



Moray Local Review Body

Thursday, 26 September 2019

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Local Review Body** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Thursday, 26 September 2019** at **09:30**.

BUSINESS

- 1 Sederunt**
- 2 Declaration of Group Decisions and Members Interests ***
- 3 Minute of Meeting dated 29 August 2019** **5 - 10**
Continued Cases
- 4 LR225 - Ward 8 - Forbes** **11 - 112**
Planning Application 18/01568/APP – Erect Dwellinghouse at Plot 1, Innesmhor, Findhorn, Forbes, Moray, IV36 3YL
New Cases
- 5 LR228 - Ward 3 - Buckie** **113 - 218**
Planning Application 19/00294/PPP – Erect New Dwelling House at Plot 1, Ratven Station, Buckie, AB56 4DW
- 6 LR229 - Ward 3 - Buckie** **219 - 326**
Planning Application 19/00295/PPP – Erect New Dwelling House at Plot 2, Ratven Station, Buckie, AB56 4DW

Summary of Local Review Body functions:

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

Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.

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

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

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

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

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

Clerk Name: Lissa Rowan
Clerk Telephone: 01343 563015
Clerk Email: lissa.rowan@moray.gov.uk

THE MORAY COUNCIL

Moray Local Review Body

SEDERUNT

Councillor Amy Taylor (Chair)
Councillor David Bremner (Depute Chair)
Councillor George Alexander (Member)
Councillor Paula Coy (Member)
Councillor Donald Gatt (Member)
Councillor Ray McLean (Member)
Councillor Derek Ross (Member)

Clerk Name: Lissa Rowan
Clerk Telephone: 01343 563015
Clerk Email: lissa.rowan@moray.gov.uk

Minute of Meeting of the Moray Local Review Body

Thursday, 29 August 2019

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

PRESENT

Councillor George Alexander, Councillor Donald Gatt, Councillor Ray McLean, Councillor Amy Taylor

APOLOGIES

Councillor David Bremner, Councillor Paula Coy, Councillor Derek Ross

IN ATTENDANCE

The Senior Planning Officer (Development Planning and Facilitation) and Mr Henderson, Planning Officer as Planning Advisers, Mr Hoath, Senior Solicitor as Legal Adviser and Mrs Rowan, Committee Services Officer as Clerk to the Moray Local Review Body.

1 Chair

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

2 Declaration of Group Decisions and Members Interests

In terms of Standing Order 20 and the Councillor's Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Members interests in respect of any item on the agenda.

3 Minute of Meeting dated 27 June 2019

The Minute of the Meeting of the Moray Local Review Body dated 27 June 2019 was submitted and approved.

4 LR225 - Ward 8 - Forbes

Planning Application 18/01568/APP – Plot 1, Innesmhor, Findhorn, Forbes, Moray, IV36 3YL

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse an application on the grounds that the proposal is contrary to policies H3 and IMP1 of the Moray Local Development Plan (MLDP) 2015 for the following reasons:

The proposal falls below the minimum site area criteria of 400sqm (excluding access) as required by policy H3 for new house plots formed through subdivision, and is considered to be too small to adequately accommodate the proposed development in this location without adversely impacting the character and amenity of the surrounding area. Although the current proposed house is modest, the limited size of the plot would mean that it would lead to cramped development that would fail to reflect the density of development in the immediate vicinity, which is characterised by larger dwellings in more spacious plots. This deviation from the density of development in this part of Findhorn would be detrimental to the character and amenity of the surrounding area and contrary to policies H3 and IMP1, and on this basis the application is recommended for refusal.

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

With regard to the unaccompanied site inspection carried out on 23 August 2019, the Chair stated that all present members of the Moray Local Review Body (MLRB) were shown the site where the proposed development would take place and had before them papers which set out both the reasons for refusal and the Applicant's grounds for review.

In response to a question from the Chair as to whether the Legal and Planning Advisers had any preliminary matters to raise, the Planning Adviser advised that it had been brought to her attention that the Applicant had not confirmed their willingness to pay developer obligations for the proposed development to comply with policy IMP3 (Developer Obligations) of the MLDP 2015. Therefore, if members were minded to approve the development, confirmation would have to be received from the Applicant that they were willing to pay the developer obligations and if not then the case would have to be reconsidered by the MLRB in terms of compliance with policy IMP3 of the MLDP 2015.

The Legal Adviser further advised that, on completion of the Notice of Review form, the Appellant had advised that she had included information that was not considered by the Appointed Officer at the time of the original decision as she had addressed the reasons for refusal and highlighted some aspects of local context in the hope that a more inclusive, longer term, social-ecological view will prevail in the decision. The Legal Adviser advised that this constitutes new evidence in terms of Regulation 17 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 and if the MLRB was minded to consider the additional information relevant and take it into consideration when determining the application, then, in terms of fairness, the Appointed Officer should have the opportunity to provide written submissions on this additional information by means of a further procedure such as written submissions or a hearing. However if the MLRB was of the view that the detailed information was not relevant in planning terms then it should specify that this additional information is not being considered when determining the application which could leave the decision open to challenge if it was deemed, on appeal, that the additional information is relevant in planning terms.

Councillor Alexander, having visited the site and considered the Applicant's grounds for review and the additional advice from the Planning and Legal Advisers in terms of the developer obligations and additional information contained within the

Applicant's Notice of Review, moved that the case be deferred to allow the Appointed Officer the opportunity to respond to the additional information contained within the Applicant's Notice of Review and to seek clarification from the Applicant as to whether she is willing to pay the developer obligations. Councillor Alexander also stated that a further site visit should be arranged prior to determination to allow those Members of the MLRB who had not been able to attend the original site visit, the opportunity to view the site.

There being no-one otherwise minded, the MLRB agreed:

- i. to defer case LR226 to allow the Appointed Officer the opportunity to comment on the additional information contained within the Applicant's Notice of Review which constitutes new evidence in terms of Regulation 17 of the Regulations;
- ii. that a further site visit be arranged to allow those Members of the MLRB who had been unable to attend the original site visit the opportunity to view the site;
- iii. that clarification be sought as to whether the Applicant is willing to pay the developer obligations in order to comply with policy IMP3 of the MLDP 2015.

5 LR226 - Ward 6 - Elgin City North

Planning Application 19/00173/APP – Change of use of amenity land to garden ground and erect summer house/work room and shed at 65 Marleon Field, Elgin

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

The proposal is contrary to the provisions of the Moray Local Development Plan 2015 because the introduction of a business use to which there would be visiting members of the public is considered to result in an adverse impact on the amenity of neighbouring properties in the surrounding residential area, contrary to policy IMP1.

The proposal also fails to comply with the requirements of the Proposed Moray Local Development Plan 2020 (policy DP1).

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

With regard to the unaccompanied site inspection carried out on 23 August 2019, the Chair stated that all present members of the Moray Local Review Body (MLRB) were shown the site where the proposed development would take place and had before them papers which set out both the reasons for refusal and the Applicant's grounds for review.

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

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

Councillor Alexander, having had the opportunity to visit the site and consider the Applicant's grounds for review moved that the MLRB refuse the appeal and uphold the original decision of the Appointed Officer to refuse Planning Application 19/00173/APP as it is contrary to policy IMP1 (developer requirements) of the MLDP 2015.

There being no-one otherwise minded, the MLRB agreed to dismiss Case LR226 and uphold the original decision of the Appointed Officer to refuse Planning Application 19/00173/APP as the proposal is contrary to policy IMP1 of the MLDP 2015 and also the requirements of policy DP1 (Development Principles) of the proposed MLDP 2020.

6 LR227 - Ward 1 - Speyside Glenlivet

Planning Application 19/00318/APP – Erection of dwellinghouse and garage at The Maltings, Adjacent to Cairnvonie Farm, Archiestown

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

The proposal is contrary to the provisions of the Moray Local Development Plan (MLDP) 2015 because the proposal would contribute to an inappropriate build-up of development that would be detrimental to the rural character of the surrounding area, contrary to policies H7 (Housing in the Countryside) and IMP1 (Developer Requirements), as well as the Supplementary Guidance on Housing in the Countryside.

This is further supported by the Moray Local Development Plan supplementary Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside, whereby the site is located in an area where a build-up of housing (built and consented) is considered to have an adverse impact on the character of the surrounding rural area. The development of a house on this site would further exacerbate this.

Whilst limited weighting is given to it, the proposal is also contrary to the Proposed Moray Local Development Plan 2020 (policies DP1 (Developer Requirements) and DP4 (Rural Housing)).

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

With regard to the unaccompanied site inspection carried out on 23 August 2019, the Chair stated that all present members of the Moray Local Review Body (MLRB) were shown the site where the proposed development would take place and had before them papers which set out both the reasons for refusal and the Applicant's grounds for review.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, the Planning Adviser advised that she had nothing to raise at this time. The Legal Adviser advised that the Applicant had submitted a letter in support of her appeal which had included additional information which was not before the Appointed Officer at the time of consideration. He advised that the majority of the information contained within the supporting letter was not relevant in planning terms however it did mention that, although the proposal was for development in a "hot spot" area with restricted development which neither the Applicant nor Agent were aware of at the time of application, the Applicant stated that they had gone to great expense and taken a lot of time to ensure that the proposed house is in keeping with the countryside area. With this in mind, the Legal Adviser advised that the MLRB should decide whether to include the supporting letter when considering the application, in which case, in terms of Regulation 17 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, the Appointed Officer should be afforded the opportunity to comment on the additional information. He further advised that the MLRB may also choose to consider the application discounting the letter of support from the Applicant if it is of the view that the letter is not relevant in planning terms.

Councillor Gatt was of the view that the supporting letter from the Applicant should be discounted as it was background information relating to the Applicant's motives for the application and so was not relevant to the planning decision and further, the MLDP 2015 and supplementary guidance is widely available to all members of the public when considering development. There being no-one otherwise minded, the MLRB agreed to discount the supporting letter and went on to consider the planning application without further process being necessary.

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

Councillor Gatt, having had the opportunity to visit the site and consider the Applicant's grounds for review moved that the MLRB refuse the appeal and uphold the original decision of the Appointed Officer to refuse Planning Application 19/00318/APP as the proposal is contrary to policies H7 (Housing in the Countryside) and IMP1 (Developer Requirements), as well as the Supplementary Guidance on Housing in the Countryside, MLDP supplementary Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside and policies DP1 (Developer Requirements) and DP4 (Rural Housing) of the proposed MLDP 2020.

There being no-one otherwise minded, the MLRB agreed to dismiss Case 227 and uphold the original decision of the Appointed Officer to refuse Planning Application 19/00318/APP as the proposal is contrary to policies H7 (Housing in the Countryside) and IMP1 (Developer Requirements), as well as the Supplementary Guidance on Housing in the Countryside, MLDP supplementary Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside and policies DP1 (Developer Requirements) and DP4 (Rural Housing) of the proposed MLDP 2020.



MORAY LOCAL REVIEW BODY

25 SEPTEMBER 2019

SUMMARY OF INFORMATION FOR CASE No LR225

Planning Application 18/01568/APP – Plot 1, Innesmhor, Findhorn, Forres, Moray, IV36 3YL

Ward 8 - Forres

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 19 March 2019 on the grounds that the proposal is contrary to policies H3 and IMP1 of the Moray Local Development Plan (MLDP) 2015 for the following reasons:

The proposal falls below the minimum site area criteria of 400sqm (excluding access) as required by policy H3 for new house plots formed through subdivision, and is considered to be too small to adequately accommodate the proposed development in this location without adversely impacting the character and amenity of the surrounding area. Although the current proposed house is modest, the limited size of the plot would mean that it would lead to cramped development that would fail to reflect the density of development in the immediate vicinity, which is characterised by larger dwellings in more spacious plots. This deviation from the density of development in this part of Findhorn would be detrimental to the character and amenity of the surrounding area and contrary to policies H3 and IMP1, and on this basis the application is recommended for refusal.

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

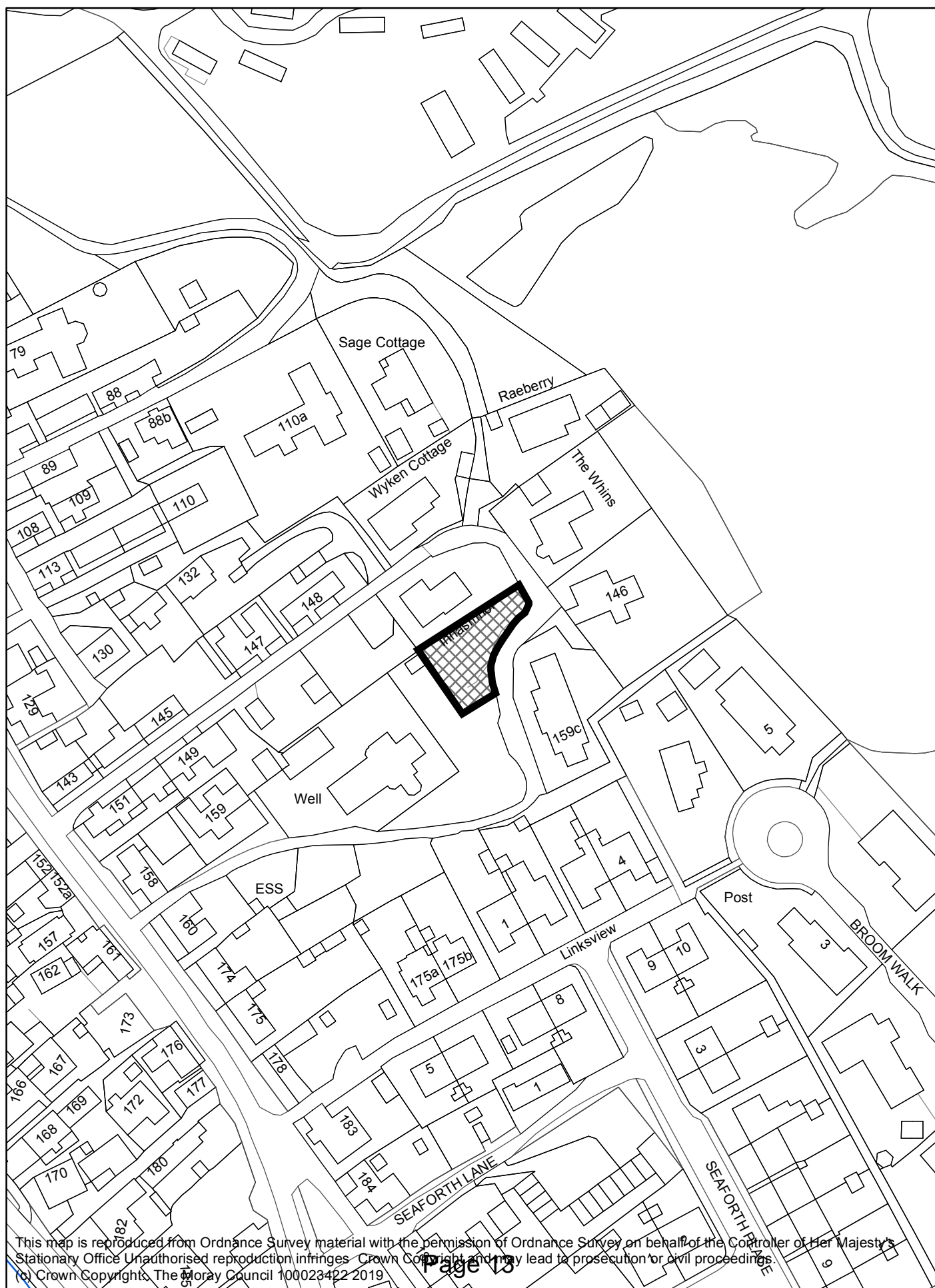
The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

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

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

At the meeting of the Moray Local Review Body (MLRB) on 29 August 2019, the MLRB deferred consideration of Case LR225 as it was agreed that the Applicant had raised new matters within their Notice of Review and supporting documentation which were not before the Appointed Officer at the time of the application which constituted new evidence in terms of Regulation 17 of the Regulations. In accordance with the Regulations, the Appointed Officer was given the opportunity to make representations on the new evidence.

The Moray Local Review Body's request for further representation from the Appointed Officer in terms of the new evidence attached as **Appendix 5**.





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

APPLICATION FOR PLANNING PERMISSION

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	MS	Ref No.	
Forename	Beverley	Forename	David
Surname	A'Court	Surname	Dittman
Company Name		Company Name	
Building No./Name	Innesmhor 148A	Building No./Name	Heron Ridge
Address Line 1	Findhorn	Address Line 1	Rafford
Address Line 2		Address Line 2	
Town/City	Forres	Town/City	Forres
Postcode	IV36 3YL	Postcode	IV36 2RH
Telephone		Telephone	
Mobile		Mobile	07796 263 907
Fax		Fax	
Email		Email	daviddittman123@gmail.com

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

Innesmhor 148A Findhorn Forres IV36 3YL
Plot adjacent to Innesmhor, currently known as "The Plot at Innesmhor."

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

4. Type of Application

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

Planning Permission



Planning Permission in Principle



Further Application*



Application for Approval of Matters Specified in Conditions*



Application for Mineral Works**



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

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

Reference No:

Date:

5. Description of the Proposal

Please describe the proposal including any change of use:

Erection of single storey dwelling house

Is this a temporary permission?

Yes ☐ No ☒

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

Have the works already been started or completed?

Yes ☐ No ☒

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

Date started:

Date completed:

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

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

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

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

Name:

Date:

Ref No.:

7. Site Area

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

Hectares (ha):

Square Metre (sq.m.)

400m² or thereabouts

Please describe the current or most recent use:

Garden extension. Sole ownership currently being transferred to Ms B. A'Court. (ie. The plot no longer part of the Innesmuir property -)

9. Access and Parking

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

Yes ☒ No ☐

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

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

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

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

ONE

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

TWO

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

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☒ No ☐

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

Yes, connecting to a public drainage network

☒

No, proposing to make private drainage arrangements

☐

Not applicable – only arrangement for water supply required

☐

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

Discharge to land via soakaway

☐

Discharge to watercourse(s) (including partial soakaway)

☐

Discharge to coastal waters

☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

☐

Other private drainage arrangement (such as a chemical toilets or composting toilets)

☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes ☒ No ☐

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

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

Yes ☒ No ☐

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

11. Assessment of Flood Risk

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

Yes ☐ No ☒

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

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

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

12. Trees

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

Yes ☒ No ☐

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

13. Waste Storage and Collection

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

Yes ☒ No ☐

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

Waste and recycling bins shown on drawing

14. Residential Units Including Conversion

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

Yes ☒ No ☐

If yes how many units do you propose in total?

one

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

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

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☐

If yes, please provide details below:

Use type:

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

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

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

Yes ☐ No ☒ Don't Know ☐

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

17. Planning Service Employee/Elected Member Interest

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

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

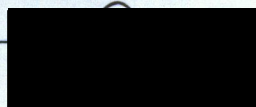
I, the applicant/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

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

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes ☐ No ☐ N/A ☒

Signature:



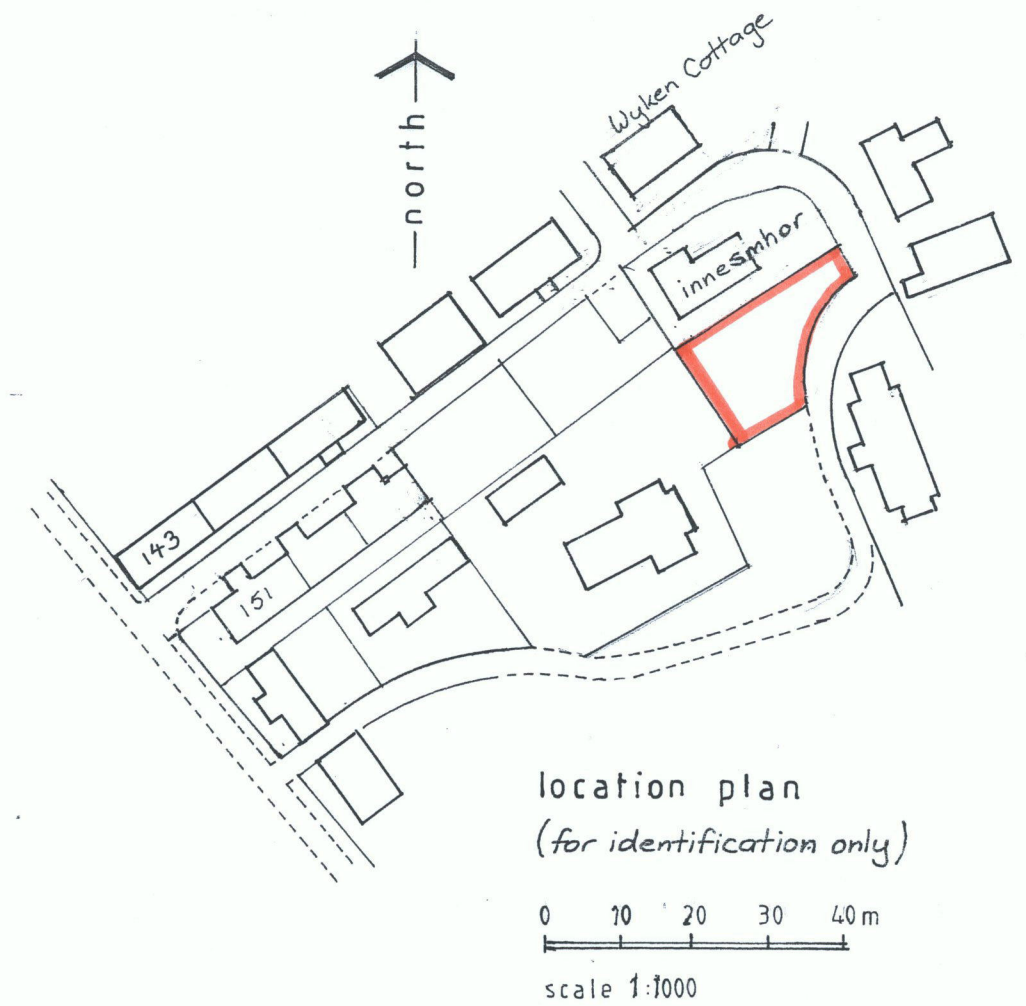
Name:

David Dittman

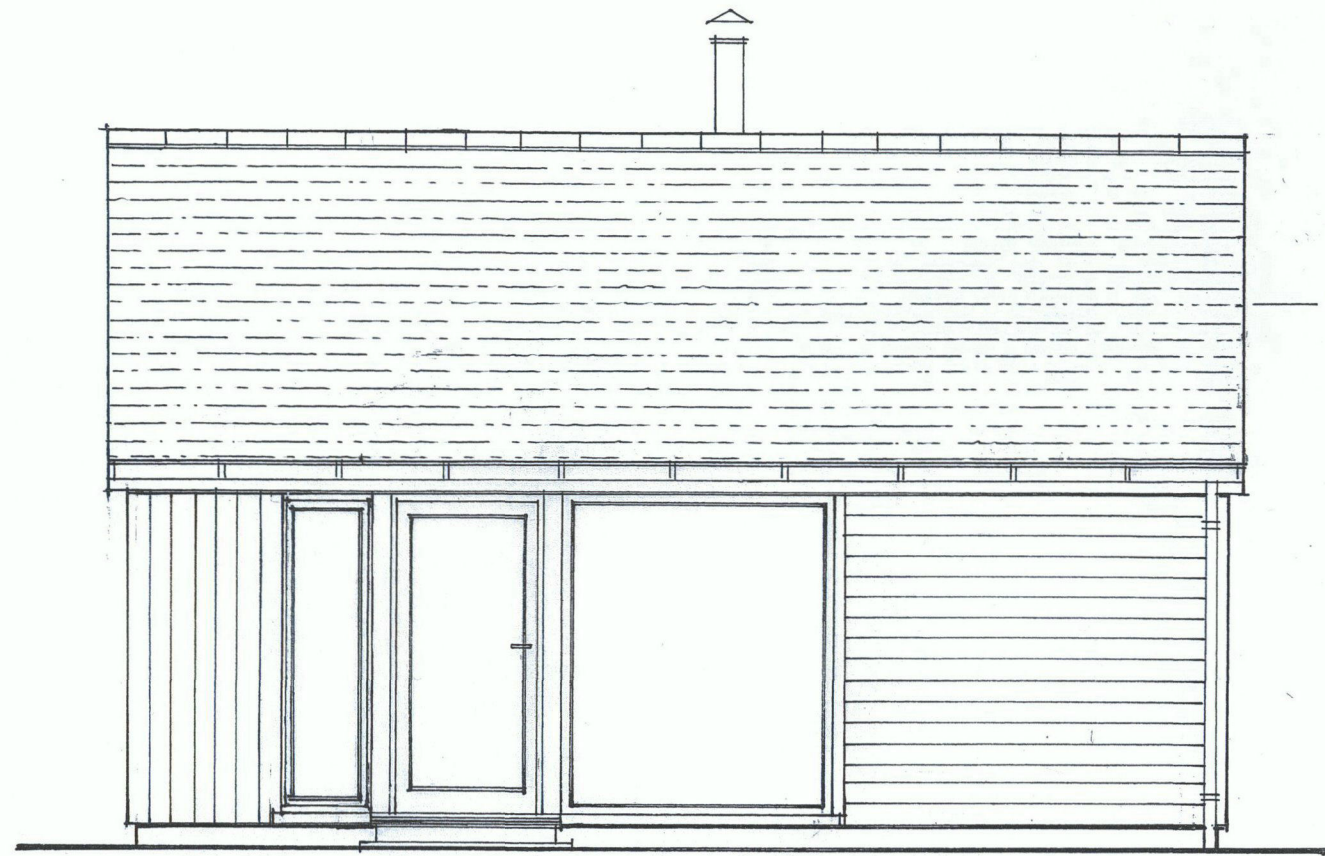
Date:

10/12/18

new house adjacent to Innesmhor site plan



n e w h o u s e a d j a c e n t t o I n n e s m o r



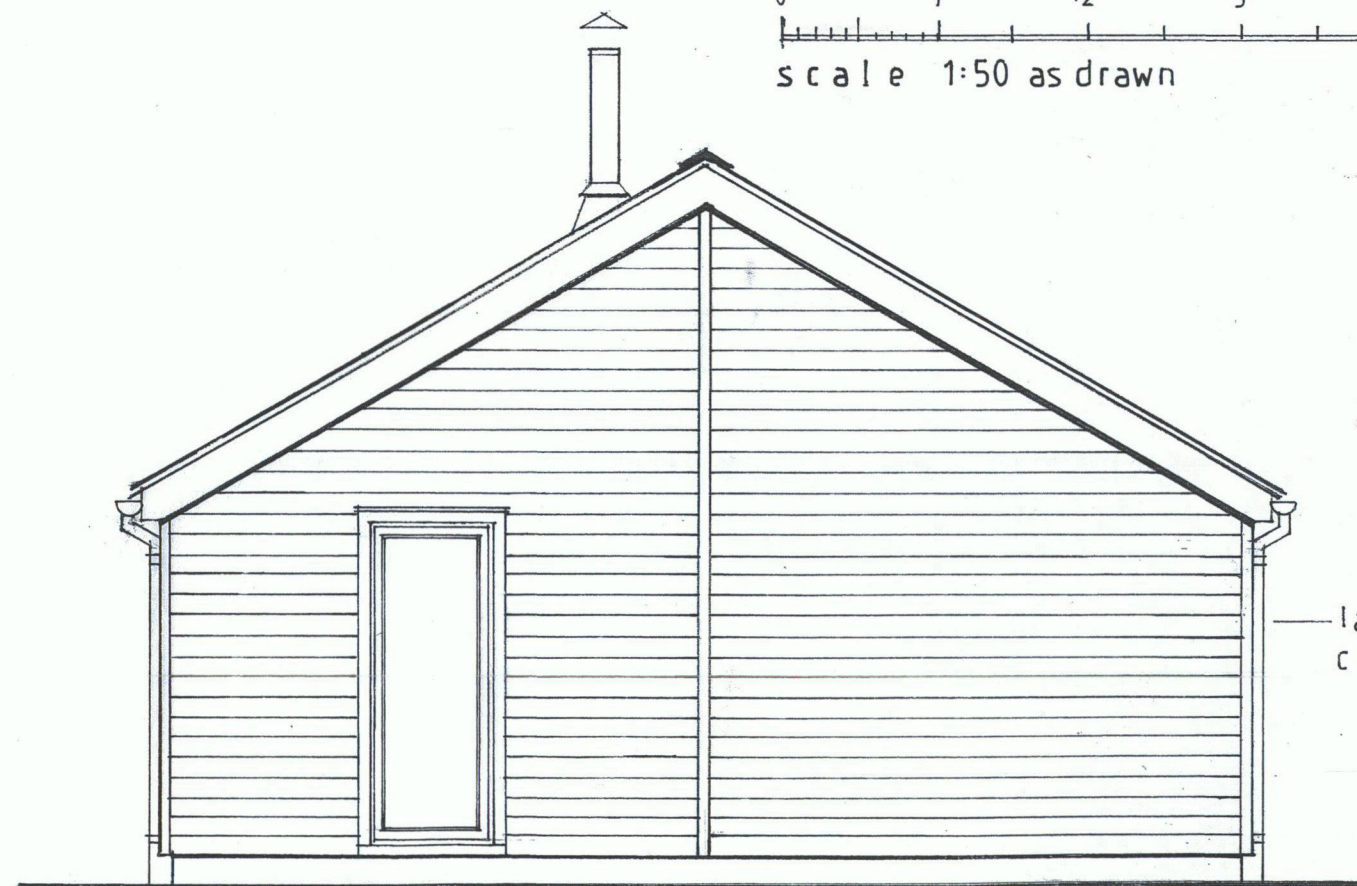
s o u t h e a s t

— slate roof



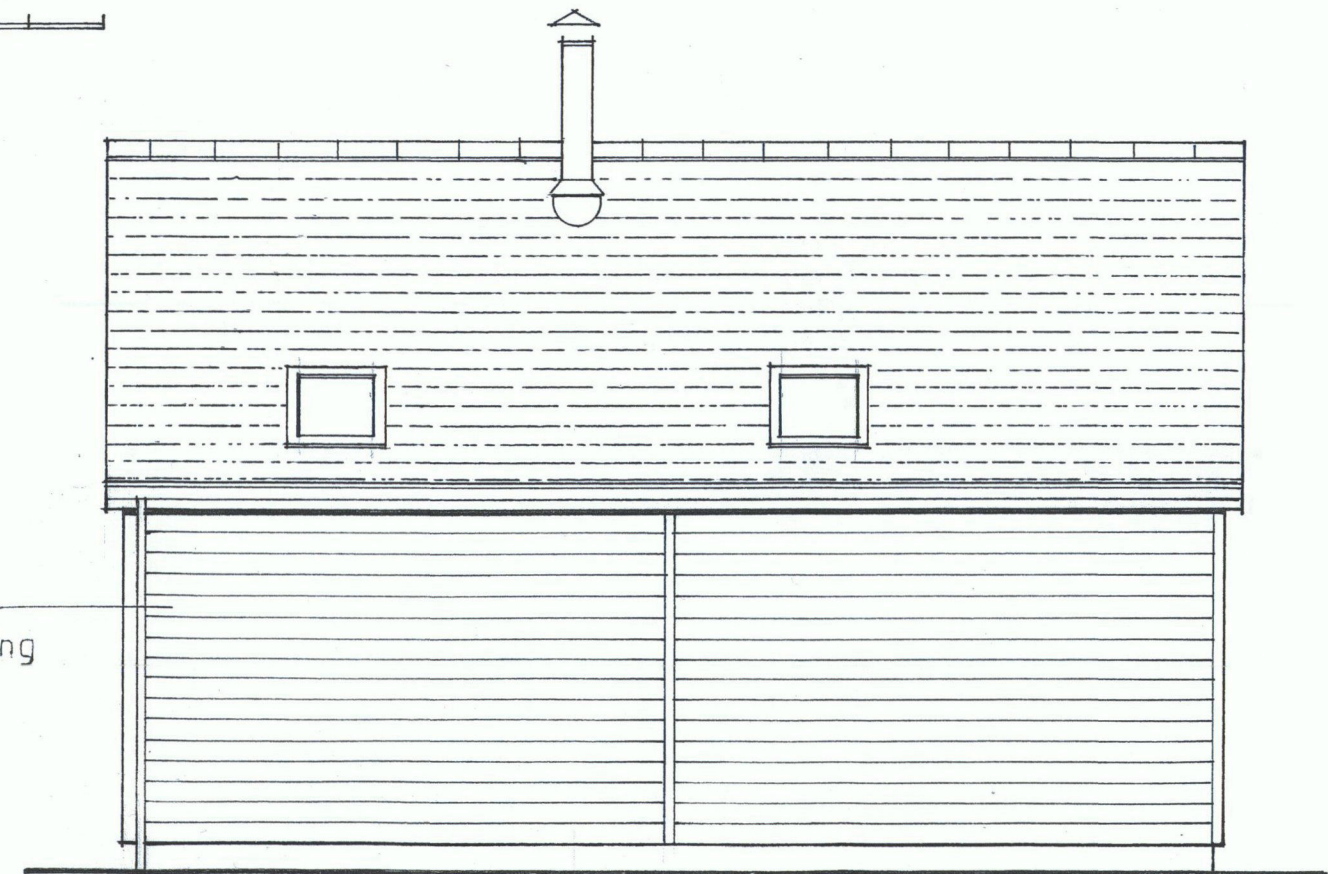
n o r t h e a s t

0 1 2 3 4 5
scale 1:50 as drawn



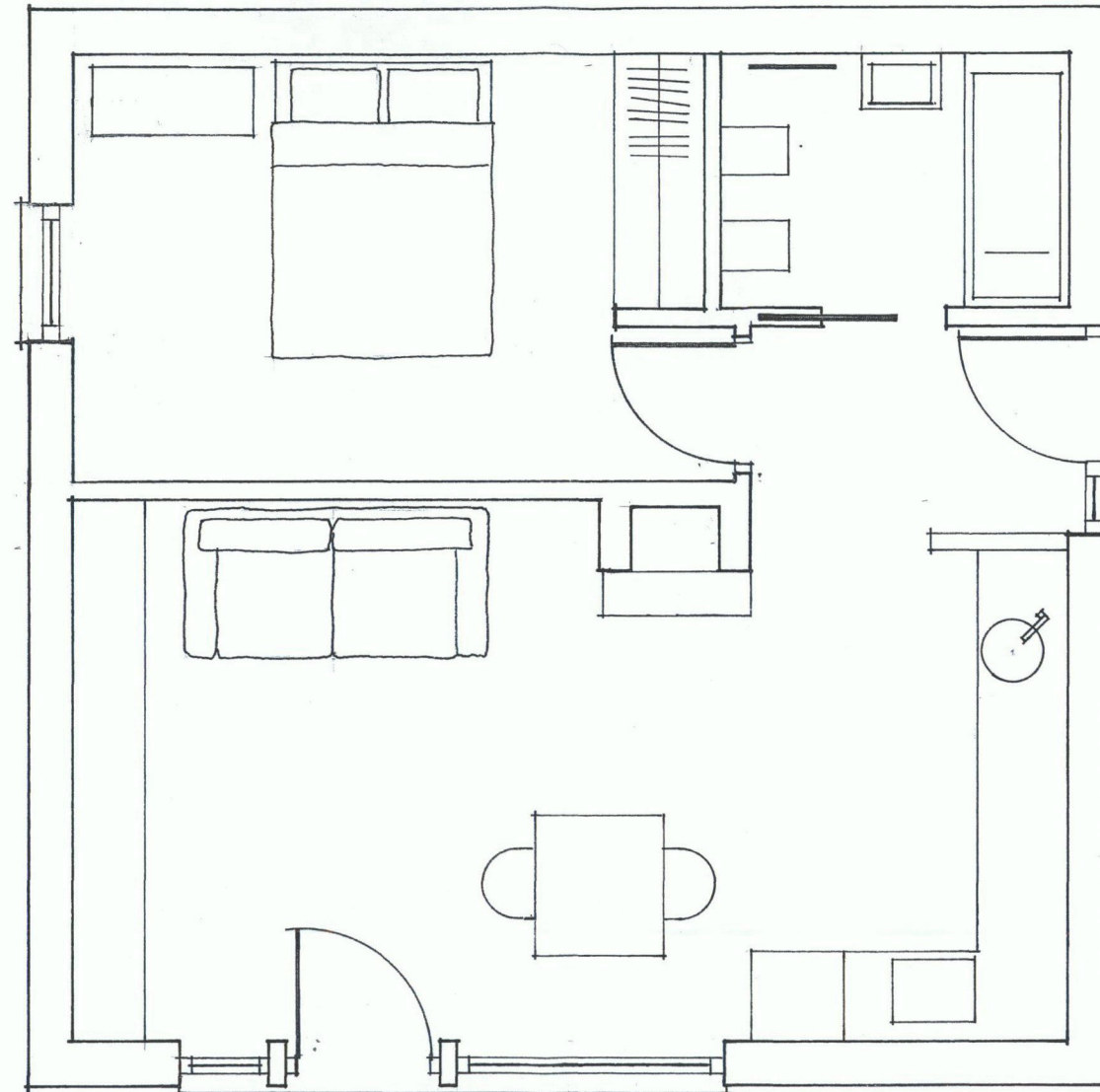
s o u t h w e s t

— larch
cladding



n o r t h w e s t

n e w h o u s e a d j a c e n t t o I n n e s m o r e
f l o o r p l a n



0 1 2 3 4 5
scale 1:50 as drawn

David Dittman
Heron Ridge
Rafford
Forres
IV36 2RH

Moray Council
Planning Department
Council Offices
High street
Elgin

15th January 2019

Dear Sir / Madam

New House at Innesmhor, Findhorn
Reference 18/01568/APP
Drainage Statement

In response to your request for a drainage statement I confirm that the proposal is to connect the foul waste to the mains drainage system and the surface water to a soakaway. This is clearly indicated on the submitted site plan.

Regards, David Dittman

From: DeveloperObligations
Sent: Thu, 7 Feb 2019 14:29:52 +0000
To: Joe Taylor
Cc: DC-General Enquiries
Subject: 18/01568/APP Erect dwellinghouse on Plot 1 Innesmhor, Findhorn
Attachments: 18-01568-APP Erect dwellinghouse on Plot 1 Innesmhor, Findhorn.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 agent.

Regards
Hilda

Hilda Puskas | Developer Obligations Officer (Development Planning & Facilitation) |
Development Services
hilda.puskas@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) |
[newsdesk](#)
01343 563265



Developer Obligations: ASSESSMENT REPORT



moray
council

Date: 07/02/2019

Reference: 18/01568/APP

Description: Erect dwellinghouse on Plot 1
Innesmhor, Findhorn

Applicant: Mrs Beverly A`Court

Agent: David Dittman

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

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

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	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	

Breakdown of Calculation

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

1 x 1-bed= 0.6 SRUE

This assessment is therefore based on 0.6 SRUE.

Developer Obligations Discount for Small Scale Development

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



Moray Council DEVELOPER OBLIGATIONS

INFRASTRUCTURE

Education

Primary Education

Please note that 1 bed units are not included within any calculations for education infrastructure mitigation as 1 bed units are not assumed to generate any pupils.

Contribution towards Primary Education = Nil

Secondary Education

Please note that 1 bed units are not included within any calculations for education infrastructure mitigation as 1 bed units are not assumed to generate any pupils.

Contribution towards Secondary Education = Nil

Transport

The Moray Council Transportation Services has confirmed that no developer obligations will be sought for this proposal.

Contributions towards Transport = Nil

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 existing space will be required to be extended and that 2 Additional Dental Chairs and reconfiguration to existing Pharmacy outlets will be required.

Contributions are calculated based on a proportional contribution of [REDACTED] per SRUE for the healthcentre and additional dental chairs each and [REDACTED] 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 2015 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 Recreation 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 Sports Scotland 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]



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 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

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

No objections

Adrian Muscutt, CLO

Consultee Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

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

No comments.

Andrew Stewart

EHO

Consultation Request Notification – Building Standards

Planning Authority Name	Moray Council
Response Date	13th February 2019
Planning Authority Reference	18/01568/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL
Site Postcode	N/A
Site Gazetteer UPRN	000133044609
Proposal Location Easting	304142
Proposal Location Northing	864430
Area of application site (M²)	
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PJMAYIBG0FU00
Previous Application	03/01720/FUL
Date of Consultation	30th January 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mrs Beverly A'Court
Applicant Organisation Name	
Applicant Address	Innesmhor Findhorn Forres Moray IV36 3YL
Agent Name	David Dittman
Agent Organisation Name	
Agent Address	Heron Ridge Rafford Forres Moray IV36 2RH
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Joe Taylor
Case Officer Phone number	01343 563082
Case Officer email address	joe.taylor@moray.gov.uk

PA Response To	consultation.planning@moray.gov.uk
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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: Building Standards

Planning Application Ref. No: 18/01568/APP

Erect dwellinghouse on Plot 1 Innesmhor Findhorn Forres Moray for Mrs Beverly A'Court

In terms of Building Warrant requirements.

**Please
x**

(a) A Building Warrant is required

X

(b) A Building Warrant is not required (IBS008)

☐

(c) A Building Warrant will not be required but must comply with Building Regulations.(IBS009)

☐

(d) Comments

☐

.....
.....

Contact: Emma Thomas

Date: 31.01.19

email address: emma.thomas@moray.gov.uk

Phone No: 563442

Consultee: Building Standards

Return response to

consultation.planning@moray.gov.uk

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

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	13th February 2019
Planning Authority Reference	18/01568/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL
Site Postcode	N/A
Site Gazetteer UPRN	000133044609
Proposal Location Easting	304142
Proposal Location Northing	864430
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PJMAYIBG0FU00
Previous Application	03/01720/FUL
Date of Consultation	30th January 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mrs Beverly A'Court
Applicant Organisation Name	
Applicant Address	Innesmhor Findhorn Forres Moray IV36 3YL
Agent Name	David Dittman
Agent Organisation Name	
Agent Address	Heron Ridge Rafford Forres Moray IV36 2RH
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Joe Taylor
Case Officer Phone number	01343 563082
Case Officer email address	joe.taylor@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 18/01568/APP

Erect dwellinghouse on Plot 1 Innesmhor Findhorn Forres Moray for Mrs Beverly A'Court

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

Please

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

Condition(s)

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

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

Further comment(s) to be passed to applicant

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

The development is not directly served by a public road. The applicant should note that it is their responsibility to establish any Rights of Vehicular Access with the party (parties) in control of the private road which serves the site.

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

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

Contact: DA/AG

Date 08 February 2019

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

Consultee: TRANSPORTATION

Return response to

consultation.planning@moray.gov.uk

4th February 2019

Moray Council
Council Office High Street
Elgin
IV30 9BX



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 Local Planner

IV36 Forres Innesmhor Plot 1
PLANNING APPLICATION NUMBER: 18/01568/APP
OUR REFERENCE: 772448
PROPOSAL: Erect dwellinghouse on

Please quote our reference in all future correspondence

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

- This proposed development will be fed from Glenlatterach Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application

Foul

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

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.

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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, 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 all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water 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 up 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 or not the discharge from your premises is likely to be considered 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 using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Yours sincerely

Emma Taylor

Development Operation Technical Analyst
emma.taylor2@scottishwater.co.uk

Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Road access

Comment: The Applicant does not have Servitude access onto this Plot from the access lane that I own. Applicant has designated two parking places on the plan but has no legal access to the site.

I have had no Neighbour Notification about this development from Moray Council contrary to planning process.

Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Parking
- Procedures not followed correctly
- Road access

Comment: The Applicant does not have Servitude access onto this Plot from the access lane that I own. Applicant has designated two parking places on the plan but has no legal access to the site.

I have had no Neighbour Notification about this development from Moray Council contrary to planning process.

This plot was the subject of a previous planning application in 2014 which was refused on 16/12/2014 for the following reason:

" The proposal is contrary to the Moray/local Plan 2008 policies H3, H4 and IMP1 as the proposed site is only 207sq/m and would result in a cramped, awkward development which would not reflect the density of development in the immediate vicinity which is characterised by houses in generous plots and would have an adverse impact on the amenity of the surrounding area."

Looking at this new Application the house is slightly smaller, the footprint has been moved towards the edge of the site and two parking places have been designated.

I urge the planning department to refuse this application again.

[REDACTED]

Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

- Community Council/Association Consult
- Contrary to Local Plan
- Legal issues
- Parking
- Poor design
- Precedent
- Road access

Comment: Contrary to the Local Plan. In a Conservation Area.

Road Access.

There is only access to this plot of land by car as it is necessary to cross over private land. All vehicles will need to

Parking.

At least 2 parking spaces needed, there does not appear to be space for these.

Over development of the site

The new plot is very small and will further decrease the size of the original garden

Inappropriate materials/finishes

Moray Local Development Plan>Policy H3>Sub Division for House plots

If the site provided is at least 400 square meters excluding access, if the house style complements the character of the area and the scale and architecture of the parent and neighbouring properties.

The larch wood material for the outer is not a local feature.

Poor Design. Inappropriate materials/finishes

Moray Local Development Plan>Policy H4>House Alterations and Extensions

House Alterations and extensions will normally be approved if the appearance of the house and the surrounding area is not adversely affect in terms of style, scale, proportions or materials.

The larch wood material for the outer is not a local feature and this is a conservation area.

Precedent,

If this building is allowed to go forward it will allow a number of precedents for others to copy.

Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Loss of privacy (being overlooked)
- Over-development of site

Comment: The application for building on the site was refused 2014 as the proposal was contrary to Moray local Plan 2008 polices H3, H4 and IMP1 as the site is only 207sqm. We agreed with the refusal at the time and cannot understand why it would be permissible to build in 2019.

REPORT OF HANDLING

Ref No:	18/01568/APP	Officer:	Richard Smith
Proposal Description/ Address	Erect dwellinghouse on Plot 1 Innesmhor Findhorn Forres Moray		
Date:	19.03.2019	Typist Initials:	LMC

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	31/01/19	No objection.
Contaminated Land	01/02/19	No objection.
Transportation Manager	08/02/19	No objection, subject to conditions and informatives.
Scottish Water	04/02/19	No objection, informative advice and caveats regarding capacity and connection.
Planning And Development Obligations	07/02/19	Obligations required, no confirmation of a willingness to pay to obligation received to date.
Building Standards Manager	31/01/19	Warrant required.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP3: Placemaking		
PP1: Sustainable Economic Growth		
H3: Sub division for House Plots	Y	
EP5: Sustainable Urban Drainage Systems		
EP9: Contaminated Land		
EP10: Foul Drainage		

T2: Provision of Access		
T5: Parking Standards		
IMP1: Developer Requirements	Y	
IMP3: Developer Obligations		
2020 Proposed Local Development Plan		
PP1 Placemaking		
PP2 Sustainable Economic Growth		
PP3 Infrastructure & Services		
DP1 Development Principles		
DP2 Housing		
EP12 Management and Enhancement of the		
EP13 Foul Drainage		

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: THREE OBJECTIONS (Two from separate individuals and one from the Findhorn and Kinloss Community Council)		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: The applicant does not have Servitude access onto the plot from the access lane which is owned by the objector. Access to the plot will require crossing private land.</p> <p>Comments (PO): Access to the site via the access lane in question is a private legal matter between the applicant and owners of the lane, which does not preclude determination of the application.</p>		
<p>Issue: Two parking spaces are shown on plan but the applicant has no legal access to the site. There does not appear to be space for these parking spaces on site.</p> <p>Comments (PO): See comment above regarding access. The Transportation Section has assessed the proposal and considers that the level of parking provision is adequate and achievable, and has recommended imposition of a planning condition regarding its provision.</p>		
<p>Issue: Procedures not followed correctly: Objector has had no neighbour notification.</p> <p>Comments (PO): Council records show that neighbour notification correspondence was sent out to</p>		

the objector in accordance with procedures.

Issue: The plot was subject to a previous application in 2014 which was refused; the refusal reason was that it was contrary to policies of the Moray Local Plan 2008 at the time, as it was only 207sqm and would result in cramped, awkward development which did not reflect density of surrounding development which is characterised by houses in generous plots and would have an adverse impact on the amenity of the surrounding area. Notes that new application is for a slightly smaller house, the footprint has been moved towards the edge of the site and two parking spaces have been designated.

Comments (PO): Each planning application is considered on its individual merits, against current development plan policy and any other material considerations. The previous refused application was determined under a different local plan and differs from the current proposal, in terms of site area, layout and house design.

Issue: Over-development of site. Proposed plot is very small and will decrease size of original garden. Contrary to Local Plan.

Comments (PO): Refer to observations section below.

Issue: Loss of privacy (being overlooked).

Comments (PO): The proposal would not give rise to any adverse amenity impacts. Refer to observations section below.

Issue: Policies H3 Sub-division for House Plots and H4 House Alterations and Extensions require proposed house styles to complement the character of the area and scale and architecture of parent and neighbouring properties, and to be acceptable in terms of style, scale, proportions or materials. The larch wood material is not a local feature and the proposal is located in a conservation area.

Comments (PO): The proposed use of larch as an external finish is acceptable in this location. The site is not located in the Findhorn Conservation Area, although this does lie to the immediate west of the site.

Issue: Precedent: Approval will set a precedent for others to follow.

Comments (PO): Precedent is not a justifiable reason to refuse planning permission.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

This application seeks planning permission to erect a dwelling house on garden ground at Innesmhor, Findhorn.

The proposed house is a single storey design (containing 1 bedroom, kitchen/living space and WC/bathroom) with square footprint (52sqm), 30 degree high pitched roof (4.7m to ridge) and external material finishes of larch cladding and natural slate. It would also have a wood burner chimney flue.

The application includes water, foul and surface water drainage arrangements involving a connection to the public water supply, foul and drainage network, and on plot soakaway (SUDs), and parking for two cars.

The Site and Surroundings

The site is located within the settlement of Findhorn as identified in the Moray Local Development Plan 2015 (MLDP).

The site is garden ground associated with the parent property, Innesmhor to the north and currently comprises a parking area/hardstanding, lawn, and trees and shrubs. The application form describes the use of the site as a garden extension to this house and that sole ownership is currently being transferred to the applicant (i.e. with the plot no longer being part of the Innesmhor property).

The site extends to approx. 358sqm and is irregular in shape. The combined size of both Innesmhor and the site is approx. 817sqm.

The site is served by a private track which loops around the north, south and east of the site. There are houses immediately to the east, northeast, southeast and southwest of the site.

Appraisal

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Plan 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Plan was approved as the "settled view" of the Council and minimal weight will be given to the Proposed Plan, with the 2015 MLDP being the primary consideration.

Siting and Character (H3 and IMP1)

The proposal involves the creation of a new house plot through subdivision of an existing residential property and therefore requires assessment against policies H3 and IMP1 of the MLDP.

Policy H3 Sub Division for House Plots states that proposals for subdivision for housing plots in settlements where there is no specific embargo will be acceptable if the plot subdivision is less than 50% of the original plot, the site provided is at least 400sqm (excluding access), and if the house style complements the character of the area and scale and architecture of the parent property and neighbouring properties. It further states that the built up area of the plot should avoid overlooking and maintain the amenity of the parent property and surrounding properties, and should include sufficient on-plot parking for both the new and parent properties. The policy further states that 'backland' development will be acceptable where it meets the above conditions but proposals for 'tandem' development (i.e. backland development proposed immediately behind an existing house served by the same access) will only be permitted in exceptional circumstances because of unacceptable impacts upon the amenity of the dwelling at the front of the site.

Policy IMP1 Developer Requirements requires new development to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area and to comply with set criteria. This includes the requirement for development to be appropriate to the surrounding area in terms of scale, density and character.

The site is not located within any of the identified settlements where there is an embargo on plot subdivision as defined in Policy H3 (Craigellachie, Dallas, Kingston and Urquhart). It has a frontage onto the existing private road and is not considered to be backland or 'tandem' development. The existing plot area is approximately 817sqm and an area of 358sqm has been identified for the new house. The proposed house site is less than 50% of the overall plot but falls below the 400sqm area (excluding access) required by the policy. There are examples of plots of around the size proposed but these are generally associated with traditional cottages in the older part of the village. The proposed plot is smaller than that of the parent plot and those of the larger modern houses to the east, northeast/southeast and southwest. The current proposed house is modest, but the limited size of the plot (which fails minimum site area criteria) would mean that it would lead to cramped development that would not reflect the density of development in the immediate vicinity, which is

characterised by larger dwellings in more spacious plots. This deviation from the density of development in this part of Findhorn would be detrimental to the character and amenity of the surrounding area and contrary to policies H3 and IMP1, and on this basis the application is recommended for refusal.

Design and Materials (H3 and IMP1)

The proposed house is of broadly traditional design, with a simple footprint, modest ridge height and external material finishes of timber cladding and natural slate. There are other timber clad buildings present in the surrounding area, and the building of the style and finish proposed would normally sit comfortably in this context. The house is modest with a footprint of 52sqm, however as is noted above the identified plot and building would not reflect the density of development in the immediate vicinity.

Amenity (H3 and IMP1)

The proposed new house is positioned to the south of and close to the existing house, Innesmhor, however due to its modest ridge height there would be no significant loss of sunlight or daylight to the existing. Similarly, since there are no windows in the north elevation facing the existing house no overlooking/loss of privacy would occur. Although the application does not include details of fencing, particularly along the mutual boundary with the existing house, had the application been recommended for approval the provision of a 1.8m high timber fence would have been imposed by condition to protect privacy. The site of the proposed new house is adequately separated from existing houses to the east, northeast, southeast and southwest and as such the proposal will not give rise to any unacceptable impacts in terms of privacy and overlooking for these neighbouring houses.

Access and Parking (T2 & T5)

The existing house and the proposed house would be accessed onto a private road. The maintenance and use of the private road is a civil matter for the relevant parties.

Following consultation, the Transportation Section has raised no objection subject to a condition requiring the provision of two parking spaces for the proposed house. This level of provision is acceptable for the scale of development proposed and meets Council's parking standards and policy T5. Had the application been recommended for approval, the condition would have been attached to the formal decision notice.

Whilst the application identifies no retained parking provision for the existing house (which is outside the red line boundary), from observations on site there is scope for this to be provided in the north eastern part of the existing garden.

Drainage and Water Supply (EP5, EP10 and IMP1)

Proposed connections to the public foul and water drainage network and an on-plot soakaway for dealing with surface water are appropriate and satisfy the requirements of policies EP5, EP10 and IMP1. Detailed drainage arrangements would be also assessed under the Building Regulations. Scottish Water has not objected to the proposal but has identified the need for separate discussion between the applicant and Scottish Water direct regarding availability of capacity and connection arrangements.

Developer Obligations (IMP3)

An assessment has been carried out and an obligation has been identified towards healthcare and sports and recreation. Had the application been recommended for approval, an upfront payment would have been taken prior to issue of the decision. At the time of writing this report the applicant has not confirmed agreement to the payment.

Recommendation

The proposal falls below the minimum site area criteria of 400sqm (excluding access) as required by policy H3 for new house plots formed through subdivision, and is considered to be too small to adequately accommodate the proposed development in this location without impacting upon the character and amenity of the surrounding area. Although the current proposed house is modest, the limited size of the plot would mean that it would lead to cramped development that would fail to reflect the density of development in the immediate vicinity, characterised by larger dwellings in more spacious plots. This deviation from the density of development in this part of Findhorn would be detrimental to the character and amenity of the surrounding area and contrary to policies H3 and IMP1, and on this basis the application is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
03/01720/FUL	Enlargement of house at Innesmhor Findhorn Forres Moray IV36 3YL			
	Decision	Permitted	Date Of Decision	18/09/03

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
PINS	Planning application affecting LB/CA No Premises Departure from development plan	05/03/19	
Forres Gazette	Planning application affecting LB/CA No Premises Departure from development plan	05/03/19	

DEVELOPER CONTRIBUTIONS (PGU)

Status	CONT SOUGHT
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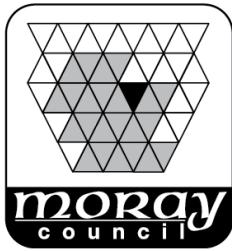
DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

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

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



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

REFUSAL OF PLANNING PERMISSION

**[Forres]
Application for Planning Permission**

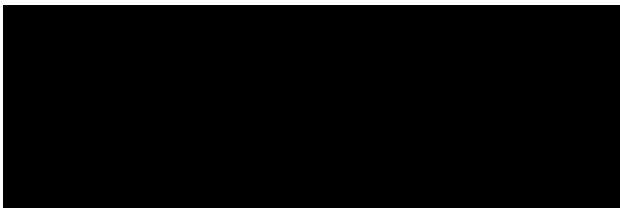
TO Mrs Beverly A'Court
c/o David Dittman
Heron Ridge
Rafford
Forres
Moray
IV36 2RH

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

Erect dwellinghouse on Plot 1 Innesmhor Findhorn Forres Moray

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

Date of Notice: **19 March 2019**



HEAD OF DEVELOPMENT SERVICES
Environmental Services Department
Moray Council
Council Office
High Street
ELGIN
Moray
IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal is contrary to policies H3 and IMP1 of the Moray Local Development Plan (MLDP) 2015 for the following reasons:

The proposal falls below the minimum site area criteria of 400sqm (excluding access) as required by policy H3 for new house plots formed through subdivision, and is considered to be too small to adequately accommodate the proposed development in this location without adversely impacting the character and amenity of the surrounding area. Although the current proposed house is modest, the limited size of the plot would mean that it would lead to cramped development that would fail to reflect the density of development in the immediate vicinity, which is characterised by larger dwellings in more spacious plots. This deviation from the density of development in this part of Findhorn would be detrimental to the character and amenity of the surrounding area and contrary to policies H3 and IMP1, and on this basis the application is recommended for refusal.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Site and location plan
		Elevations
		Floor plan

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS

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

3. Application Details	
Planning authority	Moray Council
Planning authority's application reference number	18/01568/APP
Site address	Plot 1, Innesmhor, Findhorn, Forres, Moray, IV36 3YL
Description of proposed development	Erect dwellinghouse on Plot 1, Innesmhor, Findhorn, Forres, Moray, IV36 3YL

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

None, Please close the gate after you leave + walk slowly if the young
seagulls are on the ground. Thank you.

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 additional documentation

Have you raised any matters which were not before the appointed officer at the time your application was determined?

Yes ☒ No ☐

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If yes, please explain below a) why you 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 number of nearby local residents were supportive of my application as I have a long record of caring for the nature and culture of the area. I did not think it would be necessary to raise some of these issues in my original application.

However, I am raising them now as the grounds for rejection of my application appear to be very discriminatory, to overly favour a specific high-income population and in direct contradiction to current national and regional policies regarding environmental and social criteria. I am concerned both for my own ability to remain living in this area, my home for 22 years, but also for what seems to be serious ecological and social decline in village life, largely influenced by planning decisions. I have therefore addressed each of the reasons given for refusal and highlighted some aspects of local context of my plot and application, in the hope that a more inclusive, longer term, social-ecological view will prevail in this decision. I appreciate this is a detailed document and appreciate councillors' time and attention in reading it.

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

Letter stating reasons for appeal;
Photographs to provide comparison with 3 other recent local applications of regulations;
Location Plan;
Side Elevation Plan;
Floor Plan

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.

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Signature:

[Redacted Signature]

Name:

Beverley A'Court

Date:

17/06/19

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.

I am appealing against the refusal of planning permission and request a review of my application on the following grounds.

1. Policy H3 & IMP1: during a previous application I was clearly told that the plot size of 397 square metres was sufficiently close to the 400sq.m guideline that it would not be a major block to development.
2. The 400sq. m. *included* access/parking. The 2015 rule was never communicated to me and as far as I can tell from simple observation, no other recent local build has had to abide by this rule, so it seems arbitrary / discriminatory.

The current design submitted to you addressed all previous comments;

3. The roof pitch was lowered in keeping with, and to match the gables of Innesmhor & The Whins, both built in the mid 1960s
4. My proposed house was relocated to be out of line of view of 159a & to not overlook /intrude on Innesmhor or the [REDACTED] hot tub / summerhouse which they located immediately hard up against our boundary some years ago.

Access: Parking

I travel mostly by bicycle and do not own a car (see below) so bring no extra pressure on the 'amenities' of the area. My intention was to fence the parking area once built, and to surface it with for dual purpose use as a quiet garden patio area. Moray Council claims to support the growth of Moray Carshare, of which I have been a member for over 5 years. I use 3 village-based cars, all of which are parked at specific locations nearby to my plot. I park at my property only to pick up / drop off and the parking area is situated to allow sufficient space for an emergency vehicle to park comfortably & reverse/pull out. To insist that every small studio style, 1-person dwelling must still include access & parking of a size applicable to a 3 / 4 bedroom house seems to completely contradict, undermine and disincentivise the whole carshare purpose & function.

5. The Planning dept. staff member who visited the property very briefly would not have realised that the fence surrounding the plot does not follow the plot boundary but is *significantly* smaller /shorter, erected primarily to protect young trees and a vegetable garden. The plot extends about .25 m - .5 m beyond the fence perimeter, to the far end of the shed, and a new fence will adjust this. So the plot's actual size may have been mis-perceived.
6. The plot is close to the conservation area, in which houses are traditionally densely placed, and adjacent to Innesmhor, which was originally on the smaller garden now reverted to.
7. You mention the 'character' of the area; I am largely responsible for the greener more attractive nature of this area which originally had smaller gardens/plots.

Local Context: Comparison with 3 other recent local applications of regulations: Please see the enclosed photographs of properties mentioned

Permission was granted for [REDACTED] to build 2 adjoined houses on a 1-cottage plot. Access was met by a turning circle, but there is no space for 2 parked cars - this requirement was not imposed on her design. The sizable garden, (with its iconic historic mature tree, one of only 2 in the village- for which no local consultation or financial compensation was required, despite its major role in local

(Photographs included)

biodiversity and bird populations) - ideal for a small family, is completely covered, leaving a minimal, less than 1m strip of earth along a short boundary.

This seems completely contrary to general UK & Scottish government avowed policies claiming to encourage ecological biodiversity, support affordable housing for growing families & local 1st time buyers and to ensure water capture to the water table & reducing unnecessary energy usage. Insurers insist on (polluting oil) heating & intense security lighting 2nd homes for months when uninhabited. It also contradicts your objection to my plan: it creates very cramped density and massively impacts adjacent properties. The entirely paved garden, a low-maintenance garden trend for holiday-homers currently sweeping the village, has impact on the local water table level & flood issues.

I understand another [REDACTED] resident [REDACTED], has also been granted permission to build on a small plot, (now for sale) replacing a modest, traditional half-house - potentially a small family home in a spacious, child-safe garden, with an over-sized house completely covering the garden, blocking all light, view and rear access for the adjacent traditional cottage, negatively impacting its financial value & habitability except as a part-time holiday / investment home.

[REDACTED] house 159a and its steep-roofed garages both exceeded the permitted heights by about 1m. The house was excessively large at the time, of a style & materials totally out of keeping with this area of mostly single story and partly timber /stone houses. The [REDACTED] family's 2 most recently built houses seem to be defining the future of this area for all other residents: this seems an arbitrary and biased decision.

Also I understand [REDACTED] was granted permission in 2012 for a Ukrainian log holiday cabin on his land immediately bordering my plot. How is this in keeping with the local character? The 'character of the area' you refer to - largely abandoned formerly 'midden' land used a dump for old furniture, high hummocks of gorse and marram, unable to be walked, has been improved and partly created by my landscaping, tree and shrub planting. The original plots were smaller than 400sq.m.

Since my plan has been refused, [REDACTED] intends to build on his land adjacent to my plot. My modest 1-2 person dwelling and bio-diverse kitchen-garden (restoring local indigenous shrubs & herbs lost in recent builds) I hope to continue to improve, is more like the original fishing village homes, not another 6 bedroom home no single or young locals can afford. Findhorn vernacular style is completely disregarded by the most recent builds of generic suburban housing.

I ask please that you reconsider my application in the light of all these factors.

Findhorn is at risk of dying as a real village; with no resident children growing up here or able to settle here as adults, no full school bus, struggling local shop, post office and pubs, in favour of a summer playground and cash-cow for absent part-time owner/investor-developers. I have lived here for 22 years contributing to local culture, health care and economy. I used to teach on post-graduate architecture and planning courses, when the aesthetics and whole socio-ecological fabric of the community were seriously and carefully considered in planning decisions.

Thank you,

Yours sincerely,

Beverley A'Court

[REDACTED]

17.06.19

Postscript:

I have become aware of the Dunelands planning application form38 more house in the dunes area and that previous development aims by Dunelands were advised against.

How can Moray Council refuse my application while granting this? a totally inappropriate ecologically destructive, financially motivated development which will bring more wealthy outside pensioner residents, create yet more 2nd homes, more vehicles, and destroy much of what makes life here healthy and brings visitors to this beautiful, natural area.

Primary reason given for refusal: Over-development/Site too small

My plot, historically part of one of the old village middens, is close to the conservation area, in which houses are traditionally densely placed, but with small highly cultivated, biodiverse gardens. My plot is adjacent to Innesmhor, which was originally, like Wyken Cottage opposite, on a smaller plot now reverted to.

The size of my proposed house – which could have been even smaller if Moray council allowed tiny house or small eco-friendly, minimal-resource-consuming mobiles on such plots – covers far less, proportionally, of its plot than a number of recent builds in the village and its rejection seems completely discriminatory. Other cottages in the conservation area have been allowed to 'develop', build holiday-home cabins and extensions close to original buildings, completely covering garden areas, increasing the original density. It therefore seems very discriminatory to claim my small house on its significant plot is over-development on a too small plot.

Comparison with 3 other recent local applications of regulations: Please see the photographs sent with my original application and prints of properties mentioned.

Example: Permission was granted for [REDACTED], at plot no. 110, to build 2 adjoined houses on a 1-cottage plot. This contradicts your objection to my plan: it creates very cramped density and massively impacts adjacent properties. The entirely paved garden, a low-maintenance garden trend for holiday-homers currently sweeping the village, has impact on the local water table level & flood issues.

I understand another [REDACTED] resident, my friend and neighbour [REDACTED], has also been granted permission to build on a small plot, in the nearby lane no. 133 (now for sale). His plan replaces a modest, traditional half-house - potentially a small single person /couple or family home in a spacious, child-safe garden, with an over-sized house completely covering the garden, blocking all light, view and rear access for the adjacent traditional cottage, negatively impacting its financial value & habitability except as a part-time holiday / investment home. The cottage at 133 was capable of restoration, is inside the conservation area but was intentionally allowed to decay over 28 years and planning permission granted for a completely inappropriate building to replace it for financial gain, with no respect again for the historical garden area or for the need for *small*, single person \ small affordable family accommodation in the area. I regard this as short-term planning but for current purposes, primarily I do not understand how this could be acceptable but my modest plans refused.

There seems to be a consistent planning policy bias to support large houses as 2nd homes or for wealthy incomers.

Access / Parking

1. Policy H3 & IMP1: during a previous application I was clearly told that the plot size of 397 square metres was sufficiently close to the 400sq.m guideline that it would not be a major block to development, once a few adjustments were made to my design/materials – all which conditions were met & accepted. The current design submitted to you addressed all previous comments;

- i. Roof pitch, originally designed to resemble traditional village half-houses / net stores, was lowered in keeping with, and to match the gables of Innesmhor, Wyken and The Whins, built in the 1960s
 - ii. My proposed house was relocated to be out of line of view of 159a & to not overlook /intrude on Innesmhor or the [REDACTED] hot tub / summerhouse which they located immediately hard up against our boundary some years ago.
2. The 400sq. m. *included* access/parking. The 2015 rule was never communicated to me and as far as I can tell from simple observation, no other recent local build has had to abide by this rule, so it seems arbitrary / discriminatory. This policy, applied only to this one lane, based on the most recent buildings seems arbitrary and exceedingly biased. Access @ new build no. 110 has been met by a turning circle, but there is no space for 2 parked cars - this requirement was not imposed on her design.

Carshare

I travel mostly by bicycle and do not own a personal car (see below) so I bring no extra pressure on the 'amenities' of the area. My intention was to fence the parking area once built, and to surface it for dual purpose use as a quiet garden patio area but easily allowing space for 2 cars and emergency vehicle access.

Moray Council claims to support the growth of Moray Carshare, of which I have been a member for over 5 years. I use 3 village-based cars, all of which are parked at specific locations nearby to my plot. I park at my property only to pick up / drop off and the parking area is situated to allow sufficient space for an emergency vehicle to park comfortably & reverse/pull out. To insist that every small studio style, 1-person dwelling must still include access & parking of a size applicable to a 3 / 4 bedroom house seems to completely contradict, undermine and disincentivise the whole carshare purpose & function.

Character of the Area:

The definition of 'the area' of my plot seems completely arbitrary and favours the most recent large buildings erected, in generic suburban housing style and materials, not in the prevailing style or historical nature of this part of the village and prevailing village centre vernacular. A terraced property close to my plot had been permanently occupied and a creative, picturesque, biodiverse garden created. The house was sold several years ago and became a holiday home – all the planted areas and young trees were removed, leaving a bare area and ugly exposed oil tank.

My planned house and its garden resembles the many small, traditionally well cultivated small homes and plots throughout the back lanes of Findhorn. The neighbouring bare lawn, the eradication of all wild plants trees & shrubs around no 159a & 159 c is the exception, and 2nd investment home-style should surely not be the deciding criterion influencing all future planning permissions.

Ecological Impact, Climate Emergency & Biodiversity

My modest 1-2 person dwelling and bio-diverse kitchen-garden (restoring local indigenous shrubs & herbs lost in recent builds) which I continue to improve, is more like the original fishing village homes, not another 4 bedroom home no single or young locals can afford. Findhorn vernacular

style and ecology seem completely disregarded by the recent builds. My plot is still being created but has a small plot of organic vegetables, native trees which I planted and aims to foster biodiversity and restore many local plant species lost during recent housing development. Refusal of my plan seems particularly sad for the area, which I have observed to be losing species year by year.

Example: The sizable garden at no.110, (with its iconic historic mature tree, one of only 2 in the village– for which no local consultation or financial compensation was required, despite its major role in local biodiversity and bird populations) - ideal for a small family, is completely covered, leaving a minimal, less than 1m strip of earth along a short boundary.

This seems completely contrary to general UK & Scottish government avowed policies claiming to encourage ecological biodiversity, local food production/kitchen gardening, support for affordable housing for growing families & local 1st time buyers and to ensure water capture to the water table & reducing unnecessary energy usage.

The ecological impact of 2nd/3rd/ investment homes in Findhorn seems to be completely overlooked. The many 2nd homes in the area around my plot are empty for many consecutive months, yet insurers insist on (noticeably air-polluting) oil heating and intense, invasive, light-polluting security lighting, all wasting precious energy resources, for which we all end up paying. The systematic felling of mature trees marked as 'significant' on Moray Council's own plans, the destruction of all shrub, fruit trees, native herbs, edible plants and flower beds in favour of 'low maintenance' paved, deck & gravel areas, has noticeably reduced the number & variety of birds, butterflies & insects in the area. There seems no care, concern or incentives to encourage Findhorn homeowners to act in more ecologically responsible ways. To refuse my application as a long-term permanent resident for a humble, unostentatious home here seems again to disregard all publicly promoted ecological and housing aims.

Since my plan has been refused, [REDACTED] has made clear he intends to build on his land adjoining my plot

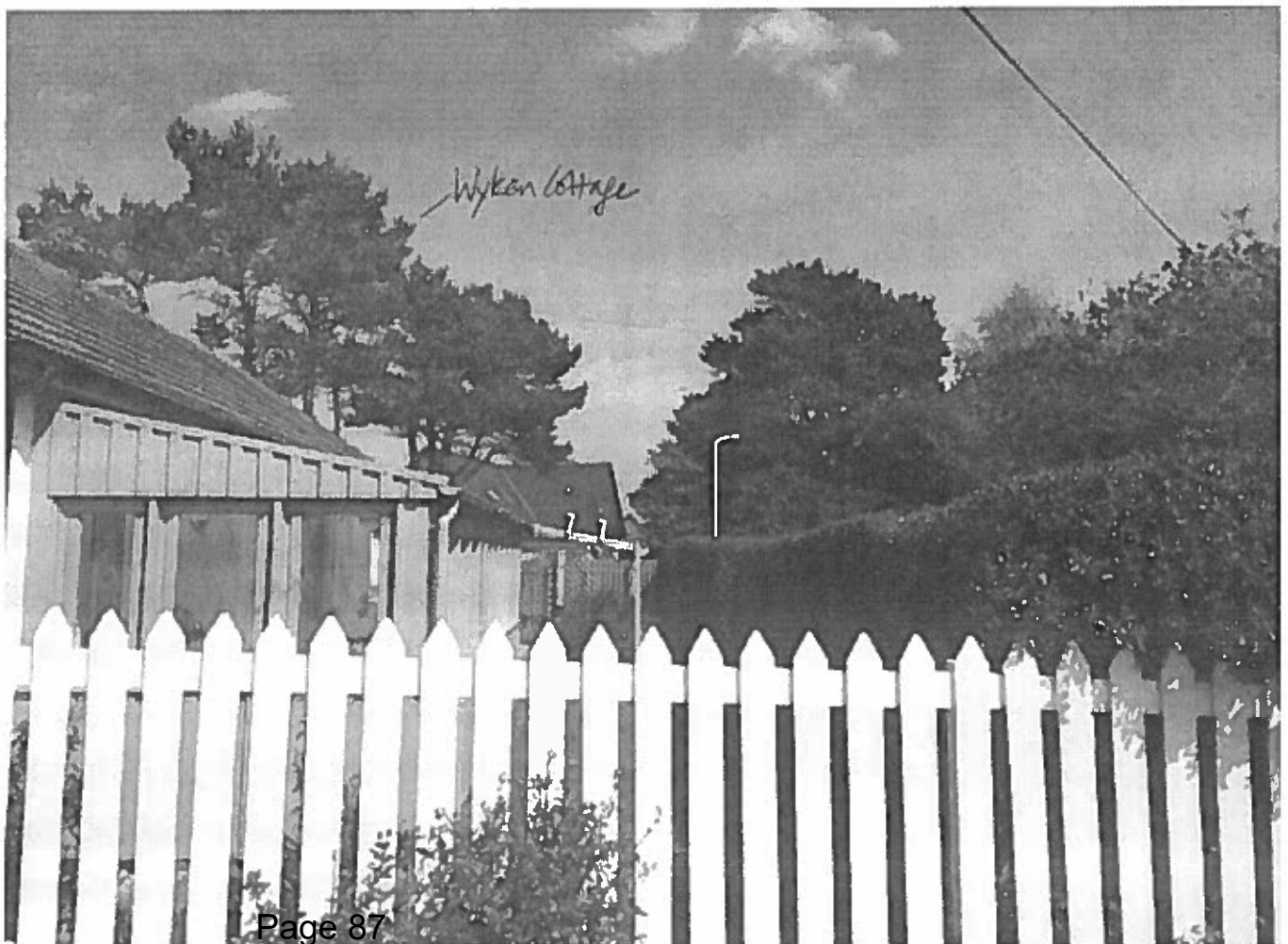
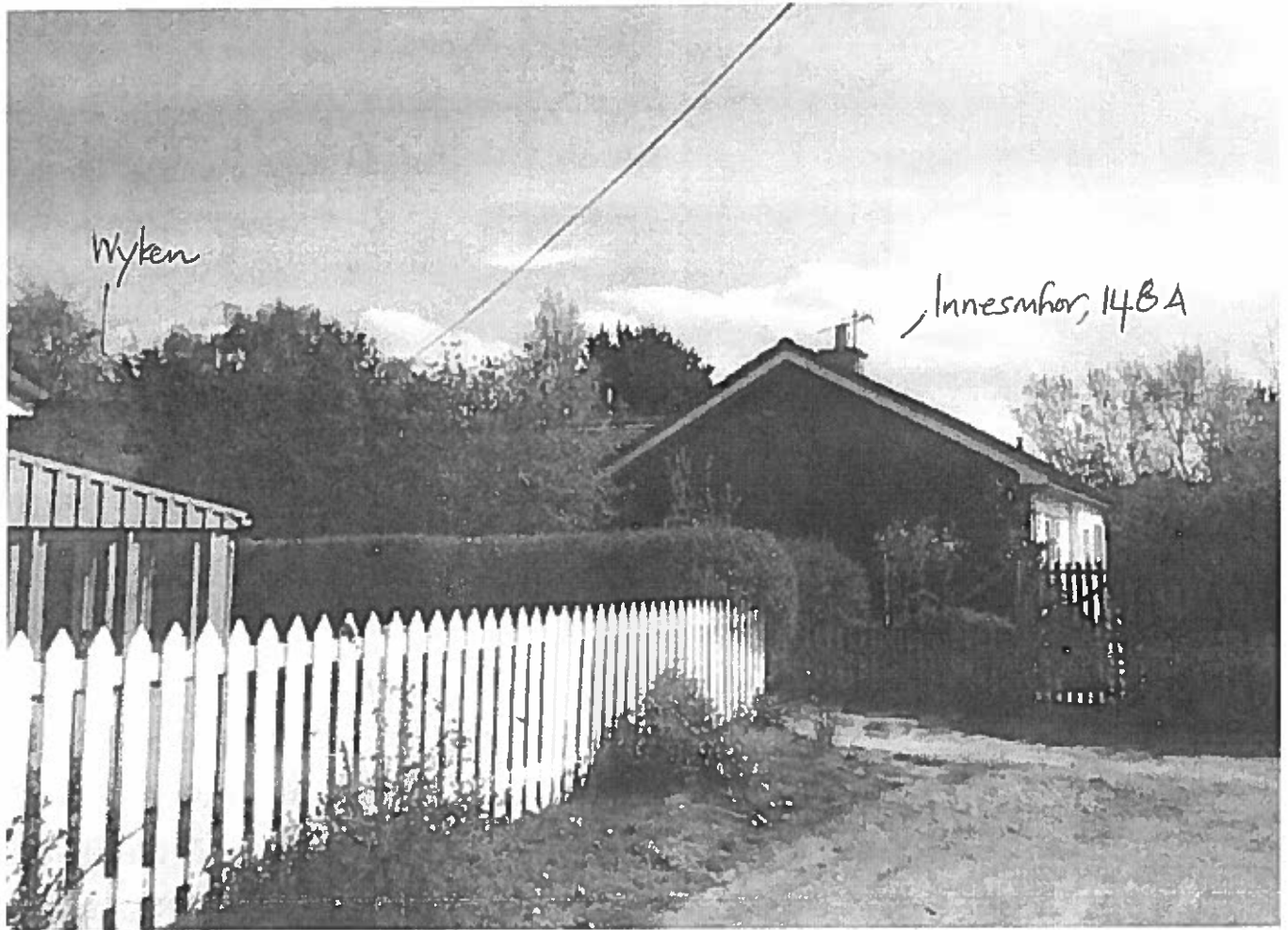
I ask please that you reconsider my application in the light of all these factors. Thank you.

[REDACTED]

[REDACTED]



My proposed plan @ the Plot 1 would be at the level of density/proximity,
characteristic of much of the village.



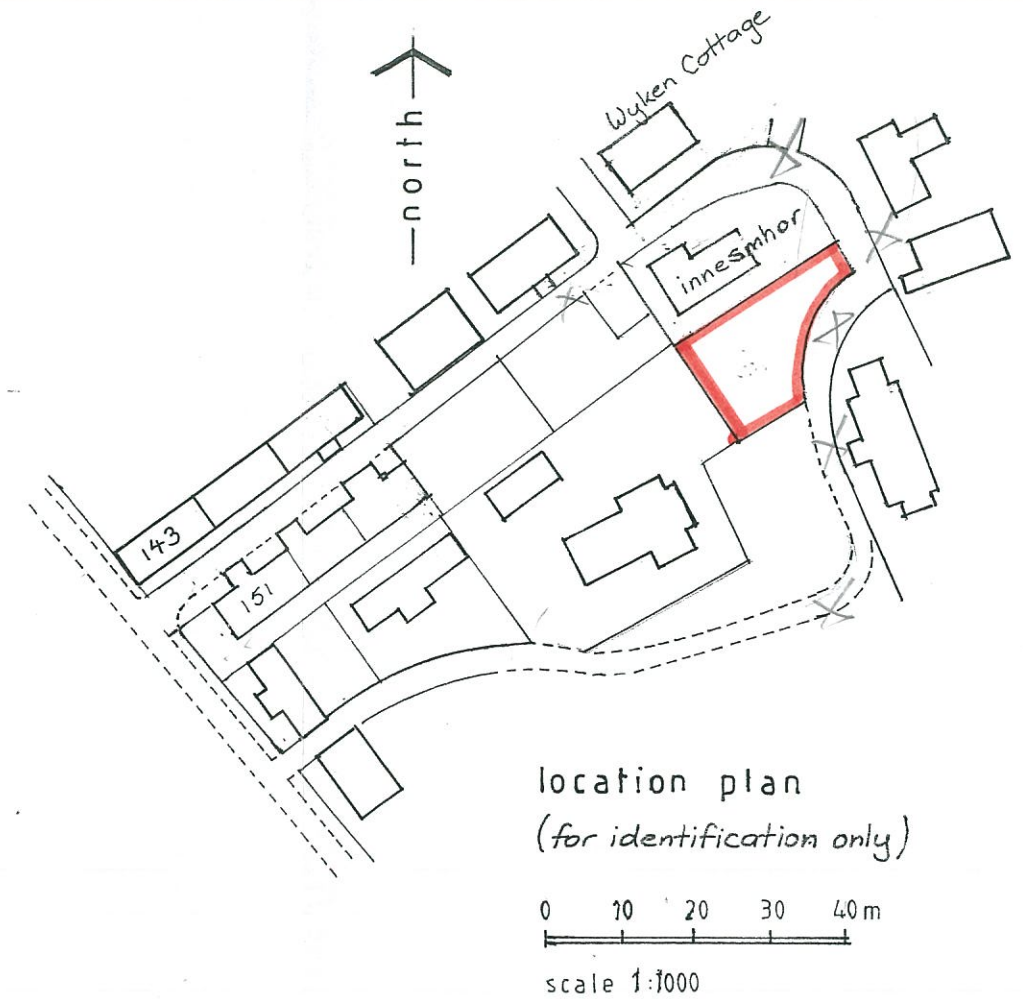
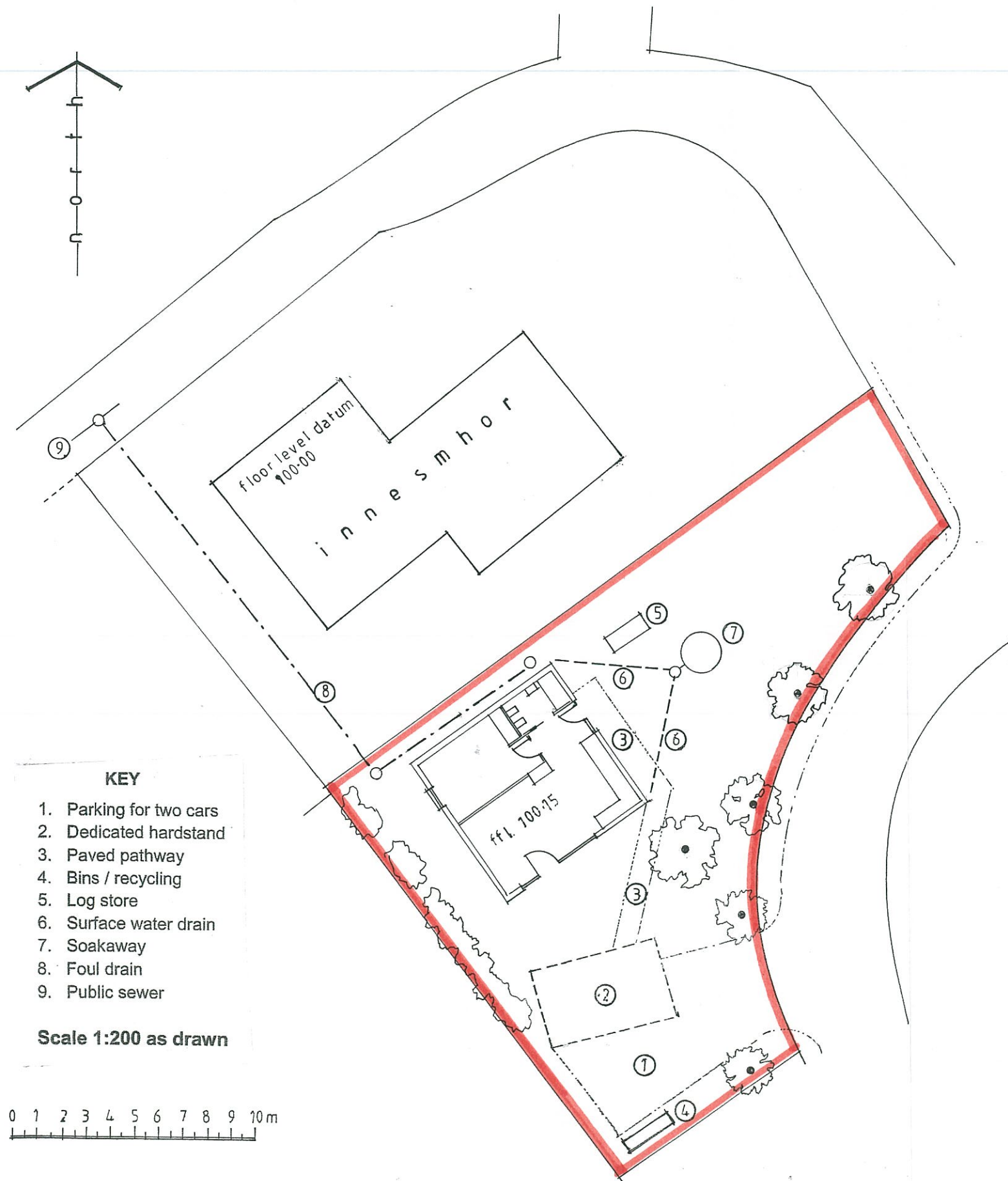
Innesmhor



Rear of Wykon



n e w h o u s e a d j a c e n t t o I n n e s m h o r
s i t e p l a n



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

REFUSED

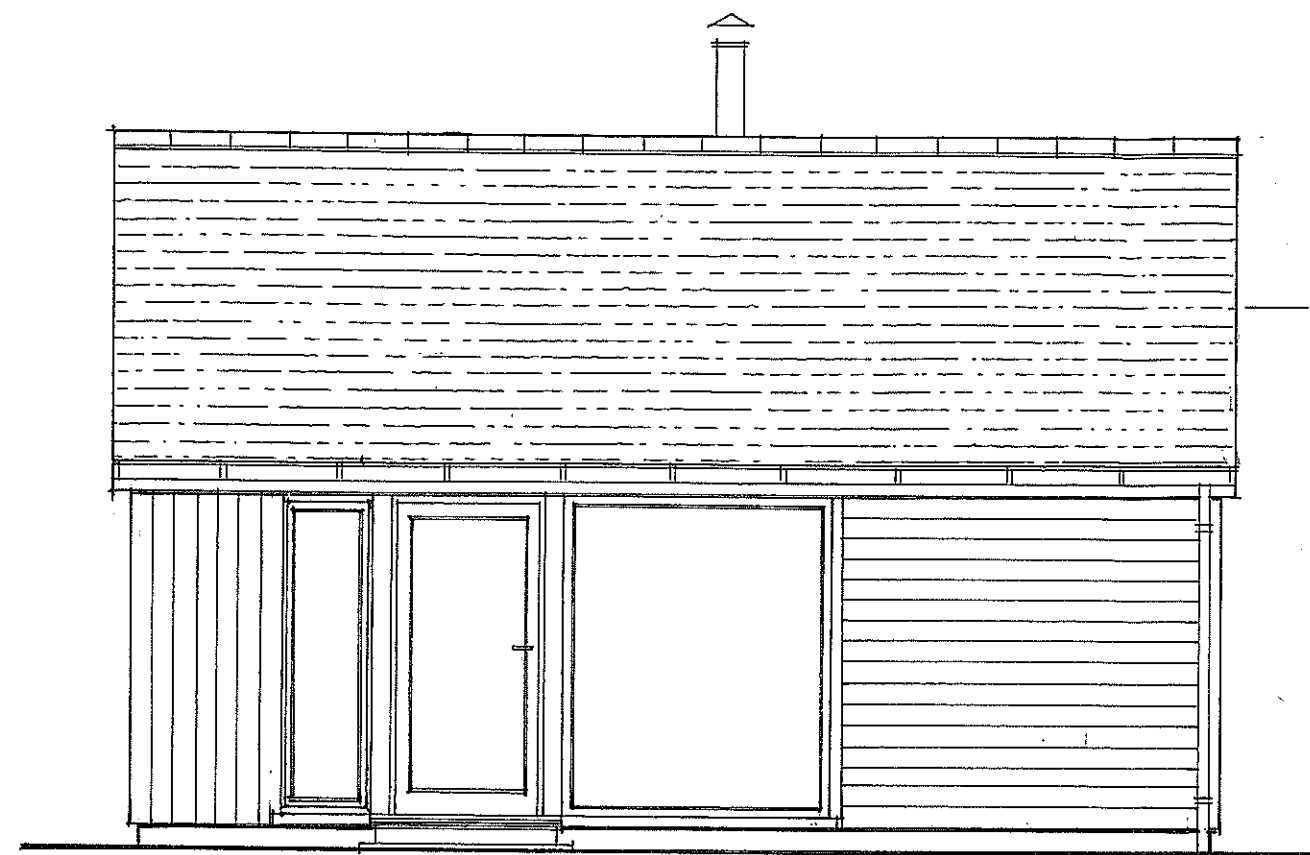
19.03.2019

Development Management
Environmental Services
The Moray Council

REFUSED

19.03.2019

Development Management
Environmental Services
The Moray Council



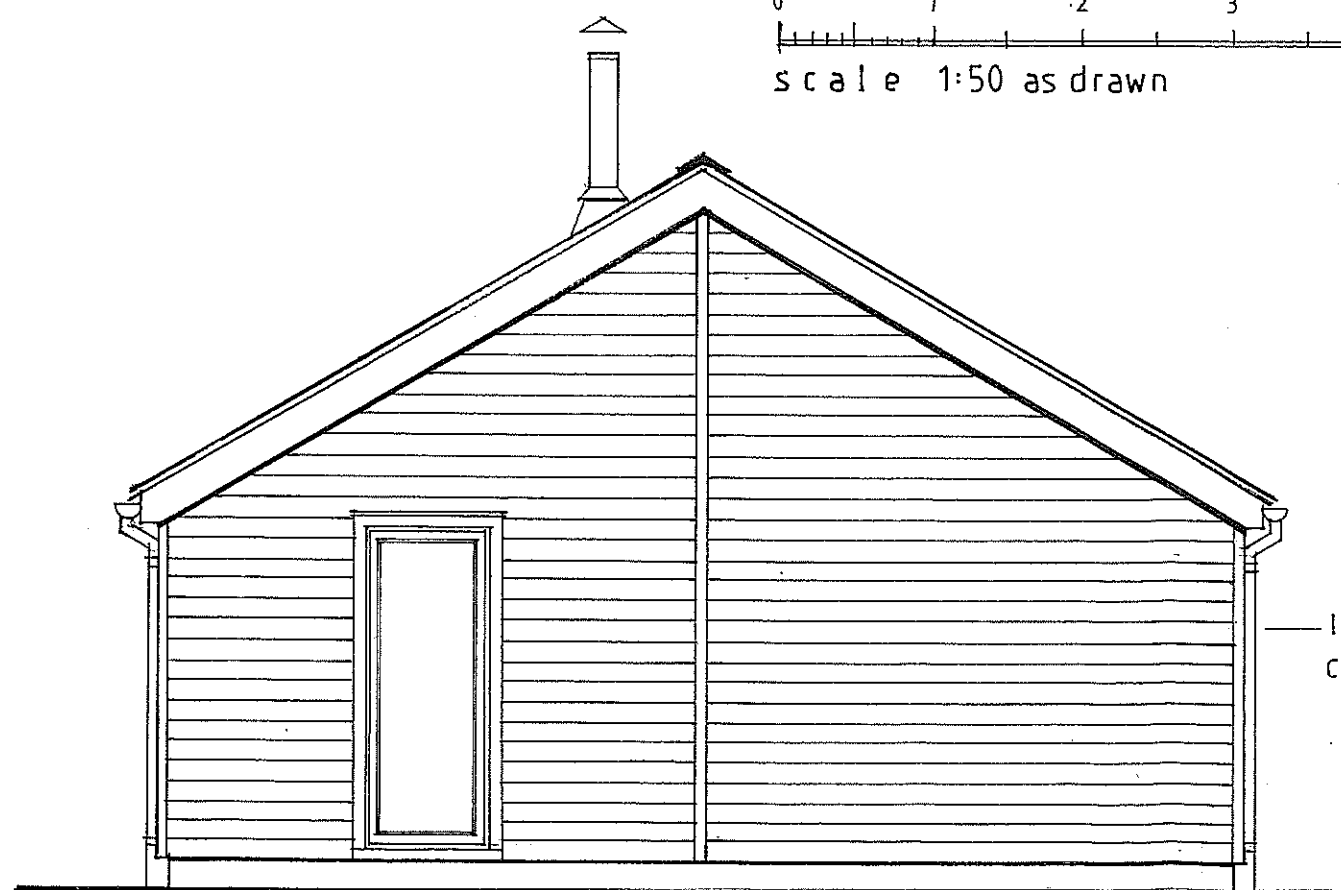
slate roof

south east

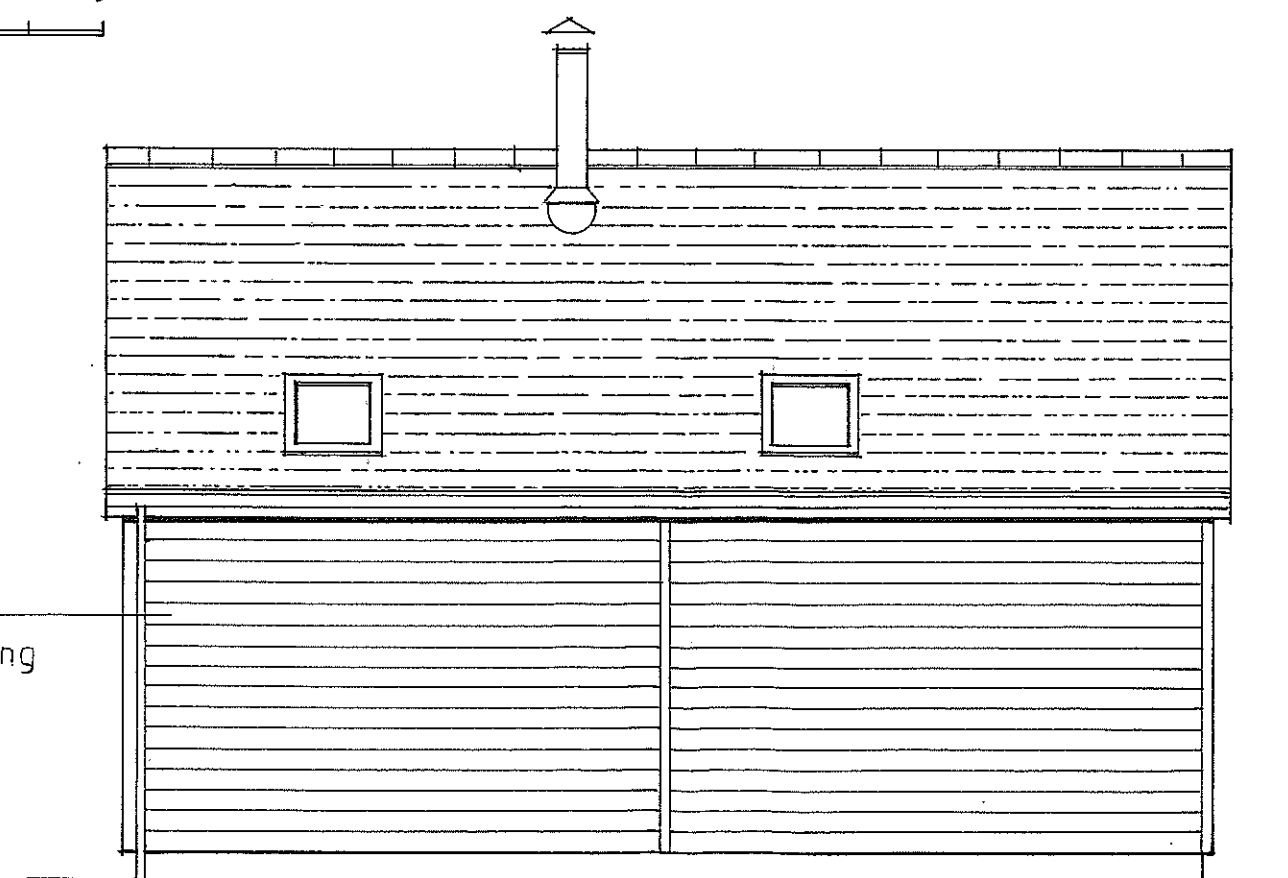


north east

0 1 2 3 4 5
scale 1:50 as drawn



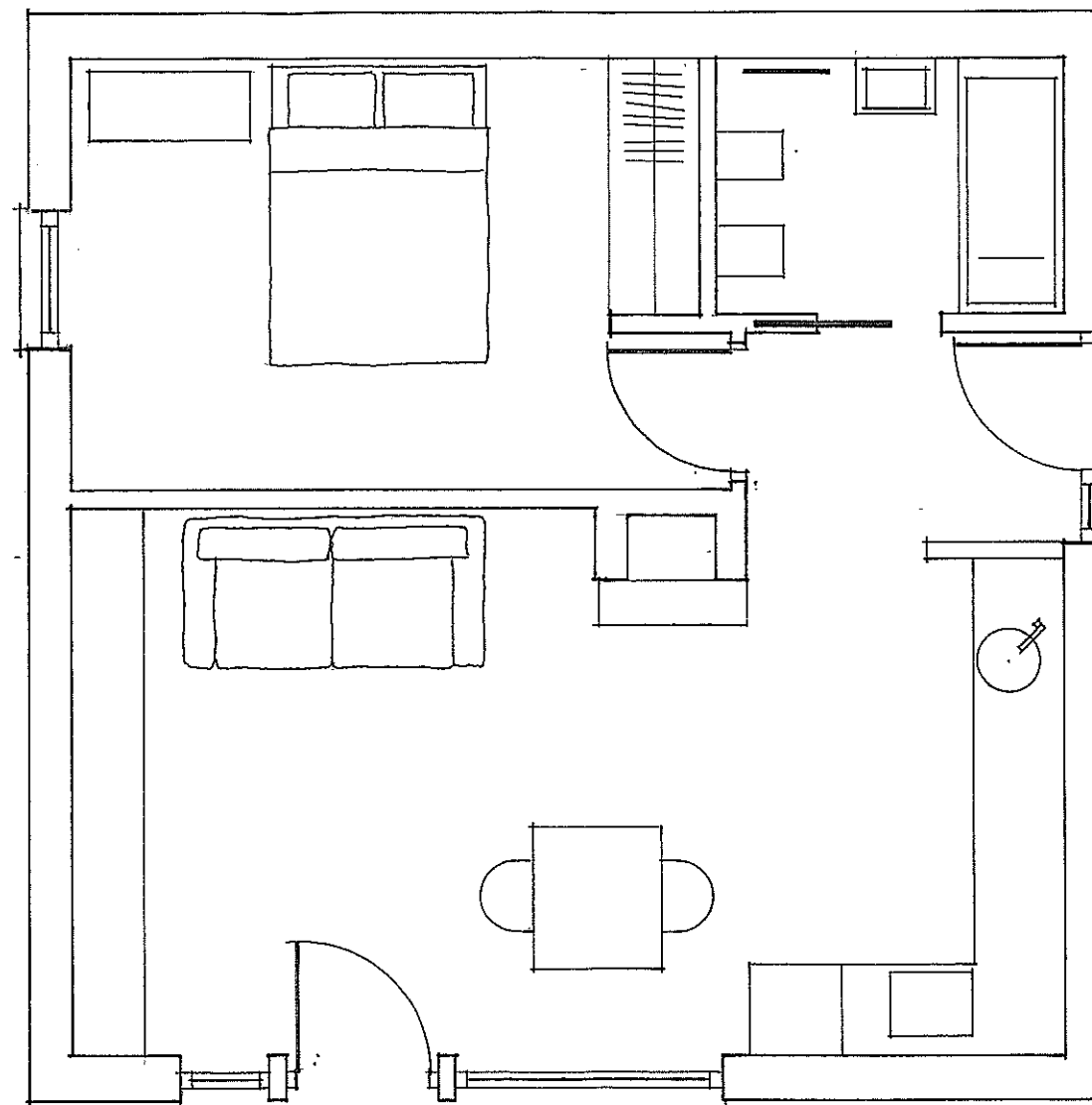
south west



north west

n e w h o u s e a d j a c e n t t o I n n e s m h a y

f l o o r p l a n



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

REFUSED

19.03.2019

Development Management
Environmental Services
Moray Council



scale 1:50 as drawn



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

From: [REDACTED]
Sent: 14 July 2019 14:54
To: Lissa Rowan
Subject: Re NOR LR/LR225 of Planning Application: 18/01568/aPP

Dear Lissa

I have read Ms B A.Court's submissions and wish to raise the following points:

.1 The plot is outside the Findhorn Village conservation area, as far as I am aware there is no designation as "close to the conservation area"

2. Of Ms A'Court's own volition her plot is below the size of that required by the policy H3 in the current Local Plan and in the previous local plan for house plots formed by subdivision, her previous application in 2014 was refused for the same reasons.

3. I understand Ms A'Courts concerns of what she calls investment homes/holiday homes as the village now has over 50% of properties as holiday/rental homes, but her immediate neighbours [REDACTED] have modern houses outside the Conservation Area both built since 2002 and occupied on a permanent basis.

4. The statement that her property "is more like the original fishing village homes" is utter nonsense, my previous property [REDACTED] is a traditional "Fishing Village Home". Stone built from Hopeman Sandstone, Dormer Windows, Wooden Split front door, how does this resemble anything Ms A'Court has submitted.

5. The Applicant seems to have a problem with my house [REDACTED] which was built in 2003, I had planning permission granted in 1999 but had to wait for Scottish Water to upgrade the Sewage Treatment Works at Kinloss as it was running at overcapacity. I was finally given the go ahead in May 2003 to build my house, the planners at the time insisted on Slate Roof, Dummy Chimney,s, Windows with a Vertical Emphasis, Gable Window on Second Floor to mimic the Windows on old Fishing Village Homes where nets used to be dried upstairs.

6 She also mentions a Hot Tub and Summer House on [REDACTED] land adjoining her plot, neither of which require planning as far as I am aware and have been in situ since 2006.

7. Parking, the 2011 parking regulations for new builds require 2 Car parking Spaces for houses of three Bed and below. Ms A'Court mentions she will" fence the parking area once built" I have had issues with Ms A'Courts visitors parking on [REDACTED] land adjacent to her plot for the last 22 years. Which brings me to the issue of Emergency Service Vehicles access and Tradesmen Parking on this very cramped site.

7a. There is no access to this site for Fire Service Vehicles, the access lanes are too narrow to allow access. [REDACTED] at 159c Findhorn immediately in front of Ms A'Corts site were made to fit a Sprinkler System as the Fire Service Report said they could not access the property, I trust Ms A'Court will have the same conditions applied , especially with a Wooden House.

7b. [REDACTED] at 159c Findhorn had to provide a Hammerhead Turning Area to allow the turning of their vehicle on their property so as not reversing out onto the lane, No such area shown on Ms A'Courts Plans

8 I trust Ms A'Court being such an Eco Warrior will have the current trees that stand on the footprint of her proposed house as an internal feature, or as I suspect will they be cut down.

Please consider these submissions when looking at the applicants NOR.

Regards

F

Lissa Rowan

From: [REDACTED]
Sent: 10 July 2019 14:27
To: Lissa Rowan
Subject: Fw: LR/LR225

----- Forwarded message -----

From: [REDACTED]
To: lissa.rwan@moray.gov.uk <lissa.rwan@moray.gov.uk>
Sent: Wednesday, 10 July 2019 14:14:24 BST
Subject: LR/LR225

Dear Mrs Rowan

Town and County Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
[the Regulations]

Notice of Review: Planning Application 18/01568/APP-Plot 1, Innesmhor, Findhorn, Forres, Moray, IV36 3YL.

Thank you for your letter dated the 5 July 2019 regarding planning application for the erection of a building on the
aforementioned site.

I have noted the comments made by the applicant and do query if some of these are factual and accurate.

I query the claim made that 'nearby neighbours' have made no objections to the build we are the only neighbours who
will have a direct view of the property. The other houses in the nearby area are holiday homes and rented properties.

We built our house in 2012 and had several things to overcome but that is all part of the process. At the time of our
build turning room of vehicles had to be included. Although no car is owned by the applicant, visitors do.

Although it has been stated that the build would have no impact on surrounding properties I disagree, trees will have
to be felled to accommodate the building and parking area which will impact on our view from inside the house

From the plans it is unclear what type of fencing will be erected but if it is in keeping with the current fencing the
refuse bins will also be visible from the main rooms of our property.

We agree with the original decision of the Planning Committee that the plot is too small compared with the adjacent
properties and that if planning permission was to be granted that it would set a precedent for others to follow.

Yours faithfully

[REDACTED]



APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS

FAO Lissa Rowan:

To Whom it may Concern:

Re: NOR LR /LR 225 Planning Application 18/01568 /aPP

Dear Lissa,

I wrote to inform the Planning department twice that I would be away until early August, but a letter arrived during my absence requiring my signature on July 23rd. It states that I have 14 days to reply. I arrived home on 31st July, so in effect I have had 6 days to respond.

It appears that I am being asked to address some of the same issues again, things I thought I had already explained. Here is my attempt to respond to the most recent objections.

Properties impacted by my house plan:

Neighbouring properties to my a plot are not all holiday homes, 2 households closer than 159a & 159c are permanent residences & the closest property & a 3rd at slightly greater distance, are permanently occupied, & supportive of my application.

However, I do, of course, appreciate that only house 159c faces directly across the lane onto my plot & I am willing to take note of the residents' views & concern here in writing & in personal conversation etc (see below)

PLOT SIZE:

As mentioned in my last letter, I was assured in 2014 that the plot size of 397sq.mtres would be considered favourably as sufficiently close to the 400 guideline for a small house development, if the house design was reduced / amended, which it has been.

The change, of which neither I nor my architect were notified of during the whole pre-application conversation with planners & design application process, requiring the parking area to be *in addition to* this 400sq.mtre guideline, seems to be unfairly imposed, not applied to every house build – my questions about this have not been responded to.

In general, if extended, this will only significantly negatively impact residents like myself on limited means, with growing or dividing families who wish to stay geographically connected & will unfairly privilege wealthy & retired residents / 2nd home investment owners planning to build 4 bedroom houses on large plots.

Findhorn & the whole of rural Moray has a large & growing proportion of these, forcing out the young & lower earners.

I would like to ask for some creative, forward-looking consideration of this in relation to my application, & for the original rule I was taking as a guideline to be considered as more realistic & environmentally appropriate here - for a design & garden which I believe could enhance this area of Findhorn when sensitively completed. The crucial *proportion of the house to plot size* is not excessive for this area, this small house fits

this plot size more harmoniously & spaciouly than many of the large houses crammed onto small plots now being built in the village & all over the peninsular. The over-development criterion applied to my small house away from the village centre, seems indefensible to me in the face of the recent developments, no. 110 & current proposals from Dunelands.

Re: PARKING:

There are some factual errors & misleading inferences in the complaints:

1. The area used for parking 1 family car from 1999 - 2012, then from late 2014 - Nov. 2018, & included in the parking area of the application, lies several metres WITHIN the border of the land purchased from [REDACTED] in 1999, as evidenced in the deeds & lies within the area of my plot now called Plot 1 @ Innesmhor.

To clarify, it is not an additional area *adjacent* to the plot – as implied by the wording of the complaint, (& the appearance of the partial deer-fenced area) which gives a misleading impression, implying some transgression into land belonging to 159a. It *is* in my plot. The complainant had never mentioned to us any 'issues' with our use of our land until my planning application was submitted.

The Fir tree also lies *within* this boundary too, on my land.

The old, unsightly shed also on this land at the edge of my plot is to be removed.

2. I have already clearly stated & emphasise again, I am a member of Moray Carshare & for the past 5+ years have not needed any regular, all day /overnight parking space since I use the many allocated village & Park areas where the Carshare cars are kept. I have barely used this parking space in recent years.

No one other than myself, & very **occasionally** (less than 1 x per fortnight) my mother or brother use my parking space *briefly* to drop off/ pick up. Only very rarely is a car parked there for longer while providing, for example, lawn mowing or, as recently, plumbing services. Other guests tend to arrive on foot, by bicycle, park on the main road & walk down, or, since [REDACTED] since 2018, now park elsewhere in the village to avoid encountering harassment, even though this is my land with legal access onto the lane.

Re Hammerhead style parking area:

The issue about no reversing in the lane is practically speaking, nonsense, as every resident must be aware, almost every household along the lane built pre-2003, has to reverse at some point, to some small degree, to enter/exit their property. The 2 joining lanes are extremely quiet, largely operate in a 1way fashion by convention, are very safe, & traffic is easily visible. There are no accidents & no sudden rise in traffic likely. For a small 1 person studio-style house to require an equivalent area dedicated to 2-car turning area is absurd in practice. Cars already easily reverse at an angle from my property, & need encroach on the lane by a couple of yards at most, with no impact on adjoining properties, no need to intrude on anyone else's land or inflict grass damage.

The new parking area in my plan will improve & increase the parking area without an additional hammerhead turning area. However this might be possible if enforced.

My statement about the parking area being used as a patio/garden was to simply to convey that it could be hidden behind an attractive wooden gate & also function as a

small patio area, as it will mostly have no vehicle there, so there should be nothing unsightly for neighbours.

My plot is also immediately adjacent to a large passing bay, so in an emergency a vehicle could easily pull in to access the house & park temporarily. Also Innesmhor has a large parking & turning area to the north of the house & another to the North West. The lane is well served for places to safely pull in, reverse & turn as any observer could vouch for.

TREE FELLING:

I planted almost all of the trees on the plot which one neighbour seems most concerned about & I was going to trim some of them in height this year anyway. It is my intention to maintain my own visual privacy & the secluded, aesthetic character of the plot by continuing to plant smaller ornamental trees & flowering shrubs on the periphery & to preserve as many existing trees as possible.

I hope this reassures the neighbour somewhat.

My planned house is carefully positioned to necessitate only the removal / trimming of all or part of 1 willow tree which I planted as a single branch & possibly 3 smaller immature trees, with minimum impact beyond my garden & not visible from my neighbours' houses/gardens.

I believe none of this should dramatically inconvenience or impact my neighbours' views.

(However, I am surprised, as I have written before – that the wholesale removal of native flowers & herbs for paving & lawns & the installation of cruel gull spikes & other means to deter protected native birds from nesting, is ignored & unrestrained by planning law, yet the details of which trees I may or may not remove of those I planted on tree-less rough ground, is receiving so much attention & is something my neighbours are permitted to influence/dictate)

Is it the case that I cannot build if the space to do so might spoil my neighbour's view?

I was told that obstructed 'view' & access to daylight is not considered a valid ground for objection in this village, even in cases of severe illness where lack of vitamin D is a factor. And just a few yards up the adjoining lane a rich owner has blocked all ground-floor west light & view out from a small family cottage for almost 2 years with no restraint, exacerbating one resident's health problems.

There seems bias & discrimination in this whole process.

FENCING:

I am of course aware that deer-proof fence is not the most attractive form of fencing for a village property but it was arrived at as essential for creating a vegetable plot, as I have also written to explain before - & I continue to plant flowering greenery along it to cover the wire mesh.

I am undecided re fencing my plot, my preference is for 1 metre or higher traditional wooden picket fencing or plain wooden slats / screen with a simple, well-crafted wooden gate. I would welcome polite, co-operative suggestions and recommendations from neighbours.

work includes mentoring & supervising overseas clinical practitioners & students in widely different time zones.

It was always intended to be removed as soon as planning decision was made.

The caravan has not been used at all since mid-late June & not since my arrival back. I do not believe from other residents that I need planning permission to park a small touring caravan temporarily on my plot. It is not a beautiful vehicle but I hope neighbours will be reassured it will be removed in the near future.

Re: Fire: Sprinkler system:

My house design is the minimum footprint allowed I believe &, except for Innesmhor, is located at more distance from other houses than 159c. I understand from my architect that the design adequately meets all building standards requirements in this respect.

I am of course willing to check this as soon as he is available, but as you have allowed me less than the usual formal 14 days to respond, please allow more time for this. Installation of a sprinkler system would be possible, though totally disproportionate, & should not jeopardise the plan.

I would appreciate acknowledgement of your receipt of this letter.

Thank you,

Beverley A'Court



APPENDIX 5

RESPONSE TO NEW MATTERS



DEVELOPMENT SERVICES

Beverly Smith

**Development Management &
Building Standards Manager**

Moray Council

PO Box 6760 Elgin Moray IV30 1BX

Telephone: 01343 563276 Fax: 01343 563990

Mrs Lissa Rowan
Committee Services Officer
Clerk to the MLRB
Moray Council

email: beverly.smith@moray.gov.uk
Website: www.moray.gov.uk

Your reference: LR/LP225

Our reference:

Sent via email:

lissa.rowan@moray.gov.uk

6 September 2019

Dear Lissa,

Town and Country Planning (Schemes of Delegation and Local Review Procedure (Scotland Regulations 2013 (the Regulations))

Notice of Review: Planning Application 18/01568/APP – Plot 1, Innesmhor, Findhorn, Forres, Moray, IV36 3YL

I refer to your letter dated 30 August 2019 and opportunity to make representations on the new evidence. For the sake of completeness I have the following comments to make on the points raised that I consider would assist the Members of the Local Review Board in making a decision. These are as follows:

- Point 1 – "Policy H3 and IMP1 - clearly told that the plot size of 397 squarer metres was sufficiently close to the 400 sq.m guideline"

Comment: I have no written record of where this was stated so am unable to comment. For the sake of clarity the proposed plot size is 358 square metres.

- Point 5 – "So the plots actual size may have been mis-perceived"

Comment: The Officer who dealt with the case confirmed that from a visual observation of the site and its size he was satisfied that there was no confusion or doubt regarding the extent and size of the site proposed.

- "██████████ ...no space for 2 cars"



www.mymoray.co.uk

Comment: The reference number for this planning consent is 16/01617/APP at 110 Findhorn and was determined by the Planning & Regulatory Services Committee. The site plan shows space for 2 cars and this was the subject of a planning condition.

- “ [REDACTED] , has also been granted permission to build on a small plot”

Comment: This planning consent was granted under reference 16/00275/APP for a replacement dwelling at 133 Findhorn with an amended design approved under reference 17/00865/APP. Both applications were approved under delegated powers.

- “ [REDACTED] was granted permission in 2012 for a log holiday cabin”

Comment: A dwelling was approved under reference 00/00665/FUL on site adjacent to 159 Findhorn by the Environmental Services Committee. Subsequently retrospective planning consent was granted under reference 02/00444/FUL for changes to the house design and garage in accordance with the delegation scheme. No applications with reference to a log cabin can be found.

The recommendation of refusal for this site remains unchanged by the additional evidence that has been presented.

Yours sincerely

[REDACTED]

Beverly Smith
Development Management & Building Standards Manager



MORAY LOCAL REVIEW BODY

26 SEPTEMBER 2019

SUMMARY OF INFORMATION FOR CASE No LR228

Planning Application 19/00294/PPP – Erect New Dwelling House at Plot 1, Ratven Station, Buckie, AB56 4DW

Ward 3 - Buckie

Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 16 May 2019 on the grounds that:

The proposal is contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies E10, H7, T2 and IMP1) and, as a material consideration, the associated Supplementary Planning Guidance 'Housing in the Countryside' because:

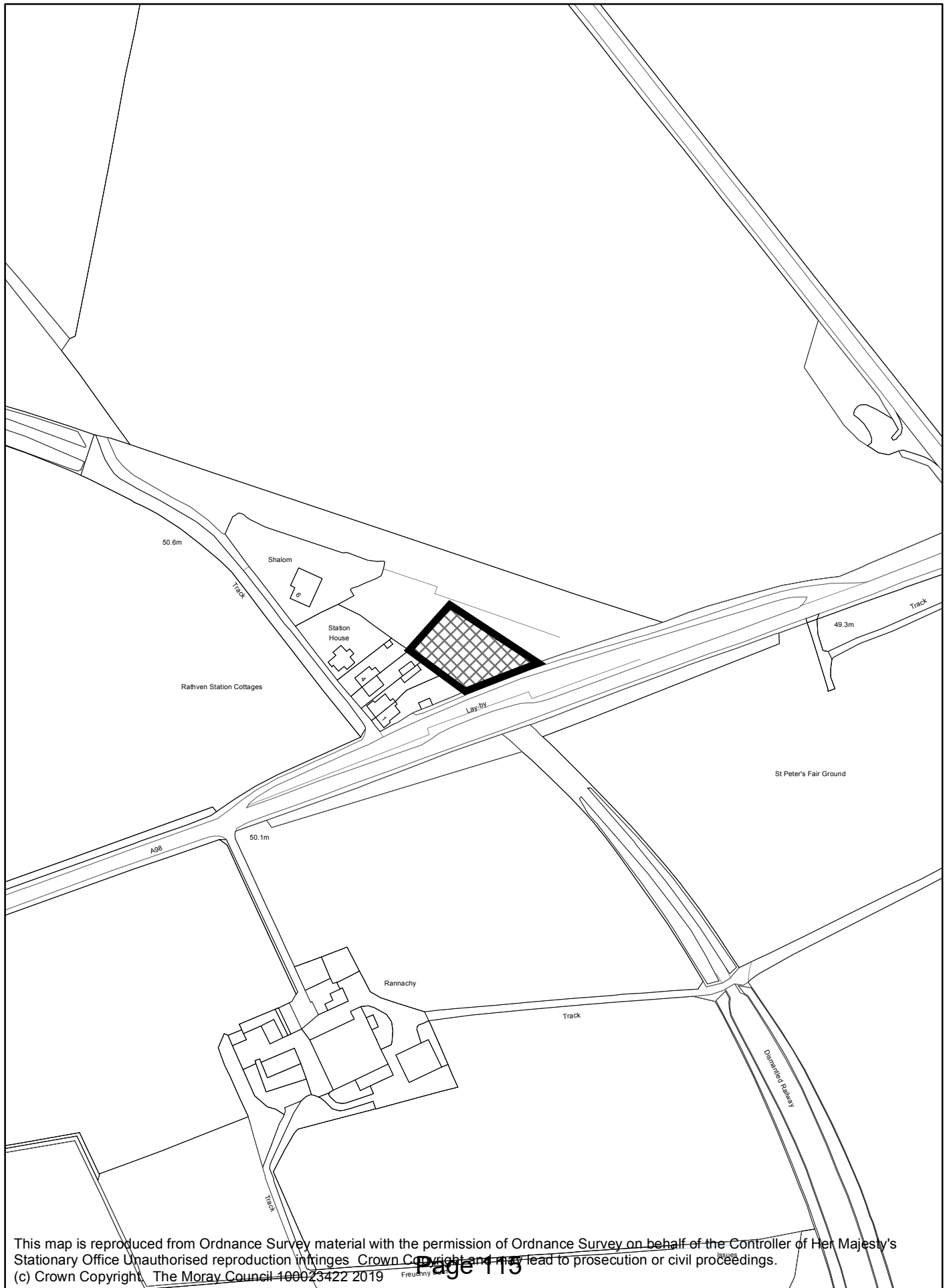
1. As an application for a new dwelling at this location, the proposal would have an adverse impact on the Buckie Countryside Around Town designation and its objectives, and would not help to preserve the special character of the countryside at this location or preserve the distinction with the built up environment.
2. The siting of an additional dwelling at this location adjacent to an existing small rural cluster would lead to a build-up of development which would be detrimental to the character and setting of this small grouping and the character and appearance of surrounding countryside by increasing the number of rural dwellings present at this location.
3. The proposed development, if permitted, would involve the intensification of use of two existing vehicular accesses onto the A98 Fochabers - Cullen road which suffer from sub-standard road alignment and where visibility is restricted adjacent trees/ hedges/ obstructions and would likely give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.

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**





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

APPLICATION FOR PLANNING PERMISSION

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR.	Ref No.	18 / 75.
Forename	ALFIE	Forename	COLIN
Surname	MORRISON.	Surname	KEIR
Company Name		Company Name	PLANS PLUS.
Building No./Name		Building No./Name	MAIN STREET
Address Line 1	1 EDWARDS AVENUE	Address Line 1	OFFICES
Address Line 2	LOSSIEMOUTH	Address Line 2	URQUHART
Town/City	MOLAY	Town/City	ELGIN
Postcode	IV31 6FE.	Postcode	IV30 8LG
Telephone		Telephone	01343 842635
Mobile	—	Mobile	07766 315501
Fax	—	Fax	
Email	—	Email	ctkplans@aol.com

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

PLOT 1 RATHVEN STATION.
BUCKIE. AB56 4DW.

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

4. Type of Application	
What is the application for? Please select one of the following:	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Planning Permission	
Planning Permission in Principle	
Further Application*	
Application for Approval of Matters Specified in Conditions*	
Application for Mineral Works**	

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

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

Reference No: 08 / 01235 / FUL	Date: 14 / 00174 / APP.
--------------------------------	-------------------------

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

5. Description of the Proposal

Please describe the proposal including any change of use:

PPP TO ERECT NEW DWELLING HOUSE.

Is this a temporary permission?

Yes ☐ No ☒

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

Have the works already been started or completed?

Yes ☐ No ☒

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

Date started:

Date completed:

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

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

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

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

Name:

Date:

Ref No.:

7. Site Area

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

Hectares (ha):

Square Metre (sq.m.)

774

8. Existing Use

Please describe the current or most recent use:

GROUND WHICH HAS HAD 2 PREVIOUS CONSENTS
GRANTED FOR A HOUSE.

9. Access and Parking

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

Yes ☐

No ☒

NO

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

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐

No ☒

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

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

0

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

3

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

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☒

No ☐

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

Yes, connecting to a public drainage network

☐

No, proposing to make private drainage arrangements

☒

Not applicable – only arrangement for water supply required

☐

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

Discharge to land via soakaway

☒

Discharge to watercourse(s) (including partial soakaway)

☐

Discharge to coastal waters

☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

☐

Other private drainage arrangement (such as a chemical toilets or composting toilets)

☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes ☒

No ☐

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

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

Yes ☒ No ☐

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

11. Assessment of Flood Risk

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

Yes ☐ No ☒

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

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

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

12. Trees

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

Yes ☒ No ☐

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

13. Waste Storage and Collection

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

Yes ☒ No ☐

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

14. Residential Units Including Conversion

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

Yes ☒ No ☐

If yes how many units do you propose in total?

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

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

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☒

If yes, please provide details below:

Use type:

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

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace (sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

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

Yes ☐ No ☒ Don't Know ☐

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

17. Planning Service Employee/Elected Member Interest

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

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

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

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

☒

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

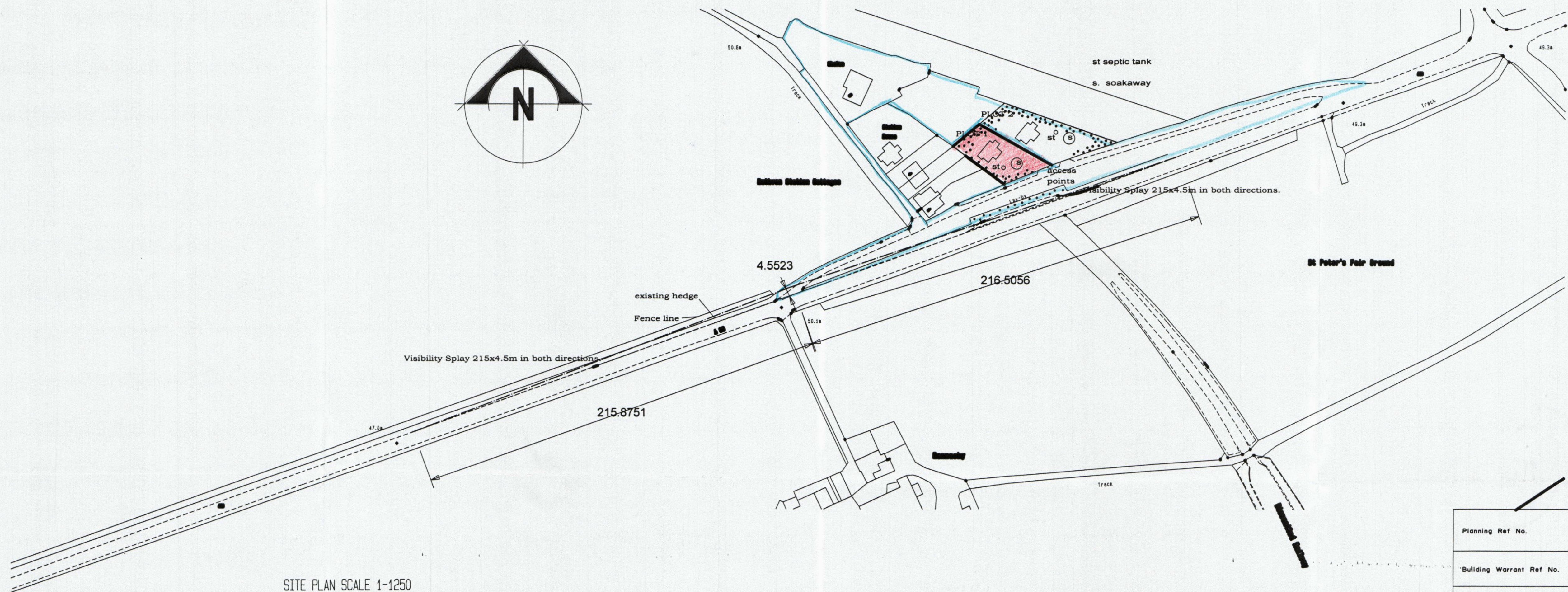
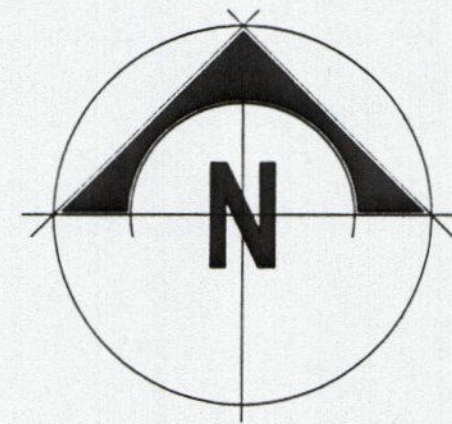
Yes ☐ No ☐ N/A ☒

Signature:

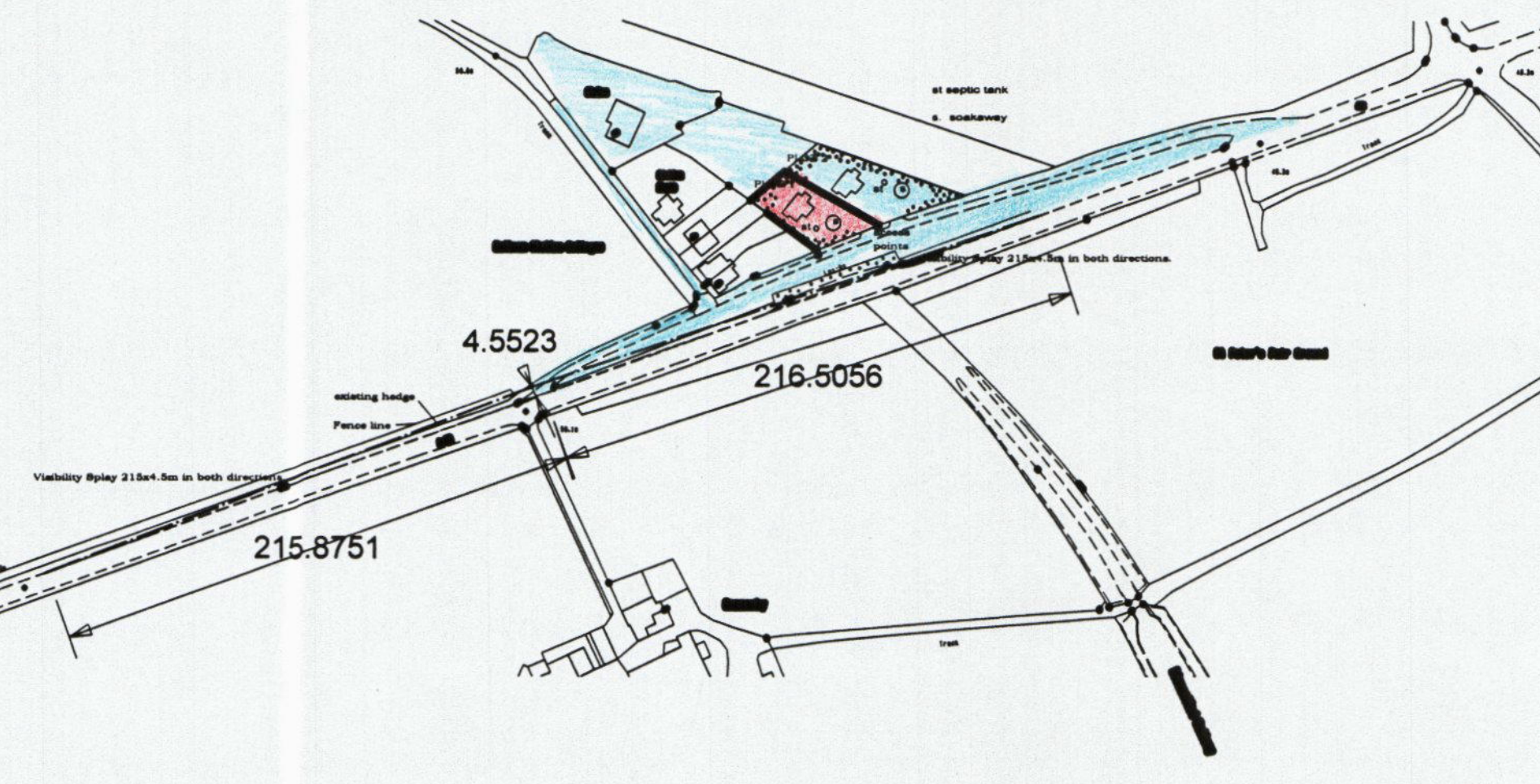
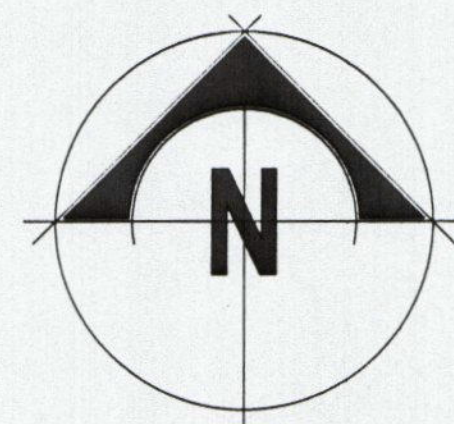
Name:

Date:

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



SITE PLAN SCALE 1-1250



LOCATION PLAN SCALE 1-2500

Mapping contents (c) Crown copyright and database rights 2018 Ordnance Survey 10002027

Planning Ref No.		
Building Warrant Ref No.		
Structural Engineer Ref No.		
Revisions and Distributions.		
Date	Revision.	Amended by.

Crown copyright all rights reserved License No. 100041145.

No works to commence on site until all relevant Local Authority consents have been obtained. No responsibility taken for work commenced before all Local Authority consents have been issued.

Contractors will have deemed to have visited the site to familiarise themselves with all aspects of the project prior to submitting any quotation for the building operations.

Any deviation to the approved plans to be reported to this office. Contractors to check all dimensions on site prior to commencement of any building operations.

Given dimensions only to be used. DO NOT SCALE DRAWINGS.

Any roof truss or timbers tying into an existing roof to be checked on site by the contractor to ensure heights and ridges meet correctly.

PLANS PLUS (URQUHART) ARCHITECTURAL DESIGN CONSULTANTS Main Street Offices, Urquhart, By Elgin IV30 8LG. Tel No 01343 842635 / 07766 315501 ctkplans@aol.com		
Project PROPOSED 2 HOUSES AT PLOTS AT RATHVEN STATION, BUCKIE, MORAY.	Project No. 18-75-D-1	
Client MR A MORRISON	Drawn By Colin T Keir	Scale 1-1250 and 1-2500

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	11th April 2019
Planning Authority Reference	19/00294/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Plot 1 Site To Rear Of The Old Station House Buckie Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133050821
Proposal Location Easting	344150
Proposal Location Northing	864544
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=POEWFVBG0CR00
Previous Application	14/00174/APP 08/01235/FUL 06/02310/FUL
Date of Consultation	28th March 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Alfie Morrison
Applicant Organisation Name	
Applicant Address	1 Edwards Avenue Lossiemouth Moray IV31 6FE
Agent Name	Plans Plus
Agent Organisation Name	Plans Plus
Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@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.

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Aberdeenshire Council Archaeology Service

Planning Application Ref. No: 19/00294/PPP

Erect dwellinghouse on Plot 1 Site To Rear Of The Old Station House Buckie Moray for Mr Alfie Morrison

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

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

Reason(s) for objection

None

Condition(s)

None

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Claire Herbert
email address:
archaeology@aberdeenshire.gov.uk
Consultee: Archaeology service

Date...04/04/2019.....
Phone No ...01467 537717

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and

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

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	11th April 2019
Planning Authority Reference	19/00294/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Plot 1 Site To Rear Of The Old Station House Buckie Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133050821
Proposal Location Easting	344150
Proposal Location Northing	864544
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=POEWFVBG0CR00
Previous Application	14/00174/APP 08/01235/FUL 06/02310/FUL
Date of Consultation	28th March 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Alfie Morrison
Applicant Organisation Name	
Applicant Address	1 Edwards Avenue Lossiemouth Moray IV31 6FE
Agent Name	Plans Plus
Agent Organisation Name	Plans Plus
Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Contaminated Land

Planning Application Ref. No: 19/00294/PPP

Erect dwellinghouse on Plot 1 Site To Rear Of The Old Station House Buckie Moray for Mr Alfie Morrison

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

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

Condition(s) (Informative)

This development site is former railway land. A contamination assessment report in 2009 recommended that gas protection measures are required in residential properties on this site. Safe development is the responsibility of the developer. The Council recommends that you seek appropriate technical advice from an appropriately qualified engineer or ground gas risk practitioner to ensure that a suitable level of gas protection is incorporated into the construction design for the proposed dwelling house. For further information, you can contact the Environmental Health Section on 0300 1234561 or by email at contaminated.land@moray.gov.uk.

Contact: Adrian Muscutt
email address:
Consultee:

Date: 03/04/2019
Phone No

Return response to	consultation.planning@moray.gov.uk
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From: DeveloperObligations
Sent: 9 Apr 2019 16:49:44 +0100
To: Shona Strachan
Cc: DC-General Enquiries
Subject: 19/00294/PPP Erect dwellinghouse on Plot 1, Site to Rear of the Old Station House, Buckie

Hi

This proposal is part of a previously approved larger development (14/00174/APP and 08/01235/FUL) and this application will result in a net increase of less than 1 SRUE. Therefore, no developer obligations will be sought in this instance.

Regards
Hilda

Hilda Puskas | Developer Obligations Officer (Development Planning & Facilitation) |
Development Services
hilda.puskas@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) |
[newsdesk](#)
01343 563265



Consultee Comments for Planning Application 19/00294/PPP

Application Summary

Application Number: 19/00294/PPP

Address: Plot 1 Site To Rear Of The Old Station House Buckie Moray

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

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

No objections.

Allan Park

EHO



1st April 2019

Moray Council
Council Office High Street
Elgin
IV30 9BX

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 Local Planner

AB56 Buckie Old Station House Plot 1 Site To Rear
PLANNING APPLICATION NUMBER: 19/00294/PPP
OUR REFERENCE: 775183
PROPOSAL: Erect dwellinghouse on

Please quote our reference in all future correspondence

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

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

Foul

- 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.

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.

Infrastructure close to boundary

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

The applicant should identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

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."

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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, 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 all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water 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 up 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 or not the discharge from your premises is likely to be considered 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 using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Yours sincerely

Pamela Strachan

Planning Consultations Administrator

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	11th April 2019
Planning Authority Reference	19/00294/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Plot 1 Site To Rear Of The Old Station House Buckie Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133050821
Proposal Location Easting	344150
Proposal Location Northing	864544
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=POEWFVBG0CR00
Previous Application	14/00174/APP 08/01235/FUL 06/02310/FUL
Date of Consultation	28th March 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Alfie Morrison
Applicant Organisation Name	
Applicant Address	1 Edwards Avenue Lossiemouth Moray IV31 6FE
Agent Name	Plans Plus
Agent Organisation Name	Plans Plus
Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 19/00294/PPP

Erect dwellinghouse on Plot 1 Site To Rear Of The Old Station House Buckie Moray for Mr Alfie Morrison

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

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

History of Site

This application represents a renewal of an expired planning permission (reference 14/00174/APP). The history on this site dates back to a 2006 application which was refused by Moray Council at that time (06/02310/FUL). A subsequent application came forward in 2008 (08/01235/FUL) which was again refused by Moray Council however was permitted on appeal by the Scottish Government Reporter (P/PPA/300/318). All three previous planning applications have been subject to an objection from Transportation on road safety grounds. An objection is being raised again at this time, particularly in consideration of Moray Local Development Plan 2015 policies.

Preamble

The proposed development would intensify the use of existing accesses on a stretch of the A98 Fochabers-Culllen Road which carries significant traffic movements, usually at speed. The accesses are narrow and at an acute angle to the public road. Turning onto the A98 can be difficult depending on the direction of travel.

The existence of these accesses in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs, but the intensification of that interference which this proposal would engender would be detrimental to road safety.

The submitted layout plan details a visibility splay from the Westernmost access of 4.5m by 215m in both directions. However, the 4.5m (x distance) is not drawn correctly and

does not accurately reflect the position of a vehicle given the acute angle of the access. In addition the splay would be required to be clear of obstruction greater than 0.26m rather than 0.6m as proposed. The supporting letter states that the Westernmost access would be used to serve this development site however sole use of this access cannot be enforced. Given the spacing between the two accesses Transportation consider both would be utilised frequently, influenced by the direction of travel. Therefore, a visibility splay of 4.5m by 215m in both directions, clear of obstructions measuring 0.26m above the level of the carriageway, would also be required to be provided at the Easternmost access point.

Visibility is restricted by vegetation, fence lines, and road infrastructure. At the Westernmost access visibility is restricted to the West by a hedge and a boundary fence – the position of the boundary fence and the ability of the applicant to modify this has not been accurately represented on the submitted Site Layout Drawing. At the Easternmost access visibility is restricted by road infrastructure (signage), even at a reduced x distance of 2.4m.

There is also a parking layby on the A98 to the South of the road serving these plots which further restricts visibility when vehicles are present.

The alignment of the accesses themselves also compounds the visibility and road safety issue due to the way in which drivers have to position themselves to turn onto the public road. To support any intensification of use both access points would need to be realigned to provide formal, perpendicular junctions of the A98. Such modifications may require third party land.

As far as can be determined from the submitted plans, the Applicant does not appear to control sufficient land to provide adequate visibility and improvements at the accesses onto the A98. The proposed development would therefore be detrimental to road safety.

Reason(s) for objection

The proposed development, if permitted, would involve the intensification of use of two existing vehicular accesses onto the A98 Fochabers – Cullen road which suffer from sub-standard road alignment and where visibility is restricted adjacent trees/ hedges/ obstructions and would likely give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.

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

Date 05.04.19

Return response to	consultation.planning@moray.gov.uk
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display of such information. Where appropriate other “sensitive” information within documents will also be removed prior to publication online.

Application Summary

Address: Plot 1 Site To Rear Of The Old Station House Buckie
Moray

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

[Click for further information](#)

Customer Details

Name: [REDACTED]

Email: [REDACTED]

Address: [REDACTED]

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Drainage
- Road access
- Road safety
- Traffic

Comments: My soakaway lies somewhere on the land which was originally part of the old Rathven Station and is now Plot 1. The soakaway was extended by permission given from the previous owner of the house known as Shalom at 6 Rathven Station Cottages approximately 16 years ago. The plans indicate that my soakaway could be positioned somewhere in the back garden of the applicants proposed new building plot. However, I am unaware of its exact location.

As per the appeal Decision notice dated 2009, the applicants solicitor suggested that the soakaway be discussed as a private matter between the applicant and myself. The applicant has never approached me for this discussion.

In addition, I rely on using the access road on a daily basis for commuting to and from work. I find it too dangerous to emerge onto the A98 from the western side so always use the eastern Cullen end. I find the traffic flow has increased drastically for the time I have stayed here and it is very dangerous for residents to try and cross the A98 or emerge into traffic flow at the western access point. I would therefore like the road to remain open/free for ease of access.

I would want all the conditions met from the Appeal decision notice letter dated 2009, in particular with reference to item 2- 'Before work commences..... ,2a- A 3m x 10m layby onsite be constructed to allow other vehicular access and all the other conditions are met.

In addition, I agree with the Transport Manager comments dated 5 April 2019 on accessing the A98, on the speed at which traffic moves at that point on the road and on the volume of traffic. The speed and volume of traffic on the A98 has increased drastically over the last 14 years I have lived here making it quite dangerous for all the residents to emerge onto the road.

Comments for Planning Application 19/00294/PPP

Application Summary

Application Number: 19/00294/PPP

Address: Plot 1 Site To Rear Of The Old Station House Buckie Moray

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Drainage
- Road access
- Road safety
- Traffic

Comment: The soakaway for my property lies somewhere on the land which was originally part of the old Rathven Station and is now Plot 1. The soakaway was extended by permission given from the previous owner of the house known as Shalom at 6 Rathven Station Cottages approximately 16 years ago. The plans indicate that my soakaway could be positioned somewhere in the back garden of the applicants proposed new building plot. However, I am unaware of its exact location. As per the appeal Decision notice dated 2009, the applicants solicitor suggested that the soakaway be discussed as a private matter between the applicant and myself. The applicant has never approached me for this discussion.

In addition, as an elderly resident, I rely on the support and assistance from friends to take me out and bring me home, delivery vans and if needed healthcare workers. The friends always come in/leave from the Cullen side of the A98 as they find the access route easier and safer. I would not want the access to that area to be blocked.

I would want all the conditions met from the Appeal decision notice letter dated 2009, in particular with reference to item 2- 'Before work commences..... ,2a- A 3m x 10m layby onsite be constructed to allow other vehicular access and all the other conditions are met.

In addition, I agree with the Transport Manager comments dated 5 April 2019 on accessing the A98, on the speed at which traffic moves at that point on the road and on the volume of traffic. The speed and volume of traffic on the A98 has increased drastically over the last 14 years I have lived

here making it quite dangerous for all the residents to emerge onto the road.

(I do not have an email address so have asked my neighbours permission to use hers (

Comments for Planning Application 19/00294/PPP

Application Summary

Application Number: 19/00294/PPP

Address: Plot 1 Site To Rear Of The Old Station House Buckie Moray

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the development of a house for the following reason:

The neighbours in house number 1 to 4 have their soakaways somewhere on the land which was originally part of the old Rathven Station and is now Plot 1. The soakaways have always been positioned on that land and were allowed to be extended by the prior owner of 6 Rathven Station Cottages who owned the land.

As per the appeal Decision notice dated 2009, the applicants solicitor suggested that the soakaway be discussed as a private matter between the applicant and myself. The applicant has never approached me for this discussion.

If planning permission is granted for this development then I believe that in the future the applicant may put planning permission for a further 2 houses as per the original planning application of 2006 which will impinge on my soakaway and view.

I rely on using the access road on a daily basis for commuting to and from work. If the traffic flow is increased by vehicles using the access road, this may prove inconvenient to the residents, farmers, delivery vehicles, amenities vehicles that use this road on a daily if not weekly basis. It is very dangerous at present for the existing traffic to emerge onto the A98 without an increase in traffic flow. In addition, some of the vehicles such as the Oil tankers and Septic tank disposal companies rely on the access road eastern end being kept open as they are unable to turn around at any of the houses including house number 6.

I would want all the conditions met from the Appeal decision notice letter dated 2009, in particular with reference to item 2- 'Before work commences.....', 2a- A 3m x 10m layby onsite be constructed to allow other vehicular access and all the other conditions are met.

I agree with the Transport Manager comments dated 5 April 2019 on accessing the A98, on the speed at which traffic moves at that point on the road and on the volume of traffic. The speed and volume of traffic on the A98 has increased drastically over the last 14 years I have lived here making it quite dangerous for all the residents to emerge onto the road.

Comments for Planning Application 19/00294/PPP

Application Summary

Application Number: 19/00294/PPP

Address: Plot 1 Site To Rear Of The Old Station House Buckie Moray

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Drainage
- Road access
- Road safety
- Traffic

Comment: This comment is on behalf of the family of [REDACTED]

The soakaway for my property lies somewhere on the land which was originally part of the old Rathven Station and is now Plot 1. The soakaway has always existed on this land as my house pre-dates back to 1886 when the station was originally built and the septic tank is at the bottom of my garden. The plans show that my soakaway may be positioned somewhere under the applicants front driveway. However, I am unaware of its location. As per the appeal Decision notice dated 2009, the applicants solicitor suggested that the soakaway be discussed as a private matter between the applicant and myself. The applicant has never approached me for this discussion.

In addition, as an elderly resident, I rely on the support and assistance from friends to take me out and bring me home, delivery vans and if needed healthcare workers. The friends always come in/leave from the Cullen side of the A98 as they find the access route easier and safer. I would not want the access to that area to be blocked.

I would want all the conditions met from the Appeal decision notice letter dated 2009, in particular with reference to item 2- 'Before work commences.....', 2a- A 3m x 10m layby onsite be constructed to allow other vehicular access and all the other conditions are met.

In addition, I agree with the Transport Manager comments dated 5 April 2019 on accessing the A98, on the speed at which traffic moves at that point on the road and on the volume of traffic. The

speed and volume of traffic on the A98 has increased drastically over the last 14 years I have lived here making it quite dangerous for all the residents to emerge onto the road.

(I do not have an email address so have asked my neighbours permission to use hers [REDACTED]
[REDACTED])

REPORT OF HANDLING

Ref No:	19/00294/PPP	Officer:	Shona Strachan
Proposal Description/ Address	Erect dwellinghouse on Plot 1 Site To Rear Of The Old Station House Buckie Moray		
Date:	16/05/19	Typist Initials:	FJA

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	10/04/19	No objection
Contaminated Land	04/04/19	No objection with informative highlighting the requirement for gas protection measures.
Transportation Manager	05/04/19	Object to the proposal as the proposal would likely give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.
Scottish Water	01/04/19	No objection but this does not guarantee connection to Scottish Water Infrastructure.
Planning And Development Obligations	09/04/19	Response confirms that no Developer Obligation will be sought in this instance.
Aberdeenshire Council Archaeology Service	04/04/19	No objection

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
Moray Local Development Plan 2015	N	
PP1: Sustainable Economic Growth	N	
PP2: Climate Change	N	
PP3: Placemaking	N	

H7: New Housing in the Open Countryside	Y	The application is contrary to the provisions of this policy and this forms the basis of one of the reasons of refusal for this application.
E9: Settlement Boundaries	N	
E10: Countryside Around Towns	Y	The application is contrary to the provisions of this policy and this forms the basis of one of the reasons of refusal for this application.
EP5: Sustainable Urban Drainage Systems	N	
EP10: Foul Drainage	N	
T2: Provision of Access	Y	The application is contrary to the provisions of this policy and this forms the basis of one of the reasons of refusal for this application.
T5: Parking Standards	N	
IMP1: Developer Requirements	Y	The application is contrary to the provisions of this policy and this forms the basis of one of the reasons of refusal for this application.
IMP3: Developer Obligations	N	
2020 Proposed Local Development Plan		
PP1 Placemaking		
PP2 Sustainable Economic Growth		
PP3 Infrastructure & Services		
EP4 Countryside Around Towns		
DP4 Rural Housing		
EP12 Management and Enhancement of the		
EP13 Foul Drainage		
EP14 Pollution, Contamination & Hazards.		

REPRESENTATIONS

Representations Received	YES	
Total number of representations received FOUR		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: The neighbours at the adjacent Rathven Station Cottages have their soakaways somewhere on the land which was originally part of the old Rathven Station and is now Plot 1. The soakaways have always been positioned on that land. As per the appeal Decision notice dated 2009, the applicants solicitor suggested that the soakaway be discussed as a private matter between the applicant and myself. The contributors advise that this discussion has never taken place.</p> <p>Comments (PO): It is confirmed that the location of the soakaways within the plot and any access required for their servicing etc would be a private legal matter between the applicant and the relevant neighbours. Building Standards would for the new plot (if approved) consider the proximity of existing soakaways to any new soakaways proposed.</p>		
Issue: If planning permission is granted for this development then I believe that in the future the		

applicant may put planning permission for a further 2 houses as per the original planning application of 2006 which will impinge on my soakaway and view.

Comments (PO): This is a speculative comment and it is further noted that each application is judged on its own individual merits against the requirements of the Local Development Plan as would be the case with any future application.

Issue: Access: the existing access is already used to serve the existing cluster of 6 houses including use by healthcare workers, visiting friends and family and delivery drivers (including oil tankers) many of whom rely on the access track for through access. There is concern that the additional use of the access could lead to it being blocked.

Comments (PO): It is purely speculative to suggest that any additional use of the access would lead to it being blocked, particularly as there would be a requirement for any sites to have sufficient onsite parking and turning space. Other transportation issues have been identified.

Issue: Concern about increase use of the access as it is commented that the 6 existing house rely on the access for commuting and general daily use. The additional traffic associated with this application would lead to increased use and inconvenience.

Comment (PO): Following assessment of the access considerations of the proposal, the application is the subject of an objection from the Transportation Service as the proposal would likely give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements. Along with the unacceptable siting of the proposal, the objection from Transportation Service will form part of the reason for refusal of the application.

Issue: Increase traffic: The contributors agree with the comment from the Transportation Manager dated 5 April 2019 on accessing the A98 and the speed at which traffic moves on the road and the increased volume of traffic making it quite dangerous for all the residents to emerge onto the road.

Comments (PO): Following assessment of the access considerations of the proposal, the application is the subject of an objection from the Transportation Service as the proposal would likely give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements. Along with the unacceptable siting of the proposal, the objection from Transportation Service will form part of the reason for refusal of the application.

Issue: All the conditions from the Appeal Decision (dated 2009) should be met if any development is to be permitted at this location including the access upgrade requirements.

Comments (PO): The Appeal Decision from 2009 is a lapsed permission on this site and the application has to be considered afresh under the requirements of the Moray Local Development Plan 2015. Following assessment, this application is the subject of an objection from the Transportation Service as the proposal would likely give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements. Along with the unacceptable siting of the proposal, the objection from Transportation Service will form part of the reason for refusal of the application.

Following the issue of Decision the applicant will be able to seek a Review of the case to the Local Review Body (LRB). If the applicant pursues this opportunity, the LRB will assess all the material considerations in the case and consider the proposal afresh, it is not possible to speculate on the outcome of this Review.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise.

On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Plan was approved as the "settled view" of the Council and minimal weight will be given to

the Proposed Plan, with the 2015 MLDP being the primary consideration.

Proposal

Planning permission in principle is sought for the erection of a dwellinghouse on Plot 1 site to rear of The Old Station House, Buckie.

The site plan shows an indicative site layout including the individual plot accesses taken from the unclassified access track to the south of the site, an indicative house footprint and position as well as indicative siting of the septic tank and soakaway. As advised in the application form, the dwelling would seek a connection to public mains water.

This site and the neighbouring site Plot 2 formed one application site under application reference 08/01235/FUL. This application was refused on siting, access and land contamination issues. The siting issues related to the site's location within the Countryside Around Town designation and because the development would be detrimental to the existing traditional settlement pattern at this location having a detrimental impact on the character of the existing rural cluster of houses at this location. The access issues were related to the intensification of use at this access which was considered to be detrimental to road safety and the contaminated land issues related to the lack of detailed assessment to ascertain if the site was suitable of residential use given its history of being land associated with the former railway.

Application 08/01235/FUL was the subject of an Appeal to The Planning and Environmental Appeals Division (DPEA) of the Scottish Government with the appeal upheld on 18 February 2009 and grant planning permission subject to conditions. Central to the Reporters' Decision was the opinion that the site was brownfield land adjacent to a well-defined housing group and could be accommodated with modest access upgrading.

Application 14/00174/APP sought a renewal of the permission granted by the appeal decision and at the time of submission the Appeal Decision was an extant consent on the site and was therefore a significant material consideration in the determination of application 14/00174/APP and the application was therefore approved and issued by Decision on 2 April 2017.

This means therefore at the time of the submission of this current planning application, the permission granted under application 14/00174/APP is a lapsed consent on the site.

Plot 2 is located to the east of this site and is the subject of a separate planning application under application reference 19/00295/PPP which is under separate consideration.

This means the application has to be considered afresh against the requirements of the Moray Local Development Plan 2015.

Site Characteristics

Extending to 774 sq m the site is open grass land with a dispersed covering of natural seeded trees and scrub vegetation. The ground is understood to have once formed part of what would have been the old railway station at Rathven. The site is located on the north side of the A98 and is located to the rear (east) of Rathven Station Cottages. Plot 2 is located to the east of the site and is under separate consideration under application reference 19/00295/PPP.

This site and the neighbouring site 19/00295/PPP (Plot 2) form part of the Buckie Countryside Around Town Designation.

Planning History

There is a long planning history associated with this site, with permission granted for two houses under the terms of the Scottish Government Appeal Decision on application reference 08/01235/FUL (18 February 2009) and planning permission effectively renewed under the terms of application

However, it is noted here that all previous permissions on this site have lapsed and as noted previously, this means that the application must be considered afresh against the requirements of the Moray Local Development Plan 2015.

Policy Assessment

Siting and Impact on the Rural Character of the Surrounding Area (E10, H7 IMP1 plus associated Supplementary Planning Guidance: Housing in the Countryside).

Policy E10 Countryside Around Towns (CAT): advises that development proposals within the Countryside Around Towns areas will be refused unless they meet an number of qualifying exemptions including: a) the rehabilitation, conversion, limited extension, replacement or change of use of existing buildings; b) are necessary for the purposes of agriculture, forestry, low intensity recreational or tourism use; c) are designated "LONG" term housing allocation, released for development under the terms of Policy H2. With the key policy objective being to preserve the special character of the countryside around the town, maintaining and preserving its distinction from the built up area.

Policy H7 New Housing in the Open Countryside: contains the location/siting and design criteria for assessing the acceptability of applications for new houses in the open countryside. In terms of location/siting, this policy requires proposals to reflect the existing traditional pattern of settlement in the locality, be sensitively integrated and not obtrusive in the landscape, not detract from the character or setting of existing development, and not to contribute to a build-up of development that detracts from the rural character of the area.

In discussing the traditional pattern of settlement, further advice is provided in the Council's associated Supplementary Planning Guidance on Housing in the Countryside (SPG) when it is advised that: Whilst a proposal may reflect the traditional pattern of settlement it may not always be appropriate. A proposal that contributes to a build-up of development that is considered to undermine the rural character of the locality will not be acceptable. Where a considerable level of development has taken place, another dwelling may adversely impact on the distinctive rural qualities of the area (e.g. open appearance and ambiance) (page 14 refers).

In terms of the impact of new development on the character and setting of existing buildings further advice is given on page 16 of the Housing in the Countryside (SPG) advising that: A proposal for a new house must not detract from the character or setting of existing buildings or their surrounding area when added to an existing cluster. This means that the siting of a new building must form a logical part of the existing cluster and not have the appearance of being 'added on' (page 16).

Policy IMP1 Developer Requirements: seeks compatibility in terms of scale, density and character, requiring new development to integrate into the surrounding landscape and be sensitively sited, designed and serviced appropriate to the amenity and character of the area.

In this instance, the proposed site is located in Buckie Countryside Around Town (CAT) and as an application for a new build rural dwellinghouse does not meet any of the qualifying exemptions associated with this Policy and is therefore contrary to its provisions. As an application for a new dwelling at this location, the proposal would have an adverse impact on the Buckie CAT and its objectives, and would not help to preserve the special character of the countryside at this location or preserve the distinction with the built up environment.

It is also considered that the siting of an additional dwelling at this location adjacent to this existing small rural cluster would lead to a build-up of development which would be detrimental to the character and setting of this existing small grouping and the surrounding countryside increasing the number of rural dwellings present at this location.

As an application for planning permission in principle no detailed design information or landscaping details have been provided. However, given the in principle nature of this planning permission these elements could be ensured by condition. However, this does not alter the fundamental siting issues associated with this planning application.

Water and Drainage (EP5 and EP10)

A connection to the public water supply is proposed; whilst Scottish Water has not objected to the proposal any connection would be the subject of separate liaison between the applicant and Scottish Water directly.

The indicative site layout shows indicative siting of the septic tank and soakaway. Ultimately detailed provision for surface and foul waters are detailed matters of consideration which would be further considered as part of any future detailed planning application but generally and in principle (and subject to condition) the proposal would be likely to be able to secure acceptable drainage provision.

Access and Parking (T2 and T5)

In considering the planning application the Transportation Service has provided a detailed consultation response to the proposal highlighting the following key points:

The proposed development would intensify the use of existing accesses on a stretch of the A98 Fochabers-Cullen Road which carries significant traffic movements, usually at speed. The accesses are narrow and at an acute angle to the public road. Turning onto the A98 can be difficult depending on the direction of travel.

The existence of these accesses in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs, but the intensification of that interference which this proposal would engender would be detrimental to road safety.

It is further highlighted in the response that the submitted layout plan details a visibility splay from the Westernmost access of 4.5m by 215m in both directions. However, the 4.5m (x distance) is not drawn correctly and does not accurately reflect the position of a vehicle given the acute angle of the access. In addition the splay would be required to be clear of obstruction greater than 0.26m rather than 0.6m as proposed. The supporting letter states that the Western most access would be used to serve this development site however sole use of this access cannot be enforced. Given the spacing between the two accesses Transportation consider both would be utilised frequently, influenced by the direction of travel. Therefore, a visibility splay of 4.5m by 215m in both directions, clear of obstructions measuring 0.26m above the level of the carriageway, would also be required to be provided at the Eastern most access point.

Visibility is restricted by vegetation, fence lines, and road infrastructure. At the Westernmost access visibility is restricted to the West by a hedge and a boundary fence - the position of the boundary fence and the ability of the applicant to modify this has not been accurately represented on the submitted Site Layout Drawing. At the Easternmost access visibility is restricted by road infrastructure (signage), even at a reduced x distance of 2.4m. There is also a parking layby on the A98 to the South of the road serving these plots which further restricts visibility when vehicles are present.

The alignment of the accesses themselves also compounds the visibility and road safety issue due to the way in which drivers have to position themselves to turn onto the public road. To support any intensification of use both access points would need to be realigned to provide formal, perpendicular junctions of the A98. Such modifications may require third party land.

As far as can be determined from the submitted plans, the Applicant does not appear to control sufficient land to provide adequate visibility and improvements at the accesses onto the A98. The proposed development would therefore be detrimental to road safety.

In concluding all of the foregoing matters the Transportation Manager has concluded that: The proposed development, if permitted, would involve the intensification of use of two existing vehicular accesses onto the A98 Fochabers - Cullen road which suffer from sub-standard road alignment and where visibility is restricted adjacent trees/ hedges/ obstructions and would likely give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.

This objection from Transportation on road safety grounds will form part of the reason for refusal of the application.

Developer Obligations (IMP3)

An assessment has been carried out in relation to Policy IMP3 Developer Obligations of the Moray Local Development Plan 2015. The assessment identifies that no Developer Obligation will be sought in this instance.

Conclusion

The application is considered to result in an unacceptable form of development in siting and access terms and does not comply with the provisions of the Local Development Plan (and associated Supplementary Guidance). The application is therefore to be refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
14/00174/APP	Extend planning consent 08/01235/FUL to erect 2 houses and garages Rathven Station House Buckie Moray			
	Decision	Permitted	Date Of Decision	02/04/14
08/01235/FUL	Erect 2 houses and garages at The Old Rathven Station Buckie Moray			
	Decision	Refuse	Date Of Decision	12/09/08
06/02310/FUL	Erect four houses and garages on Site At The Old Rathven Station Buckie Moray			
	Decision	Refuse	Date Of Decision	14/08/07

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Advertiser	Departure from development plan	06/05/19	
PINS	Departure from development plan	06/05/19	

DEVELOPER CONTRIBUTIONS (PGU)

Status	NONE SOUGHT
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DOCUMENTS, ASSESSMENTS etc. *

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

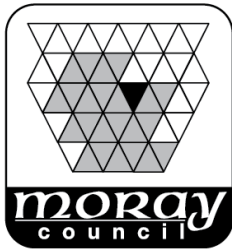
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Appeal Decision Notice P/PPA/300/318 as issued by decision on 18 February 2009.	
Main Issues:	<p>Outlines the Scottish Governments' Reporters' Decision to uphold the appeal and grant planning permission subject to conditions. Central to the Reporters' Decision was the opinion that the site (made up of plots 1 and 2) was brownfield land adjacent to a well-defined housing group and could be accommodated with modest access upgrading.</p>	
Document Name:	Letter in Support of the Application with key comments in support centred on the Appeal Decision on application 08/01235/FUL and the further renewal of the application under reference 14/00174/APP. Further comments advise that the applicant had not realised that the permission granted under 14/00174/APP was for three years. Thereafter further comments are provided on the plot itself and the visibility requirements.	
Main Issues:		

S.75 AGREEMENT

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

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

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



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

REFUSAL OF PLANNING PERMISSION

**[Buckie]
Planning Permission in Principle**

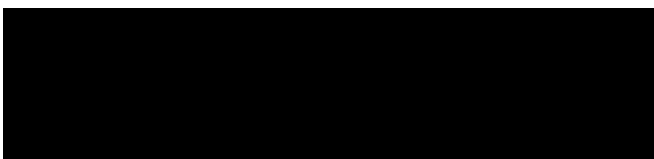
TO Mr Alfie Morrison
c/o Plans Plus
Main Street
URQUHART
By Elgin
Moray
IV30 8LG

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

Erect dwellinghouse on Plot 1 Site To Rear Of The Old Station House Buckie Moray

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

Date of Notice: **16 May 2019**



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal is contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies E10, H7, T2 and IMP1) and, as a material consideration, the associated Supplementary Planning Guidance 'Housing in the Countryside' because:

- 1) As an application for a new dwelling at this location, the proposal would have an adverse impact on the Buckie Countryside Around Town designation and its objectives, and would not help to preserve the special character of the countryside at this location or preserve the distinction with the built up environment.
- 2) The siting of an additional dwelling at this location adjacent to an existing small rural cluster would lead to a build-up of development which would be detrimental to the character and setting of this small grouping and the character and appearance of surrounding countryside by increasing the number of rural dwellings present at this location.
- 3) The proposed development, if permitted, would involve the intensification of use of two existing vehicular accesses onto the A98 Fochabers - Cullen road which suffer from sub-standard road alignment and where visibility is restricted adjacent trees/ hedges/ obstructions and would likely give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
18-75 D1		Site and location plan

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

N/A

DETAILS OF MATTERS SPECIFIED IN CONDITIONS

Approval, consent or agreement has been GRANTED for the following matter(s):-

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



design consultants

Phone: 01343 842635
Fax: 01343 842785
Mobile: 07766 315501
Email: ctkplans@aol.com
Web: <http://members.aol.com/ctkplans>

Main Street, Urquhart, Elgin, Moray, IV30 8LG

FTAO Lissa Rowan
Committee Services Officer
Legal and Democratic Services
The Moray Council
High Street
Elgin
Moray

02 AUG 2019

Our Ref. CTK/CK/18-75

Date 30 July, 2019

Dear Sirs,

**REVIEW:- PPP TO ERECT NEW DWELLING HOUSE AT PLOT 1 RATHVEN
STATION, BUCKIE AB56 4DW.**

Please find enclosed a copy of the review documents for the above project which we trust you find in order. If you have any queries on any of the above or the enclosed, please do not hesitate to contact the writer. We look forward to hearing from you in due course.

Yours faithfully



COLIN T KEIR

enc.



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	MR.	Ref No.	18/75
Forename	ALFIE	Forename	COLIN
Surname	MORRISON	Surname	KEIR
Company Name		Company Name	PLANS PLUS
Building No./Name	1	Building No./Name	MAIN STREET
Address Line 1	EDWARDS AVENUE	Address Line 1	OFFICES
Address Line 2	LOSSIEMOUTH	Address Line 2	URQUHART
Town/City	MORAY	Town/City	BY ELGIN
Postcode	IV31 6FE	Postcode	IV30 8LG.
Telephone	[REDACTED]	Telephone	01343 842635
Mobile	-	Mobile	07766 315501
Fax	-	Fax	-
Email	-	Email	ctkplans@aol.com
3. Application Details			
Planning authority		MORAY COUNCIL.	
Planning authority's application reference number		19/00294/PPP.	
Site address		<p>PLOT 1 RATVEN STATION, BUCKIE AB56 4DW.</p>	
Description of proposed development			
<p>P.P.P. TO ERECT NEW DWELLING HOUSE</p>			

Date of application

21/3/19

Date of decision (if any)

16/5/19

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:

NO

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.

SEE SEPARATE SHEET

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 you 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.

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

COPY OF PLANS,
DECISION NOTICE.
COPY OF SCOTTISH OFFICE READER'S
FINDINGS ON ORIGINAL APPLICATION
AND APPROVED CONSENT.

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:

COUNKERR

Date:

31/7/19.

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



design consultants

Phone: 01343 842635
Fax: 01343 842785
Mobile: 07766 315501
Email: ctkplans@aol.com
Web: <http://members.aol.com/ctkplans>

Main Street, Urquhart, Elgin, Moray, IV30 8LG

MORAY COUNCIL REVIEW.

PLOT 1 RATHVEN STATION, BUCKIE.

PLOT 1

REVIEW SUPPORTING STATEMENT.

This was a re-application due to the fact that the client inadvertently allowed the consent to lapse. The consent had remained valid for 8 years before being allowed to lapse after 2nd April 2017. The reasons given by Moray Council are identical to those used as a reason for refusal back in 2008 when the original applications were made. At that time the Scottish Office Reporter disagreed with the council's decision and granted planning permission in principal.

Reasons for refusal No 1.

Moray Council state that the Buckie Countryside around towns designation would be impacted by allowing this house. We refer you to Paragraph No 2 and 3 of Phillip G Huthinson's conclusions where he contradicts this point and indeed goes on to identify this specific area as a **brownfield site**. In view of the fact that nothing has changed this specific area remains a brownfield site and is therefore not considered as a CAT area.

Reasons for refusal No 2.

Moray Council state that another dwelling house adjacent to the small cluster of housing would lead to a build up of development which would be detrimental to the character of the area. We again refer you to the report by Philip G Huthinson paragraph 4 where he states that the impact of a house on the CAT area would be "**negligible**". There is sufficient natural vegetation surrounding the development to allow the proposed house to blend in unobtrusively.



Moray Council state that the visibility is restricted by adjacent trees and hedges. These can all be trimmed back and maintained. We refer you to Philip G Hutchinson's report and to paragraph 5 where he again contradicts Moray Council and states that the proposed increase in traffic does not justify refusal of the application.

Conclusion.

Moray Council have been consistent by referring to the same reasons for refusal as they relied on back in 2008. However, their reasons for refusal were overturned and the Scottish Office Reporter found in favour of our client. With the same reasons offered for refusal as in 2008, we offer the report prepared in 2009 by Philip G Hutchison as our grounds for allowing this proposal. This reporter is an expert in Planning and determined that consent should be granted under the circumstances.

A copy of this evidence is submitted with this Review.

With the reasons for refusal remaining consistent and our use of the consent document to rebuff the planner's claims, we respectfully ask that you approve this application which has only lapsed due to a misunderstanding of time conditions.

Appeal Decision Notice

T: 01324 696 400

F: 01324 696 444

E: dpea@scotland.gsi.gov.uk



Decision by Philip G Hutchinson, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/300/318
- Site address: Rathven Station, Rathven, Buckie, AB54 4DW
- Appeal by Mr A Morrison against the decision by the Moray Council
- Planning application 08/01235/FUL dated 2 June 2008, refused by notice dated 12 September 2008
- The development proposed: Erect two dwelling houses and garages
- Application drawings: 05-52A D1, 05-52 D2, D3 and D4
- Date of site visit by Reporter: 11 February 2009

Date of appeal decision: 18 February 2009

Decision

I allow the appeal and grant planning permission subject to the 4 conditions listed at the end of this notice on pages 3 and 4.

Reasoning

1. The key issues are (1) whether the proposal is consistent with the development plan and (2) if not whether other material considerations justify a development plan departure. The most relevant parts of the development plan - as it stands today - are policies 1(e) and 2(e) in the Moray Structure Plan 2007 and H8, E10, T2 and IMP1 in the Moray Local Plan 2008.

Note: The refusal notice also relies on 5 policies from the Moray Local Plan 2000, but its replacement was adopted in December and all parties have had the opportunity to focus on the provisions of the new local plan before the exchange of written submissions was concluded. This determination focuses on the development plan as it is constituted on the date of this Notice.

2. The first of the above structure plan policies encourages low-impact well-designed development in the countryside to support local communities and rural businesses. The second one protects the countryside around towns including Buckie from development. Local plan policy H8 guards against proposals for more than two houses at a time but accepts small scale residential development in the countryside subject to various siting and design criteria. Policy E10 presumes against development in this area of designated Countryside Around Towns [CAT] unless it falls into an exceptionally allowable category. Local plan policy T2 presumes against development which would have a substandard means of access, which involves inadequately mitigated traffic impacts and where the access itself would have an unacceptable visual impact. Finally, local plan policy IMP1



(c) Proposals for the inclusion of land between the appeal site and the house known as Shalom within the curtilage of either of the new houses or this existing house, suitably landscaped in a manner consistent with the scheme at 2(b) above;

(d) Samples of all facing and roofing materials including surfacing materials for parking areas, driveways and the above lay-by;

(e) Proposals for the hard-surfacing of each access point for a distance of at least 5m back from the edge of the public carriageway designed to ensure that no water or debris is carried onto the public road. The approved details shall be complete before any construction activity commences and before any building materials or items of equipment are delivered to the site.

(f) A professionally prepared Method Statement setting out a scheme of
(i) investigation into potential ground contamination and its potential impacts,
(ii) proposals for appropriate remediation in advance of development and
(iii) contingency measures for dealing with any unexpected contamination during development. All work at (i) and (ii) as may be approved in writing by the planning authority shall be completed to its satisfaction before any other work commences and before any building materials or items of equipment are delivered to the site.

REASON: These important visual and functional matters demand early and detailed attention and cannot be left any more open ended, and in the case of (c) to also help guard against further incremental development.

3. Before either house is occupied all work at 2(a), (c), (e) and (f) above shall be completed and all parking areas, access ways and turning space shall be available for use.

4. Within 6 months of the first house receiving its completion certificate all landscaping work approved in discharge of condition 2(b) and (c) above shall be complete and any tree or shrub failures (for whatever reason) within the first 5 years shall be promptly replaced on a like-for-like basis unless alternative arrangements are first approved in writing by the planning authority.

REASON (3 & 4): These important matters concerning access and the integration of the development into its setting cannot be left any more open ended.



requires new development to be sensitively sited, designed and serviced having regard to 14 detailed criteria. The other material considerations are (i) whether any feature of the site and its surrounding justifies flexibility (ii) whether approval would set an unacceptable precedent and (iii) whether planning conditions can resolve any difficulties which arise from any of the above matters. These all overlap and can be considered simultaneously.

3. Taken together the above development plan policies presume against new development within this designated CAT near Buckie. However this is a brownfield site. It conforms to the definition of brownfield land which is found in the glossary of *Scottish Planning Policy 3 – Planning for Homes*. None of the above development plan policies appear to provide for the re-use of brownfield land within this area of CAT. This situation strikes me as harsh.

4. A well-defined group of 6 houses occupies most of the remainder of the former station area, one of them quite modern. The combined visual impact on this slight crest in the landscape is nevertheless moderated by roadside vegetation and by naturally regenerating trees within and around the site. The design of the houses escapes criticism and there is sufficient land within the appellant's control for additional landscaping and modest access improvements. In these circumstances I consider that the effect on the character of this designated area of CAT should be negligible at the end of the day. The well-defined 'one-off' nature of this long-established brownfield site adjacent to a well-defined housing group should provide the council with sufficient reassurance in regard to precedent issues.

5. The A98 at this point carries no special speed limit but visibility is good in each direction (from two separate accesses serving the combined group). Roads officials addressed their criticism to a proposal for 4 houses not 2 (i.e. by reference to a different previous proposal) - which reduces the weight I can attach to this criticism. Allowing the appeal affords an opportunity to secure a service lay-by on the site frontage. This can function also as a passing place – a fringe benefit for exiting users of the east access. The angled geometry of the accesses should ensure that each serves a separate function depending on the direction of travel. The official accident record which has been submitted does not as far as I can tell include events at either of the accesses to Rathven Station. Even the separate anecdotal evidence is sketchy. A 33% increase in traffic generation is in prospect (less if allowance is made for agricultural access and the occasional access by a bus on which a neighbour has commented). Even so this increase is likely to be split between two access points. I recognise that the substandard nature of the access arrangements is a particular disadvantage but in the circumstances I find that this does not justify refusal.

6. The planning conditions below aim to make the development as low-impact as possible, and in tune with structure plan policy 1(e). The site-specific situation justifies making an exception to structure plan policy 2(e) and local plan policy E10. With only two houses at stake there is no conflict with local plan policy H8, and condition 2(c) below reduces the scope for later incremental development.

7. The IMP1 criteria are not presented as a prescriptive list. The language means that this policy can be satisfied on overall balance (i.e. as a basket of tests). I consider that most are satisfied given the scale of the development, the scope for integrating it into the surroundings, plus the proximity to services and lack of decisive infrastructural objections. Condition 2(f) below is a sufficient response to the perceived land contamination issue in tune with paragraph 33 in Planning Advice Note 33 – *Development of Contaminated Land*.



The appellant is reconciled to resolving this matter in this way. Any remediation must obviously precede development but I am not convinced that a professional ground contamination assessment is a pre-requisite of planning permission in this case given the potential for abortive 'front end' expenditure and the proximity of 6 houses on former railway property. Condition 2(f) in any case corresponds to that which the council has suggested as part of its 'fall back' position in this appeal - as do the other conditions subject to rewording and some tightening up in regard to timescales. The question of access to neighbours' soakaway systems - which allegedly extend onto the appeal site - is a private matter for the appellant and should not inhibit the development itself except conceivably under the building control regime. The development would sterilise no natural resources. I find it difficult to visualise a satisfactory alternative future for the site, despite undeniable tension with local plan policy T2.

8. Drawing together all the above matters I conclude that the degree of conflict with the above parts of the development plan is not very serious and that material considerations (site-specific factors plus the strict conditions below) justify a development plan departure where conflict arises. Careful account has been taken of all the other matters which have been raised but they do not outweigh those considerations on which this decision is based.


PHILIP G HUTCHINSON
Reporter

Conditions:

1. The development shall commence within 5 years hereof.

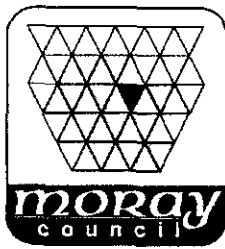
REASON: In accordance with Section 58(1)(a) of the Act.

2. Before any work commences the following details and particulars shall be submitted for the prior written approval of the planning authority:

(a) A revised plan of the site accesses to include a 3m x 10m service lay-by (plus tapers) on the site frontage to be shared between the two houses and to enable service vehicles to park clear of the track and allow others to pass; the plan shall also show any front boundary marker set clear of this lay-by and the track behind a 1m grass verge. The said lay-by shall be available for use before any construction activity commences and before any building materials or items of equipment are delivered to the site;

(b) A professionally prepared landscaping scheme indicating all trees and shrubs to be retained, measures for their protection during development, and additional tree planting (concentrating on the perimeter which shall in any case also feature native hedges) specifying species, numbers and heights at planting time together with aftercare measures for the first 5 years after completion of this scheme;





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

REFUSAL OF PLANNING PERMISSION

**[Buckie]
Planning Permission in Principle**

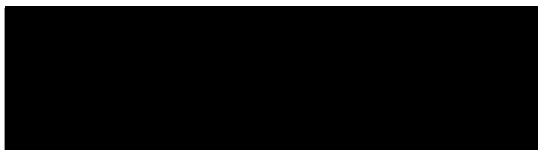
TO Mr Alfie Morrison
 c/o Plans Plus
 Main Street
 URQUHART
 By Elgin
 Moray
 IV30 8LG

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

**Erect dwellinghouse on Plot 1 Site To Rear Of The Old Station House Buckie
Moray**

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

Date of Notice: **16 May 2019**



HEAD OF DEVELOPMENT SERVICES
Environmental Services Department
Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

DETAILS OF MATTERS SPECIFIED IN CONDITIONS

Approval, consent or agreement has been GRANTED for the following matter(s):-

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.

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 provisions of the adopted Moray Local Development Plan 2015 (Policies E10, H7, T2 and IMP1) and, as a material consideration, the associated Supplementary Planning Guidance 'Housing in the Countryside' because:

- 1) As an application for a new dwelling at this location, the proposal would have an adverse impact on the Buckie Countryside Around Town designation and its objectives, and would not help to preserve the special character of the countryside at this location or preserve the distinction with the built up environment.
- 2) The siting of an additional dwelling at this location adjacent to an existing small rural cluster would lead to a build-up of development which would be detrimental to the character and setting of this small grouping and the character and appearance of surrounding countryside by increasing the number of rural dwellings present at this location.
- 3) The proposed development, if permitted, would involve the intensification of use of two existing vehicular accesses onto the A98 Fochabers - Cullen road which suffer from sub-standard road alignment and where visibility is restricted adjacent trees/ hedges/ obstructions and would likely give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
18-75 D1		Site and location plan

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

N/A



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

REFUSAL OF PLANNING PERMISSION

**[Buckie]
Planning Permission in Principle**

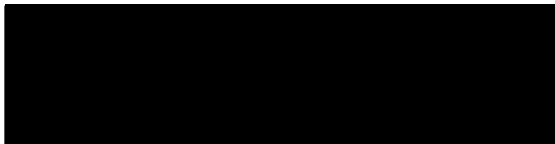
TO Mr Alfie Morrison
c/o Plans Plus
Main Street
URQUHART
By Elgin
Moray
IV30 8LG

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Moray**

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

Date of Notice: **16 May 2019**



HEAD OF DEVELOPMENT SERVICES
Environmental Services Department
Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

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AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

N/A

DETAILS OF MATTERS SPECIFIED IN CONDITIONS

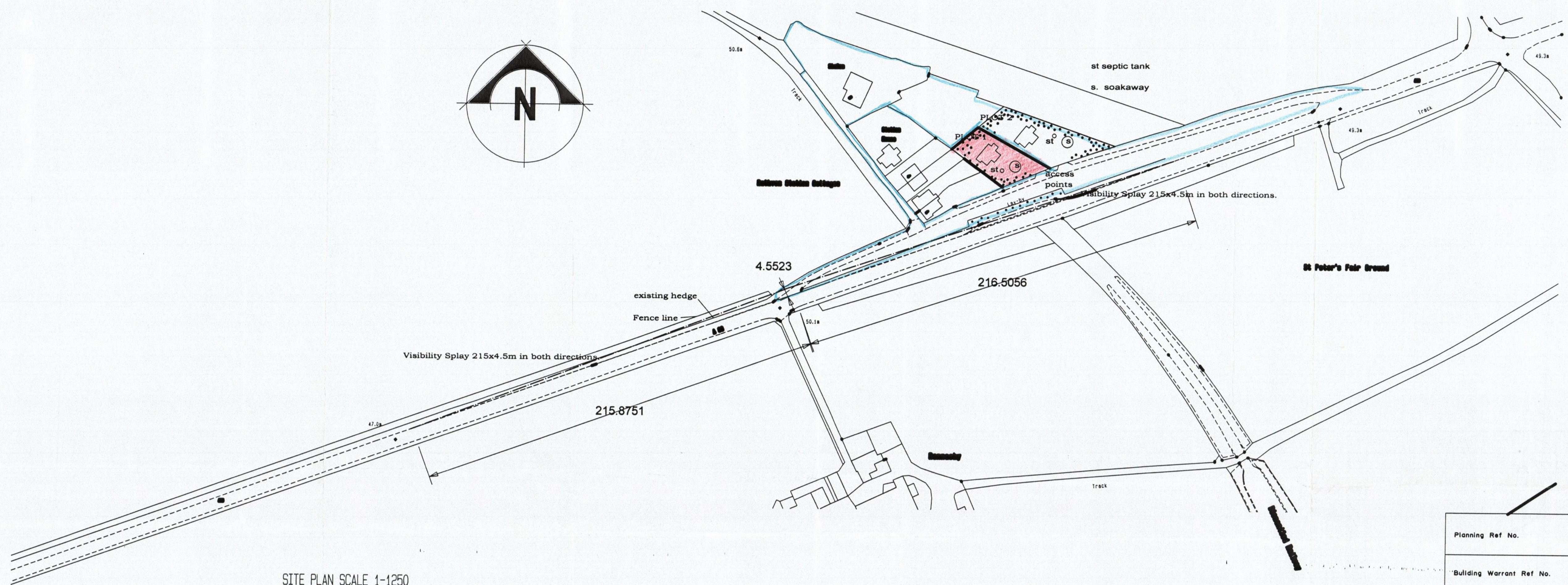
Approval, consent or agreement has been GRANTED for the following matter(s):-

N/A

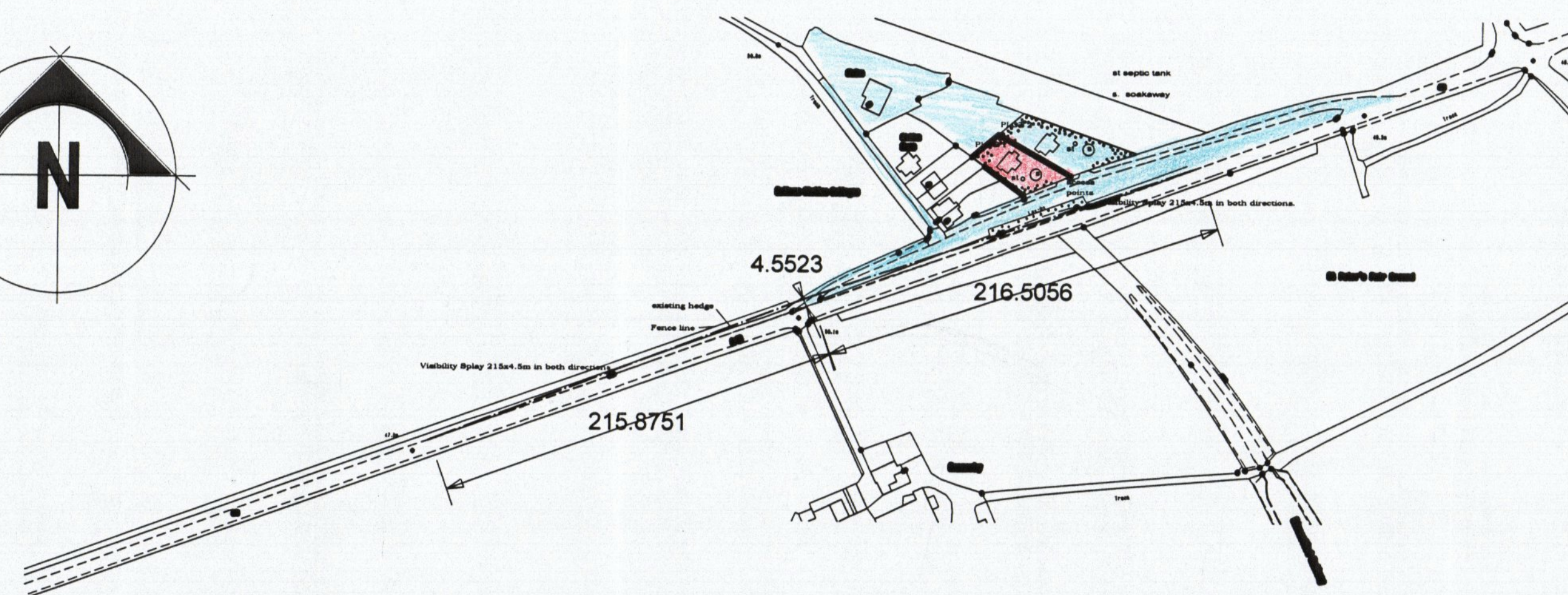
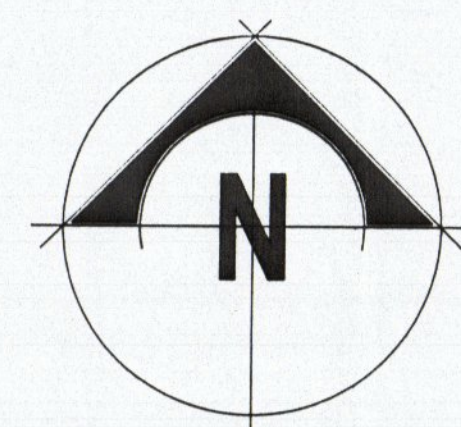
NOTICE OF APPEAL TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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.



SITE PLAN SCALE 1-1250



LOCATION PLAN SCALE 1-2500

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

REFUSED
16/5/19
Development Management
Environmental Services
Moray Council

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Planning Ref No.		
Building Warrant Ref No.		
Structural Engineer Ref No.		
Revisions and Distributions.		
Date	Revision.	Amended by.

Crown copyright all rights reserved License No. 100041145.

No works to commence on site until all relevant Local Authority consents have been obtained. No responsibility taken for work commenced before all Local Authority consents have been issued.

Contractors will have deemed to have visited the site to familiarise themselves with all aspects of the project prior to submitting any quotation for the building operations.

Any deviation to the approved plans to be reported to this office. Contractors to check all dimensions on site prior to commencement of any building operations.

Given dimensions only to be used. DO NOT SCALE DRAWINGS.

Any roof truss or timbers tying into an existing roof to be checked on site by the contractor to ensure heights and ridges meet correctly.

PLANS PLUS (URQUHART) ARCHITECTURAL DESIGN CONSULTANTS Main Street Offices, Urquhart, By Elgin IV30 8LG. Tel No 01343 842635 / 07766 315501 ctkplans.aol.com		
Project PROPOSED 2 HOUSES AT PLOTS AT RATHVEN STATION, BUCKIE, MORAY.	Project No. 18-75-D-1	
Client MR A MORRISON	Drawn By Colin T Keir	Scale 1-1250 and 1-2500



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

Lissa Rowan

From: [REDACTED]
Sent: 22 August 2019 12:16
To: Lissa Rowan
Subject: NOR-Planning Application 19/00294/PPP & 19/00295/PPP

Lissa,

I would like to make further comments regarding the NOR for the above planning application. My original comments still stand. However, just wondering why on the diagram there is a blue line around the whole area. Is this to show the area in question owned by the applicant or the area which will be affected. As the road from the Buckie end is unadopted and has been maintained by the houses. At present there is already a large pothole and another one starting. I fear that more disturbance by lorries and excessive traffic will render the road unuseable and I rely on this road daily for access. Also the road at present from the 1st house to the applicants existing house is a private road maintained by all the neighbours.

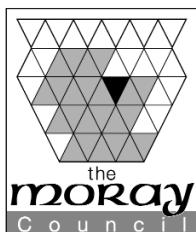
In addition, wondering why the planning application has a different post code from the existing houses. Lastly, the applicants decision was over ridden by Mr Hutchison 2007, however, some if the original parts in the document have still not been adhered to. When the applicant originally put in the application, a whole load of mature trees were removed and never replaced. The area between the 2 plots and the applicants building still has building materials on it instead of being landscaped accordingly. Lastly, 4 properties have their soakaways on the land of Plot 1. To my knowledge, the applicant has never approached the neighbours in question to discuss this. ([REDACTED] said he believed it a private matter).

I would like these comments in addition to the ones previously mentioned, especially regarding volume of traffic and accessibility to the a98 which has changed drastically in the last 10 years.

I am also sending this on behalf of the following neighbours who have given me their permission (or their families) and who also made a comment on the planning application.

Yours

[REDACTED]



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/LRB228

Your reference: LR228

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

22 August 2019

Dear Madam

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

**REQUEST FOR REVIEW: PLANNING APPLICATION 19/00294/PPP ERECT DWELLINGHOUSE ON
PLOT 1 SITE TO REAR OF THE OLD STATION HOUSE BUCKIE**

I refer to your letter dated 7 August 2019.

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

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

Yours faithfully

Diane Anderson
Senior Engineer

Local Review**LRB Ref 228****Planning Application Reference 19/00294/PPP Erect dwellinghouse on Plot 1 Site To Rear Of The Old Station House Buckie****Response from Transportation, Moray Council**

1. This document is in response to the Notice of Review and the Statement of Case submitted by Mr Alfie Morrison and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 19/00294/PPP to erect a dwelling at Plot 2 Site To Rear Of The Old Station House Buckie on a site served by existing substandard accesses onto the A98 Fochabers – Cullen Road (private track serving Rathven Station with two access points approximately 280 metres apart).
3. Transportation received the consultation for planning application 19/00295/PPP on 26th March 2019. A copy of the consultation response dated 5th April 2019 is attached (TMC01).
4. The Moray Local Review Body (MLRB) is advised that previous planning applications for a house on this plot were submitted in 2008 (08/01235/FUL) and 2014 (14/00174/APP). The 2008 application was subject to an objection from Transportation on road safety grounds and ultimately the application was refused by Moray Council. However, the decision was overturned at appeal by the Scottish Government (Appeal Reference P/PPA/300/318), with a decision noticed dated 18th February 2009.
5. In regards to Transportation issues, the Reporter noted in the Appeal Decision Notice that “the A98 at this point carries no special speed limit but visibility is good in each direction”. Transportation does not agree with this assessment and instead considers that visibility is restricted at the accesses onto the A98 and they are not conducive to supporting an intensification of use. The Reporter also noted that allowing the site affords an opportunity to provide a service layby to the frontage of the site. Given this layby would be on a short section of private track, Transportation are of the view that this would only provide a benefit to this application site (i.e. for servicing and deliveries) and would not help to address the wider road safety concerns at this location.
6. The 2008 permission subsequently expired and in 2014 the application was resubmitted under reference 14/00174/APP at which time an objection was provided from Transportation on road safety grounds as before. However, as this application was seen as a renewal of the 2008 permission (granted by Scottish Government) the application was ultimately granted permission by Moray Council despite the continued objection from Transportation.
7. All previous permissions at this site have now lapsed and it has been confirmed by Moray Council Planning that the 2018 application is to be considered as a new application and assessed against current policies and guidance. The 2008 and 2014 decisions are therefore not considered to be material in the assessment of this application. It is important to note that at all times Transportation have sustained an objection to this proposal, and other applications utilising these accesses.

Local Review

LRB Ref 228

Planning Application Reference 19/00294/PPP Erect dwellinghouse on Plot 1 Site To Rear Of The Old Station House Buckie

8. The A98 is part of the strategic road network in Moray, providing an important link along the coast of Moray into North Aberdeenshire. It is a key route for the movement of goods both within Moray and to locations beyond. The eastern of the two accesses serving the site is only 85 metres from the A98/U65L March Road junction, which provided access to the eastern industrial areas of Buckie and is the main route to Buckie Harbour for commercial vehicles.
9. The proposed accesses onto the A98 which would serve the appeal site are narrow and at an acute angle to the public road A98. Turning onto the A98 at either access can be difficult depending on the direction of travel. The accesses currently serve approximately 6 dwellings. The existence of these accesses in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs, but the intensification of that interference which this proposal would engender would be detrimental to road safety
10. Transportation's consideration of the site noted that whilst the accesses onto the A98 are on a straight section of road, the visibility from both accesses is restricted due to a number of factors including vegetation, road infrastructure, parking activity and due to the substandard alignment of the accesses themselves. Photographs showing visibility from the accesses, taken during Transportations site visit on the 29th March 2019 are attached (TMC02).
11. Visibility splays for private accesses onto the public road are required to ensure that there is adequate inter-visibility between vehicles onto the public road and a vehicle at the private access onto the private road.
12. 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 main road and a corresponding "stopping sight distance" or b. in some circumstances may be based on "85th percentile vehicle speeds".
13. The visibility splays that would be required to be provided are 4.5m (x distance) by 215m (y distance) in both directions, to be kept clear of obstruction exceeding 0.26m in height measured from the level of the carriageway. The Supporting Statement submitted as part of the planning application states that the westernmost access would be used to serve this development site however this cannot be enforced. In consideration of the spacing of the two accesses and the likelihood that both would be utilised dependent on the direction of travel, Transportation would require this splay to be provided at both accesses. A drawing was submitted detailing the splay for the Western access however this was insufficient to demonstrate achievability. A drawing detailing the splay for the Eastern access has not been submitted as part of the application nor as further submission to the Local Review Body.
14. The required visibility splays are restricted by vegetation, including a mature beech hedge to the West and trees and hedges between the two access points. Part of this vegetation lies out with the road verge. At the Western access there is also a fence line within the sightline. During the course of the application insufficient evidence was

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presented to demonstrate control over these obstructions. No further evidence of control of the land required for formation of the splays has been submitted to the Local Review Body.

15. Sightlines from both accesses are further obstructed by vehicles when parked in the layby to the Northern side of the A98 located between the two accesses. This lay-by is well utilized and the only layby on the Northern side of the A98 between Fochabers and Cullen. In addition, road infrastructure (signage) obstructs visibility at the Eastern access. Transportation can confirm that a proposal to modify or relocate the road signage would not be supported. These are matters that cannot be resolved by the applicant and as such the required visibility splays cannot realistically be provided.
16. The alignment of the accesses themselves also compounds the visibility and road safety issue due to the way in which drivers have to position themselves to turn onto the public road. To support any intensification of use both access points would need to be realigned to provide formal, perpendicular junctions of the A98. Such modifications may require third party land. This matter has not been addressed either via the application process or via further submission to the Local Review Body.
17. A detailed description of the relevance and consideration of visibility splays is attached (TMC03) which is an extract from The Moray Council document Transportation Guidelines for Small Developments in the Countryside, approved at the Economic Development and Infrastructure Services Committee on 8th March 2016.
18. The proposed development, if permitted, would lead to an intensification of use of two existing accesses with substandard alignment and restricted visibility at a location onto the strategic road network. Furthermore, there is insufficient evidence to indicate the required visibility splays and access improvements could be provided. The proposed development would therefore be detrimental to road safety.
19. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that Moray Local Plan Policy T2 Provision of Access and IMP1 Developer Requirements are not satisfied.

Transportation
22 August 2019

Documents

TMC01	Transportation Consultation Response dated 5th April 2019
TMC02	Site Photographs
TMC03	Extract on Visibility Splays from Transportation Requirements for Small Developments in the Countryside

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	11th April 2019
Planning Authority Reference	19/00294/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Plot 1 Site To Rear Of The Old Station House Buckie Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133050821
Proposal Location Easting	344150
Proposal Location Northing	864544
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=POEWFVBG0CR00
Previous Application	14/00174/APP 08/01235/FUL 06/02310/FUL
Date of Consultation	28th March 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Alfie Morrison
Applicant Organisation Name	
Applicant Address	1 Edwards Avenue Lossiemouth Moray IV31 6FE
Agent Name	Plans Plus
Agent Organisation Name	Plans Plus
Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@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: 19/00294/PPP

Erect dwellinghouse on Plot 1 Site To Rear Of The Old Station House Buckie Moray for Mr Alfie Morrison

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

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

History of Site

This application represents a renewal of an expired planning permission (reference 14/00174/APP). The history on this site dates back to a 2006 application which was refused by Moray Council at that time (06/02310/FUL). A subsequent application came forward in 2008 (08/01235/FUL) which was again refused by Moray Council however was permitted on appeal by the Scottish Government Reporter (P/PPA/300/318). All three previous planning applications have been subject to an objection from Transportation on road safety grounds. An objection is being raised again at this time, particularly in consideration of Moray Local Development Plan 2015 policies.

Preamble

The proposed development would intensify the use of existing accesses on a stretch of the A98 Fochabers-Culllen Road which carries significant traffic movements, usually at speed. The accesses are narrow and at an acute angle to the public road. Turning onto the A98 can be difficult depending on the direction of travel.

The existence of these accesses in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs, but the intensification of that interference which this proposal would engender would be detrimental to road safety.

The submitted layout plan details a visibility splay from the Westernmost access of 4.5m by 215m in both directions. However, the 4.5m (x distance) is not drawn correctly and

does not accurately reflect the position of a vehicle given the acute angle of the access. In addition the splay would be required to be clear of obstruction greater than 0.26m rather than 0.6m as proposed. The supporting letter states that the Westernmost access would be used to serve this development site however sole use of this access cannot be enforced. Given the spacing between the two accesses Transportation consider both would be utilised frequently, influenced by the direction of travel. Therefore, a visibility splay of 4.5m by 215m in both directions, clear of obstructions measuring 0.26m above the level of the carriageway, would also be required to be provided at the Easternmost access point.

Visibility is restricted by vegetation, fence lines, and road infrastructure. At the Westernmost access visibility is restricted to the West by a hedge and a boundary fence – the position of the boundary fence and the ability of the applicant to modify this has not been accurately represented on the submitted Site Layout Drawing. At the Easternmost access visibility is restricted by road infrastructure (signage), even at a reduced x distance of 2.4m.

There is also a parking layby on the A98 to the South of the road serving these plots which further restricts visibility when vehicles are present.

The alignment of the accesses themselves also compounds the visibility and road safety issue due to the way in which drivers have to position themselves to turn onto the public road. To support any intensification of use both access points would need to be realigned to provide formal, perpendicular junctions of the A98. Such modifications may require third party land.

As far as can be determined from the submitted plans, the Applicant does not appear to control sufficient land to provide adequate visibility and improvements at the accesses onto the A98. The proposed development would therefore be detrimental to road safety.

Reason(s) for objection

The proposed development, if permitted, would involve the intensification of use of two existing vehicular accesses onto the A98 Fochabers – Cullen road which suffer from sub-standard road alignment and where visibility is restricted adjacent trees/ hedges/ obstructions and would likely give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.

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

Date 05.04.19

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

display of such information. Where appropriate other “sensitive” information within documents will also be removed prior to publication online.

LRB Ref 228
TMC02 Site Photographs



4.5m visibility splay to west from western access



4.5m visibility splay to east from western access

LRB Ref 228
TMC02 Site Photographs



4.5m visibility splay to west from eastern access



4.5m visibility splay to east from eastern access

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)

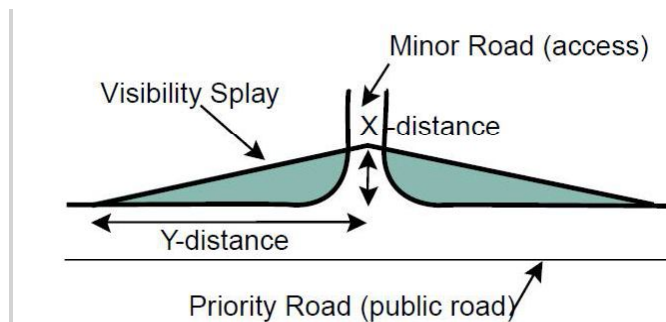


Figure 3: Visibility Splays

- 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

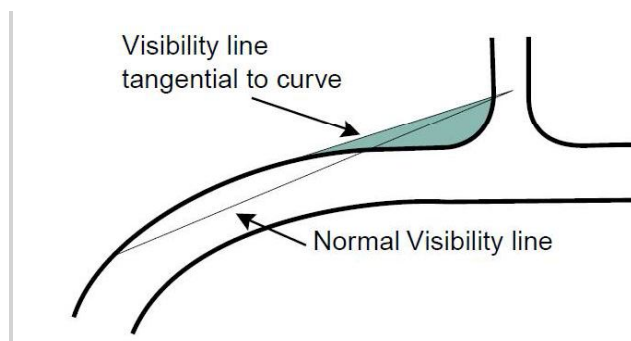


Figure 4: Visibility Splays for Access on Outside of Bend

- 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.

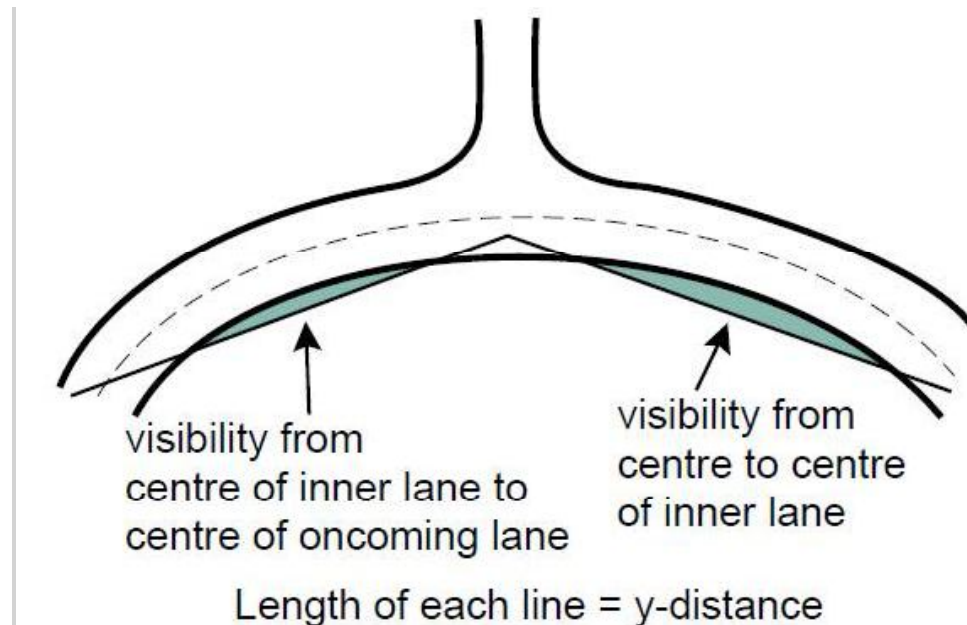


Figure 5: Forward Visibility Requirements

- 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.



APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS

Lissa Rowan

From: ctkplans@aol.com
Sent: 13 September 2019 10:00
To: Lissa Rowan
Subject: Fwd: Notice of Review: Planning Application 19/00294/PPP

Lissa the below message is in response to planning applications 19/00294/PPP and also 19/00295/PPP

Regards

Colin

Colin T Keir
Plans Plus Offices
Main Street, Urquhart
Moray IV30 8LG.
01343 842635
07766 315501
ctkplans@aol.com

-----Original Message-----

From: ctkplans <ctkplans@aol.com>
To: Lissa.Rowan <Lissa.Rowan@moray.gov.uk>
Sent: Fri, 13 Sep 2019 9:48
Subject: Re: Notice of Review: Planning Application 19/00294/PPP

Lissa, Apologies for late response. We have nothing new to add to our submissions only to reiterate that Transportation offer no evidence, as before to confirm that this is an accident area. With regards to the neighbours comment, again there is no evidence to support his claim that he is acting for others.

Please let me know if you need this on official headed paper.

Colin

Colin T Keir
Plans Plus Offices
Main Street, Urquhart
Moray IV30 8LG.
01343 842635
07766 315501
ctkplans@aol.com

-----Original Message-----

From: Lissa Rowan <Lissa.Rowan@moray.gov.uk>
To: 'ctkplans@aol.com' <ctkplans@aol.com>
Sent: Thu, 29 Aug 2019 12:39
Subject: Notice of Review: Planning Application 19/00294/PPP

Good afternoon

Please find attached correspondence in relation to the above Notice of Review.

Kind regards

Lissa

Lissa Rowan | Committee Services Officer | Legal and Democratic Services

lissa.rowan@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [newsdesk](#)

01343 563015





MORAY LOCAL REVIEW BODY

26 SEPTEMBER 2019

SUMMARY OF INFORMATION FOR CASE No LR229

Planning Application 19/00295/PPP – Erect New Dwelling House at Plot 2, Ratven Station, Buckie, AB56 4DW

Ward 3 - Buckie

Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 16 May 2019 on the grounds that:

The proposal is contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies E10, H7, T2 and IMP1) and, as a material consideration, the associated Supplementary Planning Guidance 'Housing in the Countryside' because:

1. As an application for a new dwelling at this location, the proposal would have an adverse impact on the Buckie Countryside Around Town designation and its objectives, and would not help to preserve the special character of the countryside at this location or preserve the distinction with the built up environment.
2. The siting of an additional dwelling at this location adjacent to an existing small rural cluster would lead to a build-up of development which would be detrimental to the character and setting of this small grouping and the character and appearance of surrounding countryside by increasing the number of rural dwellings present at this location.
3. The proposed development, if permitted, would involve the intensification of use of two existing vehicular accesses onto the A98 Fochabers - Cullen road which suffer from sub-standard road alignment and where visibility is restricted adjacent trees/ hedges/ obstructions and would likely give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.

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

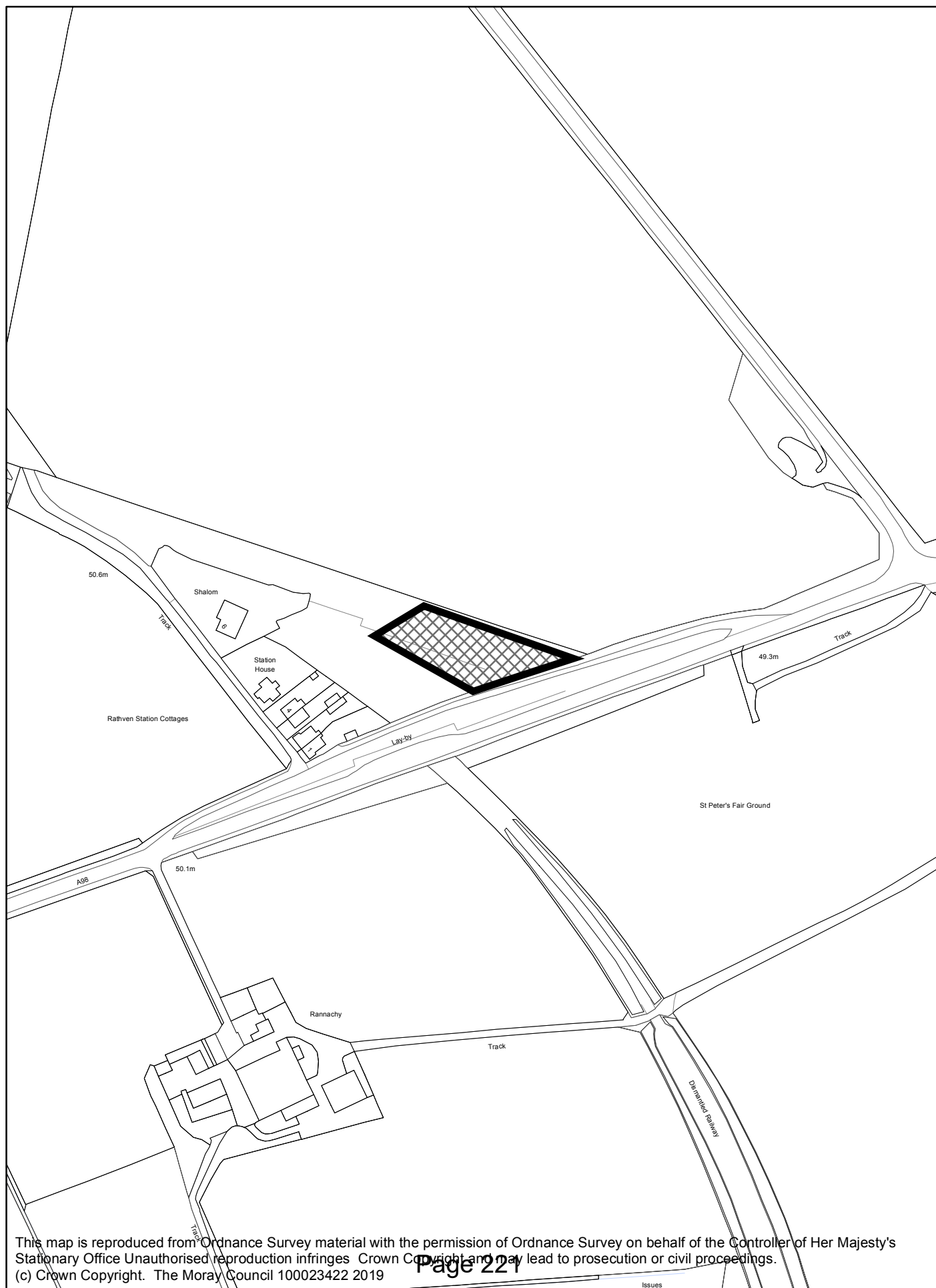
The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

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 : 19/00295/PPP





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

APPLICATION FOR PLANNING PERMISSION

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR.	Ref No.	18 / 75.
Forename	ALFIE	Forename	COLIN
Surname	MORRISON	Surname	KEIR
Company Name		Company Name	PLANS PLUS.
Building No./Name		Building No./Name	MAIN STREET
Address Line 1	1 EDWARDS AVENUE	Address Line 1	OFFICES
Address Line 2	LOSSIEMOUTH	Address Line 2	URQUHART
Town/City	HOLAY	Town/City	ELGIN
Postcode	IV31 6FE	Postcode	IV30 8LG
Telephone		Telephone	01343 842635
Mobile	-	Mobile	07766 315501
Fax	-	Fax	
Email	-	Email	ctkplans@aol.com

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

PLOT 2 RATHVEN STATION.
BUCKIE. AB56 4DW.

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

4. Type of Application

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

Planning Permission	<input type="checkbox"/>
Planning Permission in Principle	<input checked="" type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>

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

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

Reference No: 08/01235/FUL	Date: 14/00174/APP
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**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

5. Description of the Proposal

Please describe the proposal including any change of use:

PPP TO ERECT NEW DWELLING HOUSE.

Is this a temporary permission?

Yes ☐ No ☒

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

Have the works already been started or completed?

Yes ☐ No ☒

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

Date started:

Date completed:

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

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

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

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

Name:

Date:

Ref No.:

7. Site Area

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

Hectares (ha):

Square Metre (sq.m.)

1075

8. Existing Use

Please describe the current or most recent use:

GROUND WHICH HAS HAD 2 PREVIOUS CONSENTS
GRANTED FOR A HOUSE.

9. Access and Parking

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

Yes ☐ No ☒ NO

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

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

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

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

0

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

3

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

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☒ No ☐

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

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

☐
☒
☐

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

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

☒
☐
☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)
Other private drainage arrangement (such as a chemical toilets or composting toilets)

☐
☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes ☒ No ☐

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

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

Yes ☒ No ☐

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

11. Assessment of Flood Risk

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

Yes ☐ No ☒

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

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

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

12. Trees

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

Yes ☒ No ☐

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

13. Waste Storage and Collection

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

Yes ☒ No ☐

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

14. Residential Units Including Conversion

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

Yes ☒ No ☐

If yes how many units do you propose in total?

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

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

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☒

If yes, please provide details below:

Use type:

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

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

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

Yes ☐ No ☒ Don't Know ☐

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

17. Planning Service Employee/Elected Member Interest

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

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

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

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

☒

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

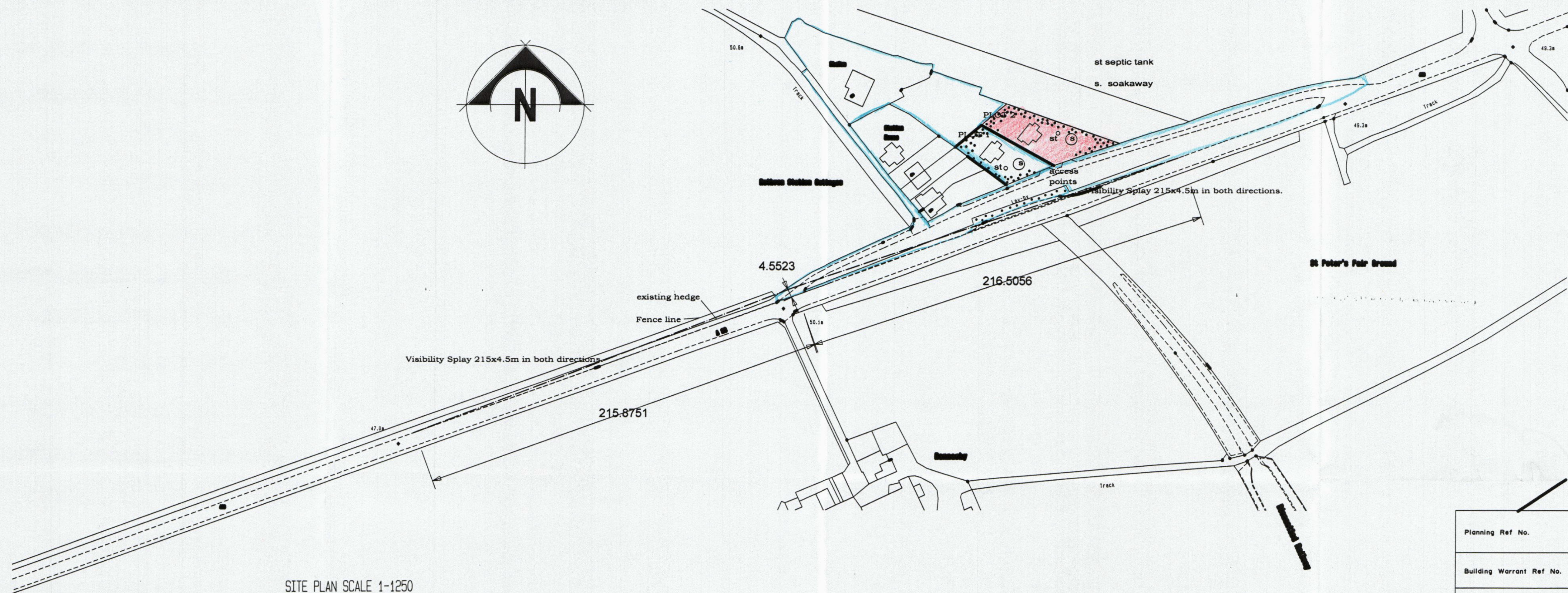
Yes ☐ No ☐ N/A ☒

Signature:

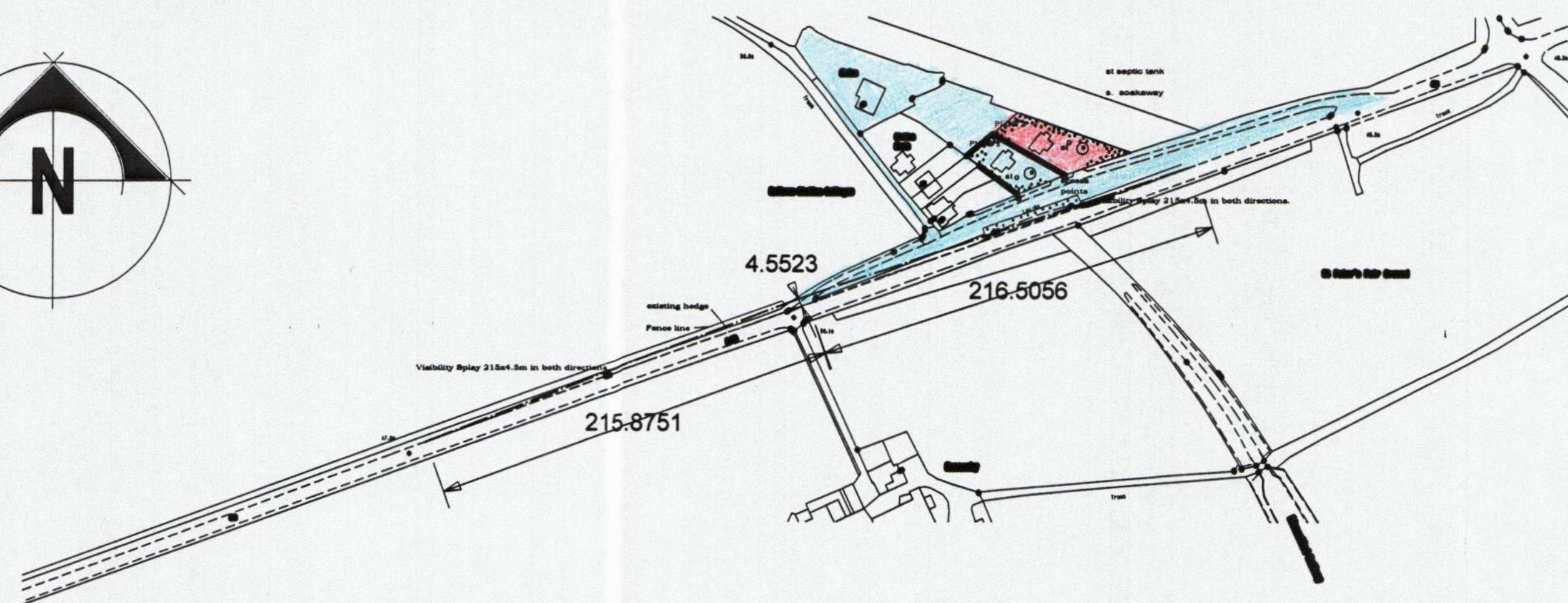
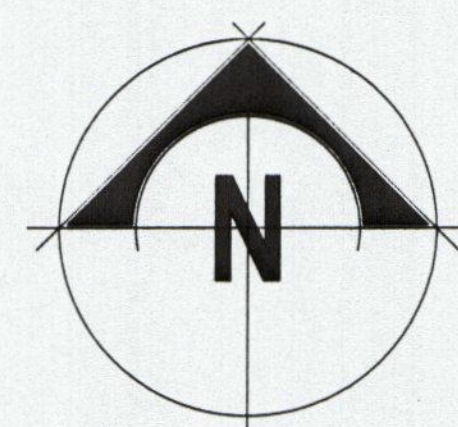
Name:

Date:

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



SITE PLAN SCALE 1-1250



LOCATION PLAN SCALE 1-2500

Mapping contents (c) Crown copyright and database rights 2010 Ordnance Survey 100030207

Planning Ref No.		
Building Warrant Ref No.		
Structural Engineer Ref No.		
Revisions and Distributions.		
Date	Revision.	Amended by.
Crown copyright all rights reserved License No. 100041145.		
No works to commence on site until all relevant Local Authority consents have been obtained. No responsibility taken for work commenced before all Local Authority consents have been issued.		
Contractors will have deemed to have visited the site to familiarise themselves with all aspects of the project prior to submitting any quotation for the building operations.		
Any deviation to the approved plans to be reported to this office. Contractors to check all dimensions on site prior to commencement of any building operations.		
Given dimensions only to be used. DO NOT SCALE DRAWINGS.		
Any roof truss or timbers tying into an existing roof to be checked on site by the contractor to ensure heights and ridges meet correctly.		
PLANS PLUS (URQUHART) ARCHITECTURAL DESIGN CONSULTANTS Main Street Offices, Urquhart, By Elgin IV30 8LG. Tel No 01343 842635 / 07766 315501 ctkplans aol.com		
Project PROPOSED 2 HOUSES AT PLOTS AT RATHVEN STATION, BUCKIE, MORAY.		Project No. 18-75-D-1
Client MR A MORRISON	Drawn By Colin T Keir	Scale 1-1250 and 1-2500

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	9th April 2019
Planning Authority Reference	19/00295/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Plot 2 Site To Rear Of The Old Station House Buckie Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133050821
Proposal Location Easting	344150
Proposal Location Northing	864544
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=POEWOYBG0CR00
Previous Application	19/00294/PPP 14/00174/APP 08/01235/FUL
Date of Consultation	26th March 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Alfie Morrison
Applicant Organisation Name	
Applicant Address	1 Edwards Avenue Lossiemouth Moray IV31 6FE
Agent Name	Plans Plus
Agent Organisation Name	Plans Plus
Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@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: Aberdeenshire Council Archaeology Service

Planning Application Ref. No: 19/00295/PPP

Erect dwellinghouse on Plot 2 Site To Rear Of The Old Station House Buckie Moray for Mr Alfie Morrison

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

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

Reason(s) for objection

None

Condition(s)

None

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Claire Herbert
email address:
archaeology@aberdeenshire.gov.uk
Consultee: Archaeology Service

Date...04/04/2019.....
Phone No ...01467 537717

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

Please note that information about the application including consultation responses and

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

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	9th April 2019
Planning Authority Reference	19/00295/PPP
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Additional Comment	
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Previous Application	19/00294/PPP 14/00174/APP 08/01235/FUL
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Applicant Organisation Name	
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Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
Agent Phone Number	
Agent Email Address	N/A
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Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Contaminated Land

Planning Application Ref. No: 19/00295/PPP

Erect dwellinghouse on Plot 2 Site To Rear Of The Old Station House Buckie Moray for Mr Alfie Morrison

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

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

Condition(s) (Informative)

This development site is former railway land. A contamination assessment report in 2009 recommended that gas protection measures are required in residential properties on this site. Safe development is the responsibility of the developer. The Council recommends that you seek appropriate technical advice from an appropriately qualified engineer or ground gas risk practitioner to ensure that a suitable level of gas protection is incorporated into the construction design for the proposed dwelling house. For further information, you can contact the Environmental Health Section on 0300 1234561 or by email at contaminated.land@moray.gov.uk.

Contact: Adrian Muscutt
email address:
Consultee:

Date: 03/04/2019
Phone No

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

From: DeveloperObligations
Sent: Wed, 27 Mar 2019 12:25:12 +0000
To: Shona Strachan
Cc: DC-General Enquiries
Subject: 19/00295/PPP Erect dwellinghouse on Plot 2, Site to Rear of the Old Station House, Buckie

Hi

This proposal is part of a previously approved larger development (08/01235/FUL) and this application will result in a net increase of less than 1 SRUE. Therefore, no developer obligations will be sought in this instance.

Regards
Hilda

Hilda Puskas | Developer Obligations Officer (Development Planning & Facilitation) |
Development Services
hilda.puskas@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) |
[newsdesk](#)
01343 563265



Consultee Comments for Planning Application 19/00295/PPP

Application Summary

Application Number: 19/00295/PPP

Address: Plot 2 Site To Rear Of The Old Station House Buckie Moray

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

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

No objections

Allan Park, EHO

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Access Manager

Planning Application Ref. No: 19/00295/PPP

Erect dwellinghouse on Plot 2 Site To Rear Of The Old Station House Buckie Moray for Mr Alfie Morrison

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

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

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Ian M Douglas

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

Consultee: Moray Access Manager

Date 26/03/19.....

.....

Phone

7049.....

No

27th March 2019

Moray Council
Council Office High Street
Elgin
IV30 9BX



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 Local Planner

AB56 Buckie Old Station House Plot 2 Site To Rear
PLANNING APPLICATION NUMBER: 19/00295/PPP
OUR REFERENCE: 775037
PROPOSAL: Erect dwellinghouse

Please quote our reference in all future correspondence

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

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

Water

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

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.

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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, 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 all of our application forms on our website at the following link**
<https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water 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 up 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 or not the discharge from your premises is likely to be considered 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 using the following link <https://www.scottishwater.co.uk/business/our->

[services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h](#)

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

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Yours sincerely

Angela Allison

Angela.Allison@scottishwater.co.uk

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	9th April 2019
Planning Authority Reference	19/00295/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Plot 2 Site To Rear Of The Old Station House Buckie Moray
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Proposal Location Easting	344150
Proposal Location Northing	864544
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=POEWOYBG0CR00
Previous Application	19/00294/PPP 14/00174/APP 08/01235/FUL
Date of Consultation	26th March 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Alfie Morrison
Applicant Organisation Name	
Applicant Address	1 Edwards Avenue Lossiemouth Moray IV31 6FE
Agent Name	Plans Plus
Agent Organisation Name	Plans Plus
Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 19/00295/PPP

Erect dwellinghouse on Plot 2 Site To Rear Of The Old Station House Buckie Moray for Mr Alfie Morrison

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

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

History of Site

This application represents a renewal of an expired planning permission (reference 14/00174/APP). The history on this site dates back to a 2006 application which was refused by Moray Council at that time (06/02310/FUL). A subsequent application came forward in 2008 (08/01235/FUL) which was again refused by Moray Council however was permitted on appeal by the Scottish Government Reporter (P/PPA/300/318). All three previous planning applications have been subject to an objection from Transportation on road safety grounds. An objection is being raised again at this time, particularly in consideration of Moray Local Development Plan 2015 policies.

Preamble

The proposed development would intensify the use of existing accesses on a stretch of the A98 Fochabers-Culllen Road which carries significant traffic movements, usually at speed. The accesses are narrow and at an acute angle to the public road. Turning onto the A98 can be difficult depending on the direction of travel.

The existence of these accesses in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs, but the intensification of that interference which this proposal would engender would be detrimental to road safety.

The submitted layout plan details a visibility splay from the Westernmost access of 4.5m by 215m in both directions. However, the 4.5m (x distance) is not drawn correctly and

does not accurately reflect the position of a vehicle given the acute angle of the access. In addition the splay would be required to be clear of obstruction greater than 0.26m rather than 0.6m as proposed. The supporting letter states that the Westernmost access would be used to serve this development site however sole use of this access cannot be enforced. Given the spacing between the two accesses Transportation consider both would be utilised frequently, influenced by the direction of travel. Therefore, a visibility splay of 4.5m by 215m in both directions, clear of obstructions measuring 0.26m above the level of the carriageway, would also be required to be provided at the Easternmost access point.

Visibility is restricted by vegetation, fence lines, and road infrastructure. At the Westernmost access visibility is restricted to the West by a hedge and a boundary fence – the position of the boundary fence and the ability of the applicant to modify this has not been accurately represented on the submitted Site Layout Drawing. At the Easternmost access visibility is restricted by road infrastructure (signage), even at a reduced x distance of 2.4m.

There is also a parking layby on the A98 to the South of the road serving these plots which further restricts visibility when vehicles are present.

The alignment of the accesses themselves also compounds the visibility and road safety issue due to the way in which drivers have to position themselves to turn onto the public road. To support any intensification of use both access points would need to be realigned to provide formal, perpendicular junctions of the A98. Such modifications may require third party land.

As far as can be determined from the submitted plans, the Applicant does not appear to control sufficient land to provide adequate visibility and improvements at the accesses onto the A98. The proposed development would therefore be detrimental to road safety.

Reason(s) for objection

The proposed development, if permitted, would involve the intensification of use of two existing vehicular accesses onto the A98 Fochabers – Cullen road which suffer from sub-standard road alignment and where visibility is restricted adjacent trees/ hedges/ obstructions and would likely give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.

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

Date 05.04.19

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

also be removed prior to publication online.

Comments for Planning Application 19/00295/PPP

Application Summary

Application Number: 19/00295/PPP

Address: Plot 2 Site To Rear Of The Old Station House Buckie Moray

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Road access
- Road safety
- Traffic

Comment: I utilise the access road on a daily basis for work .

As long as the conditions are met from the Appeal decision notice letter dated 2009, in particular with reference to item 2- 'Before work commences..... ,2a- A 3m x 10m layby onsite be constructed to allow other vehicular access and all the other conditions are met.

In addition, I agree with the Transport Manager comments dated 5 April 2019 on accessing the A98, on the speed at which traffic moves at that point on the road and on the volume of traffic.

Comments for Planning Application 19/00295/PPP

Application Summary

Application Number: 19/00295/PPP

Address: Plot 2 Site To Rear Of The Old Station House Buckie Moray

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Road access
- Road safety
- Traffic

Comment: As an elderly resident, I rely on the support and assistance from friends to take me out and bring me home, delivery vans and if needed healthcare workers. The friends always come in/leave from the Cullen side of the A98 as they find the access route easier and safer.

As long as the conditions are met from the Appeal decision notice letter dated 2009, in particular with reference to item 2- 'Before work commences..... ,2a- A 3m x 10m layby onsite be constructed to allow other vehicular access and all the other conditions are met.

In addition, I agree with the Transport Manager comments dated 5 April 2019 on accessing the A98, on the speed at which traffic moves at that point on the road and on the volume of traffic.

[REDACTED]

Comments for Planning Application 19/00295/PPP

Application Summary

Application Number: 19/00295/PPP

Address: Plot 2 Site To Rear Of The Old Station House Buckie Moray

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Road access
- Road safety
- Traffic

Comment: As long as the conditions are met from the Appeal decision notice letter dated 2009, in particular with reference to item 2- 'Before work commences.....', 2a- A 3m x 10m layby onsite be constructed to allow other vehicular access and all the other conditions.

In addition, I agree with the Transport Manager comments dated 5 April 2019 on accessing the A98, on the speed at which traffic moves at that point on the road and on the volume of traffic.

Comments for Planning Application 19/00295/PPP

Application Summary

Application Number: 19/00295/PPP

Address: Plot 2 Site To Rear Of The Old Station House Buckie Moray

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Road access
- Road safety
- Traffic

Comment: This comment is on behalf of the family of Mrs Mary Robinson (deceased).

As an elderly resident, I rely on the support and assistance from friends to take me out and bring me home, delivery vans and if needed healthcare workers. The friends always come in/ leave from the Cullen side of the A98 as they find the access route easier and safer.

As long as the conditions are met from the Appeal decision notice letter dated 2009, in particular with reference to item 2- 'Before work commences..... ,2a- A 3m x 10m layby onsite be constructed to allow other vehicular access and all the other conditions are met.

In addition, I agree with the Transport Manager comments dated 5 April 2019 on accessing the A98, on the speed at which traffic moves at that point on the road and on the volume of traffic.

[REDACTED]

[REDACTED]

REPORT OF HANDLING

Ref No:	19/00295/PPP	Officer:	Shona Strachan
Proposal Description/ Address	Erect dwellinghouse on Plot 2 Site To Rear Of The Old Station House Buckie Moray		
Date:	16/05/19	Typist Initials:	FJA

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

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Planning And Development Obligations	27/03/19	Response confirms that no Developer Obligation will be sought in this instance.
Aberdeenshire Council Archaeology Service	04/04/19	No objection
Environmental Protection Manager		No response at time of report
Environmental Health Manager	28/03/19	No objection
Contaminated Land	04/04/19	No objection with informative highlighting the requirement for gas protection measures.
Transportation Manager	05/04/19	Object to the proposal as the proposal would likely give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.
Scottish Water	27/03/19	No objection with advisory information which confirms there is no Scottish Water infrastructure in the vicinity of the site.
Moray Access Manager	26/03/19	No objection

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
Moray Local Development Plan 2015	N	
PP1: Sustainable Economic Growth	N	

PP3: Placemaking	N	
H7: New Housing in the Open Countryside	Y	The application is contrary to the provisions of this policy and this forms the basis of one of the reasons of refusal for this application.
E9: Settlement Boundaries	N	
EP5: Sustainable Urban Drainage Systems	N	
E10: Countryside Around Towns	Y	The application is contrary to the provisions of this policy and this forms the basis of one of the reasons of refusal for this application.
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
T2: Provision of Access	Y	The application is contrary to the provisions of this policy and this forms the basis of one of the reasons of refusal for this application.
T5: Parking Standards	N	
IMP1: Developer Requirements	Y	The application is contrary to the provisions of this policy and this forms the basis of one of the reasons of refusal for this application.
IMP3: Developer Obligations	N	
2020 Proposed Local Development Plan		
PP1 Placemaking		
PP2 Sustainable Economic Growth		
PP3 Infrastructure & Services		
EP4 Countryside Around Towns		
DP4 Rural Housing		
EP12 Management and Enhancement of the		
EP13 Foul Drainage		
EP14 Pollution, Contamination & Hazards.		

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received FOUR		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: The neighbours at the adjacent Rathven Station Cottages have their soakaways somewhere on the land which was originally part of the old Rathven Station and is now Plot 1. The soakaways have always been positioned on that land. As per the appeal Decision notice dated 2009, the applicants solicitor suggested that the soakaway be discussed as a private matter between the applicant and myself. The contributors advise that this discussion has never taken place.</p>		

Comments (PO): It is confirmed that the location of the soakaways within the plot and any access required for their servicing etc would be a private legal matter between the applicant and the relevant neighbours. Building Standards would for the new plot (if approved) consider the proximity of existing soakaways to any new soakaways proposed.

Issue: If planning permission is granted for this development then I believe that in the future the applicant may put planning permission for a further 2 houses as per the original planning application of 2006 which will impinge on my soakaway and view.

Comments (PO): This is a speculative comment and it is further noted that each application is judged on its own individual merits against the requirements of the Local Development Plan as would be the case with any future application.

Issue:

Issue: Access: the existing access is already used to serve the existing cluster of 6 houses including use by healthcare workers, visiting friends and family and delivery drivers (including oil tankers) many of whom rely on the access track for through access. There is concern that the additional use of the access could lead to it being blocked.

Comments (PO): It is purely speculative to suggest that any additional use of the access would lead to it being blocked, particularly as there would be a requirement for any sites to have sufficient onsite parking and turning space. Other transportation issues have been identified.

Issue: Concern about increase use of the access as it is commented that the 6 existing house rely on the access for commuting and general daily use. The additional traffic associated with this application would lead to increased use and inconvenience.

Comment (PO): Following assessment of the access considerations of the proposal, the application is the subject of an objection from the Transportation Service as the proposal would likely give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements. Along with the unacceptable siting of the proposal, the objection from Transportation Service will form part of the reason for refusal of the application.

Issue: Increase traffic: The contributors agree with the comment from the Transportation Manager dated 5 April 2019 on accessing the A98 and the speed at which traffic moves on the road and the increased volume of traffic making it quite dangerous for all the residents to emerge onto the road.

Comments (PO): Following assessment of the access considerations of the proposal, the application is the subject of an objection from the Transportation Service as the proposal would likely give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements. Along with the unacceptable siting of the proposal, the objection from Transportation Service will form part of the reason for refusal of the application.

Issue: All the conditions from the Appeal Decision (dated 2009) should be met if any development is to be permitted at this location including the access upgrade requirements.

Comments (PO): The Appeal Decision from 2009 is a lapsed permission on this site and the application has to be considered afresh under the requirements of the Moray Local Development Plan 2015. Following assessment, this application is the subject of an objection from the Transportation Service as the proposal would likely give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements. Along with the unacceptable siting of the proposal, the objection from Transportation Service will form part of the reason for refusal of the application.

Following the issue of Decision the applicant will be able to seek a Review of the case to the Local Review Body (LRB). If the applicant pursues this opportunity, the LRB will assess all the material considerations in the case and consider the proposal afresh, it is not possible to speculate on the outcome of this Review.

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise.

On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Plan was approved as the "settled view" of the Council and minimal weight will be given to the Proposed Plan, with the 2015 MLDP being the primary consideration.

Proposal

Planning permission in principle is sought for the erection of a dwellinghouse on Plot 2 site to rear of The Old Station House, Buckie.

The site plan shows an indicative site layout including the individual plot accesses taken from the unclassified access track to the south of the site, an indicative house footprint and position as well as indicative siting of the septic tank and soakaway. As advised in the application form, the dwelling would seek a connection to public mains water.

This site and the neighbouring site Plot 1 formed one application site under application reference 08/01235/FUL. This application was refused on siting, access and land contamination issues. The siting issues related to the site's location within the Countryside Around Town designation and because the development would be detrimental to the existing traditional settlement pattern at this location having a detrimental impact on the character of the existing rural cluster of houses at this location. The access issues were related to the intensification of use at this access which was considered to be detrimental to road safety and the contaminated land issues related to the lack of detailed assessment to ascertain if the site was suitable of residential use given its history of being land associated with the former railway.

Application 08/01235/FUL was the subject of an Appeal to The Planning and Environmental Appeals Division (DPEA) of the Scottish Government with the appeal upheld on 18 February 2009 and grant planning permission subject to conditions. Central to the Reporters' Decision was the opinion that the site was brownfield land adjacent to a well-defined housing group and could be accommodated with modest access upgrading.

Application 14/00174/APP sought a renewal of the permission granted by the appeal decision and at the time of submission the Appeal Decision was an extant consent on the site and was therefore a significant material consideration in the determination of application 14/00174/APP and the application was therefore approved and issued by Decision on 2 April 2017.

This means therefore at the time of the submission of this current planning application, the permission granted under application 14/00174/APP is a lapsed consent on the site.

Plot 1 is located to the west of this site and is the subject of a separate planning application under application reference 19/00294/PPP which is under separate consideration.

This means the application has to be considered afresh against the requirements of the Moray Local Development Plan 2015.

Site Characteristics

Extending to 1075 sq m the site is open grass land with a dispersed covering of natural seeded trees and scrub vegetation. The ground is understood to have once formed part of what would have been the old railway station at Rathven. The site is located on the north side of the A98, Plot 1 is located to the west of this site and is the subject of a separate planning application under application

reference 19/00294/PPP which is under separate consideration. Rathven Station Cottages lie to the west of Plot 1.

This site and the neighbouring site 19/00294/PPP (Plot 1) form part of the Buckie Countryside Around Town Designation.

Planning History

There is a long planning history associated with this site, with permission granted for two houses under the terms of the Scottish Government Appeal Decision on application reference 08/01235/FUL (18 February 2009) and planning permission effectively renewed under the terms of application 14/00174/APP (expiring on 2 April 2017).

However, it is noted here that all previous permissions on this site have lapsed and as noted previously this means that the application must be considered afresh against the requirements of the Moray Local Development Plan 2015.

Policy Assessment

Siting and Impact on the Rural Character of the Surrounding Area (E10, H7 IMP1 plus associated Supplementary Planning Guidance: Housing in the Countryside).

Policy E10 Countryside Around Towns (CAT): advises that development proposals within the Countryside Around Towns areas will be refused unless they meet an number of qualifying exemptions including: a) the rehabilitation, conversion, limited extension, replacement or change of use of existing buildings; b) are necessary for the purposes of agriculture, forestry, low intensity recreational or tourism use; c) are designated "LONG" term housing allocation, released for development under the terms of Policy H2. With the key policy objective being to preserve the special character of the countryside around the town, maintaining and preserving its distinction from the built up area.

Policy H7 New Housing in the Open Countryside: contains the location/siting and design criteria for assessing the acceptability of applications for new houses in the open countryside. In terms of location/siting, this policy requires proposals to reflect the existing traditional pattern of settlement in the locality, be sensitively integrated and not obtrusive in the landscape, not detract from the character or setting of existing development, and not to contribute to a build-up of development that detracts from the rural character of the area.

Policy IMP1 Developer Requirements: seeks compatibility in terms of scale, density and character, requiring new development to integrate into the surrounding landscape and be sensitively sited, designed and serviced appropriate to the amenity and character of the area.

In this instance, the proposed site is located in Buckie Countryside Around Town (CAT) and as an application for a new build rural dwellinghouse does not meet any of the qualifying exemptions associated with this Policy and is therefore contrary to its provisions. As an application for a new dwelling at this location, the proposal would have an adverse impact on the Buckie CAT and its objectives, and would not help to preserve the special character of the countryside at this location or preserve the distinction with the built up environment.

It is also considered that the siting of an additional dwelling at this location adjacent to this existing small rural cluster would lead to a build-up of development which would be detrimental to the character and setting of this existing small grouping and the surrounding countryside increasing the number of rural dwellings present at this location.

As an application for planning permission in principle no detailed design information or landscaping details have been provided. However, given the in principle nature of this planning permission these elements could be ensured by condition. However, this does not alter the fundamental siting issues associated with this planning application.

Water and Drainage (EP5 and EP10)

A connection to the public water supply is proposed; Scottish Water has advised that there is no Scottish Water infrastructure in the vicinity of the site and it is noted here at any additional infrastructure needed would be the subject of separate liaison between the applicant and Scottish Water directly.

The indicative site layout shows indicative siting of the septic tank and soakaway. Ultimately detailed provision for surface and foul waters are detailed matters of consideration which would be further considered as part of any future detailed planning application but generally and in principle (and subject to condition) the proposal would be likely to be able to secure acceptable drainage provision.

Access and Parking (T2 and T5)

In considering the planning application the Transportation Service has provided a detailed consultation response to the proposal highlighting the following key points:

The proposed development would intensify the use of existing accesses on a stretch of the A98 Fochabers-Cullen Road which carries significant traffic movements, usually at speed. The accesses are narrow and at an acute angle to the public road. Turning onto the A98 can be difficult depending on the direction of travel.

The existence of these accesses in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs, but the intensification of that interference which this proposal would engender would be detrimental to road safety.

It is further highlighted in the response that the submitted layout plan details a visibility splay from the Westernmost access of 4.5m by 215m in both directions. However, the 4.5m (x distance) is not drawn correctly and does not accurately reflect the position of a vehicle given the acute angle of the access. In addition the splay would be required to be clear of obstruction greater than 0.26m rather than 0.6m as proposed. The supporting letter states that the Western most access would be used to serve this development site however sole use of this access cannot be enforced. Given the spacing between the two accesses Transportation consider both would be utilised frequently, influenced by the direction of travel. Therefore, a visibility splay of 4.5m by 215m in both directions, clear of obstructions measuring 0.26m above the level of the carriageway, would also be required to be provided at the Eastern most access point.

Visibility is restricted by vegetation, fence lines, and road infrastructure. At the Westernmost access visibility is restricted to the West by a hedge and a boundary fence - the position of the boundary fence and the ability of the applicant to modify this has not been accurately represented on the submitted Site Layout Drawing. At the Easternmost access visibility is restricted by road infrastructure (signage), even at a reduced x distance of 2.4m. There is also a parking layby on the A98 to the South of the road serving these plots which further restricts visibility when vehicles are present.

The alignment of the accesses themselves also compounds the visibility and road safety issue due to the way in which drivers have to position themselves to turn onto the public road. To support any intensification of use both access points would need to be realigned to provide formal, perpendicular junctions of the A98. Such modifications may require third party land.

As far as can be determined from the submitted plans, the Applicant does not appear to control sufficient land to provide adequate visibility and improvements at the accesses onto the A98. The proposed development would therefore be detrimental to road safety.

In concluding all of the foregoing matters the Transportation Manager has concluded that: The proposed development, if permitted, would involve the intensification of use of two existing vehicular accesses onto the A98 Fochabers - Cullen road which suffer from sub-standard road alignment and

where visibility is restricted adjacent trees/ hedges/ obstructions and would likely give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.

This objection from Transportation on road safety grounds will form part of the reason for refusal of the application.

Developer Obligations (IMP3)

An assessment has been carried out in relation to Policy IMP3 Developer Obligations of the Moray Local Development Plan 2015. The assessment identifies that no Developer Obligation will be sought in this instance.

Conclusion

The application is considered to result in an unacceptable form of development in siting and access terms and does not comply with the provisions of the Local Development Plan (and associated Supplementary Guidance). The application is therefore to be refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
19/00294/PPP	Erect dwellinghouse on Plot 1 Site To Rear Of The Old Station House Buckie Moray			
	Decision	Refuse	Date Of Decision	16/05/19
14/00174/APP	Extend planning consent 08/01235/FUL to erect 2 houses and garages Rathven Station House Buckie Moray			
	Decision	Permitted	Date Of Decision	02/04/14
08/01235/FUL	Erect 2 houses and garages at The Old Rathven Station Buckie Moray			
	Decision	Refuse	Date Of Decision	12/09/08
06/02310/FUL	Erect four houses and garages on Site At The Old Rathven Station Buckie Moray			
	Decision	Refuse	Date Of Decision	14/08/07

ADVERT

Advert Fee paid?	No		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Advertiser	Departure from development planNo Premises	22/04/19	
PINS	Departure from development planNo Premises	22/04/19	

DEVELOPER CONTRIBUTIONS (PGU)

Status	NONE SOUGHT
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DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Appeal Decision Notice P/PPA/300/318 as issued by decision on 18 February 2009.	
Main Issues:	Outlines the Scottish Governments' Reporters' Decision to uphold the appeal and grant planning permission subject to conditions. Central to the Reporters' Decision was the opinion that the site (made up of plots 1 and 2) was brownfield land adjacent to a well-defined housing group and could be accommodated with modest access upgrading.	
Document Name:	Letter in Support of the Application with key comments in support centred on the Appeal Decision on application 08/01235/FUL and the further renewal of the application under reference 14/00174/APP. Further comments advise that the applicant had not realised that the permission granted under 14/00174/APP was for three years. Thereafter further comments are provided on the plot itself and the visibility requirements.	
Main Issues:		

S.75 AGREEMENT

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

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

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



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

REFUSAL OF PLANNING PERMISSION

**[Buckie]
Planning Permission in Principle**

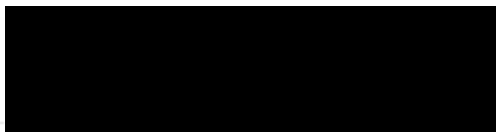
TO Mr Alfie Morrison
c/o Plans Plus
Main Street
URQUHART
By Elgin
Moray
IV30 8LG

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

Erect dwellinghouse on Plot 2 Site To Rear Of The Old Station House Buckie Moray

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

Date of Notice: **16 May 2019**



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal is contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies E10, H7, T2 and IMP1) and, as a material consideration, the associated Supplementary Planning Guidance 'Housing in the Countryside' because:

1. As an application for a new dwelling at this location, the proposal would have an adverse impact on the Buckie Countryside Around Town designation and its objectives, and would not help to preserve the special character of the countryside at this location or preserve the distinction with the built up environment.
2. The siting of an additional dwelling at this location adjacent to an existing small rural cluster would lead to a build-up of development which would be detrimental to the character and setting of this small grouping and the character and appearance of surrounding countryside by increasing the number of rural dwellings present at this location.
3. The proposed development, if permitted, would involve the intensification of use of two existing vehicular accesses onto the A98 Fochabers - Cullen road which suffer from sub-standard road alignment and where visibility is restricted adjacent trees/ hedges/ obstructions and would likely give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
18-75 D-1		Location and site plan

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

N/A

DETAILS OF MATTERS SPECIFIED IN CONDITIONS

Approval, consent or agreement has been GRANTED for the following matter(s):-

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



design consultants

Phone: 01343 842635
Fax: 01343 842785
Mobile: 07766 315501
Email: ctkplans@aol.com
Web: <http://members.aol.com/ctkplans>

Main Street, Urquhart, Elgin, Moray, IV30 8LG

FTAO Lissa Rowan
Committee Services Officer
Legal and Democratic Services
The Moray Council
High Street
Elgin
Moray

02 AUG 2019

Our Ref. CTK/CK/18-75

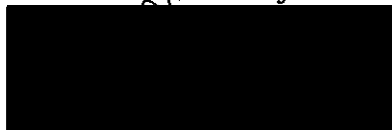
Date 30 July, 2019

Dear Sirs,

**REVIEW:- PPP TO ERECT NEW DWELLING HOUSE AT PLOT 2 RATHVEN
STATION, BUCKIE AB56 4DW.**

Please find enclosed a copy of the review documents for the above project which we trust you find in order. If you have any queries on any of the above or the enclosed, please do not hesitate to contact the writer. We look forward to hearing from you in due course.

Yours faithfully



COLIN T KEIR

enc.



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	MR	Ref No.	18/75
Forename	ALFIE	Forename	COLIN
Surname	MORRISON	Surname	KEIR
Company Name		Company Name	PLANS PLUS
Building No./Name	1	Building No./Name	MAIN STREET
Address Line 1	EDWARDS AVENUE	Address Line 1	OFFICES
Address Line 2	LOSSIEMOUTH	Address Line 2	URGENTHART
Town/City	MORAY	Town/City	BY ELGIN
Postcode	IV31 6FE	Postcode	IV30 8LG
Telephone	[REDACTED]	Telephone	01343 842635
Mobile	-	Mobile	07766 315501
Fax	-	Fax	-
Email	-	Email	cckplans@aol.com
3. Application Details			
Planning authority		MORAY COUNCIL	
Planning authority's application reference number		19/00295 / PPP	
Site address			
PLOT 2 RATVEN STATION, BUCKIE AB56 4DW.			
Description of proposed development			
P.P.P. TO ERECT NEW DWELLING HOUSE			

Date of application

21/3/19

Date of decision (if any)

16/5/19

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:

NO

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.

SEE SEPARATE SHEET

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.

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

COPY OF PLANS,
DECISION NOTICE
COPY OF SCOTTISH OFFICE REJECTS
FINDINGS ON ORIGINAL APPLICATION
AND APPROVED CONSENT.

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:

COUNTESS

Date:

31/7/19.

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



design consultants

Phone: 01343 842635
Fax: 01343 842785
Mobile: 07766 315501
Email: ctkplans@aol.com
Web: <http://members.aol.com/ctkplans>

Main Street, Urquhart, Elgin, Moray, IV30 8LG

MORAY COUNCIL REVIEW.

PLOT 2 RATHVEN STATION, BUCKIE.

PLOT 2

REVIEW SUPPORTING STATEMENT.

This was a re-application due to the fact that the client inadvertently allowed the consent to lapse. The consent had remained valid for 8 years before being allowed to lapse after 2nd April 2017. The reasons given by Moray Council are identical to those used as a reason for refusal back in 2008 when the original applications were made. At that time the Scottish Office Reporter disagreed with the council's decision and granted planning permission in principal.

Reasons for refusal No 1.

Moray Council state that the Buckie Countryside around towns designation would be impacted by allowing this house. We refer you to Paragraph No 2 and 3 of Phillip G Huthinson's conclusions where he contradicts this point and indeed goes on to identify this specific area as a **brownfield site**. In view of the fact that nothing has changed this specific area remains a brownfield site and is therefore not considered as a CAT area.

Reasons for refusal No 2.

Moray Council state that another dwelling house adjacent to the small cluster of housing would lead to a build up of development which would be detrimental to the character of the area. We again refer you to the report by Philip G Huthinson paragraph 4 where he states that the impact of a house on the CAT area would be "**negligible**". There is sufficient natural vegetation surrounding the development to allow the proposed house to blend in unobtrusively.



Moray Council state that the visibility is restricted by adjacent trees and hedges. These can all be trimmed back and maintained. We refer you to Philip G Hutchinson's report and to paragraph 5 where he again contradicts Moray Council and states that the proposed increase in traffic does not justify refusal of the application.

Conclusion.

Moray Council have been consistent by referring to the same reasons for refusal as they relied on back in 2008. However, their reasons for refusal were overturned and the Scottish Office Reporter found in favour of our client. With the same reasons offered for refusal as in 2008, we offer the report prepared in 2009 by Philip G Hutchison as our grounds for allowing this proposal. This reporter is an expert in Planning and determined that consent should be granted under the circumstances.

A copy of this evidence is submitted with this Review.

With the reasons for refusal remaining consistent and our use of the consent document to rebuff the planner's claims, we respectfully ask that you approve this application which has only lapsed due to a misunderstanding of time conditions.

Appeal Decision Notice

T: 01324 696 400

F: 01324 696 444

E: dpea@scotland.gsi.gov.uk



The Scottish
Government

Decision by Philip G Hutchinson, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/300/318
- Site address: Rathven Station, Rathven, Buckie, AB54 4DW
- Appeal by Mr A Morrison against the decision by the Moray Council
- Planning application 08/01235/FUL dated 2 June 2008, refused by notice dated 12 September 2008
- The development proposed: Erect two dwelling houses and garages
- Application drawings: 05-52A D1, 05-52 D2, D3 and D4
- Date of site visit by Reporter: 11 February 2009

Date of appeal decision: 18 February 2009

Decision

I allow the appeal and grant planning permission subject to the 4 conditions listed at the end of this notice on pages 3 and 4.

Reasoning

1. The key issues are (1) whether the proposal is consistent with the development plan and (2) if not whether other material considerations justify a development plan departure. The most relevant parts of the development plan - as it stands today - are policies 1(e) and 2(e) in the Moray Structure Plan 2007 and H8, E10, T2 and IMP1 in the Moray Local Plan 2008.

Note: The refusal notice also relies on 5 policies from the Moray Local Plan 2000, but its replacement was adopted in December and all parties have had the opportunity to focus on the provisions of the new local plan before the exchange of written submissions was concluded. This determination focuses on the development plan as it is constituted on the date of this Notice.

2. The first of the above structure plan policies encourages low-impact well-designed development in the countryside to support local communities and rural businesses. The second one protects the countryside around towns including Buckie from development. Local plan policy H8 guards against proposals for more than two houses at a time but accepts small scale residential development in the countryside subject to various siting and design criteria. Policy E10 presumes against development in this area of designated Countryside Around Towns [CAT] unless it falls into an exceptionally allowable category. Local plan policy T2 presumes against development which would have a substandard means of access, which involves inadequately mitigated traffic impacts and where the access itself would have an unacceptable visual impact. Finally, local plan policy IMP1



requires new development to be sensitively sited, designed and serviced having regard to 14 detailed criteria. The other material considerations are (i) whether any feature of the site and its surrounding justifies flexibility (ii) whether approval would set an unacceptable precedent and (iii) whether planning conditions can resolve any difficulties which arise from any of the above matters. These all overlap and can be considered simultaneously.

3. Taken together the above development plan policies presume against new development within this designated CAT near Buckie. However this is a brownfield site. It conforms to the definition of brownfield land which is found in the glossary of Scottish Planning Policy 3 – *Planning for Homes*. None of the above development plan policies appear to provide for the re-use of brownfield land within this area of CAT. This situation strikes me as harsh.

4. A well-defined group of 6 houses occupies most of the remainder of the former station area, one of them quite modern. The combined visual impact on this slight crest in the landscape is nevertheless moderated by roadside vegetation and by naturally regenerating trees within and around the site. The design of the houses escapes criticism and there is sufficient land within the appellant's control for additional landscaping and modest access improvements. In these circumstances I consider that the effect on the character of this designated area of CAT should be negligible at the end of the day. The well-defined 'one-off' nature of this long-established brownfield site adjacent to a well-defined housing group should provide the council with sufficient reassurance in regard to precedent issues.

5. The A98 at this point carries no special speed limit but visibility is good in each direction (from two separate accesses serving the combined group). Roads officials addressed their criticism to a proposal for 4 houses not 2 (i.e. by reference to a different previous proposal) - which reduces the weight I can attach to this criticism. Allowing the appeal affords an opportunity to secure a service lay-by on the site frontage. This can function also as a passing place – a fringe benefit for exiting users of the east access. The angled geometry of the accesses should ensure that each serves a separate function depending on the direction of travel. The official accident record which has been submitted does not as far as I can tell include events at either of the accesses to Rathven Station. Even the separate anecdotal evidence is sketchy. A 33% increase in traffic generation is in prospect (less if allowance is made for agricultural access and the occasional access by a bus on which a neighbour has commented). Even so this increase is likely to be split between two access points. I recognise that the substandard nature of the access arrangements is a particular disadvantage but in the circumstances I find that this does not justify refusal.

6. The planning conditions below aim to make the development as low-impact as possible, and in tune with structure plan policy 1(e). The site-specific situation justifies making an exception to structure plan policy 2(e) and local plan policy E10. With only two houses at stake there is no conflict with local plan policy H8, and condition 2(c) below reduces the scope for later incremental development.

7. The IMP1 criteria are not presented as a prescriptive list. The language means that this policy can be satisfied on overall balance (i.e. as a basket of tests). I consider that most are satisfied given the scale of the development, the scope for integrating it into the surroundings, plus the proximity to services and lack of decisive infrastructural objections. Condition 2(f) below is a sufficient response to the perceived land contamination issue in tune with paragraph 33 in Planning Advice Note 33 – *Development of Contaminated Land*.



The appellant is reconciled to resolving this matter in this way. Any remediation must obviously precede development but I am not convinced that a professional ground contamination assessment is a pre-requisite of planning permission in this case given the potential for abortive 'front end' expenditure and the proximity of 6 houses on former railway property. Condition 2(f) in any case corresponds to that which the council has suggested as part of its 'fall back' position in this appeal - as do the other conditions subject to rewording and some tightening up in regard to timescales. The question of access to neighbours' soakaway systems - which allegedly extend onto the appeal site - is a private matter for the appellant and should not inhibit the development itself except conceivably under the building control regime. The development would sterilise no natural resources. I find it difficult to visualise a satisfactory alternative future for the site, despite undeniable tension with local plan policy T2.

8. Drawing together all the above matters I conclude that the degree of conflict with the above parts of the development plan is not very serious and that material considerations (site-specific factors plus the strict conditions below) justify a development plan departure where conflict arises. Careful account has been taken of all the other matters which have been raised but they do not outweigh those considerations on which this decision is based.


PHILIP G HUTCHINSON
Reporter

Conditions:

1. The development shall commence within 5 years hereof.

REASON: In accordance with Section 58(1)(a) of the Act.

2. Before any work commences the following details and particulars shall be submitted for the prior written approval of the planning authority:

(a) A revised plan of the site accesses to include a 3m x 10m service lay-by (plus tapers) on the site frontage to be shared between the two houses and to enable service vehicles to park clear of the track and allow others to pass; the plan shall also show any front boundary marker set clear of this lay-by and the track behind a 1m grass verge. The said lay-by shall be available for use before any construction activity commences and before any building materials or items of equipment are delivered to the site;

(b) A professionally prepared landscaping scheme indicating all trees and shrubs to be retained, measures for their protection during development, and additional tree planting (concentrating on the perimeter which shall in any case also feature native hedges) specifying species, numbers and heights at planting time together with aftercare measures for the first 5 years after completion of this scheme;



(c) Proposals for the inclusion of land between the appeal site and the house known as Shalom within the curtilage of either of the new houses or this existing house, suitably landscaped in a manner consistent with the scheme at 2(b) above;

(d) Samples of all facing and roofing materials including surfacing materials for parking areas, driveways and the above lay-by;

(e) Proposals for the hard-surfacing of each access point for a distance of at least 5m back from the edge of the public carriageway designed to ensure that no water or debris is carried onto the public road. The approved details shall be complete before any construction activity commences and before any building materials or items of equipment are delivered to the site.

(f) A professionally prepared Method Statement setting out a scheme of (i) investigation into potential ground contamination and its potential impacts, (ii) proposals for appropriate remediation in advance of development and (iii) contingency measures for dealing with any unexpected contamination during development. All work at (i) and (ii) as may be approved in writing by the planning authority shall be completed to its satisfaction before any other work commences and before any building materials or items of equipment are delivered to the site.

REASON: These important visual and functional matters demand early and detailed attention and cannot be left any more open ended, and in the case of (c) to also help guard against further incremental development.

3. Before either house is occupied all work at 2(a), (c), (e) and (f) above shall be completed and all parking areas, access ways and turning space shall be available for use.

4. Within 6 months of the first house receiving its completion certificate all landscaping work approved in discharge of condition 2(b) and (c) above shall be complete and any tree or shrub failures (for whatever reason) within the first 5 years shall be promptly replaced on a like-for-like basis unless alternative arrangements are first approved in writing by the planning authority.

REASON (3 & 4): These important matters concerning access and the integration of the development into its setting cannot be left any more open ended.





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

REFUSAL OF PLANNING PERMISSION

**[Buckie]
Planning Permission in Principle**

TO Mr Alfie Morrison
c/o Plans Plus
Main Street
URQUHART
By Elgin
Moray
IV30 8LG

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

**Erect dwellinghouse on Plot 2 Site To Rear Of The Old Station House Buckie
Moray**

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

Date of Notice: **16 May 2019**



HEAD OF DEVELOPMENT SERVICES
Environmental Services Department
Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal is contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies E10, H7, T2 and IMP1) and, as a material consideration, the associated Supplementary Planning Guidance 'Housing in the Countryside' because:

1. As an application for a new dwelling at this location, the proposal would have an adverse impact on the Buckie Countryside Around Town designation and its objectives, and would not help to preserve the special character of the countryside at this location or preserve the distinction with the built up environment.
2. The siting of an additional dwelling at this location adjacent to an existing small rural cluster would lead to a build-up of development which would be detrimental to the character and setting of this small grouping and the character and appearance of surrounding countryside by increasing the number of rural dwellings present at this location.
3. The proposed development, if permitted, would involve the intensification of use of two existing vehicular accesses onto the A98 Fochabers - Cullen road which suffer from sub-standard road alignment and where visibility is restricted adjacent trees/ hedges/ obstructions and would likely give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
18-75 D-1		Location and site plan

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

N/A

DETAILS OF MATTERS SPECIFIED IN CONDITIONS

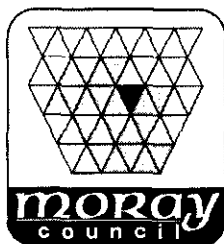
Approval, consent or agreement has been GRANTED for the following matter(s):-

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.



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

REFUSAL OF PLANNING PERMISSION

**[Buckie]
Planning Permission in Principle**

TO Mr Alfie Morrison
c/o Plans Plus
Main Street
URQUHART
By Elgin
Moray
IV30 8LG

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Environmental Services Department
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High Street
ELGIN
Moray IV30 1BX

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AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

N/A

DETAILS OF MATTERS SPECIFIED IN CONDITIONS

Approval, consent or agreement has been GRANTED for the following matter(s):-

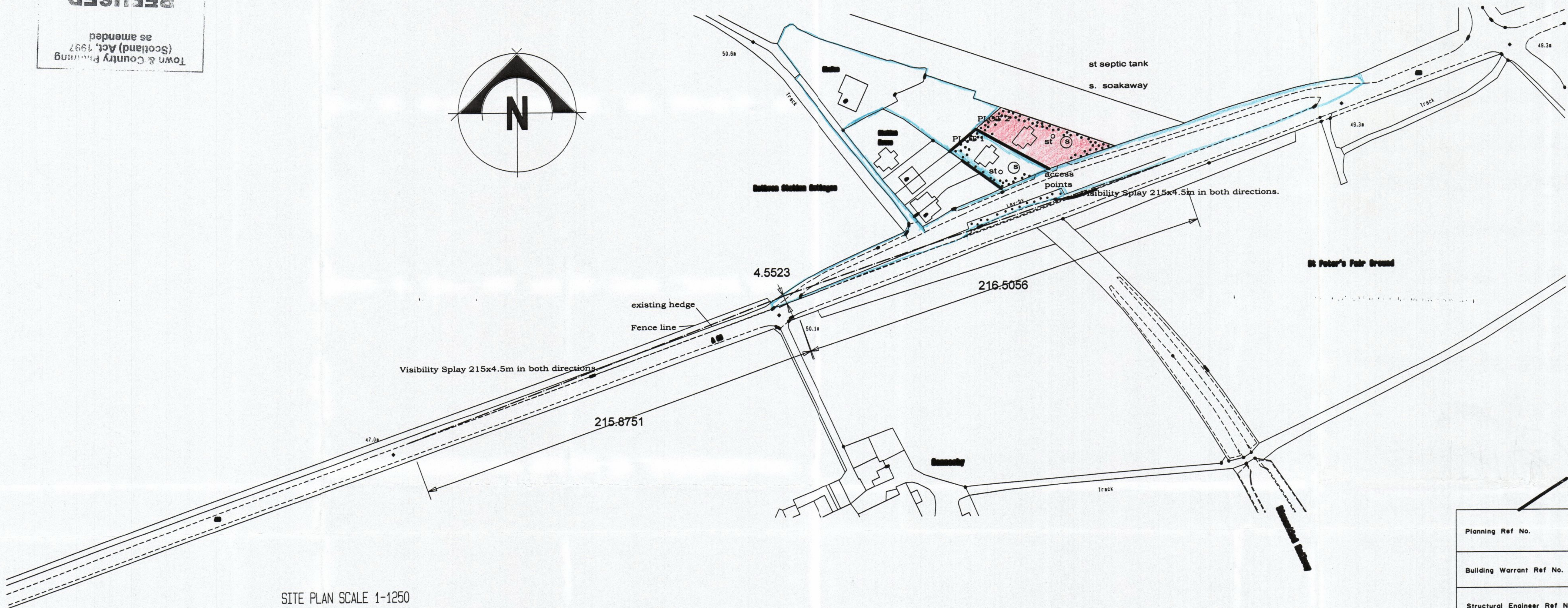
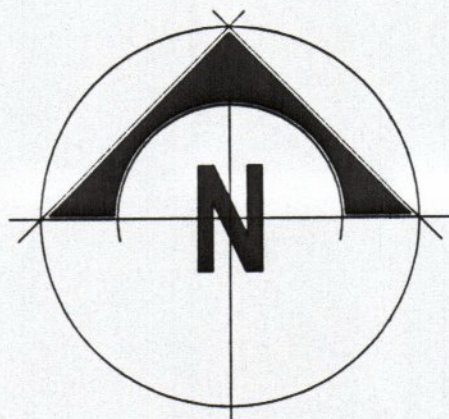
N/A

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

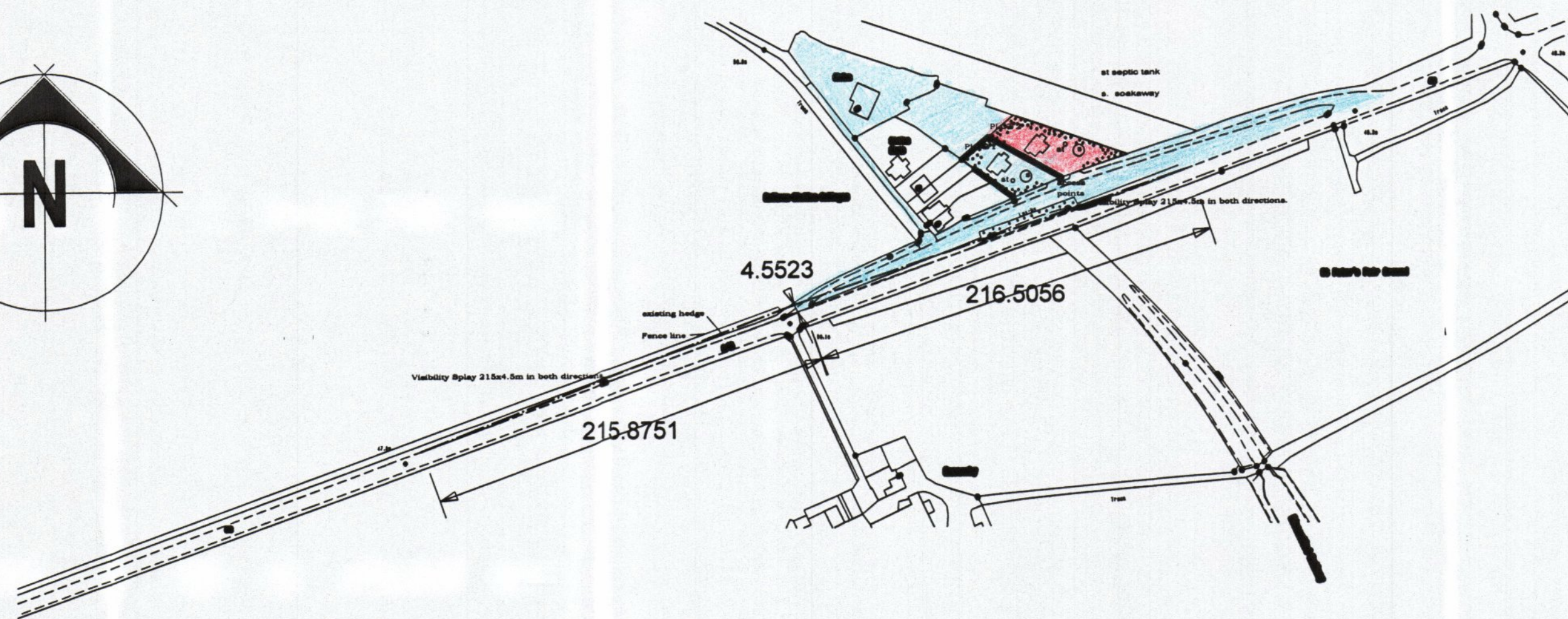
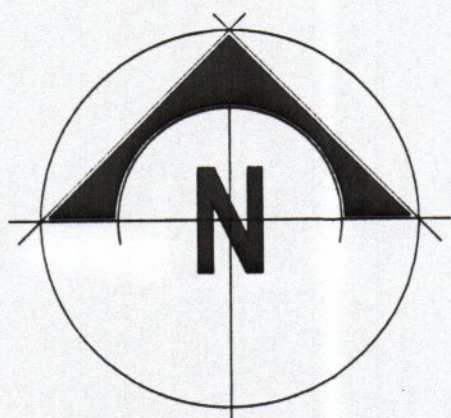
If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town 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

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REFUSED
16/5/19
Development Management
Environmental Services
Moray Council
Town & Country Planning
(Scotland) Act, 1997
as amended



SITE PLAN SCALE 1-1250



LOCATION PLAN SCALE 1-2500

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Planning Ref No.		
Building Warrant Ref No.		
Structural Engineer Ref No.		
Revisions and Distributions.		
Date	Revision.	Amended by.

Crown copyright all rights reserved License No. 100041145.

No works to commence on site until all relevant Local Authority consents have been obtained. No responsibility taken for work commenced before all Local Authority consents have been issued.

Contractors will have deemed to have visited the site to familiarise themselves with all aspects of the project prior to submitting any quotation for the building operations.

Any deviation to the approved plans to be reported to this office. Contractors to check all dimensions on site prior to commencement of any building operations.

Given dimensions only to be used. DO NOT SCALE DRAWINGS.

Any roof truss or timbers tying into an existing roof to be checked on site by the contractor to ensure heights and ridges meet correctly.

PLANS PLUS (URQUHART)
ARCHITECTURAL
DESIGN CONSULTANTS
Main Street Offices, Urquhart, By Elgin IV30 8LG.
Tel No 01343 842635 / 07766 315501 ctkplans aol.com

Project	PROPOSED 2 HOUSES AT PLOTS AT RATHVEN STATION, BUCKIE, MORAY.	Project No.	18-75-D-1
Client	MR A MORRISON	Drawn By	Colin T Keir
		Scale	1-1250 and 1-2500



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

Lissa Rowan

From: [REDACTED]
Sent: 22 August 2019 12:16
To: Lissa Rowan
Subject: NOR-Planning Application 19/00294/PPP & 19/00295/PPP

Lissa,

I would like to make further comments regarding the NOR for the above planning application. My original comments still stand. However, just wondering why on the diagram there is a blue line around the whole area. Is this to show the area in question owned by the applicant or the area which will be affected. As the road from the Buckie end is unadopted and has been maintained by the houses. At present there is already a large pothole and another one starting. I fear that more disturbance by lorries and excessive traffic will render the road unuseable and I rely on this road daily for access. Also the road at present from the 1st house to the applicants existing house is a private road maintained by all the neighbours.

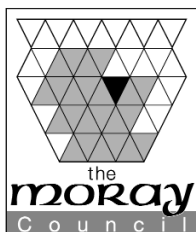
In addition, wondering why the planning application has a different post code from the existing houses. Lastly, the applicants decision was over ridden by Mr Hutchison 2007, however, some if the original parts in the document have still not been adhered to. When the applicant originally put in the application, a whole load of mature trees were removed and never replaced. The area between the 2 plots and the applicants building still has building materials on it instead of being landscaped accordingly. Lastly, 4 properties have their soakaways on the land of Plot 1. To my knowledge, the applicant has never approached the neighbours in question to discuss this. ([REDACTED] said he believed it a private matter).

I would like these comments in addition to the ones previously mentioned, especially regarding volume of traffic and accessibility to the a98 which has changed drastically in the last 10 years.

I am also sending this on behalf of the following neighbours who have given me their permission (or their families) and who also made a comment on the planning application.

Yours

[REDACTED]



ENVIRONMENTAL SERVICES

Diane Anderson

Senior Engineer

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Our reference: LR/LRB229

Your reference: LR229

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

22 August 2019

Dear Madam

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

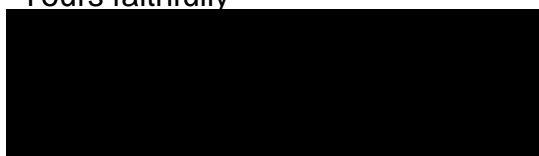
**REQUEST FOR REVIEW: PLANNING APPLICATION 19/00295/PPP ERECT DWELLINGHOUSE ON
PLOT 2 SITE TO REAR OF THE OLD STATION HOUSE BUCKIE**

I refer to your letter dated 7 August 2019.

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

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

Yours faithfully



Diane Anderson
Senior Engineer

Local Review**LRB Ref 229****Planning Application Reference 19/00295/PPP Erect dwellinghouse on Plot 2 Site To Rear Of The Old Station House Buckie****Response from Transportation, Moray Council**

1. This document is in response to the Notice of Review and the Statement of Case submitted by Mr Alfie Morrison and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 19/00295/PPP to erect a dwelling at Plot 2 Site To Rear Of The Old Station House Buckie on a site served by existing substandard accesses onto the A98 Fochabers – Cullen Road (private track serving Rathven Station with two access points approximately 280 metres apart).
3. Transportation received the consultation for planning application 19/00295/PPP on 26th March 2019. A copy of the consultation response dated 5th April 2019 is attached (TMC01).
4. The Moray Local Review Body (MLRB) is advised that previous planning applications for a house on this plot were submitted in 2008 (08/01235/FUL) and 2014 (14/00174/APP). The 2008 application was subject to an objection from Transportation on road safety grounds and ultimately the application was refused by Moray Council. However, the decision was overturned at appeal by the Scottish Government (Appeal Reference P/PPA/300/318), with a decision noticed dated 18th February 2009.
5. In regards to Transportation issues, the Reporter noted in the Appeal Decision Notice that “the A98 at this point carries no special speed limit but visibility is good in each direction”. Transportation does not agree with this assessment and instead considers that visibility is restricted at the accesses onto the A98 and they are not conducive to supporting an intensification of use. The Reporter also noted that allowing the site affords an opportunity to provide a service layby to the frontage of the site. Given this layby would be on a short section of private track, Transportation are of the view that this would only provide a benefit to this application site (i.e. for servicing and deliveries) and would not help to address the wider road safety concerns at this location.
6. The 2008 permission subsequently expired and in 2014 the application was resubmitted under reference 14/00174/APP at which time an objection was provided from Transportation on road safety grounds as before. However, as this application was seen as a renewal of the 2008 permission (granted by Scottish Government) the application was ultimately granted permission by Moray Council despite the continued objection from Transportation.
7. All previous permissions at this site have now lapsed and it has been confirmed by Moray Council Planning that the 2018 application is to be considered as a new application and assessed against current policies and guidance. The 2008 and 2014 decisions are therefore not considered to be material in the assessment of this application. It is important to note that at all times Transportation have sustained an objection to this proposal, and other applications utilising these accesses.

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Planning Application Reference 19/00295/PPP Erect dwellinghouse on Plot 2 Site To Rear Of The Old Station House Buckie

8. The A98 is part of the strategic road network in Moray, providing an important link along the coast of Moray into North Aberdeenshire. It is a key route for the movement of goods both within Moray and to locations beyond. The eastern of the two accesses serving the site is only 85 metres from the A98/U65L March Road junction, which provided access to the eastern industrial areas of Buckie and is the main route to Buckie Harbour for commercial vehicles.
9. The proposed accesses onto the A98 which would serve the appeal site are narrow and at an acute angle to the public road A98. Turning onto the A98 at either access can be difficult depending on the direction of travel. The accesses currently serve approximately 6 dwellings. The existence of these accesses in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs, but the intensification of that interference which this proposal would engender would be detrimental to road safety
10. Transportation's consideration of the site noted that whilst the accesses onto the A98 are on a straight section of road, the visibility from both accesses is restricted due to a number of factors including vegetation, road infrastructure, parking activity and due to the substandard alignment of the accesses themselves. Photographs showing visibility from the accesses, taken during Transportations site visit on the 29th March 2019 are attached (TMC02).
11. Visibility splays for private accesses onto the public road are required to ensure that there is adequate inter-visibility between vehicles onto the public road and a vehicle at the private access onto the private road.
12. 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 main road and a corresponding "stopping sight distance" or b. in some circumstances may be based on "85th percentile vehicle speeds".
13. The visibility splays that would be required to be provided are 4.5m (x distance) by 215m (y distance) in both directions, to be kept clear of obstruction exceeding 0.26m in height measured from the level of the carriageway. The Supporting Statement submitted as part of the planning application states that the westernmost access would be used to serve this development site however this cannot be enforced. In consideration of the spacing of the two accesses and the likelihood that both would be utilised dependent on the direction of travel, Transportation would require this splay to be provided at both accesses. A drawing was submitted detailing the splay for the Western access however this was insufficient to demonstrate achievability. A drawing detailing the splay for the Eastern access has not been submitted as part of the application nor as further submission to the Local Review Body.
14. The required visibility splays are restricted by vegetation, including a mature beech hedge to the West and trees and hedges between the two access points. Part of this vegetation lies out with the road verge. At the Western access there is also a fence line within the sightline. During the course of the application insufficient evidence was

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presented to demonstrate control over these obstructions. No further evidence of control of the land required for formation of the splays has been submitted to the Local Review Body.

15. Sightlines from both accesses are further obstructed by vehicles when parked in the layby to the Northern side of the A98 located between the two accesses. This lay-by is well utilized and the only layby on the Northern side of the A98 between Fochabers and Cullen. In addition, road infrastructure (signage) obstructs visibility at the Eastern access. Transportation can confirm that a proposal to modify or relocate the road signage would not be supported. These are matters that cannot be resolved by the applicant and as such the required visibility splays cannot realistically be provided.
16. The alignment of the accesses themselves also compounds the visibility and road safety issue due to the way in which drivers have to position themselves to turn onto the public road. To support any intensification of use both access points would need to be realigned to provide formal, perpendicular junctions of the A98. Such modifications may require third party land. This matter has not been addressed either via the application process or via further submission to the Local Review Body.
17. A detailed description of the relevance and consideration of visibility splays is attached (TMC03) which is an extract from The Moray Council document Transportation Guidelines for Small Developments in the Countryside, approved at the Economic Development and Infrastructure Services Committee on 8th March 2016.
18. The proposed development, if permitted, would lead to an intensification of use of two existing accesses with substandard alignment and restricted visibility at a location onto the strategic road network. Furthermore, there is insufficient evidence to indicate the required visibility splays and access improvements could be provided. The proposed development would therefore be detrimental to road safety.
19. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that Moray Local Plan Policy T2 Provision of Access and IMP1 Developer Requirements are not satisfied.

Transportation
22 August 2019

Documents

TMC01	Transportation Consultation Response dated 5th April 2019
TMC02	Site Photographs
TMC03	Extract on Visibility Splays from Transportation Requirements for Small Developments in the Countryside

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	9th April 2019
Planning Authority Reference	19/00295/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Plot 2 Site To Rear Of The Old Station House Buckie Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133050821
Proposal Location Easting	344150
Proposal Location Northing	864544
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=POEWOYBG0CR00
Previous Application	19/00294/PPP 14/00174/APP 08/01235/FUL
Date of Consultation	26th March 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Alfie Morrison
Applicant Organisation Name	
Applicant Address	1 Edwards Avenue Lossiemouth Moray IV31 6FE
Agent Name	Plans Plus
Agent Organisation Name	Plans Plus
Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@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: 19/00295/PPP

Erect dwellinghouse on Plot 2 Site To Rear Of The Old Station House Buckie Moray for Mr Alfie Morrison

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

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

History of Site

This application represents a renewal of an expired planning permission (reference 14/00174/APP). The history on this site dates back to a 2006 application which was refused by Moray Council at that time (06/02310/FUL). A subsequent application came forward in 2008 (08/01235/FUL) which was again refused by Moray Council however was permitted on appeal by the Scottish Government Reporter (P/PPA/300/318). All three previous planning applications have been subject to an objection from Transportation on road safety grounds. An objection is being raised again at this time, particularly in consideration of Moray Local Development Plan 2015 policies.

Preamble

The proposed development would intensify the use of existing accesses on a stretch of the A98 Fochabers-Culllen Road which carries significant traffic movements, usually at speed. The accesses are narrow and at an acute angle to the public road. Turning onto the A98 can be difficult depending on the direction of travel.

The existence of these accesses in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs, but the intensification of that interference which this proposal would engender would be detrimental to road safety.

The submitted layout plan details a visibility splay from the Westernmost access of 4.5m by 215m in both directions. However, the 4.5m (x distance) is not drawn correctly and

does not accurately reflect the position of a vehicle given the acute angle of the access. In addition the splay would be required to be clear of obstruction greater than 0.26m rather than 0.6m as proposed. The supporting letter states that the Westernmost access would be used to serve this development site however sole use of this access cannot be enforced. Given the spacing between the two accesses Transportation consider both would be utilised frequently, influenced by the direction of travel. Therefore, a visibility splay of 4.5m by 215m in both directions, clear of obstructions measuring 0.26m above the level of the carriageway, would also be required to be provided at the Easternmost access point.

Visibility is restricted by vegetation, fence lines, and road infrastructure. At the Westernmost access visibility is restricted to the West by a hedge and a boundary fence – the position of the boundary fence and the ability of the applicant to modify this has not been accurately represented on the submitted Site Layout Drawing. At the Easternmost access visibility is restricted by road infrastructure (signage), even at a reduced x distance of 2.4m.

There is also a parking layby on the A98 to the South of the road serving these plots which further restricts visibility when vehicles are present.

The alignment of the accesses themselves also compounds the visibility and road safety issue due to the way in which drivers have to position themselves to turn onto the public road. To support any intensification of use both access points would need to be realigned to provide formal, perpendicular junctions of the A98. Such modifications may require third party land.

As far as can be determined from the submitted plans, the Applicant does not appear to control sufficient land to provide adequate visibility and improvements at the accesses onto the A98. The proposed development would therefore be detrimental to road safety.

Reason(s) for objection

The proposed development, if permitted, would involve the intensification of use of two existing vehicular accesses onto the A98 Fochabers – Cullen road which suffer from sub-standard road alignment and where visibility is restricted adjacent trees/ hedges/ obstructions and would likely give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.

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

Date 05.04.19

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

also be removed prior to publication online.

LRB Ref 229
TMC02 Site Photographs



4.5m visibility splay to west from western access



4.5m visibility splay to east from western access

LRB Ref 229
TMC02 Site Photographs



4.5m visibility splay to west from eastern access



4.5m visibility splay to east from eastern access

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)

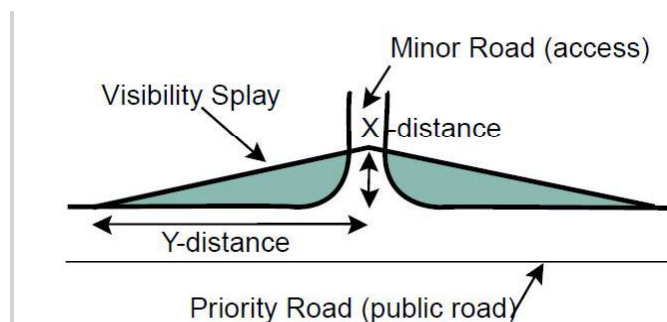


Figure 3: Visibility Splays

- 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

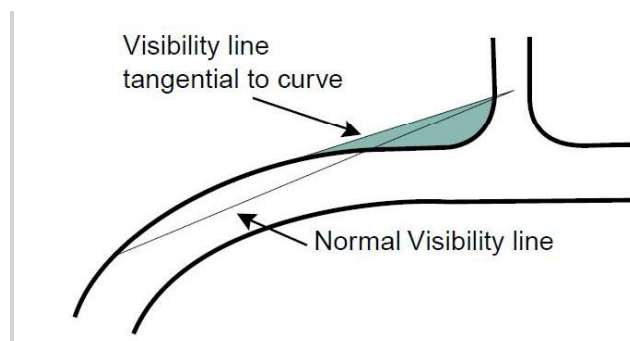


Figure 4: Visibility Splays for Access on Outside of Bend

- 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.

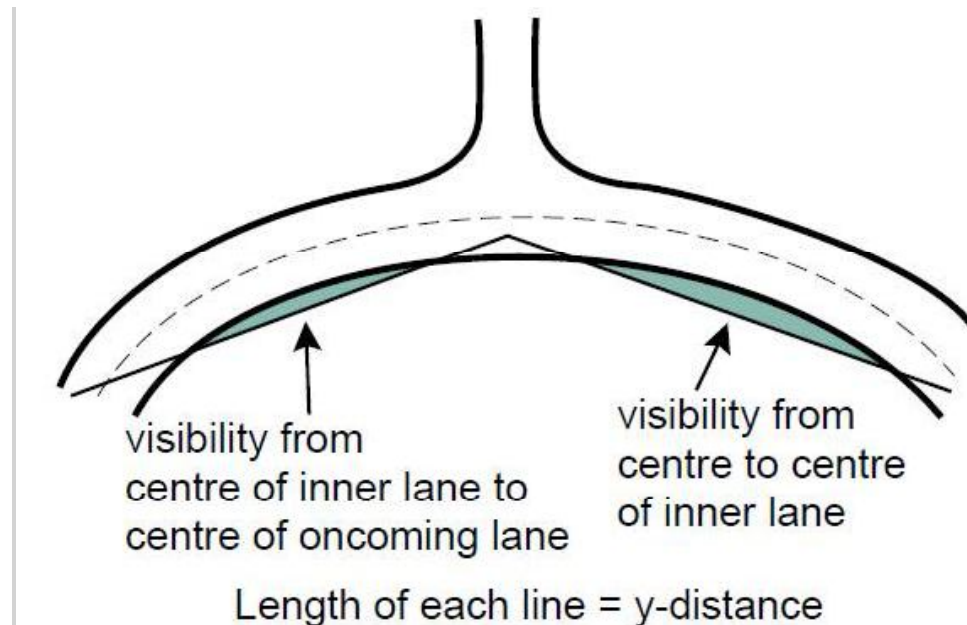


Figure 5: Forward Visibility Requirements

- 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.



APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS

Lissa Rowan

From: ctkplans@aol.com
Sent: 13 September 2019 10:00
To: Lissa Rowan
Subject: Fwd: Notice of Review: Planning Application 19/00294/PPP

Lissa the below message is in response to planning applications 19/00294/PPP and also 19/00295/PPP

Regards

Colin

Colin T Keir
Plans Plus Offices
Main Street, Urquhart
Moray IV30 8LG.
01343 842635
07766 315501
ctkplans@aol.com

-----Original Message-----

From: ctkplans <ctkplans@aol.com>
To: Lissa.Rowan <Lissa.Rowan@moray.gov.uk>
Sent: Fri, 13 Sep 2019 9:48
Subject: Re: Notice of Review: Planning Application 19/00294/PPP

Lissa, Apologies for late response. We have nothing new to add to our submissions only to reiterate that Transportation offer no evidence, as before to confirm that this is an accident area. With regards to the neighbours comment, again there is no evidence to support his claim that he is acting for others.

Please let me know if you need this on official headed paper.

Colin

Colin T Keir
Plans Plus Offices
Main Street, Urquhart
Moray IV30 8LG.
01343 842635
07766 315501
ctkplans@aol.com

-----Original Message-----

From: Lissa Rowan <Lissa.Rowan@moray.gov.uk>
To: 'ctkplans@aol.com' <ctkplans@aol.com>
Sent: Thu, 29 Aug 2019 12:39
Subject: Notice of Review: Planning Application 19/00294/PPP

Good afternoon

Please find attached correspondence in relation to the above Notice of Review.

Kind regards

Lissa

Lissa Rowan | Committee Services Officer | Legal and Democratic Services

lissa.rowan@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [newsdesk](#)

01343 563015

