



## MORAY LOCAL REVIEW BODY

31 MARCH 2022

### SUMMARY OF INFORMATION FOR CASE No LR271

**Planning Application 21/01271/PPP – Erect dwelling house on site at Newlands Lane/rear of 68 East Church Street, Buckie**

#### **Ward 3 - Buckie**

Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 1 November 2021 on the grounds that:

The proposed development is contrary to Policy DP1 Development Principles of the adopted Moray Local Development Plan 2020 for the following reasons:

- (a) The proposal involves sub division of the plot associated with 68 East Church Street Buckie, and falls short of the minimum plot size of 400 square metres required by the policy; and
- (b) The proposed site does not reflect the character and appearance of the surrounding area due to its limited size and narrow frontage which does not reflect the density and layout of the surrounding area.

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**.

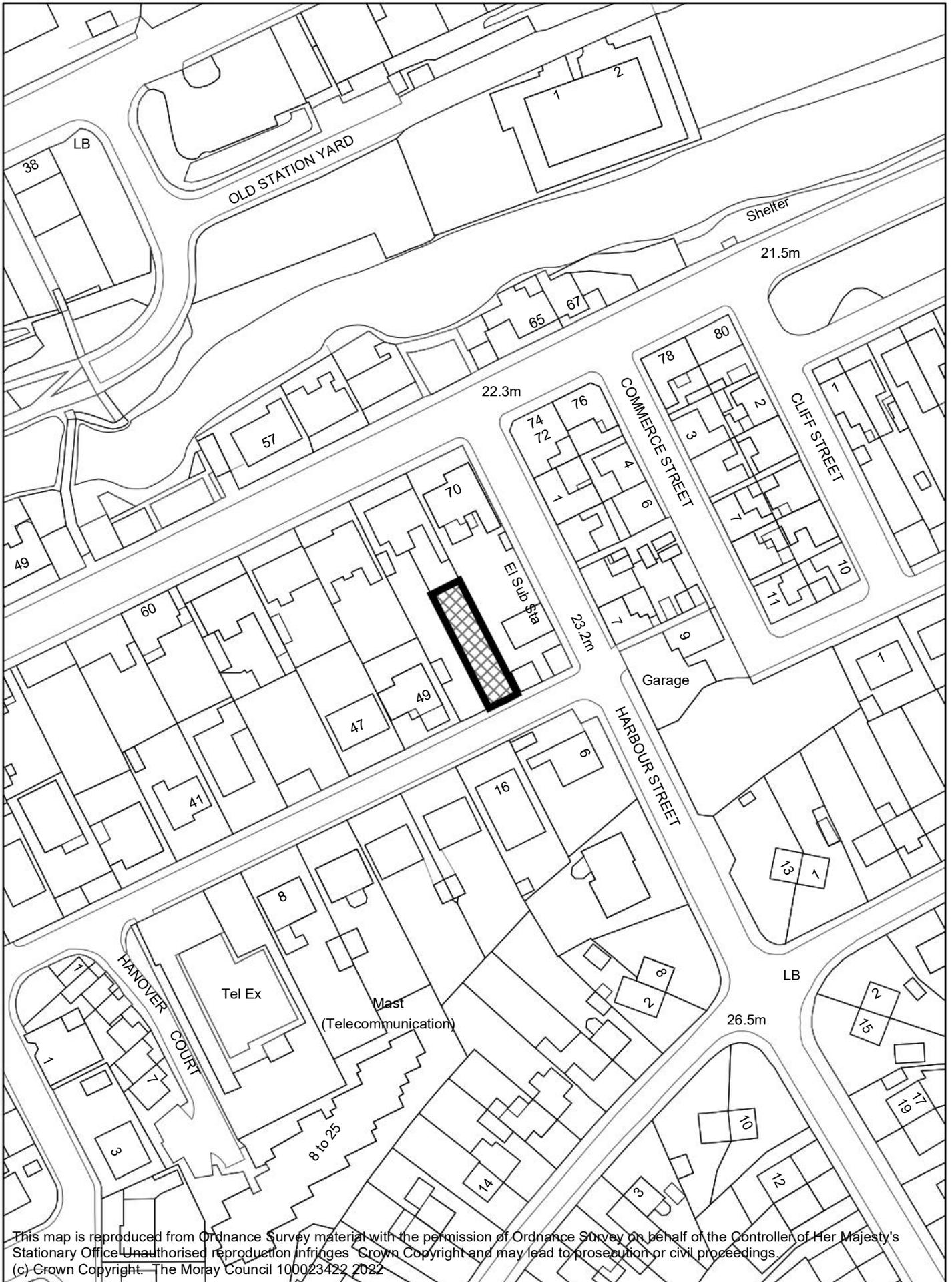
Further Representations received in response to the Notice of Review are attached as **Appendix 3**.

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





**Location plan for Planning Application Reference Number :  
21/01271/PPP**



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## **APPENDIX 1**

# **DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER**





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100456110-001

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

## Type of Application

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

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

## Description of Proposal

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

Erect new dwelling house on site at Newlands Lane/ 68 East Church Street Buckie

Is this a temporary permission? \*  Yes  No

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

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

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ross Cowie Architect"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Ross"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Cowie"/>	Building Number:	<input type="text" value="3"/>
Telephone Number: *	<input type="text" value="01542841549"/>	Address 1 (Street): *	<input type="text" value="Campbell Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Cullen"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Buckie"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="AB56 4UE"/>
Email Address: *	<input type="text" value="rosscowiearchitect@gmail.com"/>		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr &amp; Mrs"/>	Building Name:	<input type="text" value="Rome Villa"/>
First Name: *	<input type="text" value="Brian"/>	Building Number:	<input type="text" value="68"/>
Last Name: *	<input type="text" value="Slorach"/>	Address 1 (Street): *	<input type="text" value="East Church Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Buckie"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="REDACTED"/>	Postcode: *	<input type="text" value="AB56 1ER"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Site at Newlands Lane/ 68 East Church Street Buckie

Northing

865711

Easting

342943

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

247.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

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

Brownfield site/ part garden of 68 East Church St.

## Access and Parking

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

Yes  No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

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

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*  Yes  No

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

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

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

Note:-

Please include details of SUDS arrangements on your plans

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

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

- Yes  
 No, using a private water supply  
 No connection required

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

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*  Yes  No  Don't Know

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

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

## Trees

Are there any trees on or adjacent to the application site? \*  Yes  No

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

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*  Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 \*  Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

## Certificates and Notices

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

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

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

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

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Ross Cowie

On behalf of: Mr & Mrs Brian Slorach

Date: 12/08/2021

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	≤	Yes	T	N/A
A Design Statement or Design and Access Statement. *	≤	Yes	T	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	T	Yes	≤	N/A
Drainage/SUDS layout. *	T	Yes	≤	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	N/A

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

Supporting Statement

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Ross Cowie

Declaration Date: 17/08/2021

## Payment Details

Telephone Payment Reference: xxx

Created: 17/08/2021 15:06



# EAST CHURCH STREET

SCALE 0 2 4 6 8 10 20m

Site at Newlands Lane/  
68 East Church St. Buckie

For Mr & Mrs B. Storch

Title Proposed Block Plan  
Dwg No. 224-02  
Scale 1:200 @ A3  
Status Planning  
Date July 2021  
Rev. A-30-07-21 blue boundary  
B-12-08-21 further information  
C-13-08-21 title

ROSS COWIE ARCHITECT

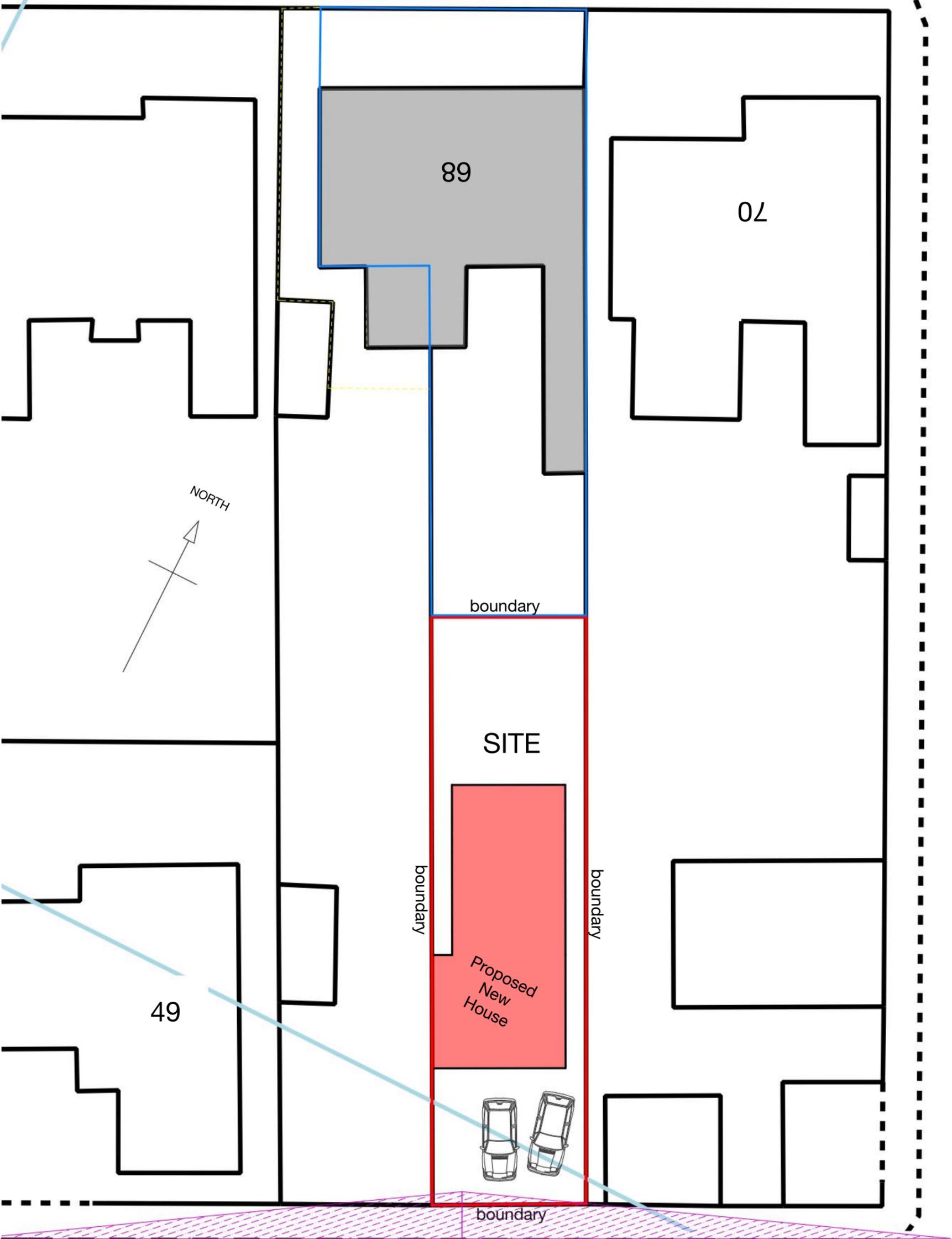
3 Campbell St. Cullen, AB56 4UE.

Tel. 01542 841549

rosscowiearchitect@gmail.com

www.rosscowiearchitect.com

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HARBOUR STREET

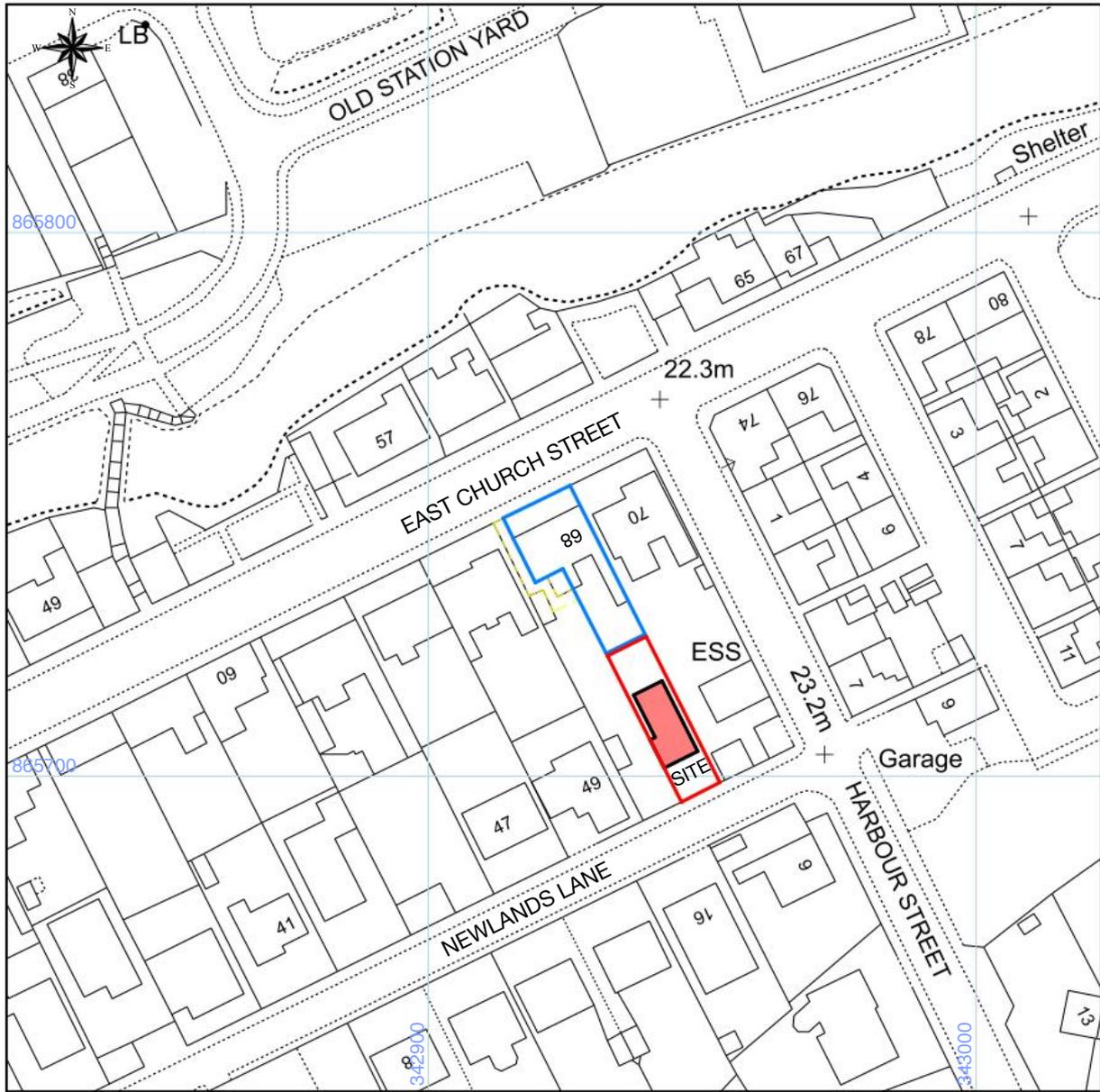
Visibility Splays 2.4 x 25 meters

Visibility Splays 2.4 x 25 meters

# NEWLANDS LANE



# Location Plan of AB56 1ER



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0m 20m 40m 60m 80m 100m

Scale: 1:1250, paper size: A4

Site at Newlands Lane/  
68 East Church St. Buckie

ROSS COWIE ARCHITECT

3 Campbell St. Cullen, AB56 4UE.

Tel. 01542 841549

rosscowiearchitect@gmail.com

www.rosscowiearchitect.com

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For Mr & Mrs B. Storch

Title Location Plan

Dwg No. 224-01

Scale 1:1250 @ A4

Status Planning

Date July 2021

Rev.





68 East Church Street

Site at Newlands Lane/  
68 East Church St. Buckie

For Mr & Mrs B. Storch

Title Site Plan 100  
Dwg No. 224-03  
Scale 1:100 @ A3  
Status Planning  
Date August 2021  
Rev.

ROSS COWIE ARCHITECT

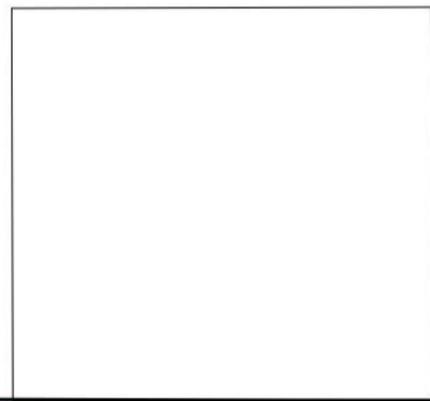
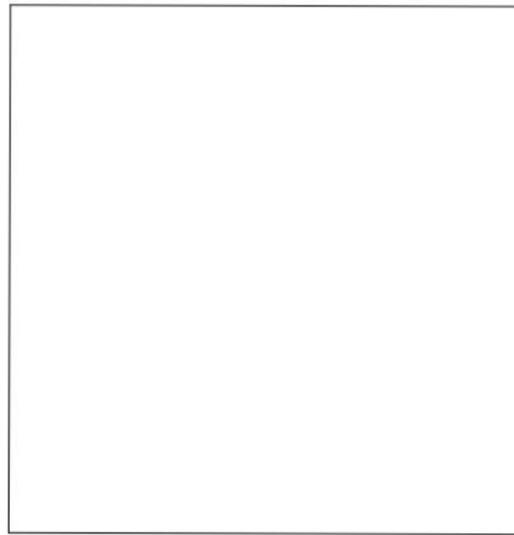
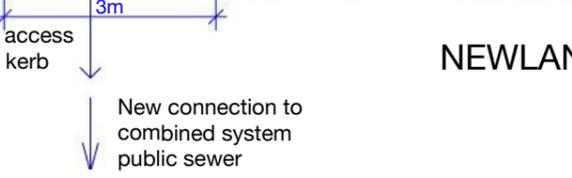
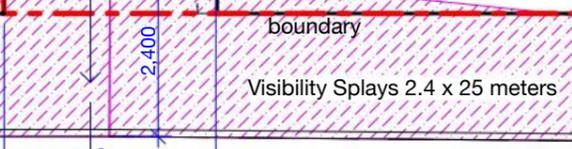
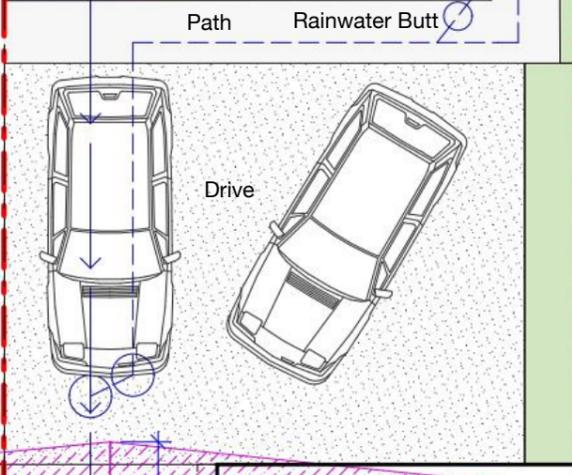
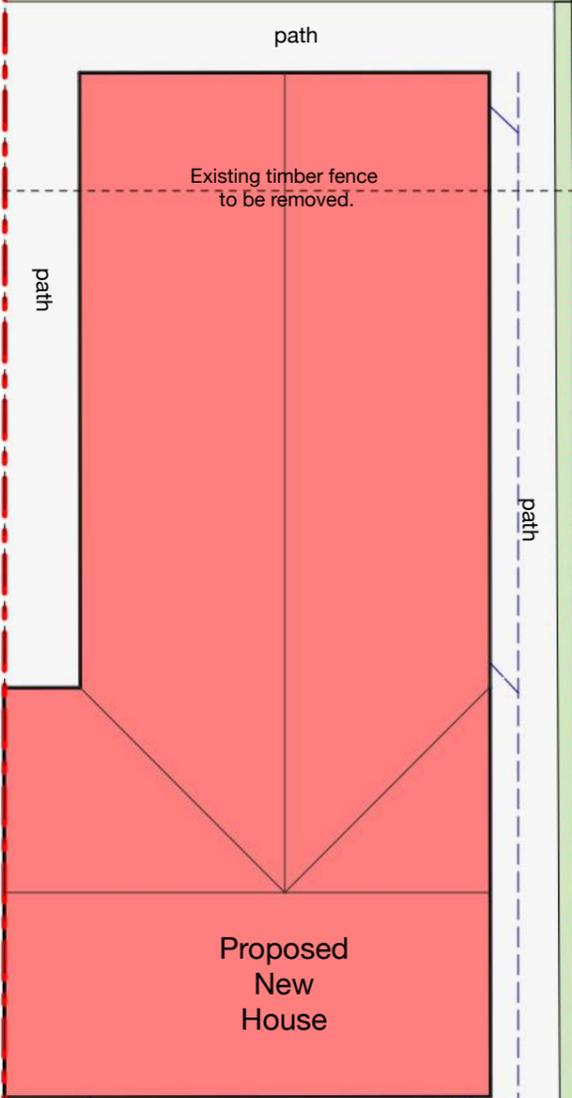
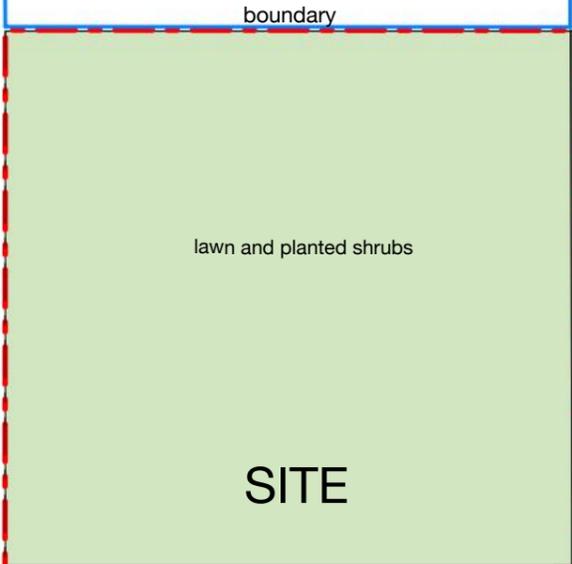
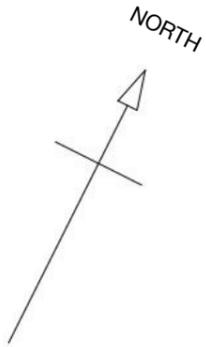
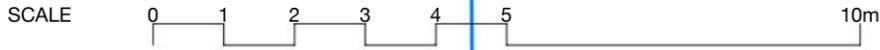
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Tel. 01542 841549

rosscowiearchitect@gmail.com

www.rosscowiearchitect.com

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Surface water drainage design as per  
Planning Notes on Dwg 224-04 &  
S McGregor Drainage Design Report

Reduce Wall height within visibility  
splays to less than 900mm height.

Proposed vehicular access  
& proposed drop kerb

New connection to  
combined system  
public sewer

NEWLANDS LANE

boundary - rubble stonework wall

boundary - timber fence

boundary

path

path

path

Path

Rainwater Butt

boundary

Visibility Splays 2.4 x 25 meters

Visibility Splays 2.4 x 25 meters

Drive

Existing  
Garage

lawn and planted shrubs

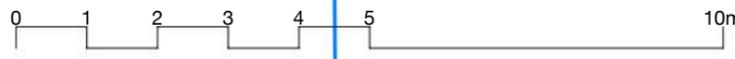
SITE

Proposed  
New  
House

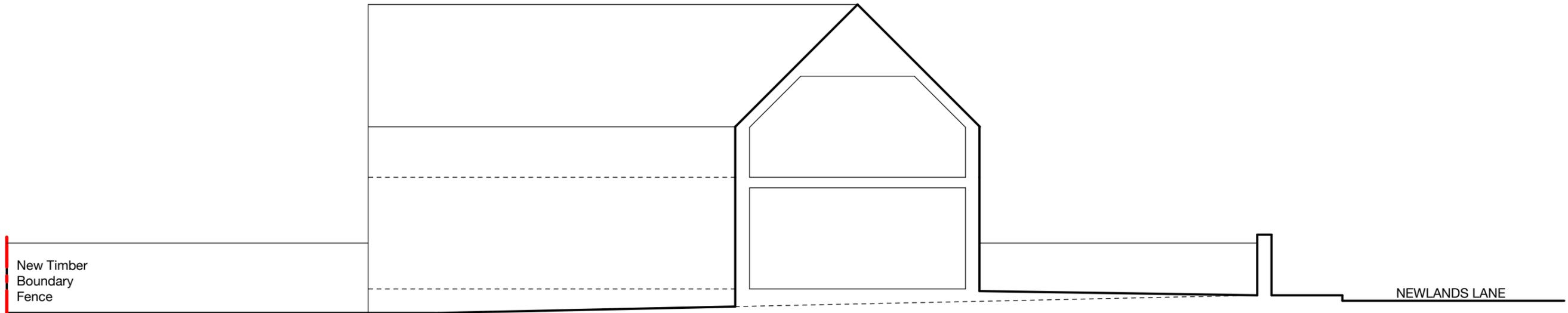
Existing timber fence  
to be removed.

NORTH

SCALE







SITE SECTION

PLANNING NOTES:

Proposed New House within current rear garden grounds of 68 East Church Street Buckie, with new vehicular access off Newlands Lane.

Erect new dwellinghouse within brownfield site - adjacent to location of former Scout Hut - long since demolished but evidence of footings remain.

Proposed New House to be story & half height.  
 Walls to be rendered blockwork.  
 Roof to be grey roofing tiles + Velux Rooflights.  
 Windows and doors to be uPVC double glazed casements - colour to be agreed.  
 Rainwater goods to be black uPVC.

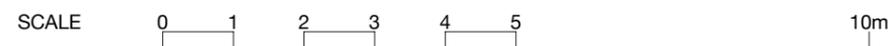
Foulwater drainage to be connected to existing public sewer.  
 Surface water drainage to be connected to combined system public sewer.

In order to reduce the discharge to the combined sewer it is recommended to: -

- install a water butt on the rainwater downpipe
  - install oversized drain for attenuation
  - reduced outflow prior to joining the combined sewer
- Refer to Drainage design Report.

Boundary wall onto Newlands lane to be reduced in height to achieve visibility splays shown and to meet the requirements of the Roads department Moray Council.

Min 2 car parking spaces to be provided on site - lock block or equal.  
 Form level level access path around house, with remaining grounds laid to lawn and shrubs.



Site at Newlands Lane/  
 68 East Church St. Buckie

For Mr & Mrs B. Storch

Title	Site Section
Dwg No.	224-04
Scale	1:100 @ A3
Status	Planning
Date	August 2021
Rev.	

ROSS COWIE ARCHITECT

3 Campbell St. Cullen, AB56 4UE.

Tel. 01542 841549

rosscowiearchitect@gmail.com

www.rosscowiearchitect.com

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**SURFACE WATER DISPOSAL  
RECOMMENDATION REPORT**

**PROPOSED NEW DWELLINGHOUSE  
LAND AT REAR OF 68 EAST CHURCH STREET  
BUCKIE  
MORAY  
AB56 1ER**

***Client:*** Mr Brian Slorach

***Agent:*** Ross Cowie

***Contract No.*** 2864/21

***Report Issued:*** 06 August 2021

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*Ground Water Observations*

Discussion

*Sub-Soils*

*SuDS & Surface Water Disposal*

*Simplified Surface Water Disposal Options Summary Table*

Surface Water Disposal Recommendations

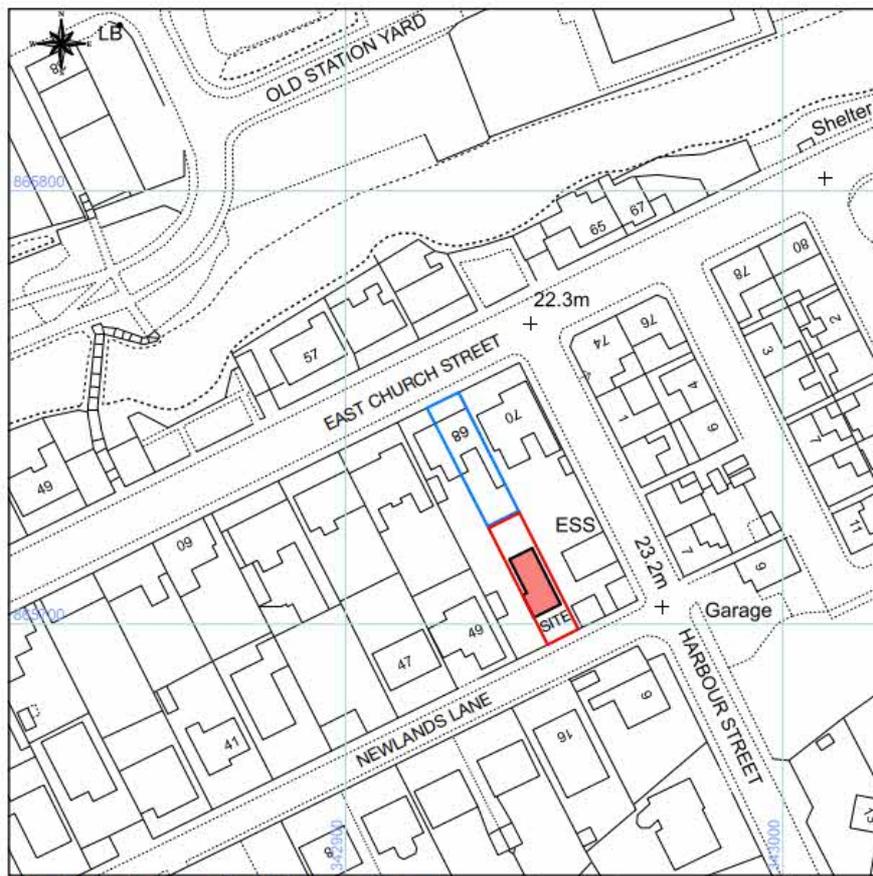
*Proposed Surface Water Drainage Plan*

**SURFACE WATER DISPOSAL RECOMMENDATION REPORT**  
**PROPOSED NEW DWELLINGHOUSE**  
**LAND TO REAR OF 68 EAST CHURCH STREET**  
**BUCKIE**  
**MORAY**  
**AB56 1ER**

**INTRODUCTION**

At the request of Ross Cowie, on behalf of Mr Brian Slorach, a site and ground assessment were undertaken for the proposed development on land at the rear of 68 Church Street, Buckie, Moray, see site location below: -

***Site Location Plan***



The purpose of the assessment was to ascertain the suitability of the underlying sub-soils to provide a SuDS design for the disposal of the surface waters from the proposed new dwellinghouse.

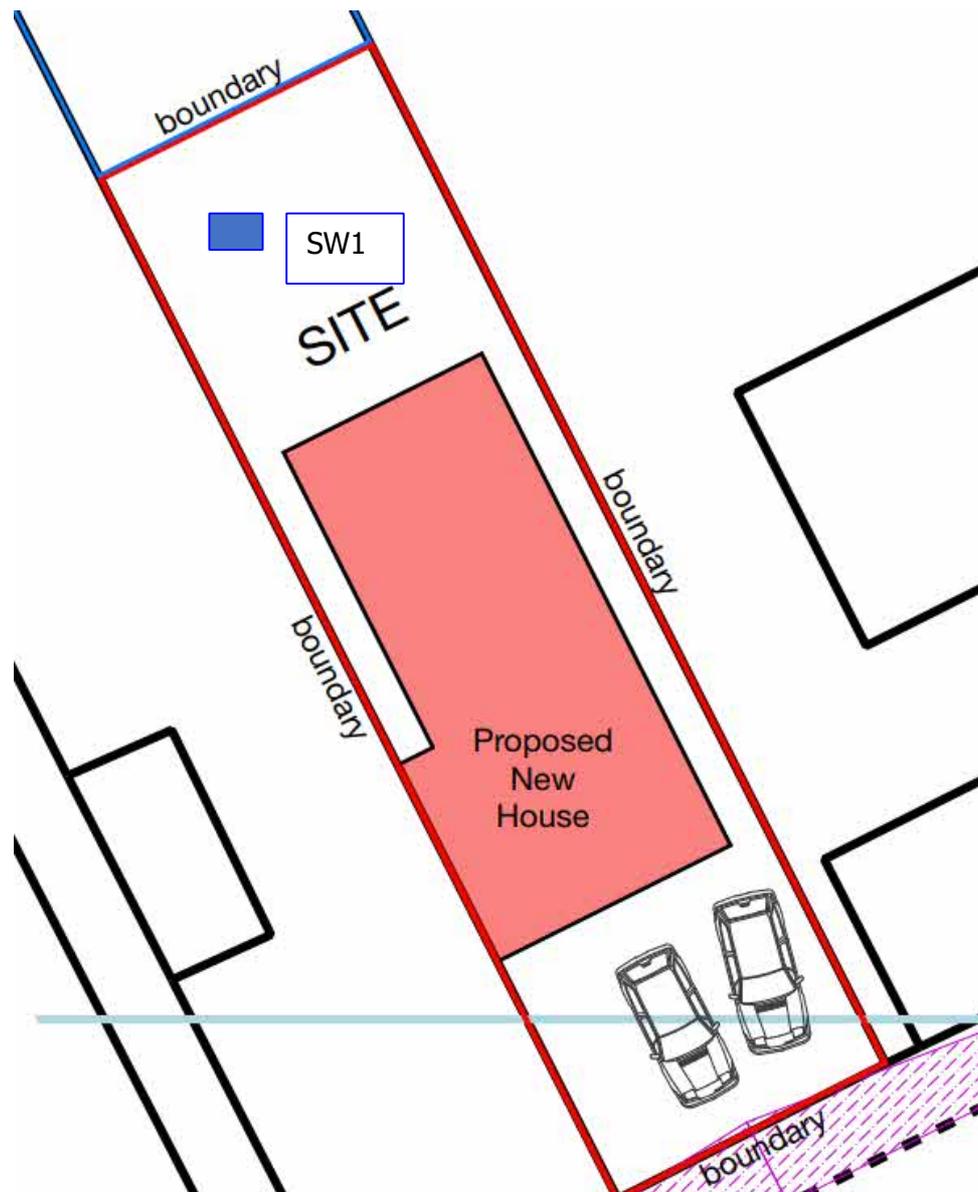
The site was a former 'Scout Hut' now removed with foundations still visible. The area is now very overgrown and is generally level with the boundaries defined by neighbouring walls the garden of No. 68 and access from Newlands Lane to the south.

## **SITE WORK**

### ***Trial Pits***

On the 26<sup>th</sup> July 2021, a tracked excavator with a 0.50m bucket excavated a trial pit in order to assess the underlying ground conditions and to carry out infiltration testing.

### ***Test Location Plan***



**Infiltration Testing**

Infiltration testing was carried out in trial pit SW1 in accordance with BRE Digest 365; the test results are tabulated below: -

Trial Pit No.	Pit Dimensions (W x L)m	Test Zone (mbegl)	In-Fill	Soil Infiltration Rate, $f$ (m/s)
SW1	0.50 x 1.00	0.50 x 1.50	Open	$<1 \times 10^{-6}$ (very poor)

**Trial Pit Log**

Excavation Method		Dimensions	Ground Level (mOD)	Client	Trial Pit Number			
Tracked excavator with 0.50m bucket		0.50 x 1.00		Mr B Slorach	SW1			
Location		Dates	Architect	Job Number	Sheet			
		26/07/2021	Ross Cowie	2864/21	1/1			
Depth (m)	Sample / Tests	Water Depth (m)	Field Records	Level (mOD)	Depth (m) (Thickness)	Description	Legend	Water
					(0.40)	TOPSOIL		
					0.40 (0.10)	Loose dark orange slightly silty SAND		
			Infiltration test zone 0.50 - 1.50m		0.50	Medium dense light pink brown very silty SAND and GRAVEL with some rounded cobbles		
					(1.00)	.....strata very damp below 1.00m		
			No groundwater ingress		1.50	Complete at 1.50m		
Plan				Remarks				
				<p>Scale (approx) 1:20</p> <p>Logged By SAM</p> <p>Figure No. 2864/21.SW1</p>				

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## **GROUND ASSESSMENT**

### ***Published Geology***

The British Geological Survey 1:50,000 Superficial and Solid maps show that the site is overlain by Till Devensian – Diamicton. Superficial deposits formed up to 2 million years ago during the Quaternary Period. The site is underlain by the Cullen Quartzite Formation (Quartzite, Psammite & Semipelite) metamorphic bedrock formed 541 to 1000 million years ago in the Dalradian Period.

### ***Encountered Natural Sub-Soils***

**Topsoil:** The site is overlain by 400mm thickness of topsoil.

**Natural Sub-soils:** The underlying natural sub-soils have an upper mantle of loose dark orange slightly silty sand quickly becoming medium dense light pink-brown very silty sand and gravel with some rounded cobbles below 0.50m and proved to the maximum investigated depth of 1.50m.

**Bedrock:** Bedrock was not encountered during the investigation

### ***Ground Water Observations***

Groundwater was not encountered during the investigation; however, the strata became very 'damp' below 1.00m.

## **DISCUSSION**

### ***Sub-Soils***

The consolidated medium dense and damp nature of the sub-soils in the area of a potential new surface water disposal system and the testing confirmed the very poor draining properties of the sub-soils.

### ***SuDS & Surface Water Disposal***

The latest Scottish Water Surface Water Policy and guidance is that when a property is extended or altered the surface water should now be drained and treated separately via SuDS back to the water environment where possible without being detrimental to existing properties, existing utilities and the wider water environment.

Scottish Water have outlined the hierarchy to be applied to justify the preferred option for the development for the disposal of the surface waters from the development under consideration.

The preferred options have been simplified and applied to this development; see the following table: -

***Simplified Surface Water Disposal Options Summary Table***

<b>Option No.</b>	<b>Description</b>	<b>Methodology</b>	<b>Provision</b>	<b>Justification Rule</b>
<b>1</b>	Rainwater is stored and re-used	Rainwater Harvesting	No viable option to pump harvested waters into dwellinghouse	Move to Option 2
		Water Butts	Single 250-litre water butt for car washing & watering garden but will require overflow discharge	
<b>2</b>	Surface Water Drained into the soil	Water drained to the ground via designed sub-surface soakaway	Very poor permeability of the underlying sub-soils determined by soil infiltration test result where $f < 1 \times 10^{-6} \text{m/s}$	Move to Option 3
<b>3</b>	Surface Water is drained to a watercourse	Via open or piped drain to canal, loch or existing SuDS	No watercourse available nearby	Move to Option 4
<b>4</b>	Surface Waters drained to a surface water sewer	Direct discharge to the mains surface water sewer	No separate surface water sewer available	Move to Option 5
<b>5</b>	Surface waters drained to a combined sewer	Direct discharge to combined sewer	There is no post-development increase in the surface area discharging to the combined sewer than the pre-development discharge	<b>Recommended</b>

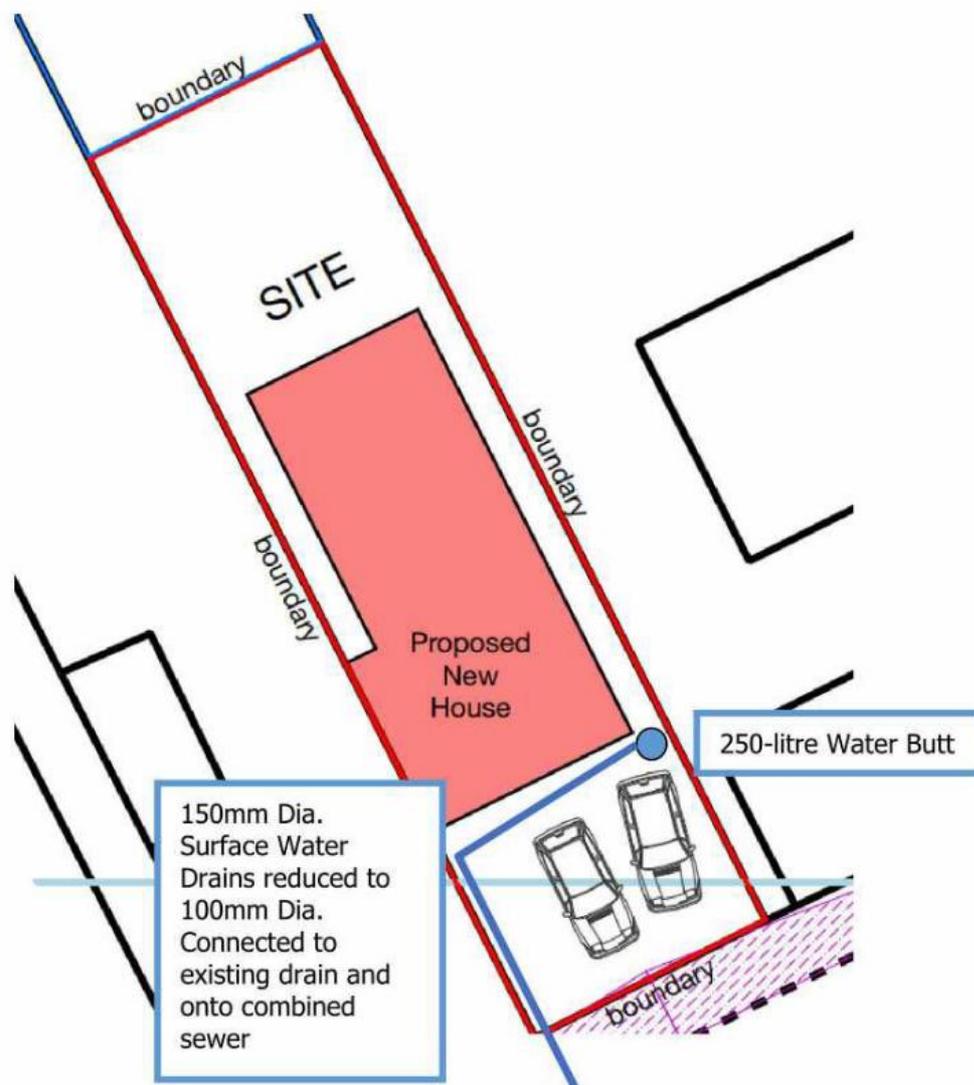
The previous Scout Hut had greater impermeable surface areas compared to the proposed new dwellinghouse and discharged to the sewer.

## **SURFACE WATER DISPOSAL RECOMMENDATIONS**

In order to reduce the discharge to the combined sewer it is recommended to :-

- install a water butt on the rainwater downpipe
- install oversized drain for attenuation
- reduced outflow prior to joining the combined sewer

### ***Proposed Surface Water Drainage Plan***



Signed .....

Name / Company

Address

Qualification



S. A. McGregor

Serenje, Kingsford Steadings, Alford, Aberdeenshire, AB33 8HN

B.Eng(Civil Engineering).

Date...06 August 2021

Your Ref: 100456110-001

Our Ref: 224

Development Control  
Moray Council  
Council Office  
High Street  
Elgin  
IV30 1BX

17 August 2021

Dear Sir(s)/ Madam

**Application for Planning in Principle  
Erect New House on site at Newlands Lane/ 68 East Church Street Buckie.**

**SUPPORTING STATEMENT**

**1. SITE**

The site is on Newlands Lane, Buckie, at the rear of Rome Villa, 68 East Church Street Buckie.

Rome Villa consists of Ground Floor and First Floor Flats. The applicants live in the ground floor flat. The site for Rome Villa extends all the way back to Newlands Lane. Some time ago when Rome Villa was divided into 2no flats, the site extending to Newlands lane was split in two, serving as gardens for each flat.

It is the applicants intention to separate the land to create a site for the erection of a new dwelling. The site is too large to suit their need as a garden & has been fenced off. The section of ground nearest Newlands lane is currently disused. There is evidence of footings remaining from an old scout hut.

The site is 8m wide and extends 30m long, over an area of 247m<sup>2</sup>, bounded by stonework rubble wall to Newlands Lane and the eastern long boundary. A timber fence defines the long West boundary. The short northern boundary is currently undefined.

**2. LOCATION**

The site is located towards the East end of Newlands lane, approximately 20 metres from the T-junction onto Harbour Street. Newlands Lane is a quiet residential street, in central Buckie, perpendicular to East Church Street - the main town centre shopping thoroughfare.

The other properties on Newlands Lane are predominantly modern bungalow type dwelling houses or domestic garages. Like the proposal in this application, many of houses on the north side of Newlands Lane have been build in the split sites of East Church Street properties, where once garages or out buildings would have been.

### **3. THE PROPOSED HOUSE.**

The outline proposals for the house footprint are fairly narrow - of traditional proportions, and story and a half. So although the majority of surrounding properties are bungalows with very wide floor plan, and converted loft spaces under very large roofs, this story and a half design will be no higher at the ridge than the neighbours.

No detailed plans are provided at this stage for Planning in Principle, but walls would be rendered blockwork, casement windows and doors would be double glazed uPVC (colour to be agreed), and the roof would be finished in dark grey concrete roofing tiles.

### **4. DRAINAGE.**

It is proposed to form a new connection to the existing combined system public sewer.

A ground assessment was undertaken by S. A McGregor Geotechnical & Environmental Onsite Services on 26th July 2021. The consolidated medium dense and damp nature of the sub-soils found in the area of potential new surface water disposal system confirmed very poor draining properties of the sub-soils.

In line with Scottish Water's hierarchy of preferred options, S. A McGregor's recommendations are; install a water butt on the rainwater downpipe; install oversized drain for attenuation; and reduce outflow prior to joining the combined sewer. Refer to S A McGregor Surface Water Disposal Report.

### **5. SERVICES.**

It is proposed that the new property will be connected to mains power, water and gas.

### **6. NEW VEHICULAR ACCESS.**

As shown on the site plan, a new 3m wide shared vehicular and pedestrian access is proposed, along with drop kerb to provide 2 on-site car parking spaces. The new vehicular access is to cross a fairly wide public footpath (1.68m). The access is approximately 20m from the T-Junction, and give-way, leading onto Harbour Street. So although the speed limit on Newlands Lane is officially 30mph, the actual speed of cars so close to the junction is significantly less. As such we have shown visibility splays of 2.4 x 25m. The existing stonework walls within the visibility splays demonstrated, will be reduced in height to meet Road department requirements.

## 7. PHOTOS.



Fig.1. View of Site from Newlands Lane & back of 68 East Church St beyond.



Fig.2. View of Site from existing access point.



Fig. 3. Site Access and West neighbours.



Fig.4. Edge of east boundary & neighbouring domestic garages on Newlands Lane.



Fig.5. House directly across from site access on Newlands Lane.

# Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	8th September 2021
<b>Planning Authority Reference</b>	21/01271/PPP
<b>Nature of Proposal (Description)</b>	Erect dwelling house on
<b>Site</b>	Site To Rear Of 68 East Church Street Buckie
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	999999999999
<b>Proposal Location Easting</b>	342943
<b>Proposal Location Northing</b>	865711
<b>Area of application site (M<sup>2</sup>)</b>	247
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QY0U18BGHC600">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QY0U18BGHC600</a>
<b>Previous Application</b>	
<b>Date of Consultation</b>	25th August 2021
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr & Mrs Brian Slorach
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Rome Villa 68 East Church Street Buckie Scotland AB56 1ER
<b>Agent Name</b>	Ross Cowie Architect
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	3 Campbell Street Cullen Buckie Moray AB56 4UE
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Katherine Donnachie
<b>Case Officer Phone number</b>	01343 563101
<b>Case Officer email address</b>	katherine.donnachie@moray.gov.uk
<b>PA Response To</b>	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](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](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto: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:** 21/01271/PPP

**Erect dwelling house on Site To Rear Of 68 East Church Street Buckie for Mr & Mrs Brian Slorach**

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

- |   | <b>Please</b>                        |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <b>x</b><br><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 | <b>x</b>                             |
| (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**

This development is located 30 metres from a filling station and garage that has operated since the 1950s. Moray Council does not have any further information as to whether the ground is contaminated. Safe development is the responsibility of the developer. You are recommended to seek advice on appropriate vapour protection measures for the development. For further information, you can contact the Environmental Health section (email contaminated.land@moray.gov.uk, tel 0300 1234561).

**Further information required to consider the application**

**Contact:** Adrian Muscutt  
**email address:**  
**Consultee:**

**Date...**26.08.2021.....  
**Phone No** .....

**Return response to**

**consultation.planning@moray.gov.uk**

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

# **Consultee Comments for Planning Application 21/01271/PPP**

## **Application Summary**

Application Number: 21/01271/PPP

Address: Site To Rear Of 68 East Church Street Buckie

Proposal: Erect dwelling house on

Case Officer: Katherine Donnachie

## **Consultee Details**

Name: Mr EH Consultations

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

Email: Not Available

On Behalf Of: Environmental Health C12

## **Comments**

Approved unconditionally by Douglas Caldwell



## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	8th September 2021
<b>Planning Authority Reference</b>	21/01271/PPP
<b>Nature of Proposal (Description)</b>	Erect dwelling house on
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<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
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<b>Previous Application</b>	
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You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-

## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Transportation Manager

**Planning Application Ref. No: 21/01271/PPP**

**Erect dwelling house on Site To Rear Of 68 East Church Street Buckie for Mr & Mrs Brian Slorach**

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

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

*This proposal is for the erection of a new dwelling. The formation of the required visibility splays at the new access onto the public road will require the lowering/setting back of an existing boundary wall fronting both the site and the adjacent neighbouring property. It is noted that evidence of agreement from the adjacent landowner has been submitted confirming that the required visibility splays can be provided. However as this application is for Planning Permission on Principle (and ownership may change) the following conditions would apply:*

#### **Condition(s)**

1. No development shall commence until:
  - i. a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 2.4 metres by 25 metres in both directions at the access onto the public road, identifying all works required to provide the visibility splays, and a schedule of maintenance for the splay area has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
  - ii. thereafter the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
  - iii. thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.9 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

**Reason:** To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the

safety and free flow of traffic on the public road.

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

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

3. The width of the new vehicular access shall be minimum 3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. Drop kerbs shall be provided across the access to the Moray Council specification including provision of backing kerbs installed along the rear of the existing footway (across the full width of the new access to delineate and protect the edge of the footway following the removal of the existing boundary wall). A road opening permit must be obtained from the Roads Authority before carrying out this work.

Reason: To ensure acceptable infrastructure at the development access

4. Parking provision shall be as follows:
  - 2 spaces for a dwelling with two or three bedrooms; or
  - 3 spaces for a dwelling with four bedrooms or more

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

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

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

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

#### **Further comment(s) to be passed to applicant**

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

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between charging units

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

The formation of the visibility splays requires the lowering/setting back of the existing boundary wall located along the site frontage, as well as a section of the boundary wall fronting the neighbouring site to the west.

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing [roadspermits@moray.gov.uk](mailto:roadspermits@moray.gov.uk)

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

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

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

**Contact: AG**  
**email address: [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)**  
**Consultee: TRANSPORTATION**

**Date 30 September 2021**

<b>Return response to</b>	<b><a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a></b>
---------------------------	---

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Thursday, 26 August 2021



Local Planner  
Development Services  
Moray Council  
Elgin  
IV30 1BX

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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**Site To Rear Of, 68 East Church Street, Buckie, AB56 1ER**  
**Planning Ref: 21/01271/PPP**  
**Our Ref: DSCAS-0047344-3ZQ**  
**Proposal: Erect dwelling house**

**Please quote our reference in all future correspondence**

## **Audit of Proposal**

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

## **Water Capacity Assessment**

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

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

## **Waste Water Capacity Assessment**

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

## **Please Note**

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

---

## **Surface Water**

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

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

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

### **General notes:**

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

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
  - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
- 

## **Next Steps:**

### **▶ All Proposed Developments**

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

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

### **▶ Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://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 laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the

development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

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

Yours sincerely,

**Angela Allison**

Development Operations Analyst

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

### **Scottish Water Disclaimer:**

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

# Developer Obligations & Affordable Housing: ASSESSMENT REPORT



**moray**  
council

**Date:** 31/08/2021

**Reference:** 21/01271/PPP

**Description:** Erect dwelling house on Site To Rear Of 68 East Church Street, Buckie

**Applicant:** Mr & Mrs Brian Slorach

**Agent:** Ross Cowie Architect

This assessment has been carried out by Moray Council. For developer obligations, the assessment is carried out in relation to policy PP3 Infrastructure and Services of the adopted Moray Local Development Plan 2020 (MLDP2020) and Supplementary Guidance (SG) on Developer Obligations which was adopted on 30 September 2020. And, for affordable housing, the assessment is carried out in relation to policy DP2 Housing of the MLDP2020. Affordable housing is a policy requirement not a developer obligation however for ease of reference the Affordable Housing contribution is included within this assessment.

The MLDP2020 can be found at [www.moray.gov.uk/MLDP2020](http://www.moray.gov.uk/MLDP2020) and the Developer Obligations SG can be found at <http://www.moray.gov.uk/downloads/file134184.pdf>

## Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare ( <i>Contribution towards extension at Ardach Health Centre</i> )	
Sports and Recreation	Nil
<b>Total Developer Obligations</b>	
Affordable Housing	
<b>TOTAL</b>	

## Breakdown of Calculation

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

3 bed = 1 SRUE

This assessment is therefore based on 1 SRUE.



Moray Council **DEVELOPER OBLIGATIONS**

# INFRASTRUCTURE

## Education

### Primary Education

The pupils generated by this development are zoned to Millbank Primary School. The school is currently operating at 47% physical capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

**Contribution towards Primary Education = Nil**

### Secondary Education

The pupils generated by this development are zoned to Buckie High School. The school is currently operating at 89% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

**Contribution towards Secondary Education = Nil**

## Transport

The Moray Council Transportation Services has confirmed that 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 271m<sup>2</sup>.

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).

Ardach Health Centre is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Ardach Health Centre is operating at design capacity and contribution towards extension will be required.

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

**Contribution towards Healthcare= [REDACTED]**

## Sports and Recreational Facilities

### Sports and Recreation Facilities

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

**Contribution for Sports and Recreation Facilities = Nil**



## AFFORDABLE HOUSING

The average market value of a serviced plot for 1 Affordable Unit within the Buckie Local Housing Market Area is [REDACTED]

Contributions are based on 25% of the total number of units proposed in the application:

[REDACTED]

Therefore, the total contribution towards affordable housing is:

1 proposed unit = [REDACTED]

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



## TERMS OF ASSESSMENT

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

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

## PAYMENT OF CONTRIBUTIONS

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

## INDEXATION

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

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



**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Moray Flood Risk Management

**Planning Application Ref. No:** 21/01271/PPP

**Erect dwelling house on Site to Rear of 68 East Church Street Buckie for Mr & Mrs Brian Slorach**

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

- |   | <b>Please</b>                        |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <b>x</b><br><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"/>             |

**Further comment(s) to be passed to applicant**

Moray Council does not object to this application. However, the applicant appears to be connecting the surface water discharge into an existing system; if this is a Scottish Water sewer approval will need to be obtained from Scottish Water.

**Contact:** Javier Cruz **Date.....**26/08/2021  
**email address:** Javier.cruz@moray.gov.uk **Phone No** .....

**Consultee:** The Moray Council, Flood Risk Management



## **REPORT OF HANDLING**

<b>Ref No:</b>	21/01271/PPP	<b>Officer:</b>	Katherine Donnachie
<b>Proposal Description/ Address</b>	Erect dwelling house on Site To Rear Of 68 East Church Street Buckie		
<b>Date:</b>	29/10/2021	<b>Typist Initials:</b>	EW

### **RECOMMENDATION**

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

<b>CONSULTATIONS</b>		
<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Contaminated Land	27/08/21	No objections
Environmental Health Manager	27/08/21	No objections – note that the development is situated 30 metres from a filling station and garage that has operated since the 1950s. The council has no information on whether the ground is contaminated. The team note that safe development is the responsibility of the developer who is recommended to seek advice on appropriate vapour protection measures for the development.
Transportation Manager	30/09/21	Initially requested clarification on visibility from access point and on receipt of further information provided final comments. The team note that the formation of the required visibility splays at the new access onto the public road will require the lowering/setting back of an existing boundary wall fronting both the site and the adjacent neighbouring property. It is further noted that evidence of agreement from the adjacent landowner has been submitted confirming that the required visibility splays can be provided. However as this application is for Planning Permission on Principle (and ownership may change) planning conditions would be required to secure detailed plans of visibility splays including details to demonstrate control of the land. Conditions are also recommended to secure delivery of electric vehicle charging provision, parking provision within the site and construction of the access point to required standards. On this basis the team has no objections.
Scottish Water	26/08/21	No objections – advise that they cannot at present confirm capacity for water supply, there is currently capacity for foul only drainage but this will need to be confirmed and a formal inquiry submitted.  The agency note that they will not accept surface water into their combined systems except in exceptional circumstances and for brownfield sites only. Again the applicant will require to contact the agency at the earliest opportunity with strong evidence to support such a case.

Planning and Development Obligations	31/08/21	Developer obligations required towards healthcare (contribution towards extension at Ardach Health Centre) Under policy requirements affordable housing contribution will be required – this is not a developer obligation but rather a policy requirement.
Moray Flood Risk Management	26/08/21	No objections – the team do note however that the applicant appears to propose to connect surface water to the existing system and if this is a Scottish Water system then their consent will be required.

## DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1 Placemaking		Refer to observations
PP3 Infrastructure and Services		Refer to observations
DP1 Development Principles	Y	Refer to observations
DP2 Housing		Refer to observations
EP12 Management and Enhancement Water		Refer to observations
EP13 Foul Drainage		Refer to observations

## REPRESENTATIONS

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

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

### Proposals

This applications seeks planning in principle consent for the principle of a new house. At this stage no details of the proposed house are required. An indicative site layout has been provided in this case which shows an L shaped house, set back from the public road to the south in order to provide space for car parking and access of this road. Visibility splays are shown onto Newlands Lane with agreement provided from the adjoining landowner to the west that they will accommodate this. Rear garden area could be provided between the building and the remaining garden of the parent property at 68 East Church Street. Indicative sections and notes set out that a 1 ½ storey property could be provided and seek to illustrate how development could be accommodated on site. This is supported by the applicant's supporting statement.

It is proposed to connect to public water and sewage supplies and to discharge surface water into the combined sewer system, with measures proposed to reduce this discharge volume as set out in the accompanying drainage report.

## **Site**

The site comprises overgrown garden ground associated with the applicants' ground floor flat at 68 East Church Street Buckie. This parent property is a large, traditional stone and slate property which fronts onto East Church Street with curtilage running southwards all the way to Newlands Lane. The parent property, as noted in the applicants' supporting statement, has been split in the past into two flats with the curtilage also split to provide two long rear gardens running up to Newlands Road.

The application site comprises the southernmost part of the garden portion belonging to the applicants and is already fenced off from the rest of their garden. The site measures some 8 metres wide by 30 metres deep. There are some ground level remains of a former building on the site - understood to be a scout hall. The site is enclosed by wall and fence on the east side and fence on west side separating it from the garden area of the other flat. There are domestic scale garages on either side. To the north the site is defined by an existing wooden fence separating it from the remaining garden of the applicant's flat. To the south along Newlands Lane is a block wall with existing opening for access through it. On the south (opposite) side of Newlands lane are modern houses dating from around 20 years ago and there is further residential development further west on the north side of Newland Lane too, again dating from around 20 years or more ago. A commercial garage lies to the south east on the other (east) side of Harbour Street.

There is no particular planning history on the site itself.

## **Policy Background**

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

## **Principle**

In general terms, Policy PP1 Placemaking seeks to ensure that new development is designed to create successful healthy places that improve people's wellbeing, safeguard the environment and support economic development, promote character and identity and biodiversity. Similarly Policy DP1 Development Principles is supportive of new development providing it meets all other relevant planning policies. It also sets out the need for the scale, density and character to be appropriate to the surrounding area to create a sense of place, integrated into the surrounding landscape with no adverse impact upon neighbouring properties. Policy DP2 Housing is also relevant and this sets out the need for new housing on windfall sites to include a design statement and sufficient supporting information.

In this case the proposal is well-sited in relation to the facilities and amenities of Buckie, located within a largely residential area whereby the principle of housing here is considered to be reasonable in land use planning terms. Supporting information has been provided to outline the applicants' case for the site.

Also in terms of the principle of development, the application site is part of the curtilage of 68 East Church Street Buckie all as set out in the applicant's supporting statement. Although in the past it is understood that a scout hut stood on this site there are only hard surface, remains of this use, and the land is part of the curtilage of the parent house as evidenced in the Ordnance survey maps of the area. Consequently a key planning policy is Policy DP1: Development Principles which sets out development proposals should not result in backland development or plots that are sub-divided by more than 50% of the original plot. Policy DP1 also sets out that sub divided plots must ensure:

- That the built-up area of the application site does not exceed 1/3 of the total plot area and the resultant plot density and layout reflects the character of the surrounding area

- That a minimum plot size of 400 square metres is achieved excluding access

In this case the plot is not backland development, generally takes up around half of the overall curtilage of the parent house and as this is an application for planning in principle the details of the layout are not up for consideration. It therefore complies with these aspects of policy DP1. However, the plot size - at around 240 square metres - is significantly less than the 400 square metres size sought by policy. (A house occupying 1/3 of this size of plot would equate to a floorspace of around 80 metres.) In these circumstances the principle of the proposed development does not comply with policy DP1 due to the small site size. The fit with the surrounding area will be further considered below.

### **Siting, Layout and Amenity**

Policy DP1 Development Principles sets out the need for the scale, density and character to be appropriate to the surrounding area to create a sense of place, integrated into the surrounding landscape with no adverse impact upon neighbouring properties in terms of privacy, daylighting, or overbearing loss of amenity and, with sub division such as this, for the plot density and layout to reflect the character of the surrounding area.

As noted by the applicant there are single houses all along Newlands Lane fronting the road and comprising land which would have originally been part of the gardens of the large properties fronting East Church Street. These new houses are of varying designs and scales and those in the immediate vicinity would date from around 20 years ago. There is therefore a well-established pattern of plot sub division here with residential use the predominant use. However the application site is extremely small with a frontage of around 8 metres. The original garden area of the parent property has effectively been divided once already to create the two long rear gardens for the two flats here. This has therefore halved the available plot width to create this very narrow frontage. Consequently, whilst a new house plot created from splitting the original plot would have fitted well with the prevailing development pattern, this current proposal would create a very small house plot. This plot size would not fit with the density of the surrounding area and it is considered that it would be difficult to fit a house on the plot without creating window overlooking adjacent land on either side, creating potential privacy/amenity issues.

The applicants case that town centre locations such as this support higher density is noted, although the site does not lie within the designated town centre of Buckie. However the prevailing density around the site is not high density, whereby the proposals are not considered to fit in. This coupled with the failure to comply with the plot size required by Policy DP1 Development Principles means that the application does not comply with policy. There are not considered to be any land use planning reasons to justify a departure from policy given the character of the surrounding area.

### **Servicing**

Policy PP3 Infrastructure and Services sets out how new development should be coordinated with infrastructure to ensure that places function properly and are adequately serviced. Policy DP1 of the 2020 Plan also sets out the need for appropriate servicing and access.

In this respect the development will take access onto Newlands Lane with visibility at the access point to be upgraded in agreement with the adjoining proprietor. The technical consultee (Transportation Manager) has no objections subject to appropriate conditions being attached to secure implementations of these works along with provision of parking provision within the site. The requirement of Policy PP3 to make provision for electric charging would also require to be the subject of an appropriate planning condition. In these circumstances the development is capable of being satisfactorily serviced subject to appropriate planning conditions being attached.

Policy DP1 also requires that acceptable water and drainage provision is made including the use of sustainable urban drainage systems (SUDS) for the disposal of surface water. This is expanded upon in Policy EP12 Management and Enhancement of the Water Environment and Policy EP13 Foul

Drainage. The technical consultee (Flood Risk Management Team) has no objection to the proposed arrangements for surface water disposal to existing system with some reduction in flows, but has highlighted that if this is a Scottish Water system then their consent will be required. Scottish Water has raised no objections to the proposal in terms of connection to public water and foul drainage supplies. They have however noted that consent to discharge surface water to their systems is only granted in exceptional circumstances and the applicant would require to contact them at the earliest stage. As the application is for planning in principle only this could be addressed by condition requiring details of the surface water drainage or informative if the application were being supported.

### **Environmental Impacts**

Policy DP1 Development Principles of the 2020 Plan requires new development to demonstrate how it will conserve and enhance the natural environment. In this case there are no particular issues given that there would be no particular loss of habitat arising from the development and if it proceeded landscaping could potentially be secured although this would be limited by the small size of the plot.

Finally in relation to environmental impacts Policy DP1 Development Requirements seeks to ensure that proposals address and mitigate any contaminated land issues. In this case the Council Contaminated Land Team has no objection although they have noted that the development is situated 30 metres from a filling station and garage that has operated since the 1950s. The team has noted that safe development is the responsibility of the developer who is recommended to seek advice on appropriate vapour protection measures for the development. This could be covered by an informative if the application was being supported.

### **Developer Obligations and Affordable Housing Contributions**

Policy PP3: Infrastructure and Services sets out that contributions will be sought from developers in cases where a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity. The Developer Obligations Team has calculated that a contribution towards healthcare is required in this case. If the application were supported this contribution would require to be paid, and the applicant has indicated willingness to pay. Accordingly developer obligations would require to be secured (whether up- front payment or through legal agreement) if the application were supported.

Policy DP 2(d): Housing of the 2020 Plan also now sets out that all housing developments must provide a contribution towards the provision of affordable housing. The applicant has indicated willingness to pay this contribution and similarly to the situation with developer contributions if the application was supported then the payment would require to be secured.

### **Conclusion**

In these overall circumstances, whilst housing in this part of Buckie is appropriate, the proposed development is not considered to comply with the 2020 Local Development Plan policies due to the small size of the site. Accordingly refusal is recommended

## **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None.

<b>HISTORY</b>			
<b>Reference No.</b>	<b>Description</b>		
	<b>Decision</b>		<b>Date Of Decision</b>

<b>ADVERT</b>		
<b>Advert Fee paid?</b>	<b>Yes</b>	
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>
Banffshire Advertiser and Herald	Departure from development plan	27/09/21
PINS	Departure from development plan	27/09/21

<b>DEVELOPER CONTRIBUTIONS (PGU)</b>	
<b>Status</b>	<b>CONT SOUGHT</b>

**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: Surface water disposal recommendation report

Main Issues: Notes that the site was a former scout hut now removed with foundations still visible with area now overgrown and generally level with boundaries defined by neighbouring walls. Soil testing demonstrated that the sub soil has very poor draining properties. The report concludes that the previous scout hut would have had greater impermeable surface area than the new development and it discharged to the sewer so the case is put forward for discharge to sewer with reduction in amount of discharge to be achieved by the use of water butts, oversized drain for attenuation and reduced outflow prior to joining the combined sewer.

Document Name: Supporting Statement

Main Issues: Explains that the site is to the rear of Rome Villa, at 68 East Church Street Buckie. This villa consists of ground floor and first floor flats with the applicants occupying the ground floor flat. When the villa was divided into two flats the site extending up to Newlands Lane was also split in two serving as gardens for each flat. The applicants proposes to split their garden to create a house site as it is too large for their needs and has been fenced off, with evidence on site of the foundations of an old scout hut. It notes that other properties in Newlands Lane are predominantly modern bungalows or domestic garages and many of the houses on this north side of Newlands Lane have been built on split sites pertaining to the houses on East Church Street where once garages or outbuildings would have been. It further explains that in principle the proposal would be for a narrow house footprint of traditional proportions and 1 ½ storeys high, no higher in ridge than neighbouring properties.

Document Name: Further supporting e mail provided dated 29 September 2012

**Main Issues:** This sets out a case as to why the minimum 400 square metre plot size is not an appropriate approach in a town centre site such as this which is distinct from suburbs whereby a one size fits all approach is not appropriate. It notes that town centres are traditionally more densely populated and the building forms are built tighter than sprawling suburbs. This site in Buckie town centre on Newlands Lane, is parallel to East Church Street, the main street in Buckie for shopping and businesses, with mixed use properties and flats, plus a number of large detached houses (sometimes converted to flats or guest houses). Newlands Lane houses are predominantly newer 'bungalow' style single storey properties with accommodation in the roof space. It is submitted that sprawling bungalows are not the most appropriate design of accommodation for a town centre, and not the most efficient use of land, and not the traditional way that towns were developed historically. The case is put forward that it is possible to create very desirable accessible low cost accommodation with a much higher density in a brownfield town centre site. This helps to relieve pressure on greenfield development and the further loss of countryside and the associated negative impact on biodiversity - this should be fully considered with the current case

Written confirmation from the adjoining landowner agreeing to the lowering of their wall is also provided.

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

<b>DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)</b>			
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)			



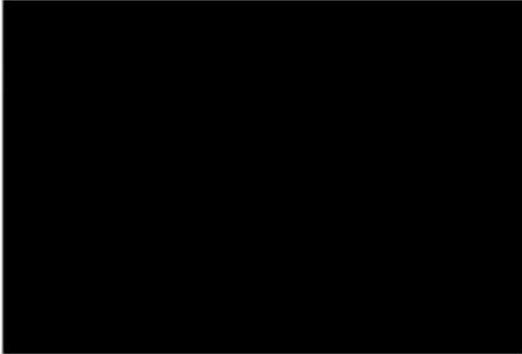


**MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**REFUSAL OF PLANNING PERMISSION**

**[Buckie]  
Planning Permission in Principle**

TO



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

**Erect dwelling house on Site To Rear Of 68 East Church Street Buckie**

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

Date of Notice: **01 November 2021**



**HEAD OF ECONOMIC GROWTH AND DEVELOPMENT**

Economy, Environment and Finance  
Moray Council  
PO Box 6760  
ELGIN  
Moray  
IV30 1BX

**IMPORTANT**  
**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

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

The proposed development is contrary to Policy DP1 Development Principles of the adopted Moray Local Development Plan 2020 for the following reasons:

- (a) The proposal involves sub division of the plot associated with 68 East Church Street Buckie, and falls short of the minimum plot size of 400 square metres required by policy
- (b) The proposed site does not reflect the character and appearance of the surrounding area due to its limited size and narrow frontage which does not reflect the density and layout of the surrounding area

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

Reference	Version	Title
224-02		Block plan
224-01		Location plan
224-03		Site plan
224-04		Site section

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

None.

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

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

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





## **APPENDIX 2**

# **NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS**





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100456110-003

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Ross Cowie Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ross	Building Name:	
Last Name: *	Cowie	Building Number:	3
Telephone Number: *	01542841549	Address 1 (Street): *	Campbell Street
Extension Number:		Address 2:	Cullen
Mobile Number:		Town/City: *	Buckie
Fax Number:		Country: *	Scotland
		Postcode: *	AB56 4UE
Email Address: *	rosscowiearchitect@gmail.com		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr &amp; Mrs"/>	Building Name:	<input type="text" value="Rome Villa"/>
First Name: *	<input type="text" value="Brian"/>	Building Number:	<input type="text" value="68"/>
Last Name: *	<input type="text" value="Slorach"/>	Address 1 (Street): *	<input type="text" value="East Church Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="01542 835344"/>	Town/City: *	<input type="text" value="Buckie"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="07464 036585"/>	Postcode: *	<input type="text" value="AB56 1ER"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="slorachbrian@gmail.com"/>		

## Site Address Details

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

Please identify/describe the location of the site or sites

<input type="text" value="Site at Newlands Lane/ 68 East Church Street Buckie"/>
--

Northing	<input type="text" value="865711"/>	Easting	<input type="text" value="342943"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Erect dwelling house on Site To Rear Of 68 East Church Street Buckie

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

The application was refused on the basis the proposals were a departure from Policy DP1 minimum plot size of 400 m2. Our supporting email set out why the 400 m2 plot size is not an appropriate approach in a town centre site, as distinct from sprawling suburbs, and that a one size fits all approach is not perfect. Desirable accessible low cost accommodation with a much higher density in a brownfield town centre site helps to relieve pressure on greenfield development.

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

Yes  No

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

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

224 2022-01-17 Letter of Appeal, 224-01 Location Plan, 224-02 Proposed Block Plan, 224-03 Site Plan, 224-04 Site Section, 224 2021-09-29 Planning Email, 224 2021-09-29 Planning Email2, 224 2021-08-17 Supporting Statement, Surface water Disposal Recommendation Report, Planning Decision - Refused. Report on Handling, Original Planning in Principle Application Form,

## Application Details

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

21/01271/PPP

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

17/08/2021

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

01/11/2021

## Review Procedure

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

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

Yes  No

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

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

Yes  No

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

Yes  No

## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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

## **Declare – Notice of Review**

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

Declaration Name: Mr Ross Cowie

Declaration Date: 19/01/2022



Your Ref: 100456110-001

Our Ref: 224

Development Control  
Moray Council  
Council Office  
High Street  
Elgin  
IV30 1BX

17 August 2021

Dear Sir(s)/ Madam

**Application for Planning in Principle  
Erect New House on site at Newlands Lane/ 68 East Church Street Buckie.**

**SUPPORTING STATEMENT**

**1. SITE**

The site is on Newlands Lane, Buckie, at the rear of Rome Villa, 68 East Church Street Buckie.

Rome Villa consists of Ground Floor and First Floor Flats. The applicants live in the ground floor flat. The site for Rome Villa extends all the way back to Newlands Lane. Some time ago when Rome Villa was divided into 2no flats, the site extending to Newlands lane was split in two, serving as gardens for each flat.

It is the applicants intention to separate the land to create a site for the erection of a new dwelling. The site is too large to suite their need as a garden & has been fenced off. The section of ground nearest Newlands lane is currently disused. There is evidence of footings remaining from an old scout hut.

The site is 8m wide and extends 30m long, over an area of 247m<sup>2</sup>, bounded by stonework rubble wall to Newlands Lane and the eastern long boundary. A timber fence defines the long West boundary. The short northern boundary is currently undefined.

**2. LOCATION**

The site is located towards the East end of Newlands lane, approximately 20 metres from the T-junction onto Harbour Street. Newlands Lane is a quiet residential street, in central Buckie, perpendicular to East Church Street - the main town centre shopping thoroughfare.

The other properties on Newlands Lane are predominantly modern bungalow type dwelling houses or domestic garages. Like the proposal in this application, many of houses on the north side of Newlands Lane have been build in the split sites of East Church Street properties, where once garages or out buildings would have been.

### **3. THE PROPOSED HOUSE.**

The outline proposals for the house footprint are fairly narrow - of traditional proportions, and story and a half. So although the majority of surrounding properties are bungalows with very wide floor plan, and converted loft spaces under very large roofs, this story and a half design will be no higher at the ridge than the neighbours.

No detailed plans are provided at this stage for Planning in Principle, but walls would be rendered blockwork, casement windows and doors would be double glazed uPVC (colour to be agreed), and the roof would be finished in dark grey concrete roofing tiles.

### **4. DRAINAGE.**

It is proposed to form a new connection to the existing combined system public sewer.

A ground assessment was undertaken by S. A McGregor Geotechnical & Environmental Onsite Services on 26th July 2021. The consolidated medium dense and damp nature of the sub-soils found in the area of potential new surface water disposal system confirmed very poor draining properties of the sub-soils.

In line with Scottish Water's hierarchy of preferred options, S. A McGregor's recommendations are; install a water butt on the rainwater downpipe; install oversized drain for attenuation; and reduce outflow prior to joining the combined sewer. Refer to S A McGregor Surface Water Disposal Report.

### **5. SERVICES.**

It is proposed that the new property will be connected to mains power, water and gas.

### **6. NEW VEHICULAR ACCESS.**

As shown on the site plan, a new 3m wide shared vehicular and pedestrian access is proposed, along with drop kerb to provide 2 on-site car parking spaces. The new vehicular access is to cross a fairly wide public footpath (1.68m). The access is approximately 20m from the T-Junction, and give-way, leading onto Harbour Street. So although the speed limit on Newlands Lane is officially 30mph, the actual speed of cars so close to the junction is significantly less. As such we have shown visibility splays of 2.4 x 25m. The existing stonework walls within the visibility splays demonstrated, will be reduced in height to meet Road department requirements.

## 7. PHOTOS.



Fig.1. View of Site from Newlands Lane & back of 68 East Church St beyond.



Fig.2. View of Site from existing access point.



Fig. 3. Site Access and West neighbours.



Fig.4. Edge of east boundary & neighbouring domestic garages on Newlands Lane.



Fig.5. House directly across from site access on Newlands Lane.

Your Ref: 21/01271/PPP/ 100456110-003

Our Ref: 224

Moray Local Review Body  
Moray Council  
Council Office  
High Street  
Elgin  
IV30 1BX

17 January 2022

Dear Sir(s)/ Madam

**Application for Planning in Principle - Refused**  
**Erect dwelling house on Site tor Rear of 68 East Church Street Buckie.**

**NOTICE OF REVIEW**

The above application was refused by Moray Council, stating that the 'proposed development is contrary to Policy DP1 Development Principles of the adopted Moray Local Development Plan 2020 for the following reasons:

(a) *'The proposal involves the sub division of the plot associated with 68 East Church Street Buckie, and falls short of the minimum plot size of 400 square metres required by policy'*

Our supporting email dated 21/9/21 set out why the 400 m<sup>2</sup> plot size is not an appropriate approach in a town centre site, as distinct from sprawling suburbs, and that a one size fits all approach is not perfect. Desirable accessible low cost accommodation with a much higher density in a brownfield town centre site helps to relieve pressure on greenfield development, and the resulting loss of biodiversity. Therefore brownfield site developments should be encouraged. Visually the currently disused site as viewed from Newlands Lane would also be improved from its essentially derelict state. We therefore ask that the refusal of the Planning in Principle application be reviewed.

(b) *'The proposed site does not reflect the character and appearance of the surrounding area due to its limited size and narrow frontage which does not reflect the density and layout of the surrounding area'*.

Our arguments for increased density are stated above. The Site Plan which accompanied the application showed the proposed house to be build against the dividing boundary, so that in the future, should the adjoining site be developed it would be possible to create semi detached houses which would give the appearance of one larger house similar to the neighbours. Regardless of this, the proposed house on the narrow site will be well designed as the scheme is developed, and would make very good use of this derelict gap site.

Please refer to the following attached documents from the original application;

224 2021-08-17 Supporting Statement

224-01 Location Plan Rev\_

224-02 Proposed Block Plan Rev.C

224-03 Site Plan 100 Rev\_

224-04 Site Section Rev\_

224 2021-09 Planning Email

224 2021-09 Planning Email 2

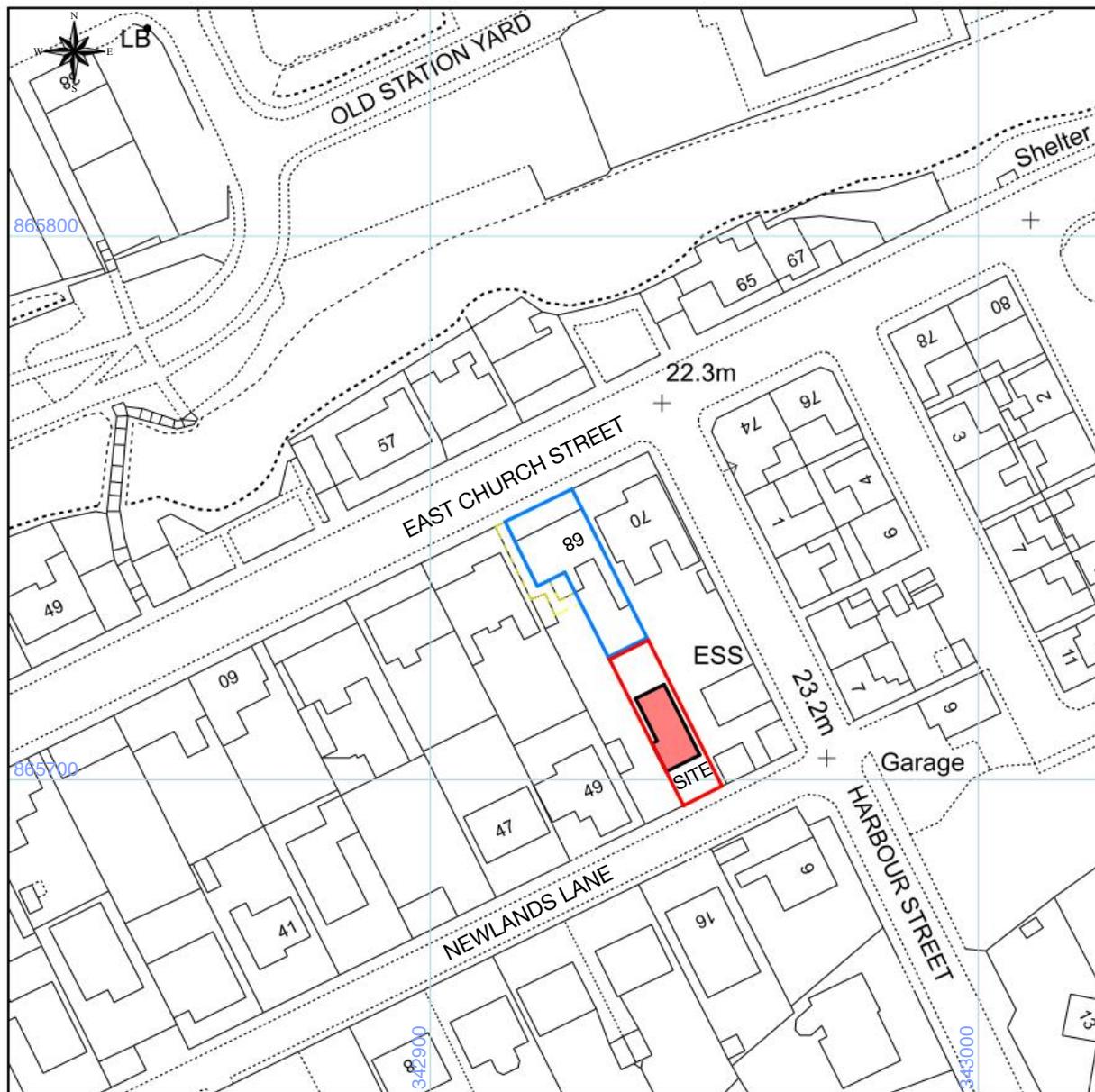
I trust this is in order and look forward to hearing from you in due course.

Yours faithfully,

A solid black rectangular box used to redact the signature of Ross Cowie.

Ross Cowie

# Location Plan of AB56 1ER



This Plan includes the following Licensed Data: OS MasterMap Black and White PDF Location Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features, as lines is no evidence of a property boundary. © Crown copyright and database rights, 2021. Ordnance Survey 0100031673



Scale: 1:1250, paper size: A4

Site at Newlands Lane/  
68 East Church St. Buckie

ROSS COWIE ARCHITECT

3 Campbell St. Cullen, AB56 4UE.

Tel. 01542 841549

rosscowiearchitect@gmail.com

www.rosscowiearchitect.com

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For Mr & Mrs B. Storch

Title Location Plan

Dwg No. 224-01

Scale 1:1250 @ A4

Status Planning

Date July 2021

Rev.



# EAST CHURCH STREET

SCALE 0 2 4 6 8 10 20m

Site at Newlands Lane/  
68 East Church St. Buckie

For Mr & Mrs B. Storch

Title Proposed Block Plan  
Dwg No. 224-02  
Scale 1:200 @ A3  
Status Planning  
Date July 2021  
Rev. A-30-07-21 blue boundary  
B-12-08-21 further information  
C-13-08-21 title

ROSS COWIE ARCHITECT

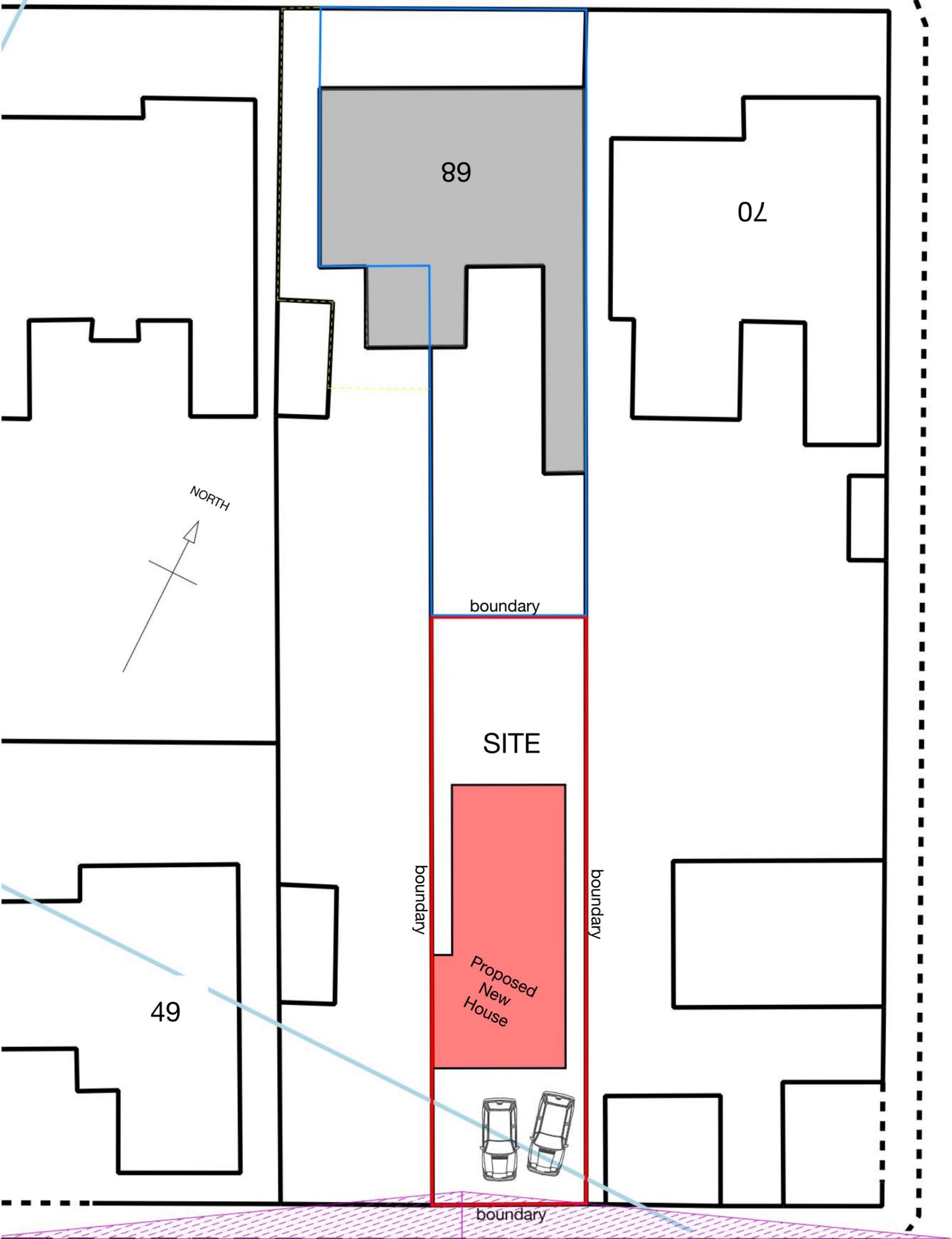
3 Campbell St. Cullen, AB56 4UE.

Tel. 01542 841549

rosscowiearchitect@gmail.com

www.rosscowiearchitect.com

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HARBOUR STREET

Visibility Splays 2.4 x 25 meters

Visibility Splays 2.4 x 25 meters

# NEWLANDS LANE

68 East Church Street

Site at Newlands Lane/  
68 East Church St. Buckie

For Mr & Mrs B. Storch

Title Site Plan 100  
Dwg No. 224-03  
Scale 1:100 @ A3  
Status Planning  
Date August 2021  
Rev.

ROSS COWIE ARCHITECT

3 Campbell St. Cullen, AB56 4UE.

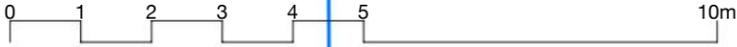
Tel. 01542 841549

rosscowiearchitect@gmail.com

www.rosscowiearchitect.com

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SCALE



NORTH



Existing Garage

SITE

lawn and planted shrubs

path

Existing timber fence  
to be removed.

boundary - timber fence

boundary - rubble stonework wall

Proposed  
New  
House

Path Rainwater Butt

Drive

Surface water drainage design as per  
Planning Notes on Dwg 224-04 &  
S McGregor Drainage Design Report

Reduce Wall height within visibility  
splays to less than 900mm height.

Visibility Splays 2.4 x 25 meters

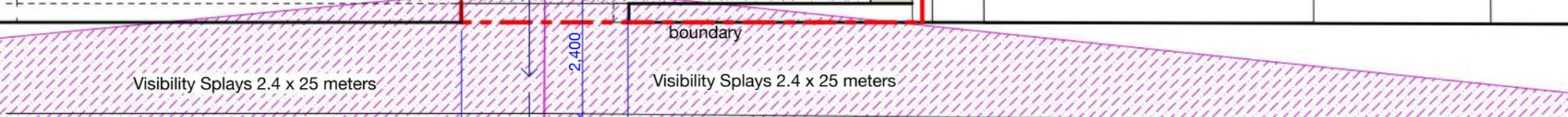
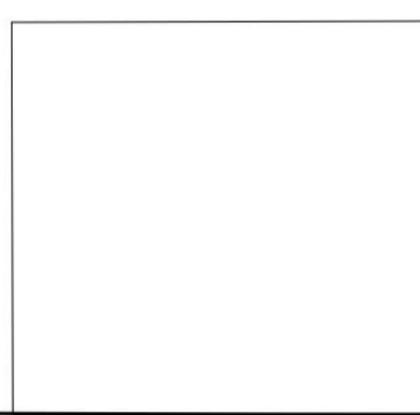
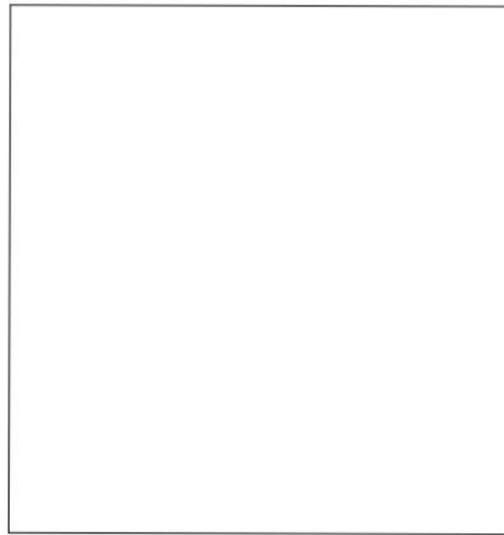
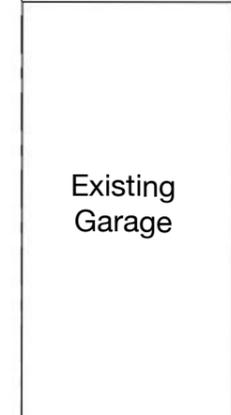
boundary

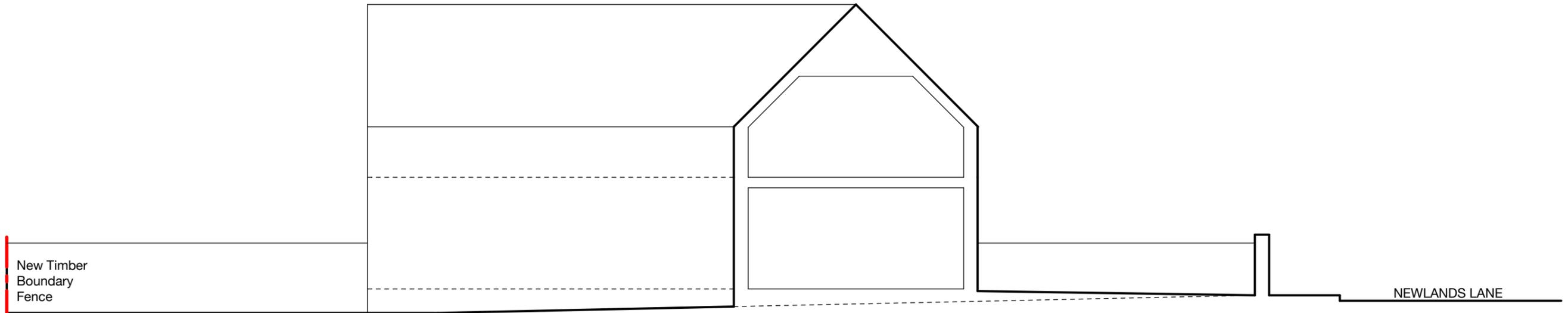
Visibility Splays 2.4 x 25 meters

Proposed vehicular access  
& proposed drop kerb

NEWLANDS LANE

New connection to  
combined system  
public sewer





SITE SECTION

PLANNING NOTES:

Proposed New House within current rear garden grounds of 68 East Church Street Buckie, with new vehicular access off Newlands Lane.

Erect new dwellinghouse within brownfield site - adjacent to location of former Scout Hut - long since demolished but evidence of footings remain.

Proposed New House to be story & half height.  
 Walls to be rendered blockwork.  
 Roof to be grey roofing tiles + Velux Rooflights.  
 Windows and doors to be uPVC double glazed casements - colour to be agreed.  
 Rainwater goods to be black uPVC.

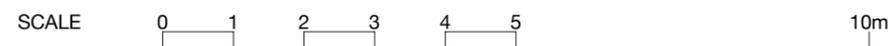
Foulwater drainage to be connected to existing public sewer.  
 Surface water drainage to be connected to combined system public sewer.

In order to reduce the discharge to the combined sewer it is recommended to: -

- install a water butt on the rainwater downpipe
  - install oversized drain for attenuation
  - reduced outflow prior to joining the combined sewer
- Refer to Drainage design Report.

Boundary wall onto Newlands lane to be reduced in height to achieve visibility splays shown and to meet the requirements of the Roads department Moray Council.

Min 2 car parking spaces to be provided on site - lock block or equal.  
 Form level level access path around house, with remaining grounds laid to lawn and shrubs.



Site at Newlands Lane/  
 68 East Church St. Buckie

For Mr & Mrs B. Storch

Title	Site Section
Dwg No.	224-04
Scale	1:100 @ A3
Status	Planning
Date	August 2021
Rev.	

ROSS COWIE ARCHITECT

3 Campbell St. Cullen, AB56 4UE.

Tel. 01542 841549

rosscowiearchitect@gmail.com

www.rosscowiearchitect.com

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**From:** Ross Cowie [rosscowiearchitect@gmail.com](mailto:rosscowiearchitect@gmail.com)  
**Subject:** Re: 21/01271/PPP Erect dwelling house on Site To Rear Of 68 East Church Street Buckie  
**Date:** 29 September 2021 at 16:56  
**To:** Katherine Donnachie [Katherine.Donnachie@moray.gov.uk](mailto:Katherine.Donnachie@moray.gov.uk)

R

Dear Katherine,

Apologies for my delay in getting back to you.

Thank you for bringing to my attention the planning policy which requires the sub-division of a plot to achieve minimum 400 square metres.

Whilst I can see the merits of this policy in most cases, I would argue that for a town centre development, this is not the most appropriate application.

As you are aware, town centres are distinct from suburbs, yet it would appear that this is a one size fits all policy. Town centres are traditionally more densely populated and the building forms are built tighter than sprawling suburbs. This site in Buckie town centre on Newlands Lane, is parallel to East Church Street, the main street in Buckie for shopping and businesses, with mixed use properties and flats, plus a number of large detached houses (sometimes converted to flats or guest houses).

Newlands Lane houses are predominantly newer 'bungalow' style single storey properties with accommodation in the roof space. I would again argue that sprawling bungalows are not the most appropriate design of accommodation for a town centre, and not the most efficient use of land. Certainly not a traditional way that towns were developed historically.

I would also suggest that the single storey detached houses built opposite Lidl are really not the best or efficient use of town centre sites. Surely it is possible to create very desirable accessible low cost accommodation with a much higher density in a brownfield town centre site. This helps to relieve pressure on greenfield development and the further loss of countryside and the associated negative impact on biodiversity.

So although this proposed development is contrary to planning policy, I would ask you to consider my responses above.

Finally it is proposed to lower the remaining wall across the site and adjacent neighbours site as noted on our drawings. My client the applicant Mr Brian Slorach has received written confirmation from his neighbour confirming consent is granted to lower the neighbours wall too. This will be undertaken immediately if/ when planning permission were to be granted. Please see separate email.

Thank you,  
Kind regards,

Ross Cowie  
Ross Cowie Architect Limited  
3 Campbell Street  
Cullen  
Buckie  
AB56 4UE  
01542 841549  
[rosscowiearchitect.com](http://rosscowiearchitect.com)



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On 15 Sep 2021, at 12:29, Katherine Donnachie <[Katherine.Donnachie@moray.gov.uk](mailto:Katherine.Donnachie@moray.gov.uk)> wrote:

Dear Ross

I write to confirm our recent telephone discussion today. As discussed the Scottish Water issue could potentially be addressed with a future detailed application should this case be supported although it would be advisable for you to contact Scottish Water to ensure that they will accept the proposed arrangement to connect to their system after attenuation on site.

Aside from this, as discussed there is a basic planning policy issue with this proposal. Policy DPI Development Principles (part f) of the recently adopted Local Development Plan sets out the criteria to be met with proposals for plot sub division, including the requirement for a minimum plot size of 400 square metres. The proposed site falls

well short of this and the density is not reflective of other house plots along Newlands Lane. As such I regret to advise you that the proposed development is considered to be contrary to policy and will be recommended for refusal. From our discussion I understand that, unfortunately, you are not able to secure land to the west to enlarge the plot. Should you wish to make any comments in support of this application outlining why you consider it to comply with policy I would be happy to receive these. Policy DPI and other Local Plan policies are available on this link below (volume 1 – policies)

[http://www.moray.gov.uk/moray\\_standard/page\\_133431.html](http://www.moray.gov.uk/moray_standard/page_133431.html)

Finally I would advise that our Transportation Team has queried the control of land to achieve the required visibility splays for safe access here, as the land to the west appears to be outwith your clients control. They have highlighted that you have shown provision of a visibility splay which passes across the neighbouring wall to the west but it is not clear as to whether the applicant has control of this land and has the ability to lower the wall. From our discussion I understand that your client has control of this wall through agreement with the neighbouring proprietor so if you could provide confirmation to this effect then the Transportation Team would be able to complete their comments on the case.

The Team has further noted that the application site is very narrow and the sightlines would be constrained to the east due to- the presence of the garages, meaning that the access rightly has been pushed towards the western frontage away from the constraint. However the parking has been shown with an access 3m wide presumably in order to position the centre of the access away from the constraint to be able to provide the 25m splay. This would be tight for parking for two cars and also mean that each time the one at the back wanted out the car in front would have to exit out of the way. Ordinarily the access would be 5.5m wide in these circumstances to provide perpendicular parking for two vehicles but this would of course move the centre of the access further towards the constraint, meaning that the 25m splay would not be achievable. Consequently if your client was able to lower the wall across the frontage of both sites that would be even better and the overall improvements would allow the Team to accept a more flexible parking arrangement with the wider access and perpendicular parking arrangement . Your comments in this regard would be much appreciated

I look forward to hearing from you within 14 days ( by 29 September 2021) to enable me to re-consult the Transportation Team and to fully consider your case prior to finalising my report. Do please get in touch if any queries or if this timescale presents any difficulties

Yours sincerely

**Katherine Donnachie** Planning Officer | Economic Growth and

Katherine Donnachie Planning Officer | Economic Growth and  
Development [katherine.donnachie@moray.gov.uk](mailto:katherine.donnachie@moray.gov.uk) | [website](#) | [facebook](#) |  
[twitter](#) | [News page](#)  
01343 563101

- **Working pattern Wednesday to Friday**

<[image001.png](#)><image002.jpg>

---

**From:** Ross Cowie <[rosscowiearchitect@gmail.com](mailto:rosscowiearchitect@gmail.com)>

**Sent:** 10 September 2021 11:45

**To:** Katherine Donnachie <[Katherine.Donnachie@moray.gov.uk](mailto:Katherine.Donnachie@moray.gov.uk)>

**Subject:** 21/01271/PPP Erect dwelling house on Site To Rear Of 68 East Church Street Buckie

**Warning. This email contains web links and originates from outside of the Moray Council network.**  
You should only click on these links if you are certain that the email is genuine and the content is safe.

Good morning Katherine,

Just left a message on your voicemail. But I note that Scottish Water have no objections but request the applicant to apply for consent to connect the surface water to the combined public sewer. Will this have to be achieved before PPP consent can be issued or will it be a condition of consent?

Thank you  
Kind regards  
Ross

Ross Cowie  
Ross Cowie Architect Limited  
3 Campbell Street  
Cullen  
Buckie  
AB56 4UE  
01542 841549  
[rosscowiearchitect.com](http://rosscowiearchitect.com)

<image003.png>

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**From:** Ross Cowie [rosscowiearchitect@gmail.com](mailto:rosscowiearchitect@gmail.com)  
**Subject:** Fwd: Boundary Wall - forming part of 68A East Church Street, Buckie, AB56 1ER Ref. 21/01271/PPP  
**Date:** 29 September 2021 at 17:04  
**To:** Katherine Donnachie [Katherine.Donnachie@moray.gov.uk](mailto:Katherine.Donnachie@moray.gov.uk)

---

Hi Katherine,

As promised, please see below email confirmation neighbours consent to lowering of neighbouring wall.

I trust this is sufficient but should you require any further information please do not hesitate in contacting me.

Kind regards,  
Ross

Ross Cowie  
Ross Cowie Architect Limited  
3 Campbell Street  
Cullen  
Buckie  
AB56 4UE  
01542 841549  
[rosscowiearchitect.com](http://rosscowiearchitect.com)

Begin forwarded message:

**From:** Brian Slorach <[slorachbrian@gmail.com](mailto:slorachbrian@gmail.com)>  
**Subject:** Re: Boundary Wall - forming part of 68A East Church Street, Buckie, AB56 1ER  
**Date:** 27 September 2021 at 11:33:25 BST  
**To:** Ross Cowie <[rosscowiearchitect@gmail.com](mailto:rosscowiearchitect@gmail.com)>

On 26 Sep 2021, at 10:49, Brian Slorach <[slorachbrian@gmail.com](mailto:slorachbrian@gmail.com)> wrote:

Ross,  
Find attached confirmation of agreement to alter wall at rear of 68A East Church Street  
Regards  
Brian

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

**From:** Robert Hair <[hair\\_robert@hotmail.com](mailto:hair_robert@hotmail.com)>  
**Date:** Sun, 26 Sep 2021, 10:17  
**Subject:** Boundary Wall - forming part of 68A East Church Street, Buckie, AB56 1ER  
**To:** [slorachbrian@gmail.com](mailto:slorachbrian@gmail.com) <[slorachbrian@gmail.com](mailto:slorachbrian@gmail.com)>

Dear Mr Slorach,

I write in response to your request regarding the boundary wall at the rear of my property forming part of 68A East Church Street, Buckie, AB56 1ER.

I would confirm that in a verbal conversation at the start of September you advised me that you had plans drawn up 21/01271/PPP to place before The Moray Council Planning Department with regards to building a house in the rear part of your garden at 68 East Church Street, Buckie, AB56 1ER.

During that conversation you intimated that to enable planning to be confirmed you would require to reduce my rear of property boundary wall to create viewing splay, this would involve lowering part of the wall in height. You then informed me that you would create a wall to the original height immediately to the inside of this wall to the same height and construction of the existing wall and tying into the existing wall at the point where the reduced height ended and that the wall, existing and new would be completely roughcast. You were seeking my agreement to this alteration to my property to permit your agent to submit the planning application.

I confirmed that the walled part of the garden area is an area where I grow fruit bushes and as such should not be detrimental to that practice. I confirmed that I would agree to the wall reduction on the understanding that there was a new similar to existing height boundary wall erected in line with the above description and that this would be fully roughcast along with the existing external boundary wall.

I confirm that whilst writing this in an email, this does not constitute any legal or binding contract in relation to any subsequent owners of the property and lands pertaining to 68A East Church , Buckie, AB56 1ER should the property be sold prior to any proposed development.

Yours sincerely

Robert Hair



**S.A. MCGREGOR**



**SURFACE WATER DISPOSAL  
RECOMMENDATION REPORT**

**PROPOSED NEW DWELLINGHOUSE  
LAND AT REAR OF 68 EAST CHURCH STREET  
BUCKIE  
MORAY  
AB56 1ER**

***Client:*** Mr Brian Slorach

***Agent:*** Ross Cowie

***Contract No.*** 2864/21

***Report Issued:*** 06 August 2021

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### Introduction

*Site Location Plan*

### Site Work

*Trial Pits*

*Test Location Plan*

*Infiltration Testing*

*Trial Pit Log*

### Ground Assessment

*Published Geology*

*Encountered Natural Sub-Soils*

*Ground Water Observations*

### Discussion

*Sub-Soils*

*SuDS & Surface Water Disposal*

*Simplified Surface Water Disposal Options Summary Table*

### Surface Water Disposal Recommendations

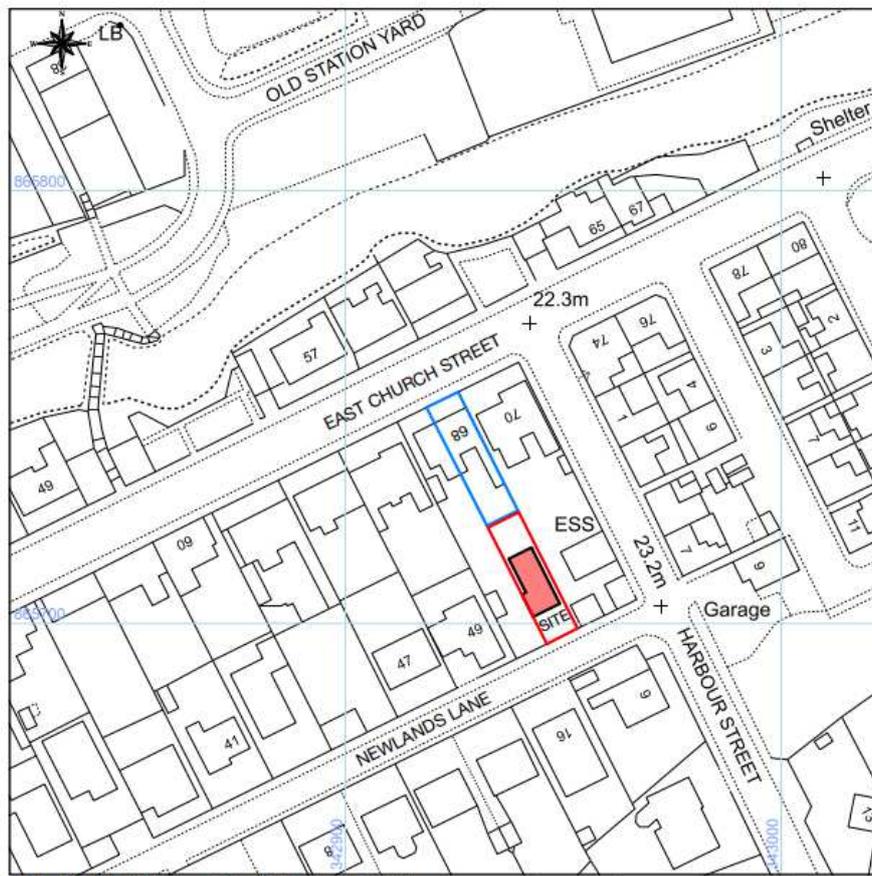
*Proposed Surface Water Drainage Plan*

**SURFACE WATER DISPOSAL RECOMMENDATION REPORT**  
**PROPOSED NEW DWELLINGHOUSE**  
**LAND TO REAR OF 68 EAST CHURCH STREET**  
**BUCKIE**  
**MORAY**  
**AB56 1ER**

**INTRODUCTION**

At the request of Ross Cowie, on behalf of Mr Brian Slorach, a site and ground assessment were undertaken for the proposed development on land at the rear of 68 Church Street, Buckie, Moray, see site location below: -

***Site Location Plan***



The purpose of the assessment was to ascertain the suitability of the underlying sub-soils to provide a SuDS design for the disposal of the surface waters from the proposed new dwellinghouse.

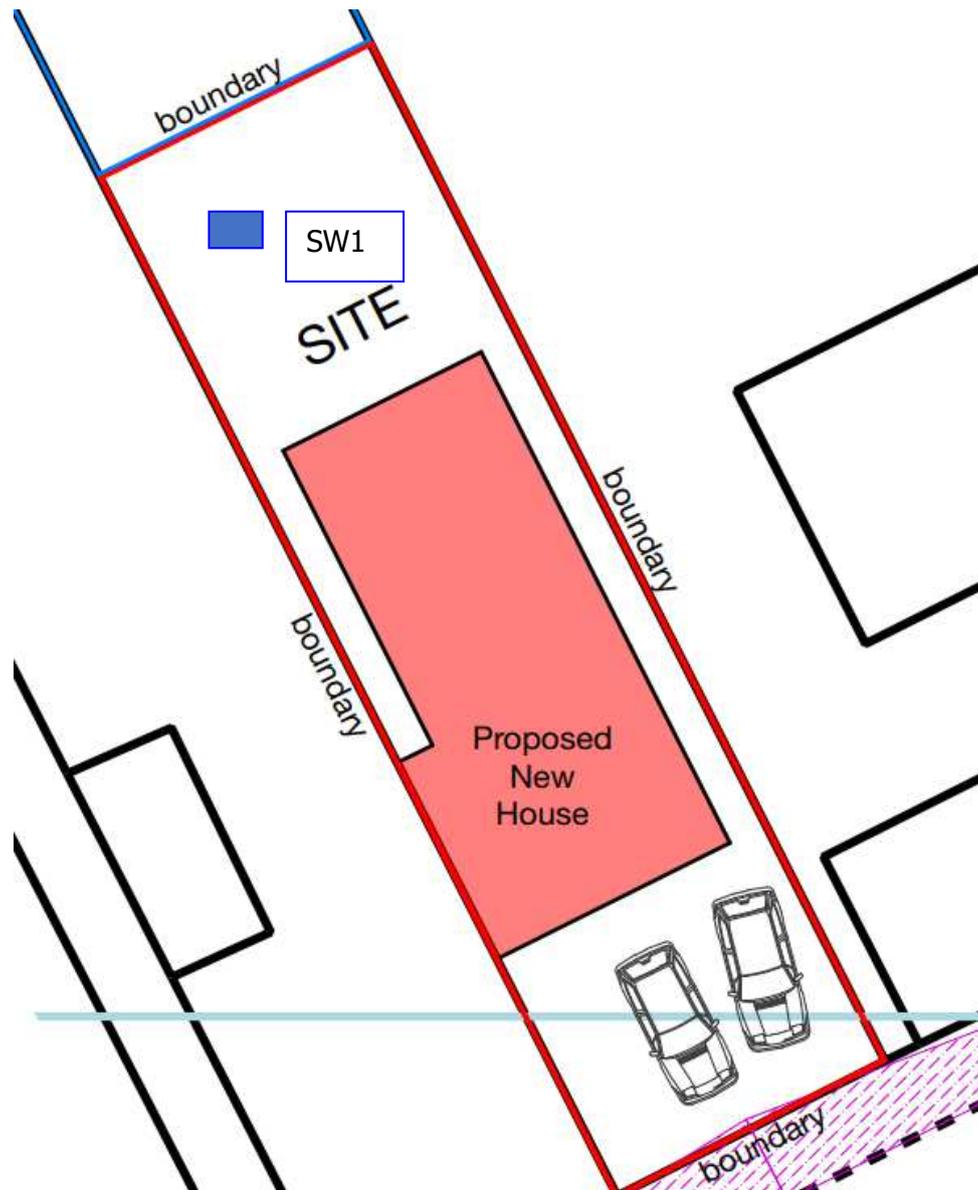
The site was a former 'Scout Hut' now removed with foundations still visible. The area is now very overgrown and is generally level with the boundaries defined by neighbouring walls the garden of No. 68 and access from Newlands Lane to the south.

## **SITE WORK**

### ***Trial Pits***

On the 26<sup>th</sup> July 2021, a tracked excavator with a 0.50m bucket excavated a trial pit in order to assess the underlying ground conditions and to carry out infiltration testing.

### ***Test Location Plan***



**Infiltration Testing**

Infiltration testing was carried out in trial pit SW1 in accordance with BRE Digest 365; the test results are tabulated below: -

Trial Pit No.	Pit Dimensions (W x L)m	Test Zone (mbegl)	In-Fill	Soil Infiltration Rate, $f$ (m/s)
SW1	0.50 x 1.00	0.50 x 1.50	Open	<b><math>&lt;1 \times 10^{-6}</math> (very poor)</b>

**Trial Pit Log**

S.A. MCGREGOR		Site		Trial Pit Number				
Excavation Method Tracked excavator with 0.50m bucket		Dimensions 0.50 x 1.00		Ground Level (mOD)				
Location		Dates 26/07/2021		Client Mr B Slorach				
Job Number 2864/21		Architect Ross Cowie		Sheet 1/1				
Depth (m)	Sample / Tests	Water Depth (m)	Field Records	Level (mOD)	Depth (m) (Thickness)	Description	Legend	Water
					(0.40)	TOPSOIL		
					0.40 (0.10)	Loose dark orange slightly silty SAND		
			Infiltration test zone 0.50 - 1.50m		0.50	Medium dense light pink brown very silty SAND and GRAVEL with some rounded cobbles		
					(1.00)	.....strata very damp below 1.00m		
			No groundwater ingress		1.50	Complete at 1.50m		
Plan						Remarks		
Scale (approx)						Logged By		Figure No.
1:20						SAM		2864/21.SW1

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## **GROUND ASSESSMENT**

### ***Published Geology***

The British Geological Survey 1:50,000 Superficial and Solid maps show that the site is overlain by Till Devensian – Diamicton. Superficial deposits formed up to 2 million years ago during the Quaternary Period. The site is underlain by the Cullen Quartzite Formation (Quartzite, Psammite & Semipelite) metamorphic bedrock formed 541 to 1000 million years ago in the Dalradian Period.

### ***Encountered Natural Sub-Soils***

**Topsoil:** The site is overlain by 400mm thickness of topsoil.

**Natural Sub-soils:** The underlying natural sub-soils have an upper mantle of loose dark orange slightly silty sand quickly becoming medium dense light pink-brown very silty sand and gravel with some rounded cobbles below 0.50m and proved to the maximum investigated depth of 1.50m.

**Bedrock:** Bedrock was not encountered during the investigation

### ***Ground Water Observations***

Groundwater was not encountered during the investigation; however, the strata became very 'damp' below 1.00m.

## **DISCUSSION**

### ***Sub-Soils***

The consolidated medium dense and damp nature of the sub-soils in the area of a potential new surface water disposal system and the testing confirmed the very poor draining properties of the sub-soils.

### ***SuDS & Surface Water Disposal***

The latest Scottish Water Surface Water Policy and guidance is that when a property is extended or altered the surface water should now be drained and treated separately via SuDS back to the water environment where possible without being detrimental to existing properties, existing utilities and the wider water environment.

Scottish Water have outlined the hierarchy to be applied to justify the preferred option for the development for the disposal of the surface waters from the development under consideration.

The preferred options have been simplified and applied to this development; see the following table: -

***Simplified Surface Water Disposal Options Summary Table***

<b>Option No.</b>	<b>Description</b>	<b>Methodology</b>	<b>Provision</b>	<b>Justification Rule</b>
<b>1</b>	Rainwater is stored and re-used	Rainwater Harvesting	No viable option to pump harvested waters into dwellinghouse	Move to Option 2
		Water Butts	Single 250-litre water butt for car washing & watering garden but will require overflow discharge	
<b>2</b>	Surface Water Drained into the soil	Water drained to the ground via designed sub-surface soakaway	Very poor permeability of the underlying sub-soils determined by soil infiltration test result where $f < 1 \times 10^{-6} \text{m/s}$	Move to Option 3
<b>3</b>	Surface Water is drained to a watercourse	Via open or piped drain to canal, loch or existing SuDS	No watercourse available nearby	Move to Option 4
<b>4</b>	Surface Waters drained to a surface water sewer	Direct discharge to the mains surface water sewer	No separate surface water sewer available	Move to Option 5
<b>5</b>	Surface waters drained to a combined sewer	Direct discharge to combined sewer	There is no post-development increase in the surface area discharging to the combined sewer than the pre-development discharge	<b>Recommended</b>

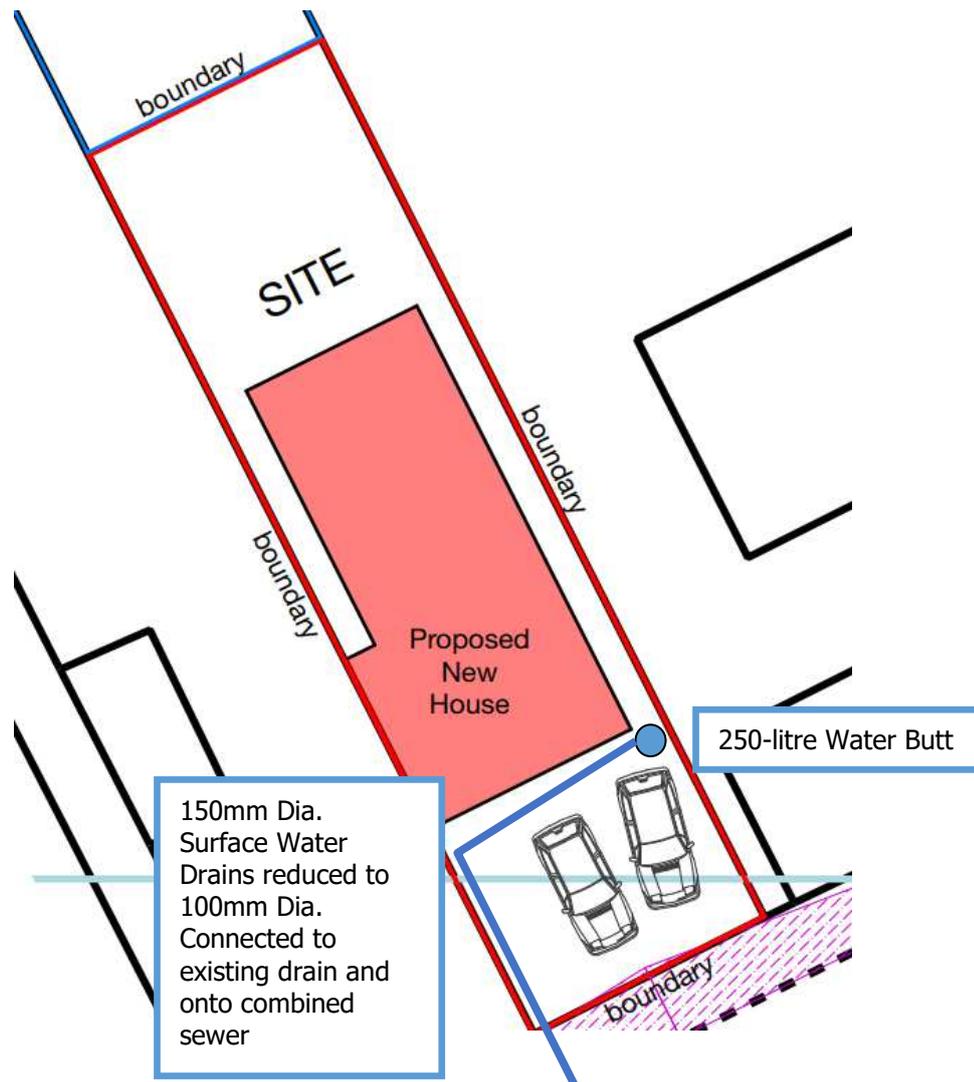
The previous Scout Hut had greater impermeable surface areas compared to the proposed new dwellinghouse and discharged to the sewer.

## **SURFACE WATER DISPOSAL RECOMMENDATIONS**

In order to reduce the discharge to the combined sewer it is recommended to: -

- install a water butt on the rainwater downpipe
- install oversized drain for attenuation
- reduced outflow prior to joining the combined sewer

### ***Proposed Surface Water Drainage Plan***



Signed .....

Name / Company

Address

Qualification



S. A. McGregor

Serenje, Kingsford Steadings, Alford, Aberdeenshire, AB33 8HN

B.Eng(Civil Engineering).

Date...06 August 2021



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

**REFUSAL OF PLANNING PERMISSION**

**[Buckie]  
Planning Permission in Principle**

TO Mr & Mrs Brian Slorach  
c/o Ross Cowie Architect  
3 Campbell Street  
Cullen  
Buckie  
Moray  
AB56 4UE

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

**Erect dwelling house on Site To Rear Of 68 East Church Street Buckie**

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

Date of Notice: **01 November 2021**



**HEAD OF ECONOMIC GROWTH AND DEVELOPMENT**

Economy, Environment and Finance  
Moray Council  
PO Box 6760  
ELGIN  
Moray  
IV30 1BX

**IMPORTANT**  
**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

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

The proposed development is contrary to Policy DP1 Development Principles of the adopted Moray Local Development Plan 2020 for the following reasons:

- (a) The proposal involves sub division of the plot associated with 68 East Church Street Buckie, and falls short of the minimum plot size of 400 square metres required by policy
- (b) The proposed site does not reflect the character and appearance of the surrounding area due to its limited size and narrow frontage which does not reflect the density and layout of the surrounding area

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

Reference	Version	Title
224-02		Block plan
224-01		Location plan
224-03		Site plan
224-04		Site section

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

None.

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

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

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.

## **REPORT OF HANDLING**

<b>Ref No:</b>	21/01271/PPP	<b>Officer:</b>	Katherine Donnachie
<b>Proposal Description/ Address</b>	Erect dwelling house on Site To Rear Of 68 East Church Street Buckie		
<b>Date:</b>	29/10/2021	<b>Typist Initials:</b>	EW

### **RECOMMENDATION**

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

<b>CONSULTATIONS</b>		
<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Contaminated Land	27/08/21	No objections
Environmental Health Manager	27/08/21	No objections – note that the development is situated 30 metres from a filling station and garage that has operated since the 1950s. The council has no information on whether the ground is contaminated. The team note that safe development is the responsibility of the developer who is recommended to seek advice on appropriate vapour protection measures for the development.
Transportation Manager	30/09/21	Initially requested clarification on visibility from access point and on receipt of further information provided final comments. The team note that the formation of the required visibility splays at the new access onto the public road will require the lowering/setting back of an existing boundary wall fronting both the site and the adjacent neighbouring property. It is further noted that evidence of agreement from the adjacent landowner has been submitted confirming that the required visibility splays can be provided. However as this application is for Planning Permission on Principle (and ownership may change) planning conditions would be required to secure detailed plans of visibility splays including details to demonstrate control of the land. Conditions are also recommended to secure delivery of electric vehicle charging provision, parking provision within the site and construction of the access point to required standards. On this basis the team has no objections.
Scottish Water	26/08/21	No objections – advise that they cannot at present confirm capacity for water supply, there is currently capacity for foul only drainage but this will need to be confirmed and a formal inquiry submitted.  The agency note that they will not accept surface water into their combined systems except in exceptional circumstances and for brownfield sites only. Again the applicant will require to contact the agency at the earliest opportunity with strong evidence to support such a case.

Planning and Development Obligations	31/08/21	Developer obligations required towards healthcare (contribution towards extension at Ardach Health Centre) Under policy requirements affordable housing contribution will be required – this is not a developer obligation but rather a policy requirement.
Moray Flood Risk Management	26/08/21	No objections – the team do note however that the applicant appears to propose to connect surface water to the existing system and if this is a Scottish Water system then their consent will be required.

### DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1 Placemaking		Refer to observations
PP3 Infrastructure and Services		Refer to observations
DP1 Development Principles	Y	Refer to observations
DP2 Housing		Refer to observations
EP12 Management and Enhancement Water		Refer to observations
EP13 Foul Drainage		Refer to observations

### REPRESENTATIONS

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

### OBSERVATIONS – ASSESSMENT OF PROPOSAL

#### Proposals

This applications seeks planning in principle consent for the principle of a new house. At this stage no details of the proposed house are required. An indicative site layout has been provided in this case which shows an L shaped house, set back from the public road to the south in order to provide space for car parking and access of this road. Visibility splays are shown onto Newlands Lane with agreement provided from the adjoining landowner to the west that they will accommodate this. Rear garden area could be provided between the building and the remaining garden of the parent property at 68 East Church Street. Indicative sections and notes set out that a 1 ½ storey property could be provided and seek to illustrate how development could be accommodated on site. This is supported by the applicant's supporting statement.

It is proposed to connect to public water and sewage supplies and to discharge surface water into the combined sewer system, with measures proposed to reduce this discharge volume as set out in the accompanying drainage report.

## **Site**

The site comprises overgrown garden ground associated with the applicants' ground floor flat at 68 East Church Street Buckie. This parent property is a large, traditional stone and slate property which fronts onto East Church Street with curtilage running southwards all the way to Newlands Lane. The parent property, as noted in the applicants' supporting statement, has been split in the past into two flats with the curtilage also split to provide two long rear gardens running up to Newlands Road.

The application site comprises the southernmost part of the garden portion belonging to the applicants and is already fenced off from the rest of their garden. The site measures some 8 metres wide by 30 metres deep. There are some ground level remains of a former building on the site - understood to be a scout hall. The site is enclosed by wall and fence on the east side and fence on west side separating it from the garden area of the other flat. There are domestic scale garages on either side. To the north the site is defined by an existing wooden fence separating it from the remaining garden of the applicant's flat. To the south along Newlands Lane is a block wall with existing opening for access through it. On the south (opposite) side of Newlands lane are modern houses dating from around 20 years ago and there is further residential development further west on the north side of Newland Lane too, again dating from around 20 years or more ago. A commercial garage lies to the south east on the other (east) side of Harbour Street.

There is no particular planning history on the site itself.

## **Policy Background**

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

## **Principle**

In general terms, Policy PP1 Placemaking seeks to ensure that new development is designed to create successful healthy places that improve people's wellbeing, safeguard the environment and support economic development, promote character and identity and biodiversity. Similarly Policy DP1 Development Principles is supportive of new development providing it meets all other relevant planning policies. It also sets out the need for the scale, density and character to be appropriate to the surrounding area to create a sense of place, integrated into the surrounding landscape with no adverse impact upon neighbouring properties. Policy DP2 Housing is also relevant and this sets out the need for new housing on windfall sites to include a design statement and sufficient supporting information.

In this case the proposal is well-sited in relation to the facilities and amenities of Buckie, located within a largely residential area whereby the principle of housing here is considered to be reasonable in land use planning terms. Supporting information has been provided to outline the applicants' case for the site.

Also in terms of the principle of development, the application site is part of the curtilage of 68 East Church Street Buckie all as set out in the applicant's supporting statement. Although in the past it is understood that a scout hut stood on this site there are only hard surface, remains of this use, and the land is part of the curtilage of the parent house as evidenced in the Ordnance survey maps of the area. Consequently a key planning policy is Policy DP1: Development Principles which sets out development proposals should not result in backland development or plots that are sub-divided by more than 50% of the original plot. Policy DP1 also sets out that sub divided plots must ensure:

- That the built-up area of the application site does not exceed 1/3 of the total plot area and the resultant plot density and layout reflects the character of the surrounding area

- That a minimum plot size of 400 square metres is achieved excluding access

In this case the plot is not backland development, generally takes up around half of the overall curtilage of the parent house and as this is an application for planning in principle the details of the layout are not up for consideration. It therefore complies with these aspects of policy DP1. However, the plot size - at around 240 square metres - is significantly less than the 400 square metres size sought by policy. (A house occupying 1/3 of this size of plot would equate to a floorspace of around 80 metres.) In these circumstances the principle of the proposed development does not comply with policy DP1 due to the small site size. The fit with the surrounding area will be further considered below.

### **Siting, Layout and Amenity**

Policy DP1 Development Principles sets out the need for the scale, density and character to be appropriate to the surrounding area to create a sense of place, integrated into the surrounding landscape with no adverse impact upon neighbouring properties in terms of privacy, daylighting, or overbearing loss of amenity and, with sub division such as this, for the plot density and layout to reflect the character of the surrounding area.

As noted by the applicant there are single houses all along Newlands Lane fronting the road and comprising land which would have originally been part of the gardens of the large properties fronting East Church Street. These new houses are of varying designs and scales and those in the immediate vicinity would date from around 20 years ago. There is therefore a well-established pattern of plot sub division here with residential use the predominant use. However the application site is extremely small with a frontage of around 8 metres. The original garden area of the parent property has effectively been divided once already to create the two long rear gardens for the two flats here. This has therefore halved the available plot width to create this very narrow frontage. Consequently, whilst a new house plot created from splitting the original plot would have fitted well with the prevailing development pattern, this current proposal would create a very small house plot. This plot size would not fit with the density of the surrounding area and it is considered that it would be difficult to fit a house on the plot without creating window overlooking adjacent land on either side, creating potential privacy/amenity issues.

The applicants case that town centre locations such as this support higher density is noted, although the site does not lie within the designated town centre of Buckie. However the prevailing density around the site is not high density, whereby the proposals are not considered to fit in. This coupled with the failure to comply with the plot size required by Policy DP1 Development Principles means that the application does not comply with policy. There are not considered to be any land use planning reasons to justify a departure from policy given the character of the surrounding area.

### **Servicing**

Policy PP3 Infrastructure and Services sets out how new development should be coordinated with infrastructure to ensure that places function properly and are adequately serviced. Policy DP1 of the 2020 Plan also sets out the need for appropriate servicing and access.

In this respect the development will take access onto Newlands Lane with visibility at the access point to be upgraded in agreement with the adjoining proprietor. The technical consultee (Transportation Manager) has no objections subject to appropriate conditions being attached to secure implementations of these works along with provision of parking provision within the site. The requirement of Policy PP3 to make provision for electric charging would also require to be the subject of an appropriate planning condition. In these circumstances the development is capable of being satisfactorily serviced subject to appropriate planning conditions being attached.

Policy DP1 also requires that acceptable water and drainage provision is made including the use of sustainable urban drainage systems (SUDS) for the disposal of surface water. This is expanded upon in Policy EP12 Management and Enhancement of the Water Environment and Policy EP13 Foul

Drainage. The technical consultee (Flood Risk Management Team) has no objection to the proposed arrangements for surface water disposal to existing system with some reduction in flows, but has highlighted that if this is a Scottish Water system then their consent will be required. Scottish Water has raised no objections to the proposal in terms of connection to public water and foul drainage supplies. They have however noted that consent to discharge surface water to their systems is only granted in exceptional circumstances and the applicant would require to contact them at the earliest stage. As the application is for planning in principle only this could be addressed by condition requiring details of the surface water drainage or informative if the application were being supported.

### **Environmental Impacts**

Policy DP1 Development Principles of the 2020 Plan requires new development to demonstrate how it will conserve and enhance the natural environment. In this case there are no particular issues given that there would be no particular loss of habitat arising from the development and if it proceeded landscaping could potentially be secured although this would be limited by the small size of the plot.

Finally in relation to environmental impacts Policy DP1 Development Requirements seeks to ensure that proposals address and mitigate any contaminated land issues. In this case the Council Contaminated Land Team has no objection although they have noted that the development is situated 30 metres from a filling station and garage that has operated since the 1950s. The team has noted that safe development is the responsibility of the developer who is recommended to seek advice on appropriate vapour protection measures for the development. This could be covered by an informative if the application was being supported.

### **Developer Obligations and Affordable Housing Contributions**

Policy PP3: Infrastructure and Services sets out that contributions will be sought from developers in cases where a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity. The Developer Obligations Team has calculated that a contribution towards healthcare is required in this case. If the application were supported this contribution would require to be paid, and the applicant has indicated willingness to pay. Accordingly developer obligations would require to be secured (whether up- front payment or through legal agreement) if the application were supported.

Policy DP 2(d): Housing of the 2020 Plan also now sets out that all housing developments must provide a contribution towards the provision of affordable housing. The applicant has indicated willingness to pay this contribution and similarly to the situation with developer contributions if the application was supported then the payment would require to be secured.

### **Conclusion**

In these overall circumstances, whilst housing in this part of Buckie is appropriate, the proposed development is not considered to comply with the 2020 Local Development Plan policies due to the small size of the site. Accordingly refusal is recommended

## **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None.

<b>HISTORY</b>			
<b>Reference No.</b>	<b>Description</b>		
	<b>Decision</b>		<b>Date Of Decision</b>

<b>ADVERT</b>		
<b>Advert Fee paid?</b>	<b>Yes</b>	
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>
Banffshire Advertiser and Herald	Departure from development plan	27/09/21
PINS	Departure from development plan	27/09/21

<b>DEVELOPER CONTRIBUTIONS (PGU)</b>	
<b>Status</b>	<b>CONT SOUGHT</b>

**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: Surface water disposal recommendation report

Main Issues: Notes that the site was a former scout hut now removed with foundations still visible with area now overgrown and generally level with boundaries defined by neighbouring walls. Soil testing demonstrated that the sub soil has very poor draining properties. The report concludes that the previous scout hut would have had greater impermeable surface area than the new development and it discharged to the sewer so the case is put forward for discharge to sewer with reduction in amount of discharge to be achieved by the use of water butts, oversized drain for attenuation and reduced outflow prior to joining the combined sewer.

Document Name: Supporting Statement

Main Issues: Explains that the site is to the rear of Rome Villa, at 68 East Church Street Buckie. This villa consists of ground floor and first floor flats with the applicants occupying the ground floor flat. When the villa was divided into two flats the site extending up to Newlands Lane was also split in two serving as gardens for each flat. The applicants proposes to split their garden to create a house site as it is too large for their needs and has been fenced off, with evidence on site of the foundations of an old scout hut. It notes that other properties in Newlands Lane are predominantly modern bungalows or domestic garages and many of the houses on this north side of Newlands Lane have been built on split sites pertaining to the houses on East Church Street where once garages or outbuildings would have been. It further explains that in principle the proposal would be for a narrow house footprint of traditional proportions and 1 ½ storeys high, no higher in ridge than neighbouring properties.

Document Name: Further supporting e mail provided dated 29 September 2012

**Main Issues:** This sets out a case as to why the minimum 400 square metre plot size is not an appropriate approach in a town centre site such as this which is distinct from suburbs whereby a one size fits all approach is not appropriate. It notes that town centres are traditionally more densely populated and the building forms are built tighter than sprawling suburbs. This site in Buckie town centre on Newlands Lane, is parallel to East Church Street, the main street in Buckie for shopping and businesses, with mixed use properties and flats, plus a number of large detached houses (sometimes converted to flats or guest houses). Newlands Lane houses are predominantly newer 'bungalow' style single storey properties with accommodation in the roof space. It is submitted that sprawling bungalows are not the most appropriate design of accommodation for a town centre, and not the most efficient use of land, and not the traditional way that towns were developed historically. The case is put forward that it is possible to create very desirable accessible low cost accommodation with a much higher density in a brownfield town centre site. This helps to relieve pressure on greenfield development and the further loss of countryside and the associated negative impact on biodiversity - this should be fully considered with the current case

Written confirmation from the adjoining landowner agreeing to the lowering of their wall is also provided.

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

<b>DIRECTION(S) MADE BY SCOTTISH MINISTERS</b> (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)			



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100456110-001

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

## Type of Application

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

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

## Description of Proposal

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

Erect new dwelling house on site at Newlands Lane/ 68 East Church Street Buckie

Is this a temporary permission? \*  Yes  No

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

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

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ross Cowie Architect"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Ross"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Cowie"/>	Building Number:	<input type="text" value="3"/>
Telephone Number: *	<input type="text" value="01542841549"/>	Address 1 (Street): *	<input type="text" value="Campbell Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Cullen"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Buckie"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="AB56 4UE"/>
Email Address: *	<input type="text" value="rosscowiearchitect@gmail.com"/>		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr &amp; Mrs"/>	Building Name:	<input type="text" value="Rome Villa"/>
First Name: *	<input type="text" value="Brian"/>	Building Number:	<input type="text" value="68"/>
Last Name: *	<input type="text" value="Slorach"/>	Address 1 (Street): *	<input type="text" value="East Church Street"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="01542 835344"/>	Town/City: *	<input type="text" value="Buckie"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="07464 036585"/>	Postcode: *	<input type="text" value="AB56 1ER"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="slorachbrian@gmail.com"/>		

## Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Site at Newlands Lane/ 68 East Church Street Buckie

Northing

865711

Easting

342943

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

247.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

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

Brownfield site/ part garden of 68 East Church St.

## Access and Parking

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

Yes  No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

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

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*  Yes  No

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

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

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

Note:-

Please include details of SUDS arrangements on your plans

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

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

- Yes  
 No, using a private water supply  
 No connection required

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

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*  Yes  No  Don't Know

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

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

## Trees

Are there any trees on or adjacent to the application site? \*  Yes  No

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

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*  Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 \*  Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

## Certificates and Notices

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

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

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

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

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Ross Cowie

On behalf of: Mr & Mrs Brian Slorach

Date: 12/08/2021

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

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

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

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

Supporting Statement

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Ross Cowie

Declaration Date: 17/08/2021

## Payment Details

Telephone Payment Reference: xxx

Created: 17/08/2021 15:06





## **APPENDIX 3**

# **FURTHER REPRESENTATIONS FROM INTERESTED PARTIES**



**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Moray Flood Risk Management

**Planning Application Ref. No:** 21/01271/PPP

**Erect dwelling house on Site to Rear of 68 East Church Street Buckie for Mr & Mrs Brian Slorach**

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

- |   | <b>Please</b>                        |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <b>x</b><br><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"/>             |

**Further comment(s) to be passed to applicant**

Moray Council does not object to this application. However, the applicant appears to be connecting the surface water discharge into an existing system; if this is a Scottish Water sewer approval will need to be obtained from Scottish Water.

**Contact:** Javier Cruz **Date.....**04/02/2022  
**email address:** Javier.cruz@moray.gov.uk **Phone No .....**  
**Consultee:** The Moray Council, Flood Risk Management





## **APPENDIX 4**

# **APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS**



## Lissa Rowan

---

**From:** Ross Cowie <rosscowiearchitect@gmail.com>  
**Sent:** 10 March 2022 14:10  
**To:** Lissa Rowan  
**Cc:** Brian Slorach  
**Subject:** Re: Notice of Review: Planning Application 21/01271/PPP

**Warning. This email contains web links and originates from outside of the Moray Council network.**

**You should only click on these links if you are certain that the email is genuine and the content is safe.**

Good afternoon Lissa,

Thanks for confirming that permission from Scottish Water is not required at this stage for Planning in Principle. I acknowledge that permission from Scottish Water will be required at Full Planning Application stage, and we will endeavour to seek permission prior to lodging full PP application.

I have made my client aware of this.

I trust this is in order and that you can now arrange the case to be reviewed on 31 March. If you require any further information please do not hesitate in contacting me and I will respond by reply.

I'd be grateful if you could confirm you have everything from me now.

Kind regards,  
Ross

Ross Cowie  
Ross Cowie Architect Limited  
3 Campbell Street  
Cullen  
Buckie  
AB56 4UE  
01542 841549  
[rosscowiearchitect.com](http://rosscowiearchitect.com)

On 10 Mar 2022, at 13:51, Lissa Rowan <[Lissa.Rowan@moray.gov.uk](mailto:Lissa.Rowan@moray.gov.uk)> wrote:

Good afternoon Ross

I have checked with the Service and been advised that you can wait until a full Planning Application is submitted before you get the permission from Scottish Water, however the sooner the permission is obtained, the sooner you can prepare the full applicaiton for submission. If Scottish Water refuses the permission, then you would still have time to think of alternatives prior to submission of a full APP.

So, the further representation is just a heads up so the application stage runs smoothly.

The next meeting of the Moray Local Review Body is on 31 March and there wont be another meeting until the beginning of June due to the Local Government Election therefore if you could provide me with a response asap, this will ensure that your case is heard on 31 March.

Kind regards

Lissa

---

**From:** Ross Cowie <[rosscowiearchitect@gmail.com](mailto:rosscowiearchitect@gmail.com)>  
**Sent:** 09 March 2022 12:21  
**To:** Lissa Rowan <[Lissa.Rowan@moray.gov.uk](mailto:Lissa.Rowan@moray.gov.uk)>  
**Subject:** Re: Notice of Review: Planning Application 21/01271/PPP

**Warning. This email contains web links and originates from outside of the Moray Council network.  
You should only click on these links if you are certain that the email is genuine and the content is safe.**

Dear Lissa,

Thanks for forwarding the representation from Moray Flood Risk Management with regard to the above.

I note there is no objections but that sewer approval from Scottish Water will be required.

Is this just an observation for future, or do you require us to achieve sewer approval before you determine the application?

I'm in the office if its easier to call.

Thanks  
Kind regards,  
Ross

Ross Cowie  
Ross Cowie Architect Limited  
3 Campbell Street  
Cullen  
Buckie  
AB56 4UE  
01542 841549  
[rosscowiearchitect.com](http://rosscowiearchitect.com)

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On 9 Mar 2022, at 11:19, Lissa Rowan <[Lissa.Rowan@moray.gov.uk](mailto:Lissa.Rowan@moray.gov.uk)> wrote:

Good morning

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

Kind regards

Lissa

**Lissa Rowan** | Committee Services Officer | Governance,  
Strategy and Performance Services

[lissa.rowan@moray.gov.uk](mailto:lissa.rowan@moray.gov.uk) | [website](#) | [facebook](#) | [twitter](#) | [instagram](#)  
| [news](#)

01343 563015 | 07765 741754

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<LR271 - Further Rep Notification.pdf><LR271 - Further Rep.pdf>