNCTION



APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER INFORMATION

Response to the Transportation objection to planning application
20/00947/PPP

There would be no new access required; the existing access which has been in place for a number of years would be used to access the dwelling. Please see attached picture of existing access.

The response from the Moray Council Transportation focusses on intensification of use of the U107E Fernielea Road, the visibility splays at the junction which are restricted due to a high hedge and fence and also the fact that the Fernielea Road is narrow with an inadequate width to allow two vehicles to comfortably pass. There is also concern for the road safety of road users.

Improvements were made to one side of the junction onto the B9010 in 2015 and no further improvements have been made since then.

Following the improvements in 2015 Planning Application 14/02088/APP was approved by the MLRB. This concerned the replacement of an agricultural storage shed with a house and garage. The Chair of LR120 stated that in his opinion there would not be a difference in intensification of the junction and that the visibility sightlines were adequate in both directions. The photograph previously sent showing the 2 cars passing each other at the junction was also used at this MLRB.

The only difference to the current day sight lines are the addition of the high fence and hedge and I am pleased to confirm that the Moray Council Enforcement department has recently met with the owner of 'Kantara' and an agreement has been reached whereby the fence fronting onto the B9010 will be lowered and the hedge will be subject to planning permission. The visibility and road safety of road users will be greatly enhanced by these actions.

Conclusion

I welcome any improvement to the Fernielea Road and have already stated that I would be willing to construct an additional passing place in the interest of further improvement in safety for road users.

There would be no difference in intensification caused by a new dwelling. Any increase in traffic would be offset by a reduction in vehicles that serviced the previous agricultural business on the site. This was accepted in Planning Application 14/02088/APP.

The proposed development is also considered to comply with the requirements of policy DP4 – Rural Housing of the MLDP as stated by the appointed officer.

