



MORAY LOCAL REVIEW BODY

26 SEPTEMBER 2019

SUMMARY OF INFORMATION FOR CASE No LR228

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

Ward 3 - Buckie

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

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

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

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

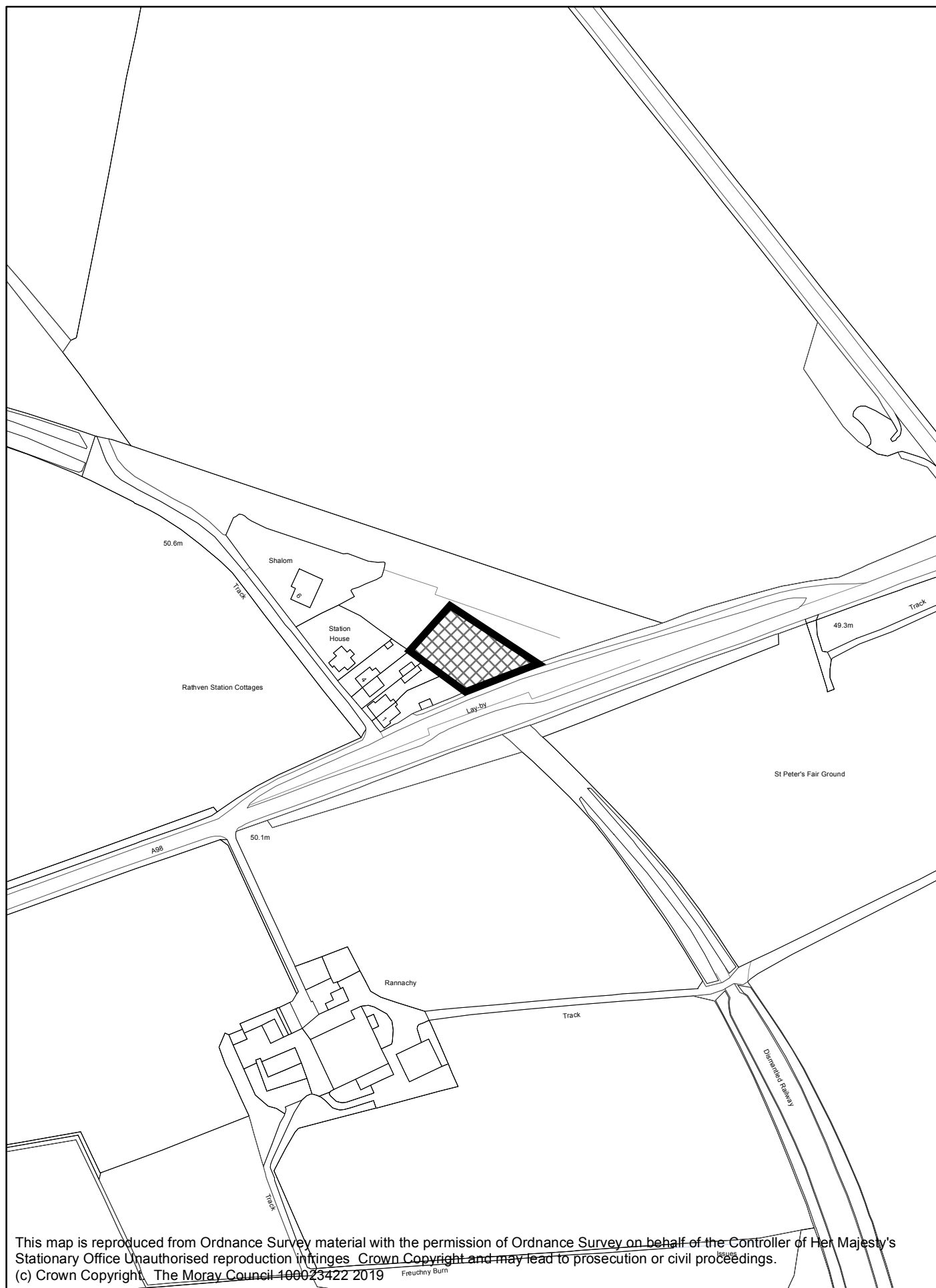
The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

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

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



Location plan for Planning Application Reference Number : 19/00294/PPP





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

APPLICATION FOR PLANNING PERMISSION

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR.	Ref No.	18 / 75.
Forename	ALFIE	Forename	COLIN
Surname	MORRISON.	Surname	KEIR
Company Name		Company Name	PLANS PLUS.
Building No./Name		Building No./Name	MAIN STREET
Address Line 1	1 EDWARDS AVENUE	Address Line 1	OFFICES
Address Line 2	LOSSIEMOUTH	Address Line 2	URQUHART
Town/City	MOLAY	Town/City	ELGIN
Postcode	IV31 6FE.	Postcode	IV30 8LG
Telephone	[REDACTED]	Telephone	01343 842635
Mobile	—	Mobile	07766 315501
Fax	—	Fax	
Email	—	Email	ctkplans@aol.com
3. Postal Address or Location of Proposed Development (please include postcode)			
PLOT 1 RATHVEN STATION. BUCKIE. AB56 4DW.			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Type of Application			
What is the application for? Please select one of the following:			
Planning Permission		<input type="checkbox"/>	
Planning Permission in Principle		<input checked="" type="checkbox"/>	
Further Application*		<input type="checkbox"/>	
Application for Approval of Matters Specified in Conditions*		<input type="checkbox"/>	
Application for Mineral Works**		<input type="checkbox"/>	
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:	08/01235/FUL	Date:	14/00174/APP.
**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.			

5. Description of the Proposal

Please describe the proposal including any change of use:

PPP TO ERECT NEW DWELLING HOUSE.

Is this a temporary permission?

Yes ☐ No ☒

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

Have the works already been started or completed?

Yes ☐ No ☒

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

Date started:

Date completed:

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

6. Pre-Application Discussion

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

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

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

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

Name:

Date:

Ref No.:

7. Site Area

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

Hectares (ha):

Square Metre (sq.m.)

774

8. Existing Use

Please describe the current or most recent use:

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

9. Access and Parking

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

Yes ☐ No ☒ NO

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

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

Yes ☐ No ☒

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

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

0

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

3

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

10. Water Supply and Drainage Arrangements

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

Yes ☒ No ☐

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

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

☐
☒
☐

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

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

☒
☐
☐

Please show more details on your plans and supporting information

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

☐
☐

Please show more details on your plans and supporting information.

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

Yes ☒ No ☐

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

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

Yes ☒ No ☐

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

11. Assessment of Flood Risk

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

Yes ☐ No ☒

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

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

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

12. Trees

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

Yes ☒ No ☐

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

13. Waste Storage and Collection

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

Yes ☒ No ☐

If yes, please provide details and illustrate on plans.

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

14. Residential Units Including Conversion

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

Yes ☒ No ☐

If yes how many units do you propose in total?

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

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

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☒

If yes, please provide details below:

Use type:

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

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace (sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

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

Yes ☐ No ☒ Don't Know ☐

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

17. Planning Service Employee/Elected Member Interest

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

Yes ☐ No ☒

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

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

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

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

☒

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

Yes ☐ No ☐ N/A ☒

Signature:

Name:

Date:

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

Consultation Request Notification

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

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Aberdeenshire Council Archaeology Service

Planning Application Ref. No: 19/00294/PPP

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

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

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

Reason(s) for objection

None

Condition(s)

None

Further comment(s) to be passed to applicant

Further information required to consider the application

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

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

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

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

Consultation Request Notification

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

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Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Contaminated Land

Planning Application Ref. No: 19/00294/PPP

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

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

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

Condition(s) (Informative)

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

Contact: Adrian Muscutt
email address:
Consultee:

Date: 03/04/2019
Phone No

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

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

Hi

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

Regards
Hilda

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

moray
council



Consultee Comments for Planning Application 19/00294/PPP

Application Summary

Application Number: 19/00294/PPP

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

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

Consultee Details

Name: Mr EH Consultations

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

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

Comments

No objections.

Allan Park

EHO



1st April 2019

Moray Council
Council Office High Street
Elgin
IV30 9BX

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

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

Dear Local Planner

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

Please quote our reference in all future correspondence

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

Water

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

Foul

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

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

Infrastructure close to boundary

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

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

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

Scottish Water Disclaimer

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

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

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

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

Next Steps:

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

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

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

- **Non Domestic/Commercial Property:**
Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk
- **Trade Effluent Discharge from Non Dom Property:**
Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment

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

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

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

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

Yours sincerely

Pamela Strachan

Planning Consultations Administrator

Consultation Request Notification

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Applicant Organisation Name	
Applicant Address	1 Edwards Avenue Lossiemouth Moray IV31 6FE
Agent Name	Plans Plus
Agent Organisation Name	Plans Plus
Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 19/00294/PPP

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

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

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

History of Site

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

Preamble

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

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

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

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

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

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

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

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

Reason(s) for objection

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

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

Date 05.04.19

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

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

Application Summary

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

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

[Click for further information](#)

Customer Details

Name: [REDACTED]

Email: [REDACTED]

Address: [REDACTED]

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Drainage
- Road access
- Road safety
- Traffic

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

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

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

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

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

Comments for Planning Application 19/00294/PPP

Application Summary

Application Number: 19/00294/PPP

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

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Drainage
- Road access
- Road safety
- Traffic

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

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

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

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

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

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

████████████████████

Comments for Planning Application 19/00294/PPP

Application Summary

Application Number: 19/00294/PPP

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

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

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

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

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

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

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

Comments for Planning Application 19/00294/PPP

Application Summary

Application Number: 19/00294/PPP

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

Proposal: Erect dwellinghouse on

Case Officer: Shona Strachan

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Drainage
- Road access
- Road safety
- Traffic

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

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

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

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

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

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

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

[REDACTED]

[REDACTED]

REPORT OF HANDLING

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

RECOMMENDATION

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

CONSULTATIONS

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

DEVELOPMENT PLAN POLICY

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

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

REPRESENTATIONS

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

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

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

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

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

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

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

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

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

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

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

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Legislative Requirements

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

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

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

Proposal

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

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

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

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

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

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

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

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

Site Characteristics

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

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

Planning History

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

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

Policy Assessment

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

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

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

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

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

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

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

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

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

Water and Drainage (EP5 and EP10)

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

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

Access and Parking (T2 and T5)

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

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

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

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

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

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

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

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

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

Developer Obligations (IMP3)

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

Conclusion

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

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

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

ADVERT

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

DEVELOPER CONTRIBUTIONS (PGU)

Status	NONE SOUGHT
--------	-------------

DOCUMENTS, ASSESSMENTS etc. *

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

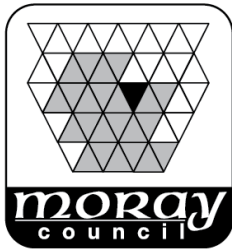
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Appeal Decision Notice P/PPA/300/318 as issued by decision on 18 February 2009.	
Main Issues:	<p>Outlines the Scottish Governments' Reporters' Decision to uphold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

S.75 AGREEMENT

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

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

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



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

REFUSAL OF PLANNING PERMISSION

**[Buckie]
Planning Permission in Principle**

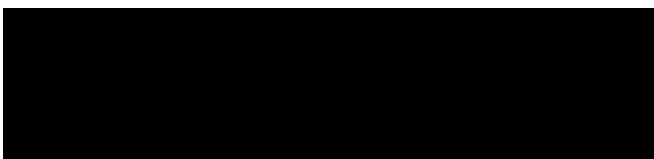
TO Mr Alfie Morrison
c/o Plans Plus
Main Street
URQUHART
By Elgin
Moray
IV30 8LG

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

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

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

Date of Notice: **16 May 2019**



HEAD OF DEVELOPMENT SERVICES

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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
18-75 D1		Site and location plan

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

N/A

DETAILS OF MATTERS SPECIFIED IN CONDITIONS

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

N/A

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



design consultants

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

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

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

02 AUG 2019

Our Ref. CTK/CK/18-75

Date 30 July, 2019

Dear Sirs,

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

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

Yours faithfully



COLIN T KEIR

enc.



NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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

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

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

Date of application

21/3/19

Date of decision (if any)

16/5/19

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

4. Nature of Application

Application for planning permission (including householder application)

☐

Application for planning permission in principle

☒

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

☐

Application for approval of matters specified in conditions

☐

5. Reasons for seeking review

Refusal of application by appointed officer

☒

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

☐

Conditions imposed on consent by appointed officer

☐

6. Review procedure

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

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

☐
☐
☒
☒

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

7. Site inspection

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

Can the site be viewed entirely from public land?

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

☒
☐

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

NO

8. Statement

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

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

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

SEE SEPARATE SHEET

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

Yes ☐ No ☒

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

9. List of Documents and Evidence

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

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

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

10. Checklist

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

Full completion of all parts of this form



Statement of your reasons for requesting a review



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



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

DECLARATION

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

Signature:



Name:

COUNKERR

Date:

31/7/19.

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



design consultants

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

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

MORAY COUNCIL REVIEW.

PLOT 1 RATHVEN STATION, BUCKIE.

PLOT 1

REVIEW SUPPORTING STATEMENT.

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

Reasons for refusal No 1.

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

Reasons for refusal No 2.

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



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

Conclusion.

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

A copy of this evidence is submitted with this Review.

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

Appeal Decision Notice

T: 01324 696 400

F: 01324 696 444

E: dpea@scotland.gsi.gov.uk



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

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

Date of appeal decision: 18 February 2009

Decision

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

Reasoning

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


PHILIP G HUTCHINSON
Reporter

Conditions:

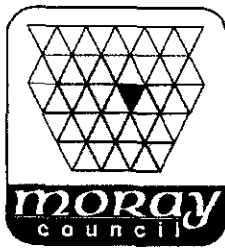
1. The development shall commence within 5 years hereof.

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

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

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

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



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

REFUSAL OF PLANNING PERMISSION

**[Buckie]
Planning Permission in Principle**

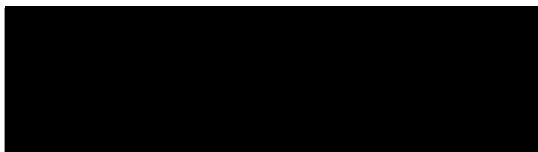
TO Mr Alfie Morrison
c/o Plans Plus
Main Street
URQUHART
By Elgin
Moray
IV30 8LG

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

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

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

Date of Notice: **16 May 2019**



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

DETAILS OF MATTERS SPECIFIED IN CONDITIONS

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

N/A

NOTICE OF APPEAL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
18-75 D1		Site and location plan

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

N/A



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

REFUSAL OF PLANNING PERMISSION

**[Buckie]
Planning Permission in Principle**

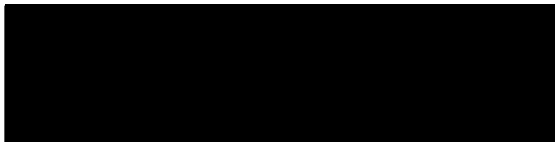
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With reference to your application for planning permission in principle under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

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

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

Date of Notice: **16 May 2019**



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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
18-75 D1		Site and location plan

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

N/A

DETAILS OF MATTERS SPECIFIED IN CONDITIONS

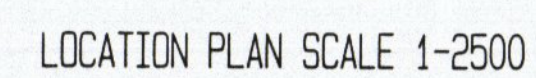
Approval, consent or agreement has been GRANTED for the following matter(s):-

N/A

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

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

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



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



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

Lissa Rowan

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

Lissa,

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

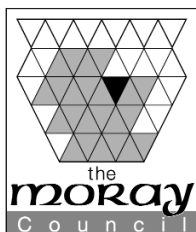
In addition, wondering why the planning application has a different post code from the existing houses. Lastly, the applicants decision was over ridden by Mr Hutchison 2007, however, some if the original parts in the document have still not been adhered to. When the applicant originally put in the application,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

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

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

Yours

[REDACTED]
[REDACTED]
[REDACTED]



ENVIRONMENTAL SERVICES

Diane Anderson

Senior Engineer

PO Box 6760
Elgin, Moray IV30 9BX

Telephone: 01343 563782

Fax: 01343 563990

email: diane.anderson@moray.gov.uk

Website: www.moray.gov.uk

Our reference: LR/LRB228

Your reference: LR228

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

22 August 2019

Dear Madam

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

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

I refer to your letter dated 7 August 2019.

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

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

Yours faithfully

Diane Anderson
Senior Engineer

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

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

Local Review

LRB Ref 228

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

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

Local Review

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

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

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

Transportation
22 August 2019

Documents

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

Consultation Request Notification

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

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 19/00294/PPP

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

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

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

History of Site

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

Preamble

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

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

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

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

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

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

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

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

Reason(s) for objection

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

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

Date 05.04.19

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

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

LRB Ref 228
TMC02 Site Photographs



4.5m visibility splay to west from western access



4.5m visibility splay to east from western access

LRB Ref 228
TMC02 Site Photographs



4.5m visibility splay to west from eastern access



4.5m visibility splay to east from eastern access

5.6 Visibility Splays

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

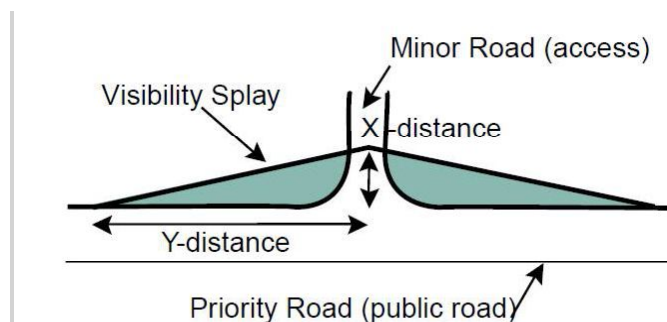


Figure 3: Visibility Splays

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

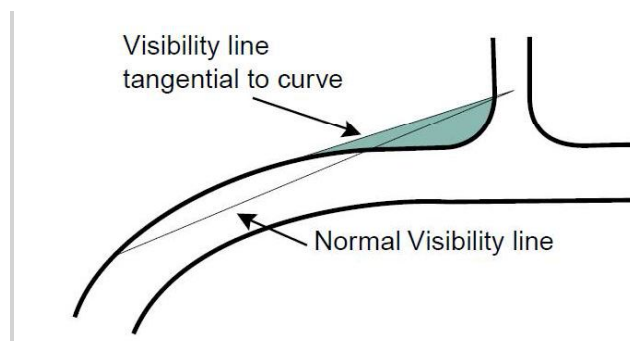


Figure 4: Visibility Splays for Access on Outside of Bend

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

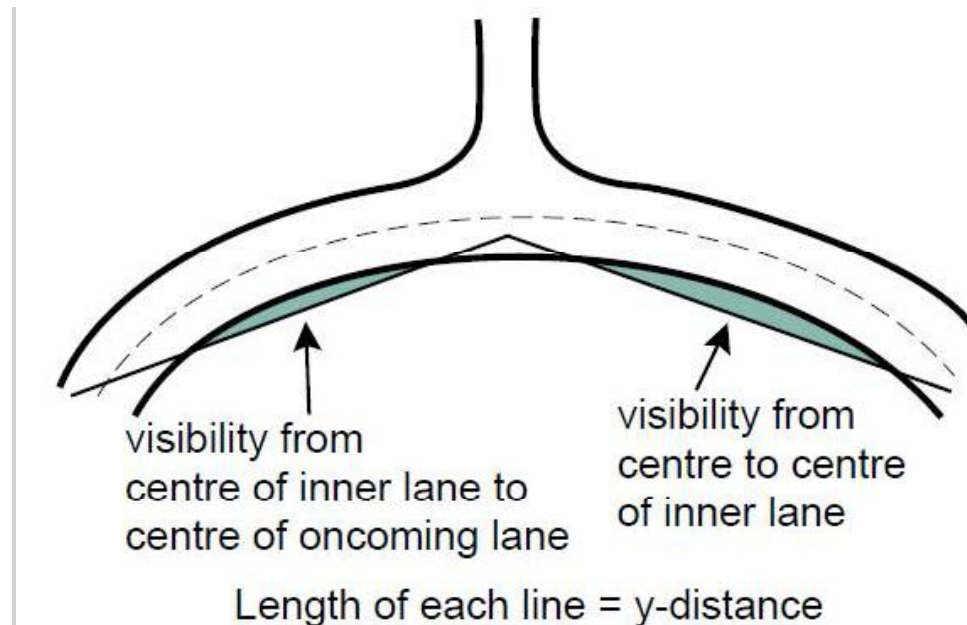


Figure 5: Forward Visibility Requirements

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

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

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

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

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

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

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

5.7 Providing and Maintaining Visibility Splays

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

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



APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS

Lissa Rowan

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

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

Regards

Colin

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

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

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

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

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

Colin

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

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

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

Good afternoon

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

Kind regards

Lissa

Lissa Rowan | Committee Services Officer | Legal and Democratic Services

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

01343 563015

