



Moray Local Review Body

Thursday, 31 March 2022

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Local Review Body** is to be held at **Various Locations via Video-Conference**, on **Thursday, 31 March 2022** at **09:30**.

BUSINESS

1 Sederunt

2 Declaration of Group Decisions and Members Interests *

3 Minute of Meeting dated 24 February 2022 5 - 10

New Cases

4 LR271 - Ward 3 - Buckie 11 - 142

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

5 LR272 - Ward 2 - Keith and Cullen 143 - 256

Planning Application 21/00059/APP – Demolish existing store and erection of dwellinghouse at Store, Seatown, Cullen Buckie

Summary of Local Review Body functions:

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

Moray Council Committee meetings are currently being held virtually due to Covid-19. If you wish to watch the webcast of the meeting please go to:
http://www.moray.gov.uk/moray_standard/page_43661.html
to watch the meeting live.

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

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

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

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

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

THE MORAY COUNCIL

Moray Local Review Body

SEDERUNT

Councillor Amy Taylor (Chair)
Councillor David Bremner (Depute Chair)

Councillor Gordon Cowie (Member)
Councillor Donald Gatt (Member)
Councillor Aaron McLean (Member)
Councillor Ray McLean (Member)
Councillor Louise Nicol (Member)
Councillor Laura Powell (Member)
Councillor Derek Ross (Member)

Clerk Name:	Lissa Rowan
Clerk Telephone:	07765 741754
Clerk Email:	committee.services@moray.gov.uk

Minute of Meeting of the Moray Local Review Body

Thursday, 24 February 2022

Various Locations via Video-Conference

PRESENT

Councillor David Bremner, Councillor Gordon Cowie, Councillor Donald Gatt, Councillor Aaron McLean, Councillor Ray McLean, Councillor Laura Powell, Councillor Derek Ross.

APOLOGIES

Councillor Louise Nicol, Councillor Amy Taylor

IN ATTENDANCE

Ms Webster, Principal Planning Officer (Strategic Planning and Development) Mrs Gordon and Mr Henderson, Planning Officer as Planning Advisers, Legal Services Manager as Legal Adviser and Mrs Rowan, Committee Services Officer as Clerk to the Moray Local Review Body.

1 Chair

Councillor Bremner, being Depute Chair of the Moray Local Review Body, chaired the meeting in the absence of Councillor Taylor, Chair.

2 Declaration of Group Decisions and Members Interests

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

3 Minute of meeting dated 27 January 2022

The Minute of the meeting of the Moray Local Review Body dated 27 January 2022 was submitted and approved.

4 LR267 - Ward 5 - Heldon and Laich

Planning Application 21/01206/APP – Erection oof 2no Self-Catering Apartments (East Wing) at Norland, Stotfield Road, Lossiemouth

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

The design and siting of the proposal is considered to represent overdevelopment, whilst also having an adverse impact on the character and amenity of the surrounding area which is designated as a Special Landscape Area in the Moray Local Development Plan 2020 (MLDP). On this basis, the proposal fails to comply with MLDP policies DP1 - Development Principles, DP8 - Tourism Facilities and Accommodation and EP3 - Special Landscape Areas and Landscape Character.

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

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, the Legal Adviser advised that she had nothing to raise at this time. Ms Webster, Planning Adviser advised of a typo within the Report of Handling which stated that planning permission had been granted when in fact it had been refused. This was noted.

The Chair then asked the MLRB if it had sufficient information to determine the request for review. In response, the Moray Local Review Body (MLRB) unanimously agreed that it had sufficient information to determine the case.

Following consideration, the MLRB unanimously agreed to dismiss the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 21/01206/APP as the proposal is contrary to policies DP1 (Development Principles), DP8 (Tourism Facilities and Accommodation) and EP3 (Special Landscape Areas and Landscape Character) of the MLDP 2020.

5 LR268 - Ward 7 - Elgin City South

Planning Application 21/01153/APP – Carport with Balcony at 20 Elmfield Road, Elgin, IV30

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

The proposed carport and balcony are contrary to Moray Local Development Plan (MLDP) 2020 policy DP1 for the following reasons:-

1. The balcony would give rise to any unacceptable loss of privacy and overlooking to the neighbouring property to the south-west of the site.
2. The balcony would be out of keeping with the scale and character of the existing dwellinghouse and surrounding area.

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the

planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

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

The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.

Councillor Gatt, having considered the case in detail moved that the MLRB dismiss the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 21/01153/APP as it is contrary to MLDP 2020 policy DP1 (Development Principles). This was seconded by Councillor A McLean.

There being no-one otherwise minded, the MLRB unanimously agreed to refuse planning permission in respect of Planning Application 21/01153/APP as it is contrary to MLDP 2020 policy DP1 (Development Principles) as the balcony would give rise to any unacceptable loss of privacy and overlooking to the neighbouring property to the south-west of the site and would be out of keeping with the scale and character of the existing dwellinghouse and surrounding area.

6 LR269 - Ward 6 - Elgin City North

Planning Application 21/01146/APP – Erection of hot sandwich shop including drive through at 4 Riverside Road, Elgin, IV30 6LS

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

The proposed change of use is contrary to Moray Local Development Plan Policies 2020 DP5 and Elgin I6 as the proposal use does not comply with the range of acceptable uses identified in policies DP5 and Elgin I6 would result in a loss of employment land in Elgin.

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

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

The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.

During discussion, it was noted that there were other similar developments on this piece of ground and it was queried why this application had been refused when others had been granted.

In response, Mrs Gordon, Planning Adviser advised that policy DP5 and I6 designation clearly states that the industrial land in question should only be used for Class 4 (business use) Class 5 (General Industrial) and Class 6 (Storage and Distribution) and that using it for a hot sandwich shop does not fall into any of those categories. Mrs Gordon highlighted that it was acknowledged within the Report of Handling that there were similar developments surrounding the proposal however the MLDP 2020 was recently adopted and the Reporter had acknowledged the anomalies within this piece of land however was of the view that the remaining land should be designated employment land.

Councillor Gatt, having considered the case in detail, was of the view that the proposal is an acceptable departure from policy DP5 (Business and Industry) and Elgin I6 as the proposal is in keeping with surrounding businesses and will also provide employment in Moray in the form of 8 full time and 8 part time jobs. This was seconded by Councillor A McLean.

There being no-one otherwise minded, the MLRB agreed to grant planning permission in respect of Planning Application 21/01146/APP as the proposal is considered to be an acceptable departure from policy DP5 (Business and Industry) and Elgin I6 as it is in keeping with surrounding businesses and will also provide employment in Moray in the form of 8 full time and 8 part time jobs.

7 LR270 - Ward 5 - Heldon and Laich

Planning Application 21/00168/APP – Proposed erection of dwelling-house and attached garage at Plot 3 Easter Coltfeld, Alves, Elgin

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

The proposal would be contrary to policies DP1, DP4 and EP14 of the Moray Local Development Plan (MLDP) 2020 for the following reasons:

1. The site lies within a Pressurised and Sensitive Area and as such policy DP4 outlines that no new housing will be permitted within these areas on the basis that further housing would exacerbate the build-up of housing which has already negatively impacted on the character of the countryside in this area.
2. The applicants have not provided a Noise Impact Assessment in support of the application and as such have failed to demonstrate that the occupants of the proposed house would not be subject to harmful noise pollution as a result of aircraft utilising RAF Kinloss.

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

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

The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review.

In response, Councillor Gatt questioned the validity of the information provided in the case as one of the reasons for refusal was that the Applicant had not provided a Noise Impact Assessment in support of the application to demonstrate that occupants of the proposed house would not be subject to harmful noise pollution as a result of aircraft utilising former RAF Kinloss. Councillor Gatt stated that a Notice to Airmen U0094/22 states that the air traffic zone around Kinloss has been withdrawn therefore Kinloss is no longer an airfield.

Mr Henderson, Planning Adviser advised that, in relation to noise contours, the Appointed Officer had referenced a Committee Report from 2014 in the Report of Handling which stated that even if an airfield is inactive, the MOD retains the right to reactivate the airfield if required therefore a noise impact assessment would still be necessary.

The Legal Adviser further advised that the difference between former Kinloss airfield and other airfields mentioned by Councillor Gatt which are no longer in use, is that Kinloss runways can still be used if needed as that is what the policy states and should be adhered to.

Councillor Gatt further stated that when viewing Kinloss airfield on google maps, there are large white crosses painted on the runway which indicates that no aircraft should land there and queried whether consideration of this application should be deferred so that Officers can look into this further.

The Legal Adviser advised that the MOD had asked that the noise contours remain within our policy and this stands until the MOD change their position.

Following consideration, the MLRB unanimously agreed to dismiss the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 21/00168/APP as the proposal is contrary to policies DP1 (Development Principles), DP4 (Rural Housing) and EP14 (Pollution, Contamination and Hazards) of the MLDP 2020.



MORAY LOCAL REVIEW BODY

31 MARCH 2022

SUMMARY OF INFORMATION FOR CASE No LR271

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

Ward 3 - Buckie

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

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

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

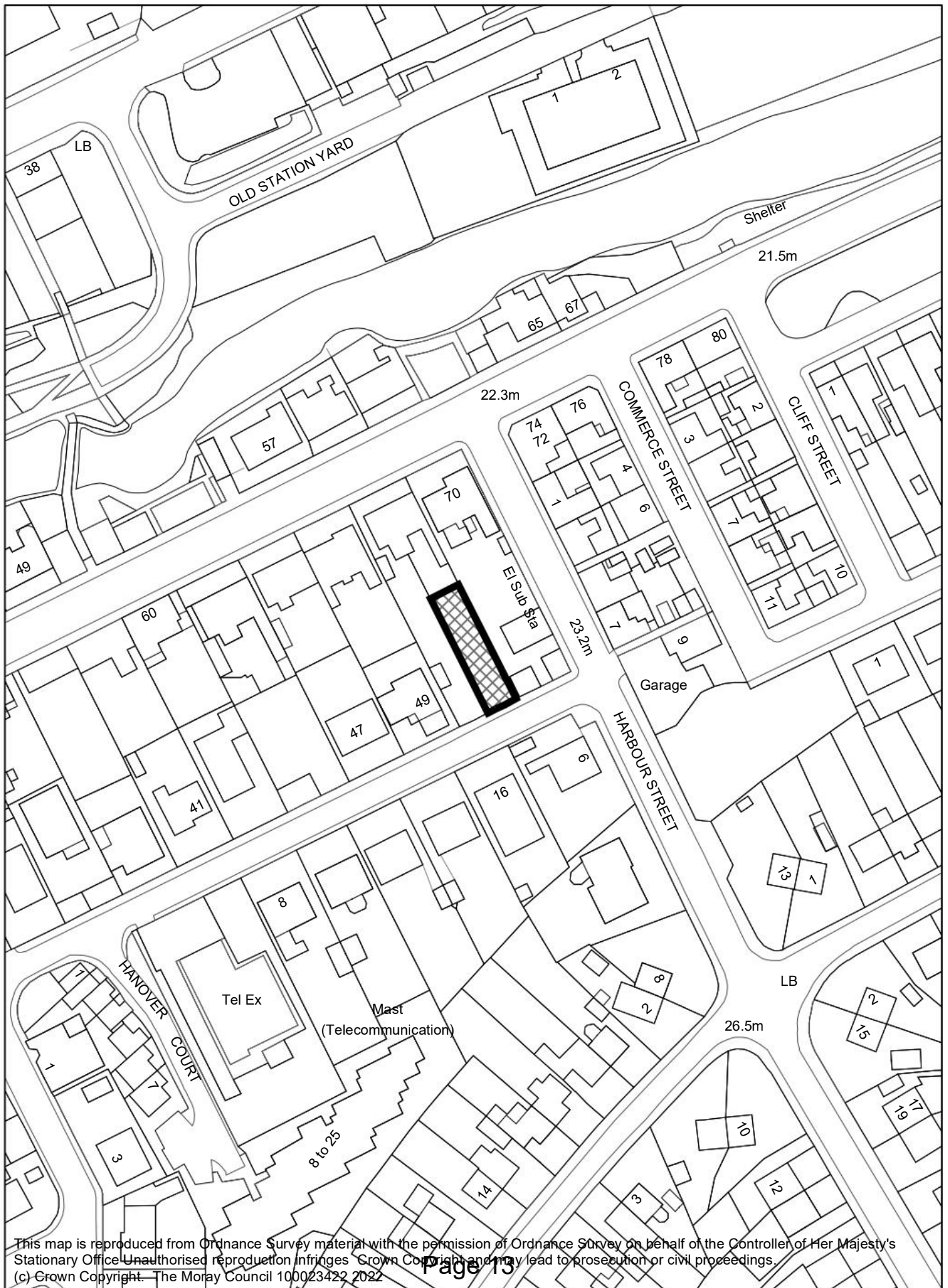
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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

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

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

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





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100456110-001

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

Type of Application

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

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

Description of Proposal

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

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

Is this a temporary permission? * ☐ Yes ☒ No

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

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

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

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

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

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Site at Newlands Lane/ 68 East Church Street Buckie

Northing

865711

Easting

342943

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

247.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

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

Brownfield site/ part garden of 68 East Church St.

Access and Parking

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

☒ Yes ☐ No

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

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * T Yes ≤ No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<p>Water Supply and Drainage Arrangements</p> <p>Will your proposal require new or altered water supply or drainage arrangements? * T Yes ≤ No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p>T Yes – connecting to public drainage network</p> <p>≤ No – proposing to make private drainage arrangements</p> <p>≤ Not Applicable – only arrangements for water supply required</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? * T Yes ≤ No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p>T Yes</p> <p>≤ No, using a private water supply</p> <p>≤ No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<p>Assessment of Flood Risk</p> <p>Is the site within an area of known risk of flooding? * ≤ Yes T No ≤ Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * ≤ Yes T No ≤ Don't Know</p>
<p>Trees</p> <p>Are there any trees on or adjacent to the application site? * ≤ Yes T No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>
<p>All Types of Non Housing Development – Proposed New Floorspace</p> <p>Does your proposal alter or create non-residential floorspace? * ≤ Yes T No</p>

Schedule 3 Development

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

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

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

Planning Service Employee/Elected Member Interest

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

Certificates and Notices

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

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

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

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Ross Cowie

On behalf of: Mr & Mrs Brian Slorach

Date: 12/08/2021

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

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

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

Supporting Statement

Declare – For Application to Planning Authority

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

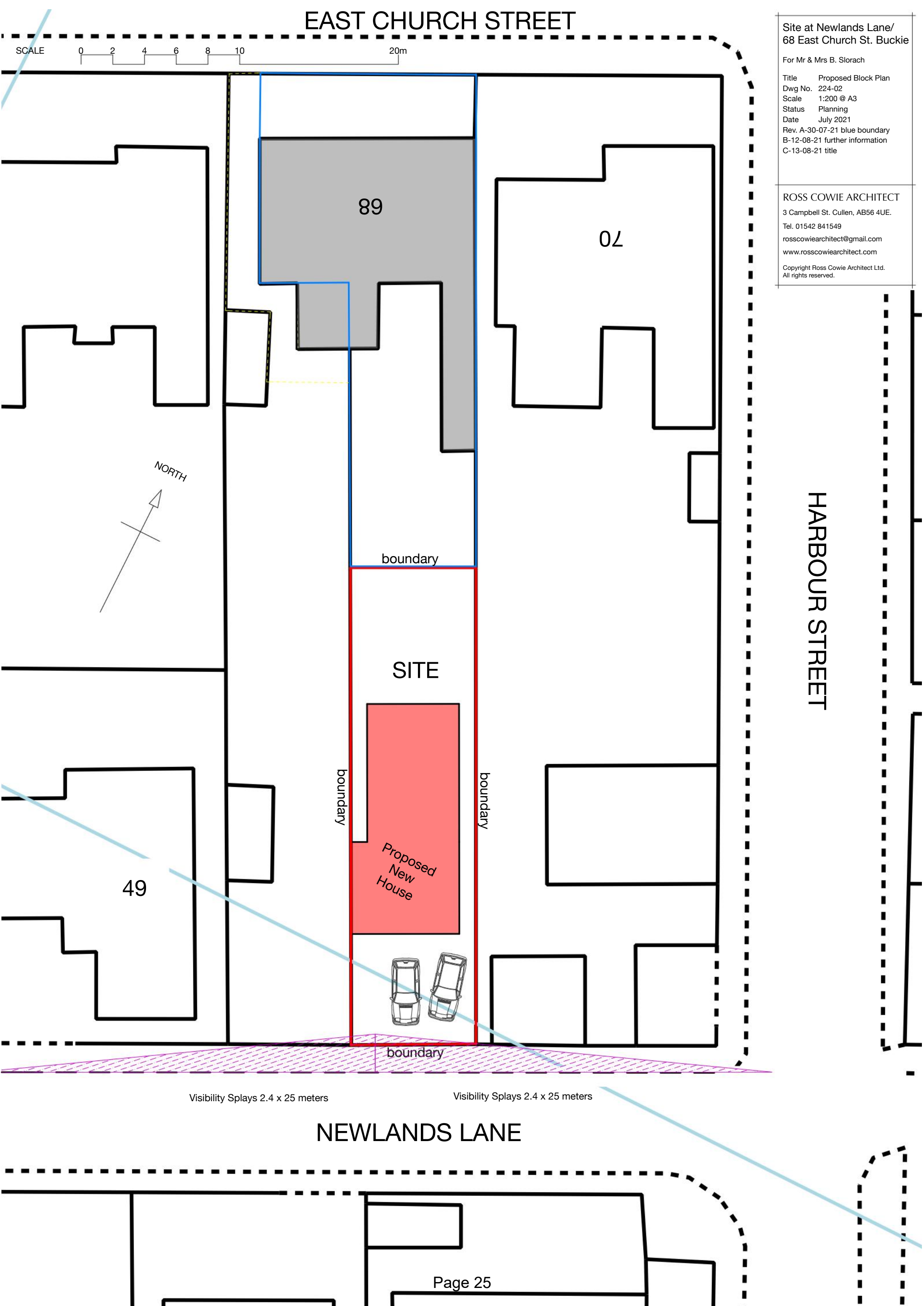
Declaration Name: Mr Ross Cowie

Declaration Date: 17/08/2021

Payment Details

Telephone Payment Reference: xxx

Created: 17/08/2021 15:06



EAST CHURCH STREET

SCALE

0 2 4 6 8 10 20m

Site at Newlands Lane/
68 East Church St. Buckie

For Mr & Mrs B. Slorach

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

ROSS COWIE ARCHITECT

3 Campbell St. Cullen, AB56 4UE.
Tel. 01542 841549
rosscowiearchitect@gmail.com
www.rosscowiearchitect.com
Copyright Ross Cowie Architect Ltd.
All rights reserved.

HARBOUR STREET

SITE

Proposed
New
House



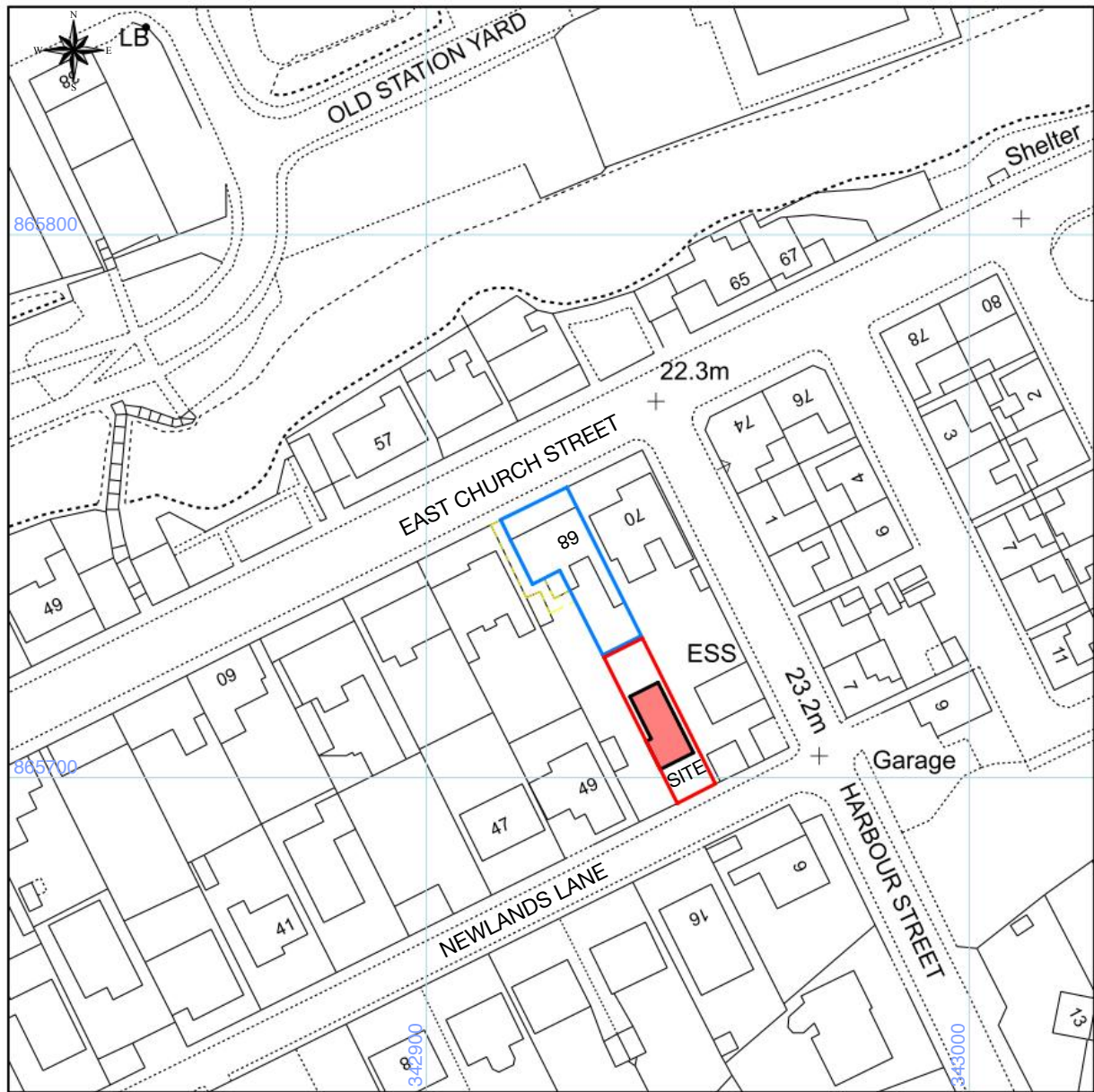
boundary

Visibility Splays 2.4 x 25 meters

Visibility Splays 2.4 x 25 meters

NEWLANDS LANE

Location Plan of AB56 1ER



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

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

Scale: 1:1250, paper size: A4

Site at Newlands Lane/
68 East Church St. Buckie

ROSS COWIE ARCHITECT

3 Campbell St. Cullen, AB56 4UE.

Tel. 01542 841549

rosscowiearchitect@gmail.com

www.rosscowiearchitect.com

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For Mr & Mrs B. Slorach

Title Location Plan

Dwg No. 224-01

Scale 1:1250 @ A4

Status Planning

Date July 2021

Rev.



68 East Church Street

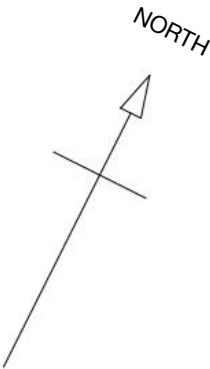
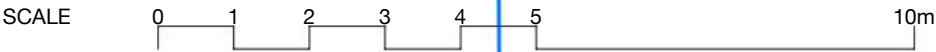
Site at Newlands Lane/
68 East Church St. Buckie

For Mr & Mrs B. Slorach

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

ROSS COWIE ARCHITECT

3 Campbell St. Cullen, AB56 4UE.
Tel. 01542 841549
rosscowiearchitect@gmail.com
www.rosscowiearchitect.com
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SITE

path

Existing timber fence
to be removed.

path

boundary - timber fence

path

boundary - rubble stonework wall

Proposed
New
House

Path Rainwater Butt

Drive

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

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

Visibility Splays 2.4 x 25 meters

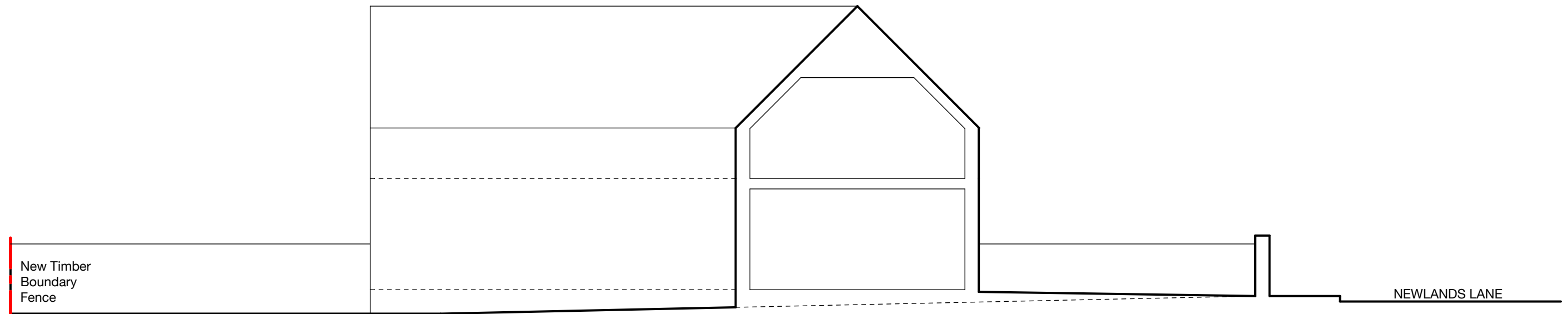
boundary

Visibility Splays 2.4 x 25 meters

Proposed vehicular access
& proposed drop kerb

NEWLANDS LANE

New connection to
combined system
public sewer



SITE SECTION

PLANNING NOTES:

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

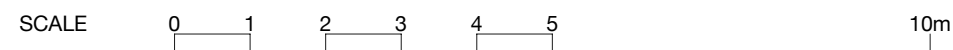
Erect new dwellinghouse within brownfield site - adjacent to location of former Scout Hut - long since demolished but evidence of footings remain.

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

Foulwater drainage to be connected to existing public sewer.
 Surface water drainage to be connected to combined system public sewer.
 In order to reduce the discharge to the combined sewer it is recommended to: -
 • install a water butt on the rainwater downpipe
 • install oversized drain for attenuation
 • reduced outflow prior to joining the combined sewer
 Refer to Drainage design Report.

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

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



Site at Newlands Lane/
 68 East Church St. Buckie

For Mr & Mrs B. Slorach

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

ROSS COWIE ARCHITECT

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www.rosscowiearchitect.com

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SURFACE WATER DISPOSAL RECOMMENDATION REPORT

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

Client: Mr Brian Slorach

Agent: Ross Cowie

Contract No. 2864/21

Report Issued: 06 August 2021

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Sub-Soils

SuDS & Surface Water Disposal

Simplified Surface Water Disposal Options Summary Table

Surface Water Disposal Recommendations

Proposed Surface Water Drainage Plan

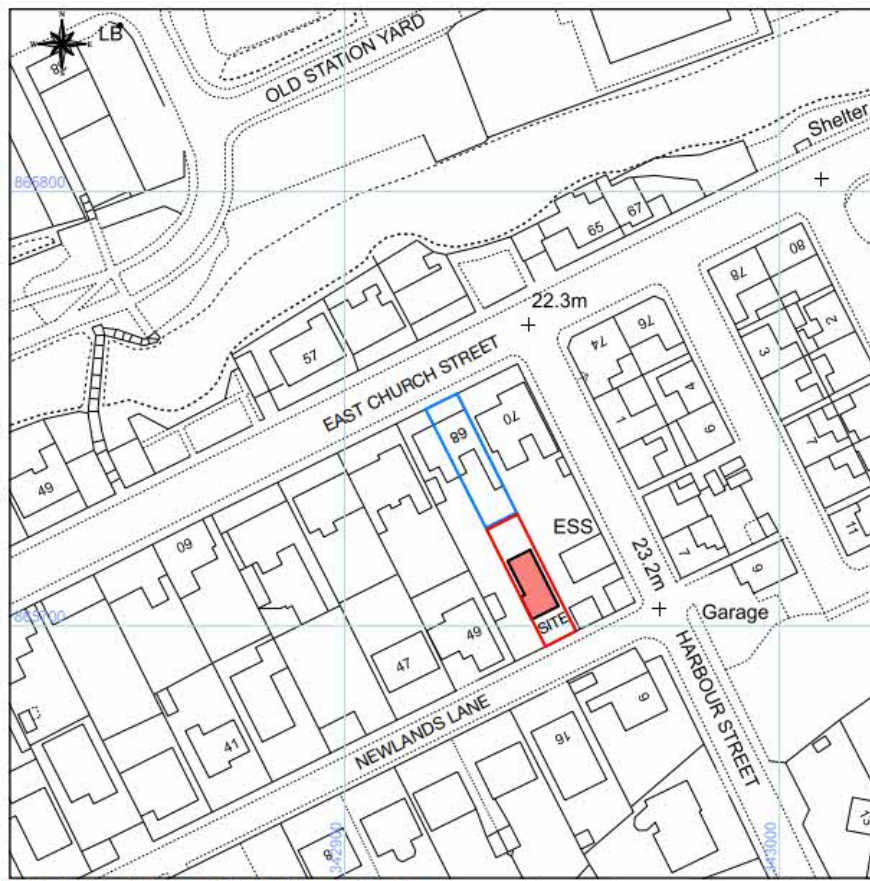
SURFACE WATER DISPOSAL RECOMMENDATION REPORT

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

INTRODUCTION

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

Site Location Plan



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

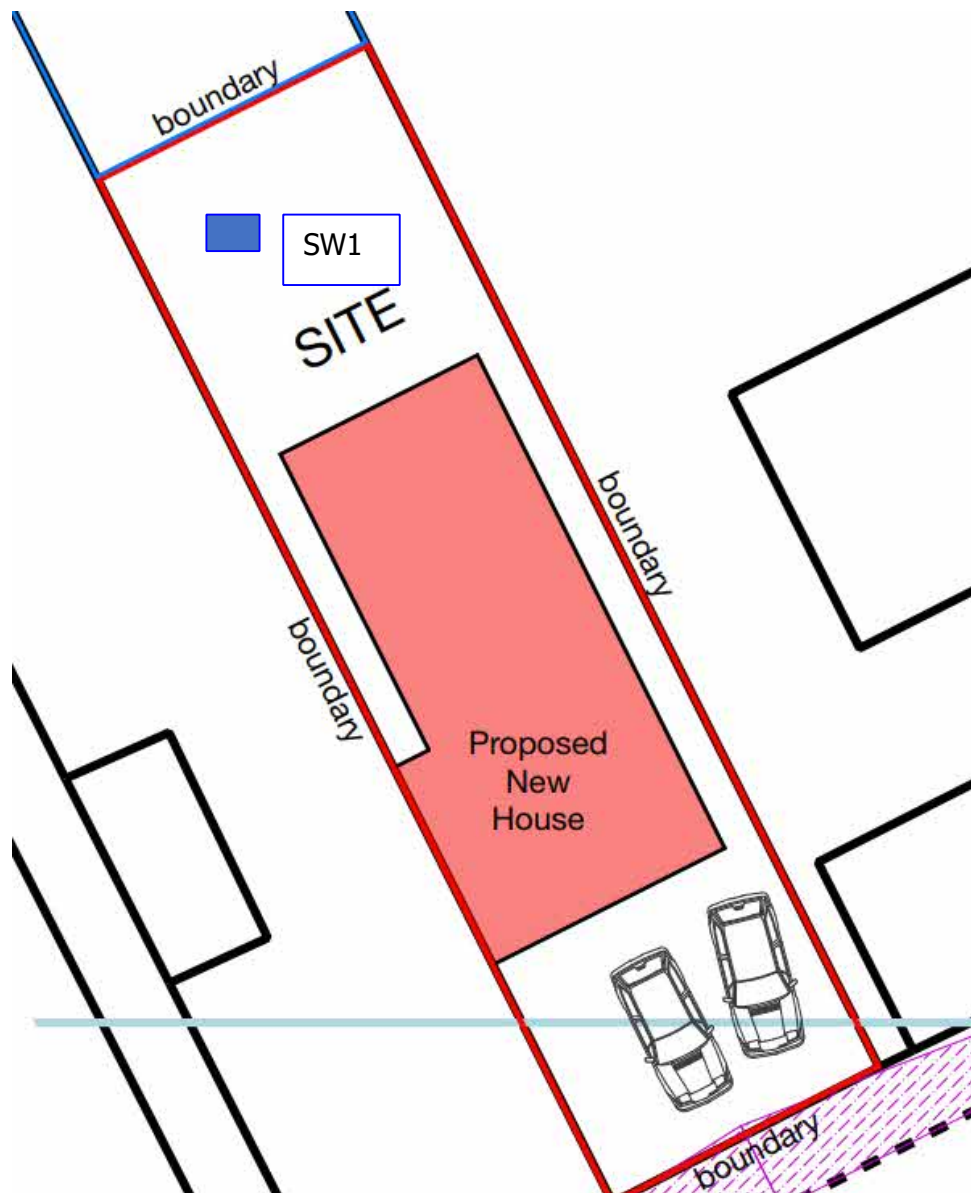
The site was a former 'Scout Hut' now removed with foundations still visible. The area is now very overgrown and is generally level with the boundaries defined by neighbouring walls the garden of No. 68 and access from Newlands Lane to the south.

SITE WORK

Trial Pits

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

Test Location Plan



Infiltration Testing

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

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

Trial Pit Log

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

Produced by the GEOTECHNICAL DATABASE SYSTEM (GEODASY) © all rights reserved

GROUND ASSESSMENT

Published Geology

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

Encountered Natural Sub-Soils

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

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

Bedrock: Bedrock was not encountered during the investigation

Ground Water Observations

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

DISCUSSION

Sub-Soils

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

SuDS & Surface Water Disposal

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

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

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

Simplified Surface Water Disposal Options Summary Table

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

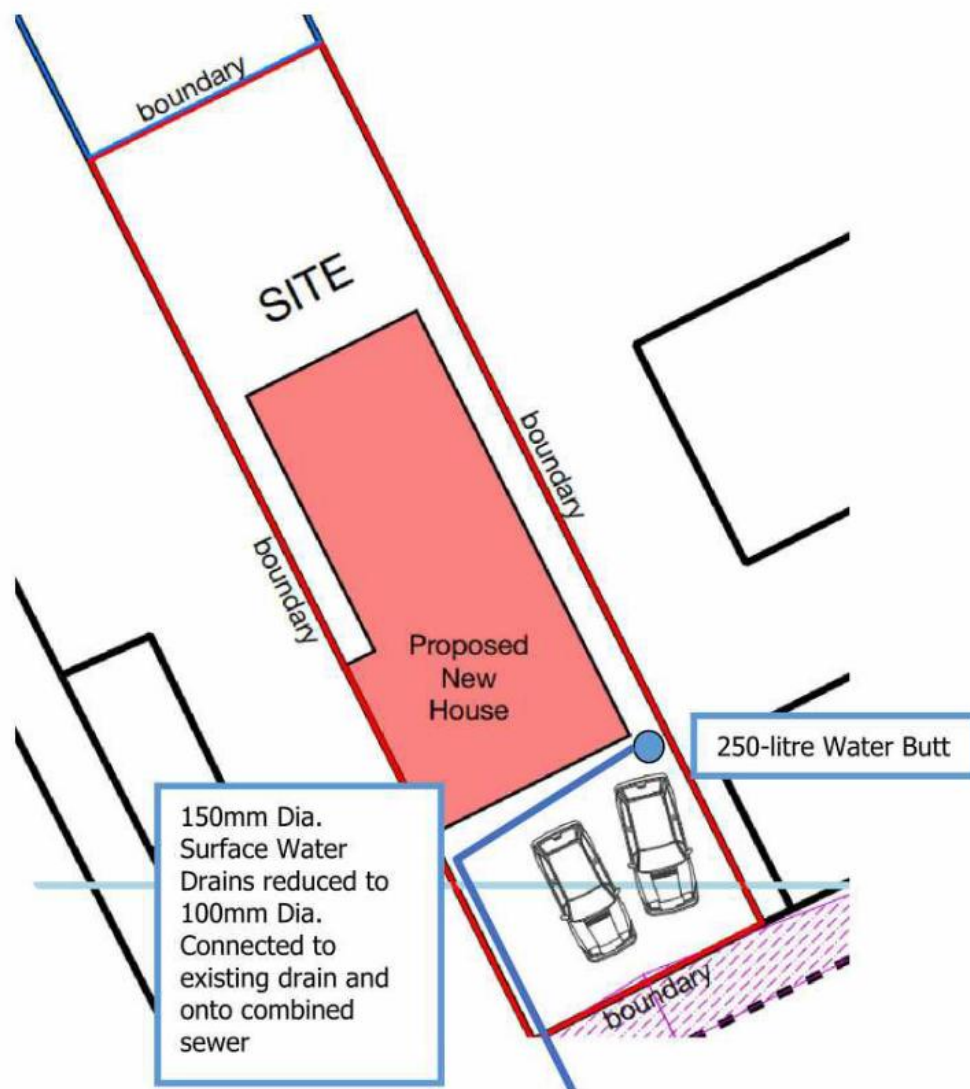
The previous Scout Hut had greater impermeable surface areas compared to the proposed new dwellinghouse and discharged to the sewer.

SURFACE WATER DISPOSAL RECOMMENDATIONS

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

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

Proposed Surface Water Drainage Plan



Signed

Name / Company

Address

Qualification

S. A. McGregor

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

B.Eng(Civil Engineering).

Date...06 August 2021

Your Ref: 100456110-001

Our Ref: 224

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

17 August 2021

Dear Sir(s)/ Madam

Application for Planning in Principle

Erect New House on site at Newlands Lane/ 68 East Church Street Buckie.

SUPPORTING STATEMENT

1. SITE

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

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

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

The site is 8m wide and extends 30m long, over an area of 247m², bounded by stonework rubble wall to Newlands Lane and the eastern long boundary. A timber fence defines the long West boundary. The short northern boundary is currently undefined.

2. LOCATION

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

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

3. THE PROPOSED HOUSE.

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

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

4. DRAINAGE.

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

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

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

5. SERVICES.

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

6. NEW VEHICULAR ACCESS.

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

7. PHOTOS.



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



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



Fig. 3. Site Access and West neighbours.



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



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

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	8th September 2021
Planning Authority Reference	21/01271/PPP
Nature of Proposal (Description)	Erect dwelling house on
Site	Site To Rear Of 68 East Church Street Buckie
Site Postcode	N/A
Site Gazetteer UPRN	999999999999
Proposal Location Easting	342943
Proposal Location Northing	865711
Area of application site (M²)	247
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QY0U18BGHC600
Previous Application	
Date of Consultation	25th August 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr & Mrs Brian Slorach
Applicant Organisation Name	
Applicant Address	Rome Villa 68 East Church Street Buckie Scotland AB56 1ER
Agent Name	Ross Cowie Architect
Agent Organisation Name	
Agent Address	3 Campbell Street Cullen Buckie Moray AB56 4UE
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Katherine Donnachie
Case Officer Phone number	01343 563101
Case Officer email address	katherine.donnachie@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: Contaminated Land

Planning Application Ref. No: 21/01271/PPP

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

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

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

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

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

Further information required to consider the application

Contact: Adrian Muscutt
email address:
Consultee:

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

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

Consultee Comments for Planning Application 21/01271/PPP

Application Summary

Application Number: 21/01271/PPP

Address: Site To Rear Of 68 East Church Street Buckie

Proposal: Erect dwelling house on

Case Officer: Katherine Donnachie

Consultee Details

Name: Mr EH Consultations

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

Email: Not Available

On Behalf Of: Environmental Health C12

Comments

Approved unconditionally by Douglas Caldwell

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	8th September 2021
Planning Authority Reference	21/01271/PPP
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Agent Phone Number	
Agent Email Address	N/A
Case Officer	Katherine Donnachie
Case Officer Phone number	01343 563101
Case Officer email address	katherine.donnachie@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 21/01271/PPP

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

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

Please

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

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

Condition(s)

1. No development shall commence until:

- i. a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 2.4 metres by 25 metres in both directions at the access onto the public road, identifying all works required to provide the visibility splays, and a schedule of maintenance for the splay area has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
- ii. thereafter the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
- iii. thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.9 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

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

safety and free flow of traffic on the public road.

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

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

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

Reason: To ensure acceptable infrastructure at the development access

4. Parking provision shall be as follows:

- 2 spaces for a dwelling with two or three bedrooms; or
- 3 spaces for a dwelling with four bedrooms or more

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

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

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

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

Further comment(s) to be passed to applicant

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

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

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

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

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

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

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

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

Contact: AG
email address: transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

Date 30 September 2021

Return response to	consultation.planning@moray.gov.uk
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Thursday, 26 August 2021



Local Planner
Development Services
Moray Council
Elgin
IV30 1BX

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

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



Dear Customer,

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

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

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

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

Waste Water Capacity Assessment

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

Please Note

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

Surface Water

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

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

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

General notes:

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

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

Next Steps:

▶ All Proposed Developments

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

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

▶ Non Domestic/Commercial Property:

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

▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the

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

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

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

Yours sincerely,

Angela Allison

Development Operations Analyst

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

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

Developer Obligations & Affordable Housing: ASSESSMENT REPORT



moray
council

Date: 31/08/2021

Reference: 21/01271/PPP

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

Applicant: Mr & Mrs Brian Slorach

Agent: Ross Cowie Architect

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

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

Summary of Obligations

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

Breakdown of Calculation

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

3 bed = 1 SRUE

This assessment is therefore based on 1 SRUE.



INFRASTRUCTURE

Education

Primary Education

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

Contribution towards Primary Education = Nil

Secondary Education

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

Contribution towards Secondary Education = Nil

Transport

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

Contributions towards Transport = Nil

Healthcare

Healthcare Facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities. The

recommended number of patients is 1500 per General Practitioner (GP) and floorspace requirement per GP is 271m².

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

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

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

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

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

Contribution for Sports and Recreation Facilities = Nil



AFFORDABLE HOUSING

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

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

[REDACTED]

Therefore, the total contribution towards affordable housing is:

1 proposed unit = [REDACTED]

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



TERMS OF ASSESSMENT

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

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

PAYMENT OF CONTRIBUTIONS

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

INDEXATION

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

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



MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Flood Risk Management

Planning Application Ref. No: 21/01271/PPP

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

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

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

Further comment(s) to be passed to applicant

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

Contact:	Javier Cruz	Date..... 26/08/2021
email address:	Javier.cruz@moray.gov.uk	Phone No
Consultee:	The Moray Council, Flood Risk Management	

REPORT OF HANDLING

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

RECOMMENDATION

Approve, without or with condition(s) listed below		
Refuse, subject to reason(s) listed below		X
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
Contaminated Land	27/08/21	No objections
Environmental Health Manager	27/08/21	No objections – note that the development is situated 30 metres from a filling station and garage that has operated since the 1950s. The council has no information on whether the ground is contaminated. The team note that safe development is the responsibility of the developer who is recommended to seek advice on appropriate vapour protection measures for the development.
Transportation Manager	30/09/21	Initially requested clarification on visibility from access point and on receipt of further information provided final comments. The team note that the formation of the required visibility splays at the new access onto the public road will require the lowering/setting back of an existing boundary wall fronting both the site and the adjacent neighbouring property. It is further noted that evidence of agreement from the adjacent landowner has been submitted confirming that the required visibility splays can be provided. However as this application is for Planning Permission on Principle (and ownership may change) planning conditions would be required to secure detailed plans of visibility splays including details to demonstrate control of the land. Conditions are also recommended to secure delivery of electric vehicle charging provision, parking provision within the site and construction of the access point to required standards. On this basis the team has no objections.
Scottish Water	26/08/21	<p>No objections – advise that they cannot at present confirm capacity for water supply, there is currently capacity for foul only drainage but this will need to be confirmed and a formal inquiry submitted.</p> <p>The agency note that they will not accept surface water into their combined systems except in exceptional circumstances and for brownfield sites only. Again the applicant will require to contact the agency at the earliest opportunity with strong evidence to support such a case.</p>

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

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

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Proposals

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

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

Site

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

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

There is no particular planning history on the site itself.

Policy Background

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

Principle

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

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

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

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

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

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

Siting, Layout and Amenity

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

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

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

Servicing

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

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

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

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

Environmental Impacts

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

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

Developer Obligations and Affordable Housing Contributions

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

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

Conclusion

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

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None.

HISTORY			
Reference No.	Description		
	Decision		Date Of Decision

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

DEVELOPER CONTRIBUTIONS (PGU)	
Status	CONT SOUGHT

DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?

YES

Summary of main issues raised in each statement/assessment/report

Document Name: Surface water disposal recommendation report

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

Document Name: Supporting Statement

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

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

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



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

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

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

Date of Notice: **01 November 2021**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

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

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

None.

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100456110-003

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

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

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

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

Site Address Details

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

Please identify/describe the location of the site or sites

Site at Newlands Lane/ 68 East Church Street Buckie

Northing	<input type="text" value="865711"/>	Easting	<input type="text" value="342943"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

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

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

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

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

☐ Yes ☒ No

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

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

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

Application Details

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

21/01271/PPP

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

17/08/2021

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

01/11/2021

Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Ross Cowie

Declaration Date: 19/01/2022

Your Ref: 100456110-001

Our Ref: 224

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

17 August 2021

Dear Sir(s)/ Madam

Application for Planning in Principle

Erect New House on site at Newlands Lane/ 68 East Church Street Buckie.

SUPPORTING STATEMENT

1. SITE

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

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

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

The site is 8m wide and extends 30m long, over an area of 247m², bounded by stonework rubble wall to Newlands Lane and the eastern long boundary. A timber fence defines the long West boundary. The short northern boundary is currently undefined.

2. LOCATION

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

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

3. THE PROPOSED HOUSE.

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

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

4. DRAINAGE.

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

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

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

5. SERVICES.

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

6. NEW VEHICULAR ACCESS.

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

7. PHOTOS.



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



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



Fig. 3. Site Access and West neighbours.



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



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

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

Our Ref: 224

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

17 January 2022

Dear Sir(s)/ Madam

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

NOTICE OF REVIEW

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

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

Our supporting email dated 21/9/21 set out why the 400 m² plot size is not an appropriate approach in a town centre site, as distinct from sprawling suburbs, and that a one size fits all approach is not perfect. Desirable accessible low cost accommodation with a much higher density in a brownfield town centre site helps to relieve pressure on greenfield development, and the resulting loss of biodiversity. Therefore brownfield site developments should be encouraged. Visually the currently disused site as viewed from Newlands Lane would also be improved from its essentially derelict state. We therefore ask that the refusal of the Planning in Principle application be reviewed.

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

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

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

224 2021-08-17 Supporting Statement

224-01 Location Plan Rev_

224-02 Proposed Block Plan Rev.C

224-03 Site Plan 100 Rev_

224-04 Site Section Rev_

224 2021-09 Planning Email

224 2021-09 Planning Email 2

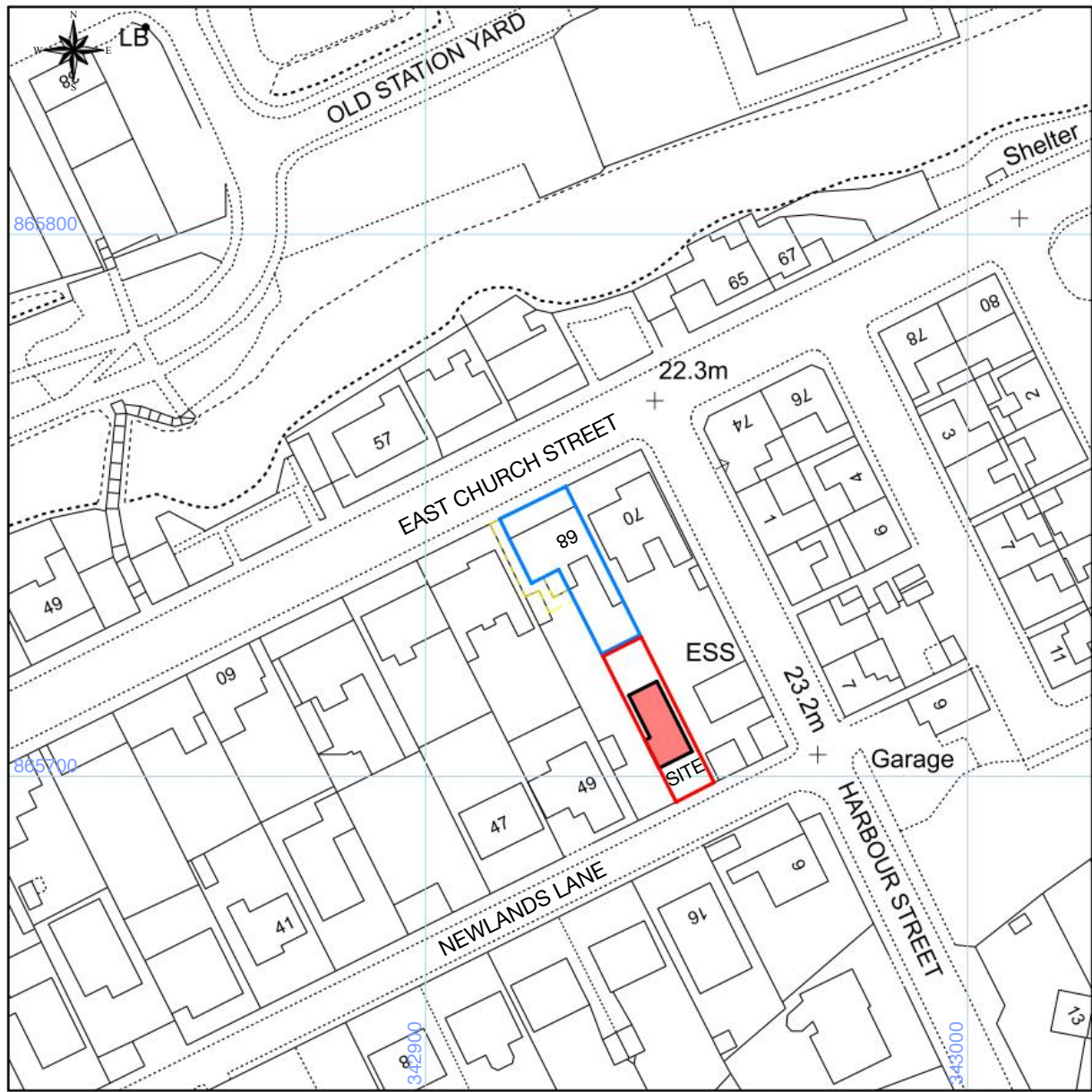
I trust this is in order and look forward to hearing from you in due course.

Yours faithfully,

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

Ross Cowie

Location Plan of AB56 1ER



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

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

Scale: 1:1250, paper size: A4

Site at Newlands Lane/
68 East Church St. Buckie

ROSS COWIE ARCHITECT

3 Campbell St. Cullen, AB56 4UE.

Tel. 01542 841549

rosscowiearchitect@gmail.com

www.rosscowiearchitect.com

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For Mr & Mrs B. Slorach

Title Location Plan

Dwg No. 224-01

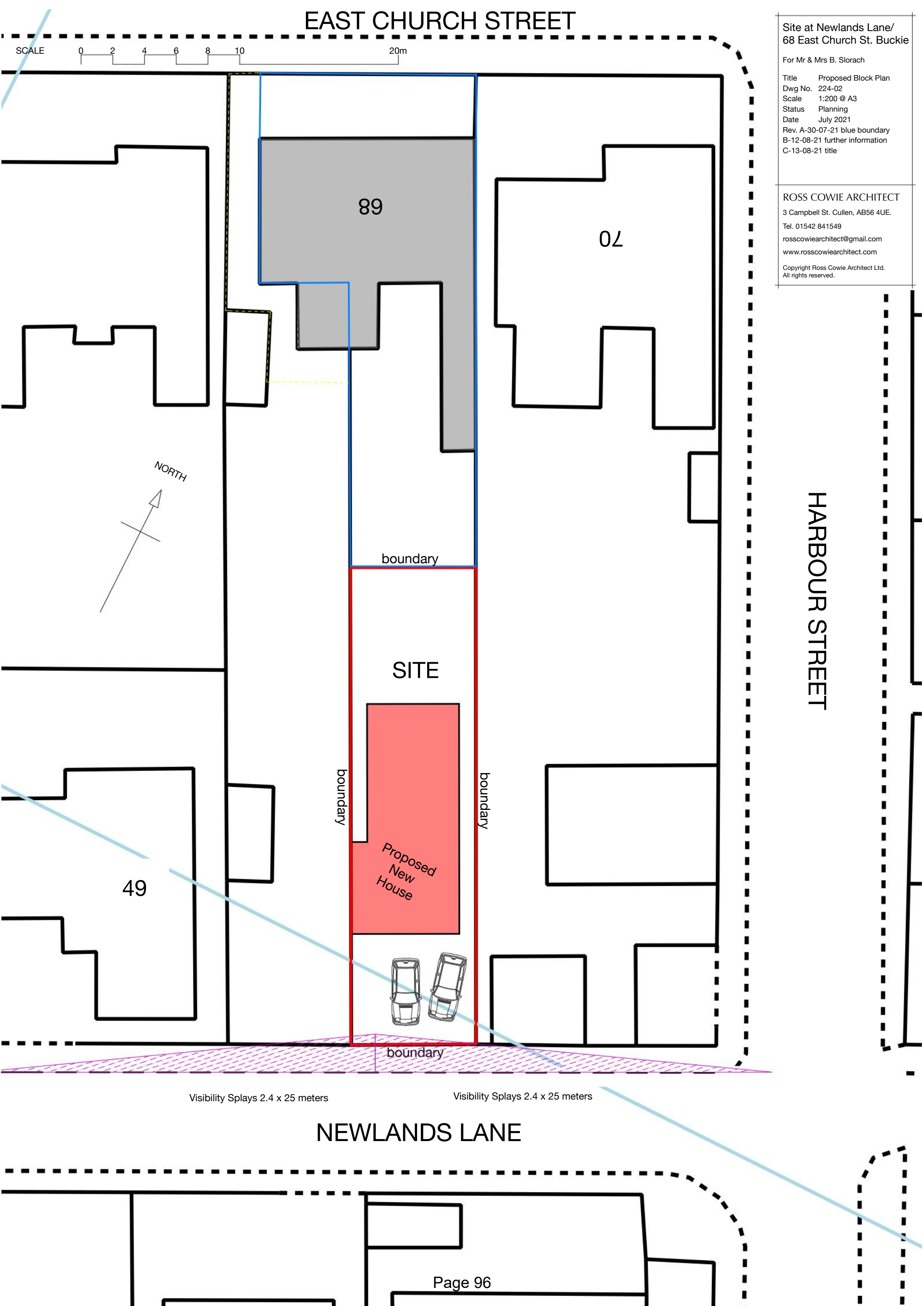
Scale 1:1250 @ A4

Status Planning

Date July 2021

Rev.





EAST CHURCH STREET

SCALE

0 2 4 6 8 10 20m

Site at Newlands Lane/
68 East Church St. Buckie

For Mr & Mrs B. Slorach

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

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HARBOUR STREET

SITE

Proposed
New
House



boundary

Visibility Splays 2.4 x 25 meters

Visibility Splays 2.4 x 25 meters

NEWLANDS LANE

68 East Church Street

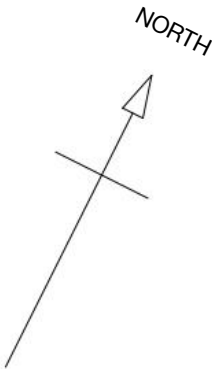
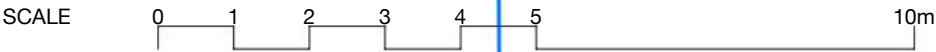
Site at Newlands Lane/
68 East Church St. Buckie

For Mr & Mrs B. Slorach

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

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Existing
Garage

SITE

path

Existing timber fence
to be removed.

path

boundary - timber fence

path

boundary - rubble stonework wall

Proposed
New
House

Path Rainwater Butt

Drive

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

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

Visibility Splays 2.4 x 25 meters

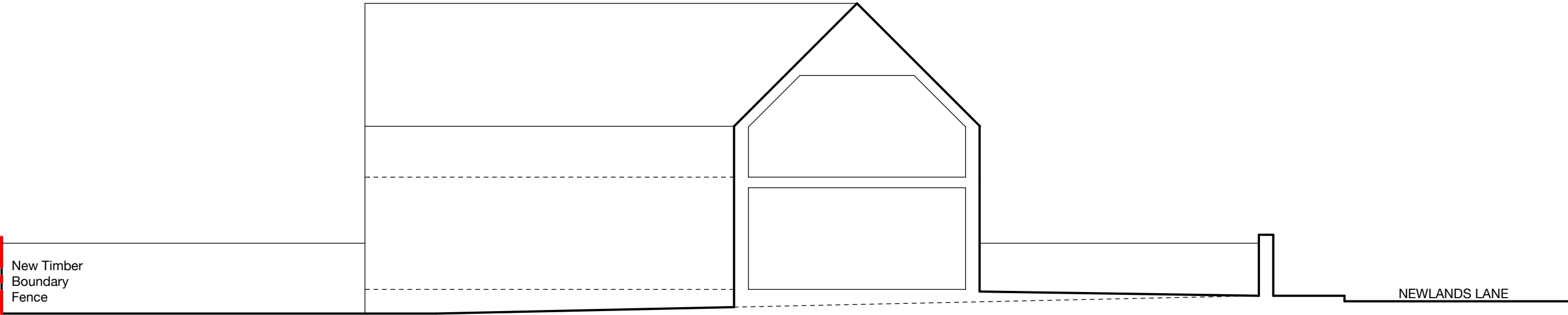
boundary

Visibility Splays 2.4 x 25 meters

Proposed vehicular access
& proposed drop kerb

NEWLANDS LANE

New connection to
combined system
public sewer



SITE SECTION

PLANNING NOTES:

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

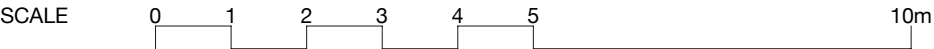
Erect new dwellinghouse within brownfield site - adjacent to location of former Scout Hut - long since demolished but evidence of footings remain.

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

Foulwater drainage to be connected to existing public sewer.
Surface water drainage to be connected to combined system public sewer.
In order to reduce the discharge to the combined sewer it is recommended to: -
• install a water butt on the rainwater downpipe
• install oversized drain for attenuation
• reduced outflow prior to joining the combined sewer
Refer to Drainage design Report.

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

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



Site at Newlands Lane/
68 East Church St. Buckie

For Mr & Mrs B. Slorach

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

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

R

Dear Katherine,

Apologies for my delay in getting back to you.

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

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

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

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

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

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

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

Thank you,
Kind regards,

Ross Cowie
Ross Cowie Architect Limited
3 Campbell Street
Cullen
Buckie
AB56 4UE
01542 841549
rosscowiearchitect.com



THE ROYAL INCORPORATION OF ARCHITECTS IN SCOTLAND
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On 15 Sep 2021, at 12:29, Katherine Donnachie <Katherine.Donnachie@moray.gov.uk> wrote:

Dear Ross

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

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

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

http://www.moray.gov.uk/moray_standard/page_133431.html

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

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

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

Yours sincerely

Katherine Donnachie Planning Officer | Economic Growth and

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

- **Working pattern Wednesday to Friday**

<image001.png><image002.jpg>

From: Ross Cowie <rosscowiearchitect@gmail.com>

Sent: 10 September 2021 11:45

To: Katherine Donnachie <Katherine.Donnachie@moray.gov.uk>

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

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

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

Good morning Katherine,

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

Thank you
Kind regards
Ross

Ross Cowie
Ross Cowie Architect Limited
3 Campbell Street
Cullen
Buckie
AB56 4UE
01542 841549
rosscowiearchitect.com

<image003.png>

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

Hi Katherine,

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

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

Kind regards,
Ross

Ross Cowie
Ross Cowie Architect Limited
3 Campbell Street
Cullen
Buckie
AB56 4UE
01542 841549
rosscowiearchitect.com

Begin forwarded message:

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

On 26 Sep 2021, at 10:49, Brian Slorach <slorachbrian@gmail.com> wrote:

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

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

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

Dear Mr Slorach,

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

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

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

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

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

Yours sincerely

Robert Hair



SURFACE WATER DISPOSAL RECOMMENDATION REPORT

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

Client: Mr Brian Slorach

Agent: Ross Cowie

Contract No. 2864/21

Report Issued: 06 August 2021

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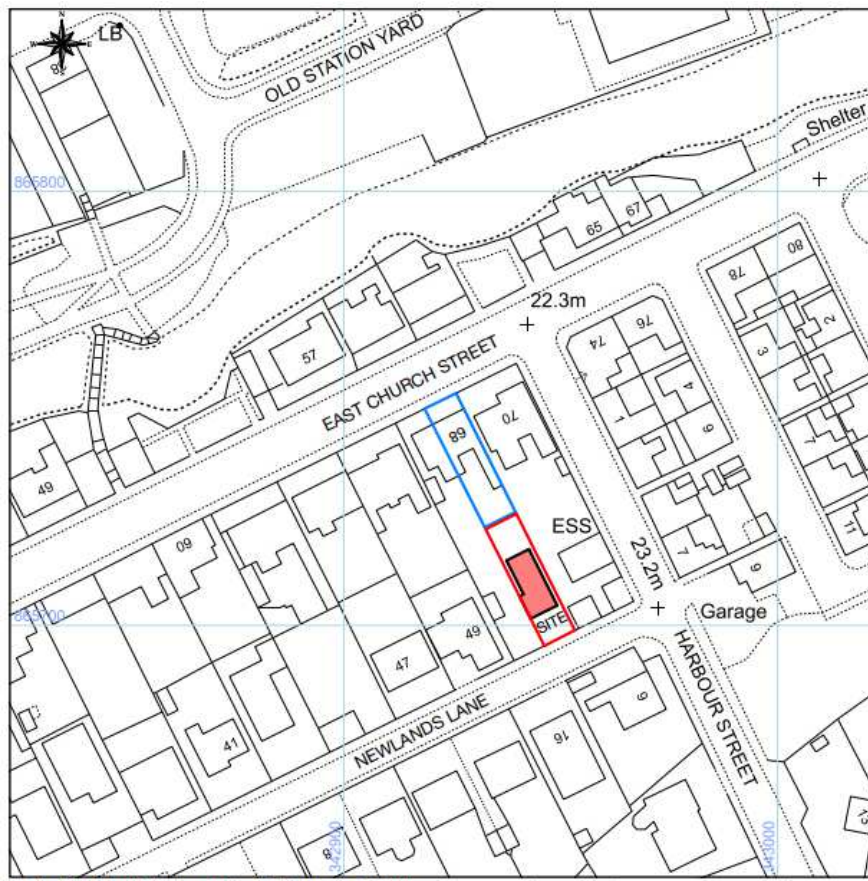
SURFACE WATER DISPOSAL RECOMMENDATION REPORT

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

INTRODUCTION

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

Site Location Plan



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

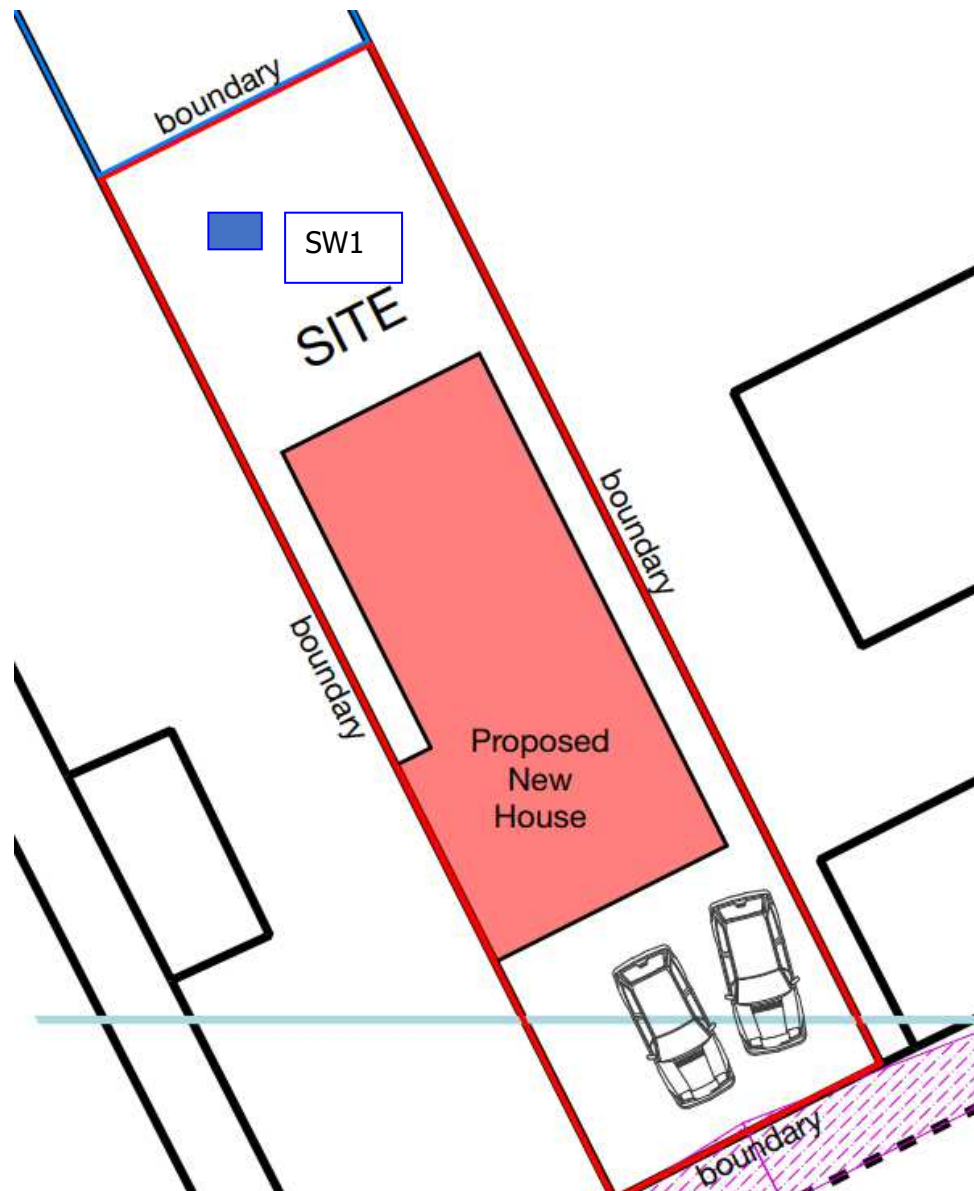
The site was a former 'Scout Hut' now removed with foundations still visible. The area is now very overgrown and is generally level with the boundaries defined by neighbouring walls the garden of No. 68 and access from Newlands Lane to the south.

SITE WORK

Trial Pits

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

Test Location Plan








Infiltration Testing

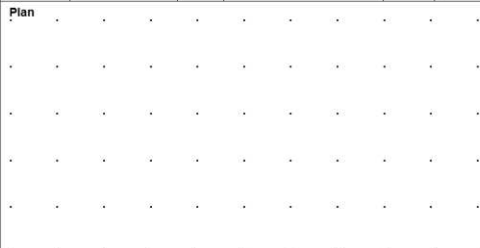
Infiltration testing was carried out in trial pit SW1 in accordance with BRE Digest 365; the test results are tabulated below: -

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

Trial Pit Log

 S.A. MCGREGOR		Site 68 Church Street, Buckie		Trial Pit Number SW1	
Excavation Method Tracked excavator with 0.50m bucket		Dimensions 0.50 x 1.00		Client Mr B Slorach	
Location		Dates 26/07/2021		Architect Ross Cowie	
Job Number 2864/21		Sheet 1/1			

Depth (m)	Sample / Tests	Water Depth (m)	Field Records	Level (mOD)	Depth (m) (Thickness)	Description	Legend	Water
					(0.40)	TOPSOIL		
					0.40 (0.10)	Loose dark orange slightly silty SAND		
					0.50	Medium dense light pink brown very silty SAND and GRAVEL with some rounded cobbles		
					(1.00)strata very damp below 1.00m		
					1.50	Complete at 1.50m		

Plan 					Remarks 		
Scale (approx) 1:20					Logged By SAM		Figure No. 2864/21.SW1

Produced by the GEOTECHNICAL DATABASE SYSTEM (GEODASY) © all rights reserved

GROUND ASSESSMENT

Published Geology

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

Encountered Natural Sub-Soils

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

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

Bedrock: Bedrock was not encountered during the investigation

Ground Water Observations

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

DISCUSSION

Sub-Soils

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

SuDS & Surface Water Disposal

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

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

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

Simplified Surface Water Disposal Options Summary Table

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

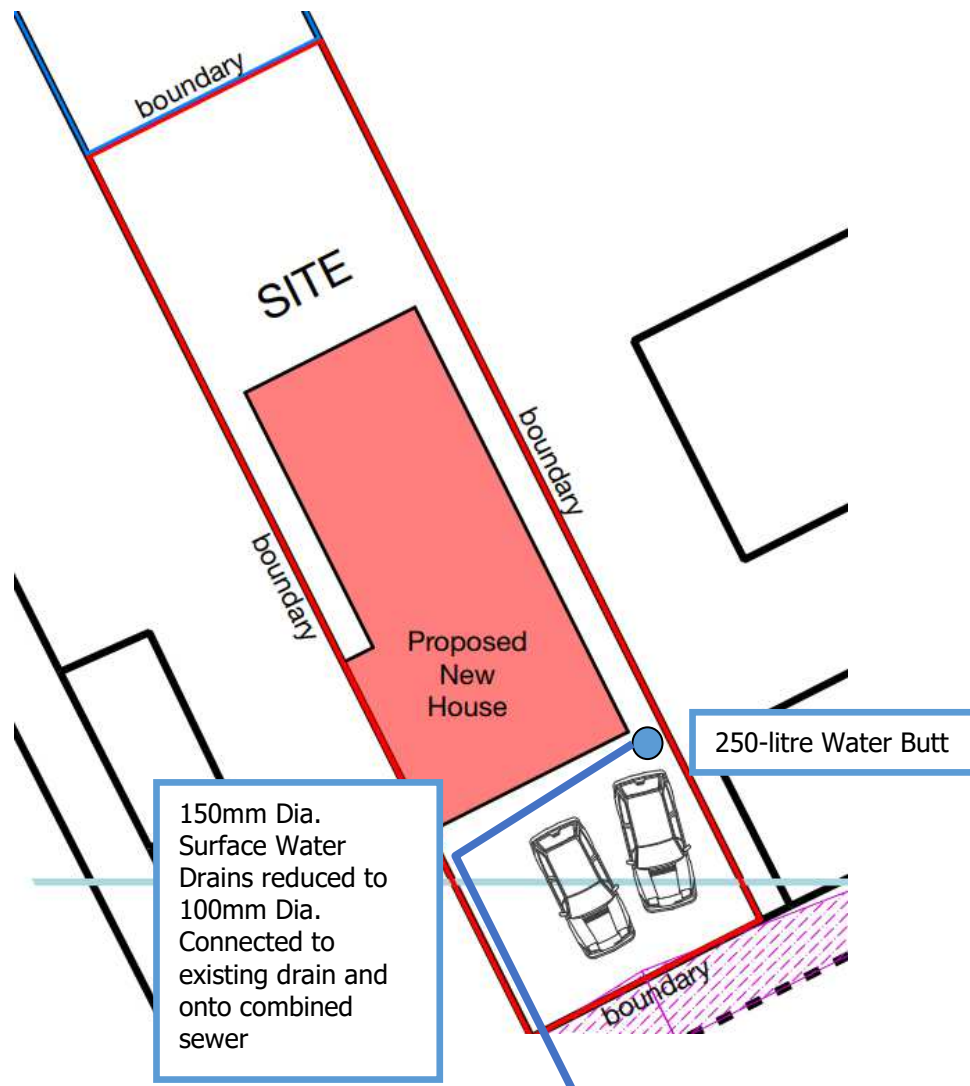
The previous Scout Hut had greater impermeable surface areas compared to the proposed new dwellinghouse and discharged to the sewer.

SURFACE WATER DISPOSAL RECOMMENDATIONS

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

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

Proposed Surface Water Drainage Plan



Signed

Name / Company

Address

Qualification

S. A. M^cGregor

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

B.Eng(Civil Engineering).

Date...06 August 2021



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

REFUSAL OF PLANNING PERMISSION

**[Buckie]
Planning Permission in Principle**

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

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

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

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

Date of Notice: **01 November 2021**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

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

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

None.

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

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

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

REPORT OF HANDLING

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

RECOMMENDATION

Approve, without or with condition(s) listed below		
Refuse, subject to reason(s) listed below		X
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
Contaminated Land	27/08/21	No objections
Environmental Health Manager	27/08/21	No objections – note that the development is situated 30 metres from a filling station and garage that has operated since the 1950s. The council has no information on whether the ground is contaminated. The team note that safe development is the responsibility of the developer who is recommended to seek advice on appropriate vapour protection measures for the development.
Transportation Manager	30/09/21	Initially requested clarification on visibility from access point and on receipt of further information provided final comments. The team note that the formation of the required visibility splays at the new access onto the public road will require the lowering/setting back of an existing boundary wall fronting both the site and the adjacent neighbouring property. It is further noted that evidence of agreement from the adjacent landowner has been submitted confirming that the required visibility splays can be provided. However as this application is for Planning Permission on Principle (and ownership may change) planning conditions would be required to secure detailed plans of visibility splays including details to demonstrate control of the land. Conditions are also recommended to secure delivery of electric vehicle charging provision, parking provision within the site and construction of the access point to required standards. On this basis the team has no objections.
Scottish Water	26/08/21	<p>No objections – advise that they cannot at present confirm capacity for water supply, there is currently capacity for foul only drainage but this will need to be confirmed and a formal inquiry submitted.</p> <p>The agency note that they will not accept surface water into their combined systems except in exceptional circumstances and for brownfield sites only. Again the applicant will require to contact the agency at the earliest opportunity with strong evidence to support such a case.</p>

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

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

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Proposals

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

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

Site

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

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

There is no particular planning history on the site itself.

Policy Background

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

Principle

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

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

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

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

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

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

Siting, Layout and Amenity

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

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

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

Servicing

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

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

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

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

Environmental Impacts

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

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

Developer Obligations and Affordable Housing Contributions

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

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

Conclusion

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

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None.

HISTORY			
Reference No.	Description		
	Decision		Date Of Decision

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

DEVELOPER CONTRIBUTIONS (PGU)	
Status	CONT SOUGHT

DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?

YES

Summary of main issues raised in each statement/assessment/report

Document Name: Surface water disposal recommendation report

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

Document Name: Supporting Statement

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

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

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



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100456110-001

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

Type of Application

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

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

Description of Proposal

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

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

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ross Cowie Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ross	Building Name:	
Last Name: *	Cowie	Building Number:	3
Telephone Number: *	01542841549	Address 1 (Street): *	Campbell Street
Extension Number:		Address 2:	Cullen
Mobile Number:		Town/City: *	Buckie
Fax Number:		Country: *	Scotland
		Postcode: *	AB56 4UE
Email Address: *	rosscowiearchitect@gmail.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

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

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Site at Newlands Lane/ 68 East Church Street Buckie

Northing

865711

Easting

342943

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

247.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

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

Brownfield site/ part garden of 68 East Church St.

Access and Parking

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

☒ Yes ☐ No

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

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> <p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input checked="" type="checkbox"/> Yes – connecting to public drainage network</p> <p><input type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<h2 style="margin: 0;">Assessment of Flood Risk</h2> <p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>
<h2 style="margin: 0;">Trees</h2> <p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>
<h2 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2> <p>Does your proposal alter or create non-residential floorspace? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Ross Cowie

On behalf of: Mr & Mrs Brian Slorach

Date: 12/08/2021

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☒ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☒ Yes ☐ N/A

Drainage/SUDS layout. *

☒ Yes ☐ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Supporting Statement

Declare – For Application to Planning Authority

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

Declaration Name: Mr Ross Cowie

Declaration Date: 17/08/2021

Payment Details

Telephone Payment Reference: xxx

Created: 17/08/2021 15:06



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Flood Risk Management

Planning Application Ref. No: 21/01271/PPP

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

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

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

Further comment(s) to be passed to applicant

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

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



APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS

Lissa Rowan

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

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

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

Good afternoon Lissa,

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

I have made my client aware of this.

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

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

Kind regards,
Ross

Ross Cowie
Ross Cowie Architect Limited
3 Campbell Street
Cullen
Buckie
AB56 4UE
01542 841549
rosscowiearchitect.com

On 10 Mar 2022, at 13:51, Lissa Rowan <Lissa.Rowan@moray.gov.uk> wrote:

Good afternoon Ross

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

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

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

Kind regards

Lissa

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

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

Dear Lissa,

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

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

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

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

Thanks
Kind regards,
Ross

Ross Cowie
Ross Cowie Architect Limited
3 Campbell Street
Cullen
Buckie
AB56 4UE
01542 841549
rosscowiearchitect.com

<image001.png>

This email and any attachments may contain material that is confidential, subject to copyright and intended for the addressee only. If you are not the named recipient you must not use, disclose, reproduce, copy or distribute the contents of this communication. If you have received this in error, please accept our apologies and notify the sender, then delete this email from your system. Ross Cowie Architect Limited is registered in Scotland no. SC408317.

On 9 Mar 2022, at 11:19, Lissa Rowan <Lissa.Rowan@moray.gov.uk> wrote:

Good morning

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

Kind regards

Lissa

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

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

01343 563015 | 07765 741754

<image001.png>

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



MORAY LOCAL REVIEW BODY

31 MARCH 2022

SUMMARY OF INFORMATION FOR CASE No LR272

Planning Application 21/00059/APP – Demolish existing store and erection of dwellinghouse at Store, Seatown, Cullen Buckie

Ward 2 – Keith and Cullen

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 16 December 2021 on the grounds that:

The proposal would be contrary to policies PP1, PP3, DP1, DP2 and EP9 of the Moray Local Development Plan 2020 and associated guidance contained within the Cullen Conservation Area Character Appraisal for the following reasons:

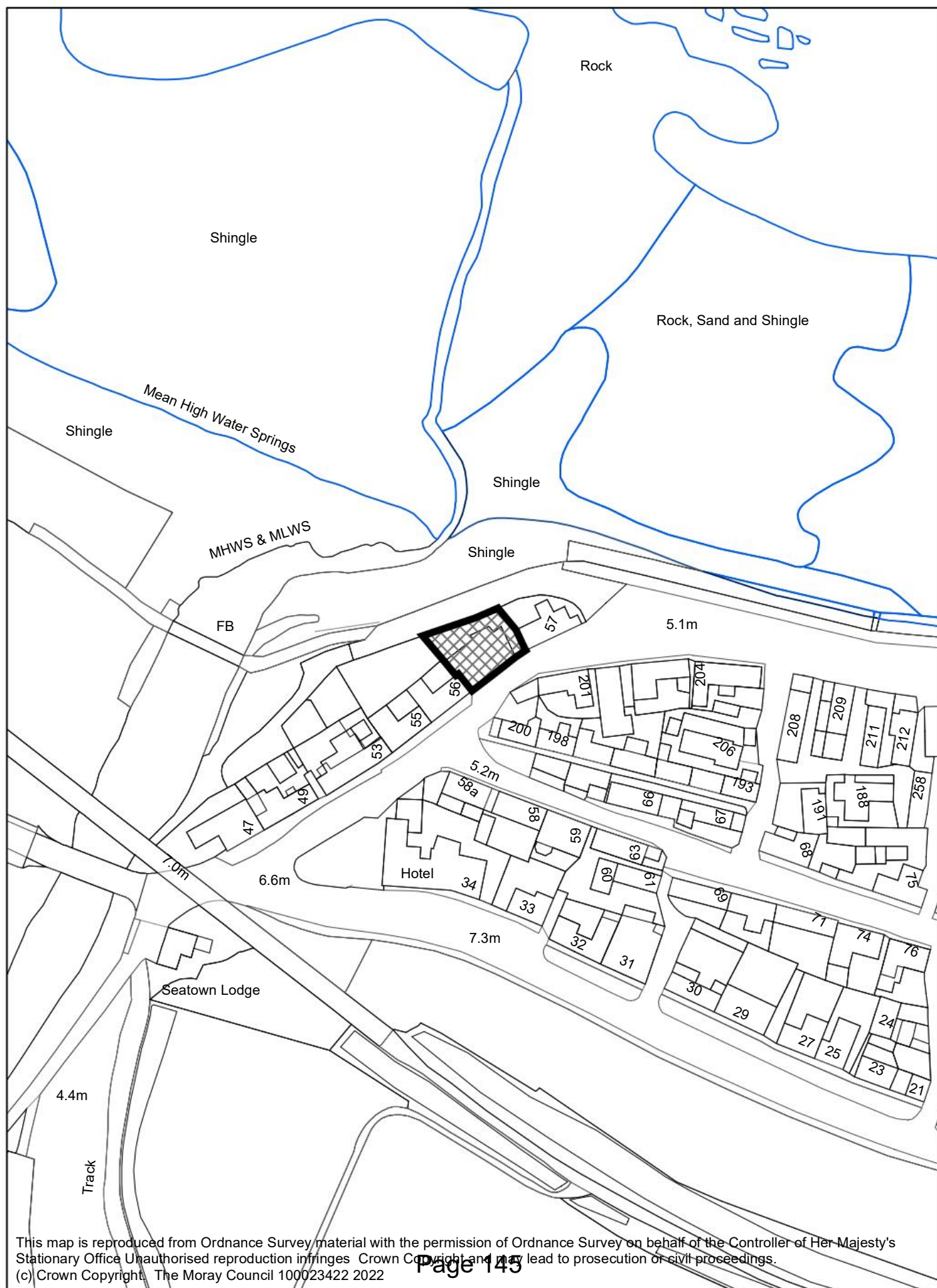
1. The proposed development by virtue of the unsympathetic design detailing would have an adverse impact on the character and appearance of what is an exceptionally prominent site on the frontage of the Cullen Conservation Area.
2. Furthermore the applicants have failed to provide 3 car parking spaces, which if the development were permitted, would be likely to give rise to conditions detrimental to the road safety of road users. The lack of an EV charging point within the site is a matter which should be easily overcome, however, failure to provide this as part of the proposals results in a further reason for refusal on this basis.

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

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

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

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





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100339781-001

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

Type of Application

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

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

Description of Proposal

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

Proposed demolition of existing store and erection of dwellinghouse.

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Mantell Ritchie		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Michael	Building Name:	
Last Name: *	Ritchie	Building Number:	27A
Telephone Number: *	01261 812267	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Banff
Fax Number:		Country: *	Scotland
		Postcode: *	AB45 1AN
Email Address: *	admin@mantellritchie.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Waterstore House
First Name: *	M	Building Number:	
Last Name: *	Wilson	Address 1 (Street): *	Banchory
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	.
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB31 5HS
Fax Number:			
Email Address: *	admin@mantellritchie.co.uk		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Site adjacent to 56 Seatown, Cullen, Buckie, Ab56 4SJ

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☒ Letter ☐ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

We submitted a Pre-Application Enquiry and have based our designs on the comments received.

Title:

Mr

Other title:

First Name:

Iain

Last Name:

Drummond

Correspondence Reference
Number:

20/00722/PELOC

Date (dd/mm/yyyy):

15/09/2020

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

290.00

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

Existing Use

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

Tattie Shed

Access and Parking

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

☐

Yes

☒

No

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

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

☐

Yes

☒

No

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

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

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

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

☒

Yes

☐

No

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

☒

Yes – connecting to public drainage network

☐

No – proposing to make private drainage arrangements

☐

Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

☒

Yes

☐

No

Note:-

Please include details of SUDS arrangements on your plans

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

<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<h2 style="margin: 0;">Assessment of Flood Risk</h2> <p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>
<h2 style="margin: 0;">Trees</h2> <p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>
<h2 style="margin: 0;">Waste Storage and Collection</h2> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes or No, please provide further details: * (Max 500 characters)</p> <div style="border: 1px solid black; padding: 5px; min-height: 50px;"> <p>Waste and recycling collection points are shown on plans</p> </div>
<h2 style="margin: 0;">Residential Units Including Conversion</h2> <p>Does your proposal include new or additional houses and/or flats? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>How many units do you propose in total? * 1</p> <p>Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.</p>
<h2 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2> <p>Does your proposal alter or create non-residential floorspace? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<h2 style="margin: 0;">Schedule 3 Development</h2> <p>Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.</p> <p>If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.</p>

Planning Service Employee/Elected Member Interest

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

Certificates and Notices

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

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

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

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Michael Ritchie

On behalf of: Mr M Wilson

Date: 18/01/2021

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Michael Ritchie

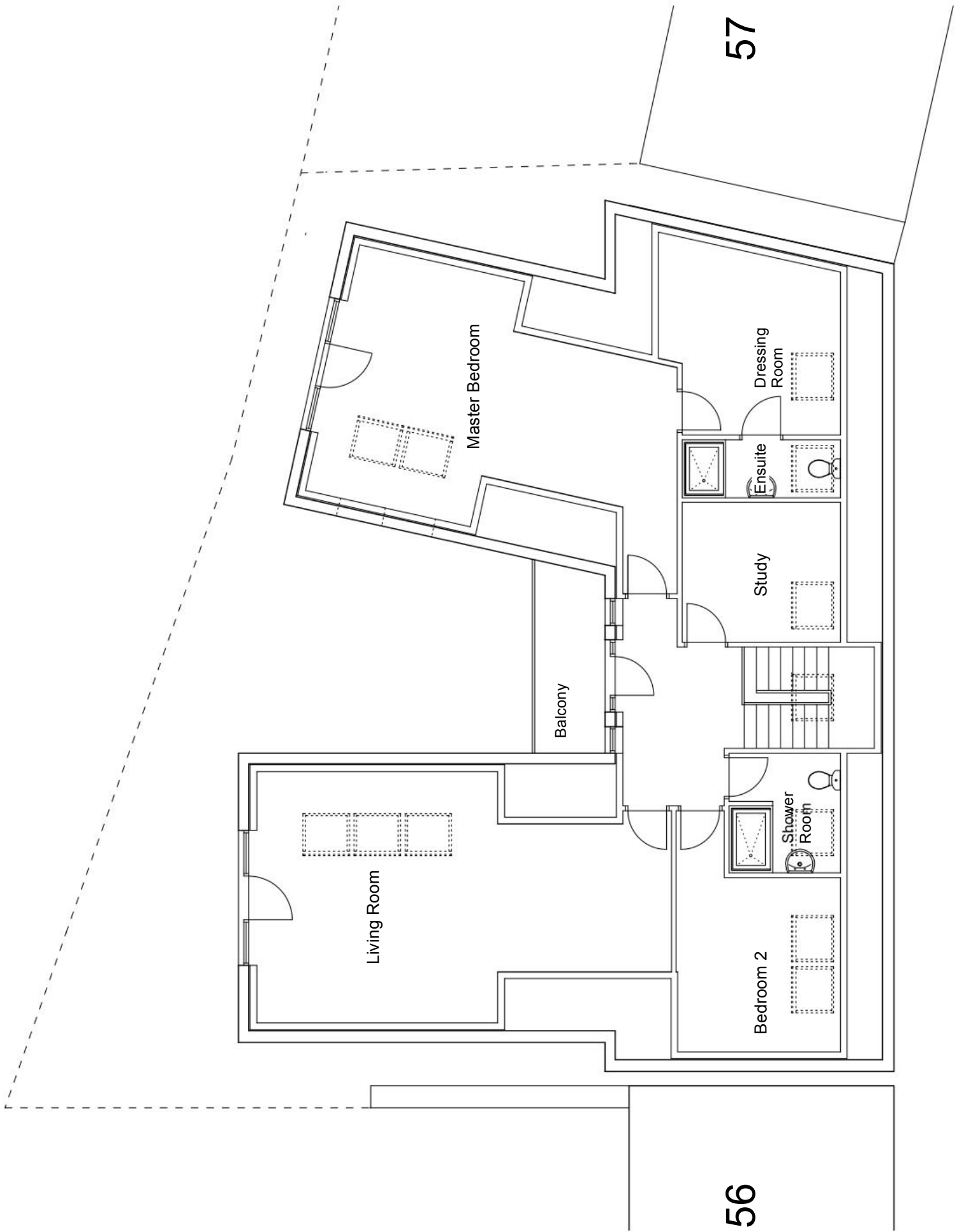
Declaration Date: 18/01/2021

Payment Details

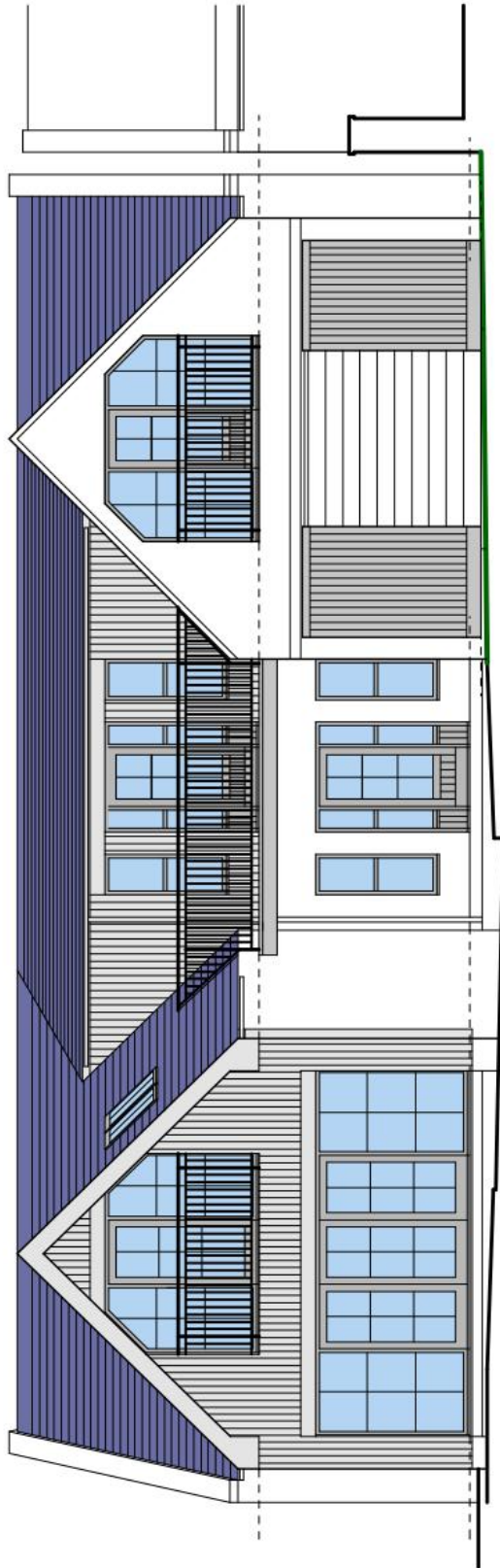
Online payment: 598445

Payment date: 18/01/2021 16:25:29

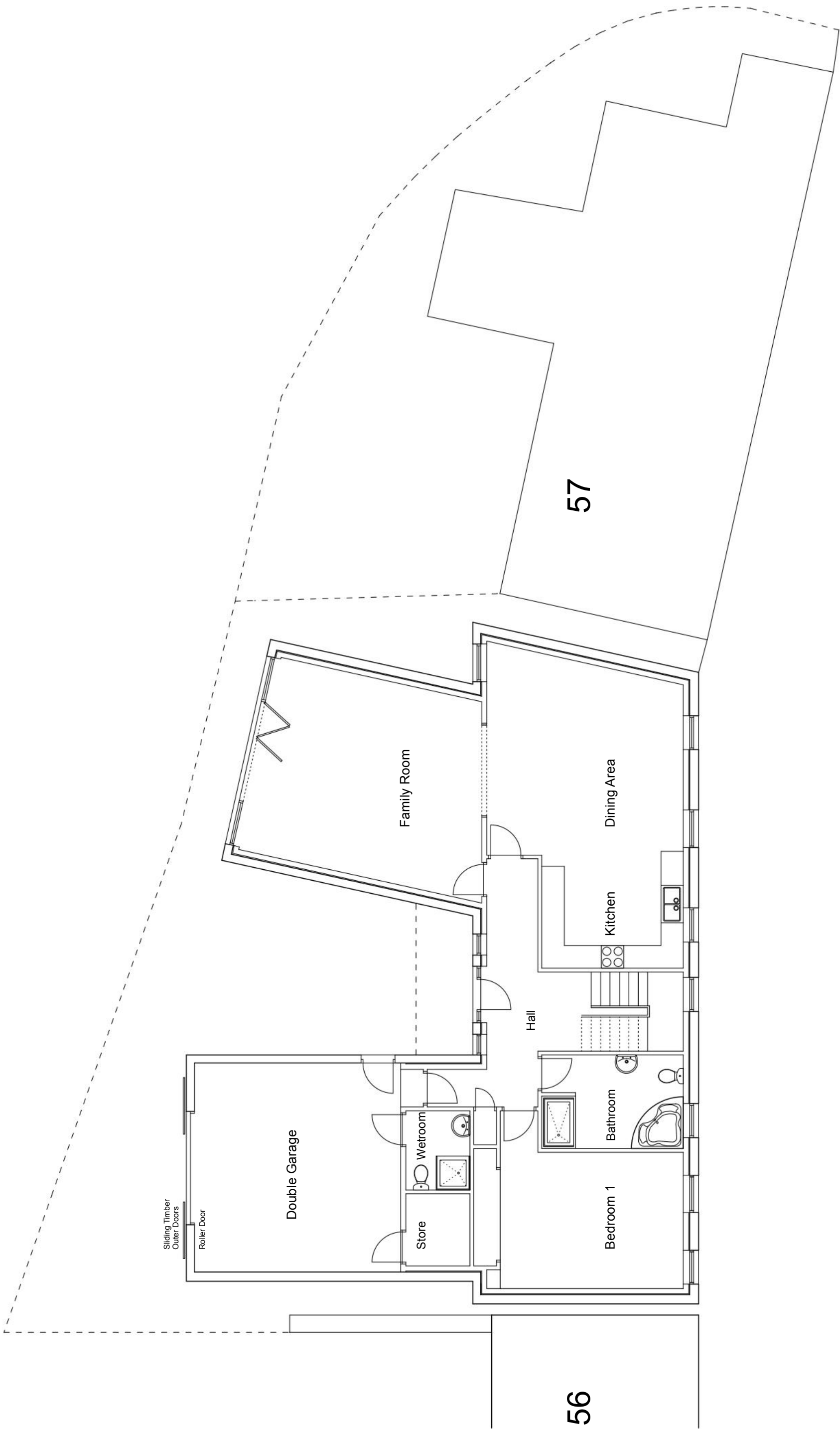
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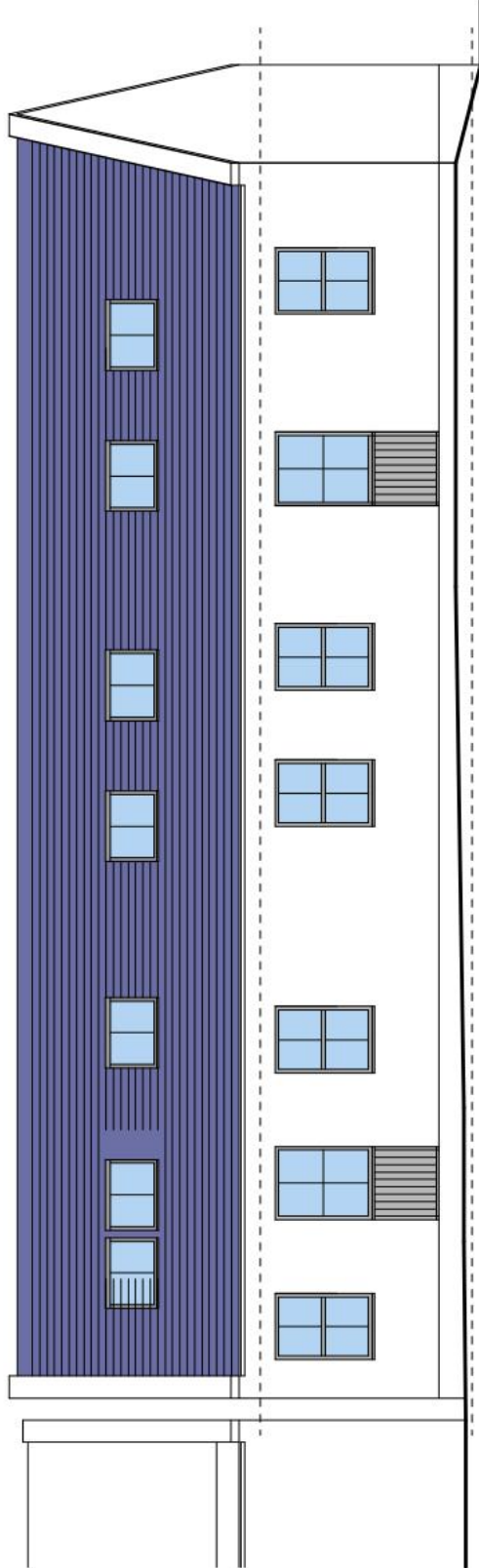
First Floor Plan 1:100



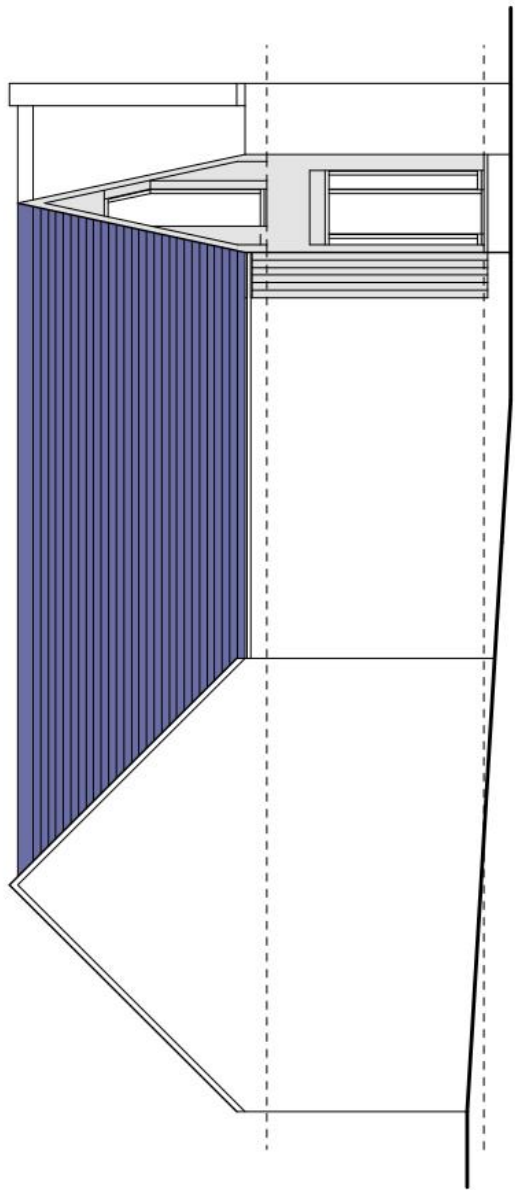
North-West Elevation 1:100



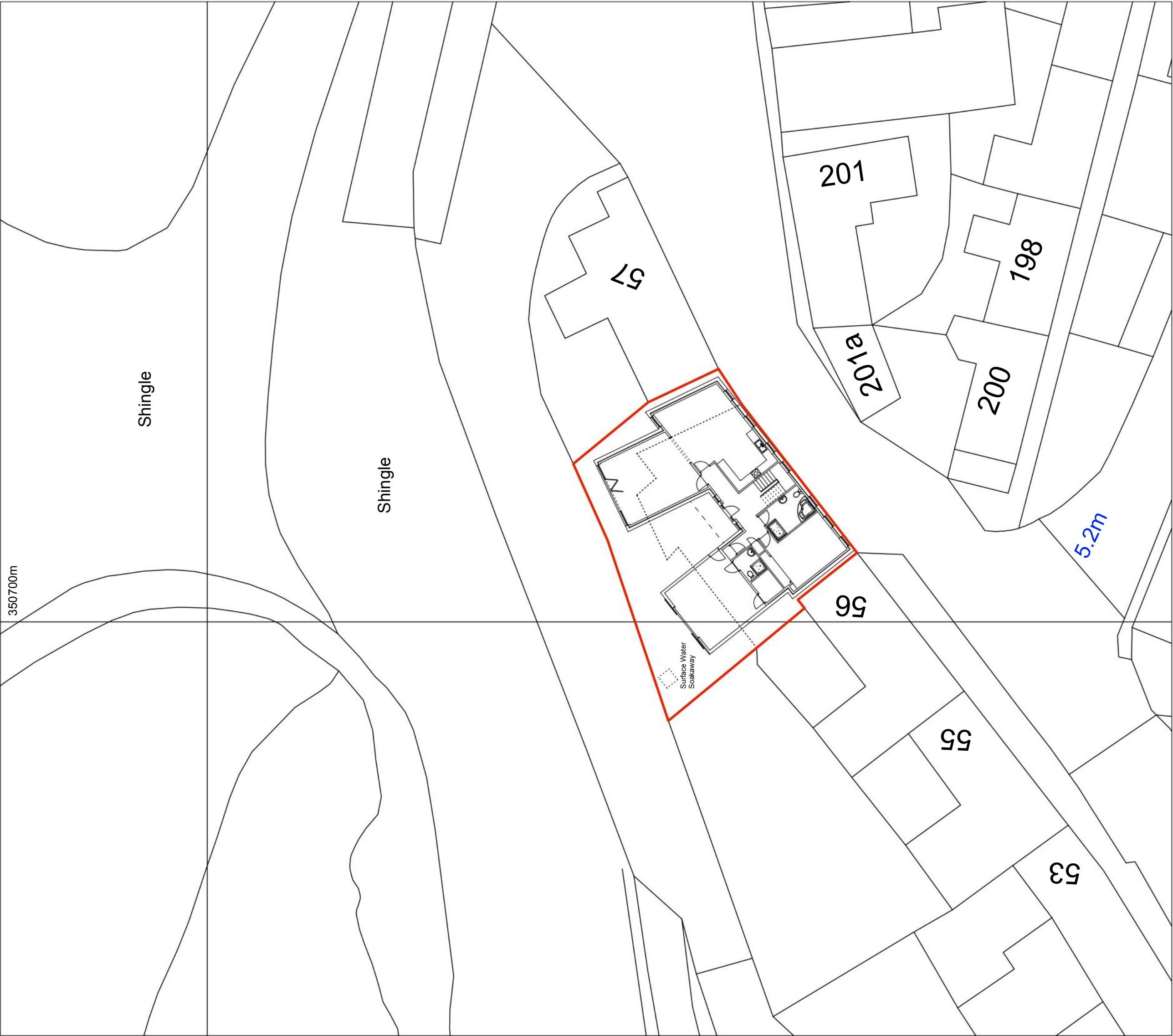
Ground Floor Plan 1:100



South-East Elevation 1:100



North-East Elevation 1:100



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Site Layout Plan. 1:250



©Crown Copyright and database rights 2018 OS 100019980

Location Plan 1:1250

A	Amended Proposals	04.12.20	MR
No	Revisions	Date	Initials

MANTELL
RITCHIE

Chartered Architects

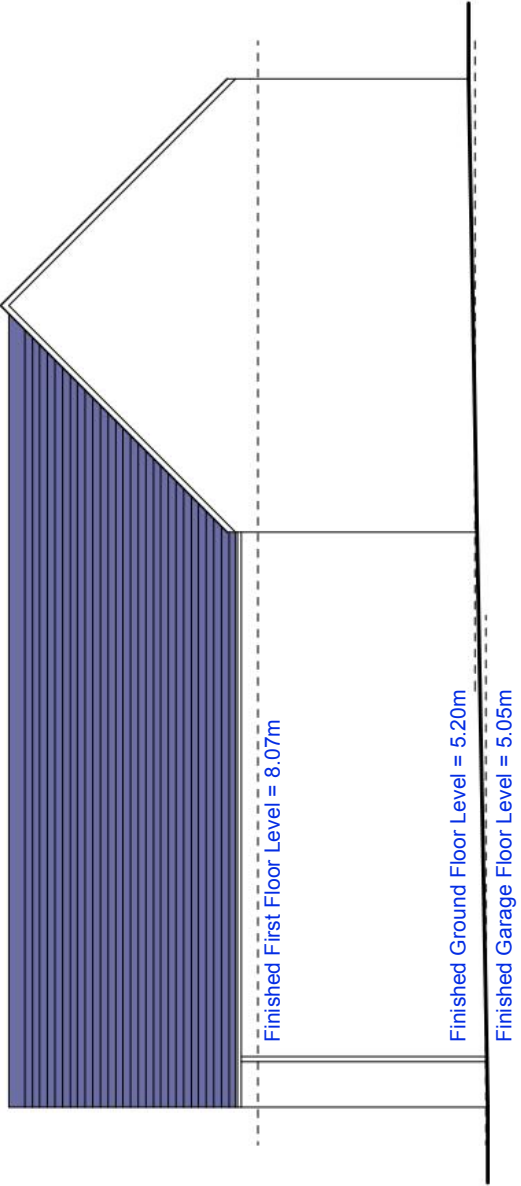
27A High Street, BANFF,
AB94 5 JN
Tel: 01261 812267
Email: admin@mantellritchie.co.uk
www.mantellritchie.com



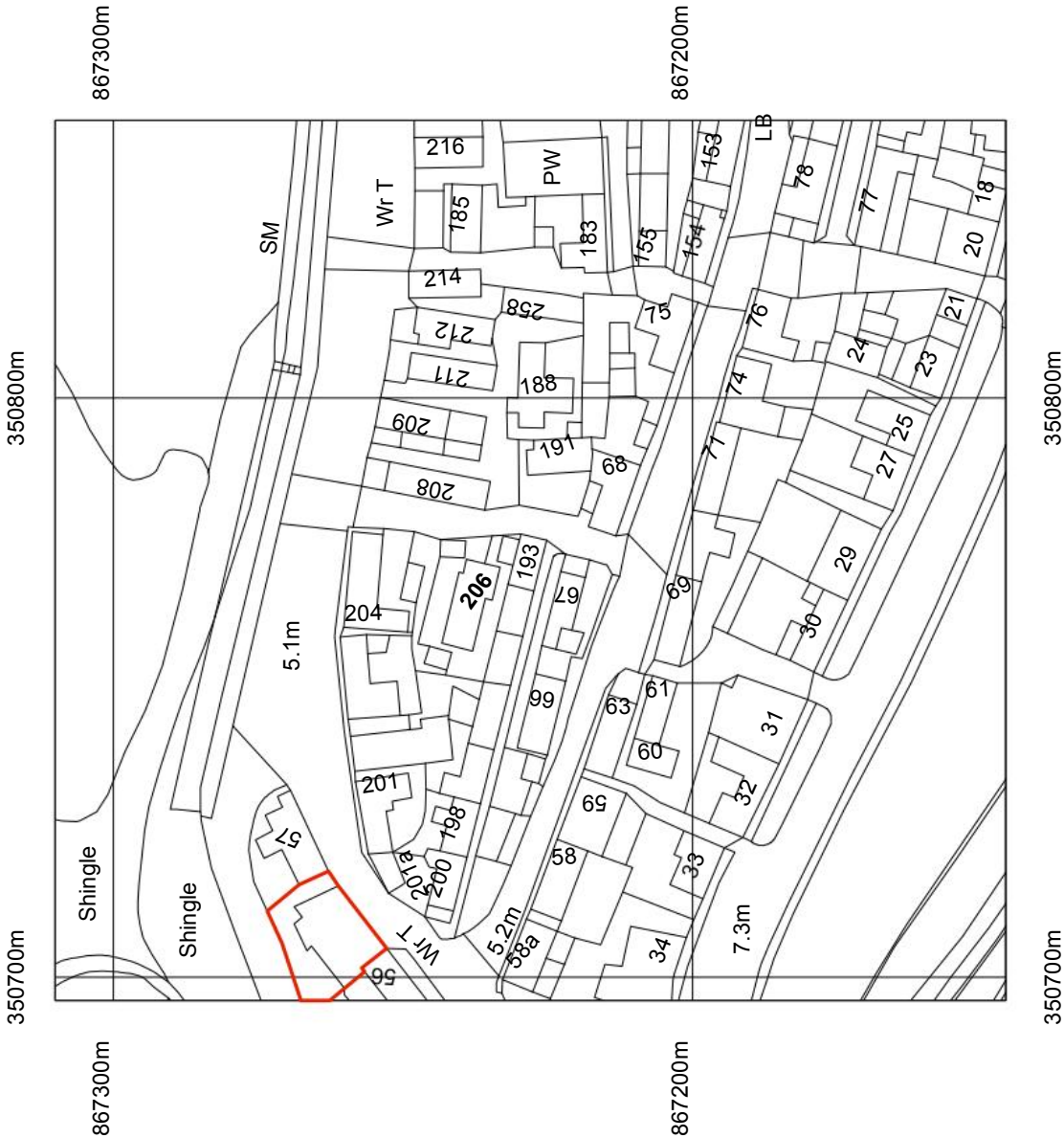
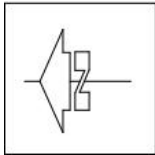
Copyright of Mantell Ritchie, Chartered Architect.

project	Shed Adjacent to 56 Seatown, CULLEN.
Proposed Development	
for	Mr + Mrs M Wilson

content	Location + Site Layout Plans + Elevation
scales	1:1250, 1:250, 1:100
drawn by	MR
size	A2
date	19.01.21
ref	20015 03A



South-West Elevation 1:100



© Crown Copyright and database rights 2018 OS 100019980

Location Plan 1:1250



Chartered Architects

27A High Street, BANFF,
AB45 1AN
Tel:- 01261 812267
Email:- admin@mantellritchie.co.uk
www.mantellritchie.com



Copyright of Mantell Ritchie, Chartered Architect.

project
**Shed Adjacent to 56 Seatown,
CULLEN.**
Proposed Development
for
Mr + Mrs M Wilson

content	Location Plan
scales	1:1250
drawn by	MR
size	A4
date	02.03.20

ref	20015	LP
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DRAINAGE STATEMENT

The Tattie Shed, 56 Seatown, Cullen **Ref No. 21/00059/APP**

The foul water drainage to the development of the site adjacent to 56 Seatown, Cullen will be connected to public sewers as it currently does from the 'Tattie Shed'.

The surface water drainage will be connected to a surface water soakaway on site which will actually mean the post-development run off rate will be less than the currently run off rate as the surface water drainage from the roof currently runs onto the ground and thereafter away from the site.

From:DeveloperObligations
Sent:09 Feb 2021 11:13:20
To:Iain.Drummond@moray.gov.uk,
Subject:21/00059/APP Demolish existing store and erection of dwellinghouse at Store, Seatown, Cullen, Buckie, AB56 4SJ
Attachments:21-00059-APP Demolish existing store and erection of dwellinghouse at Store, Seatown, Cullen, Buckie, AB56 4SJ.pdf,

Hi
Please find attached the developer obligations assessment that has been undertaken for the above planning application. A copy of the report has been sent to the applicant.
Thanks,
Rebecca
Rebecca Morrison | Infrastructure Growth/Obligations Officer (Strategic Planning and Development) | Economic Growth and Development
Rebecca.morrison@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) | [newsdesk](#)

Developer Obligations & Affordable Housing: ASSESSMENT REPORT



moray
council

Summary of Obligations

Date: 09/02/2021

Reference: 21/00059/APP

Description: Demolish existing store and erection of dwellinghouse at Store, Seatown, Cullen, Buckie, AB56 4SJ

Applicant: Mr M Wilson

Agent: Mantell Ritchie

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

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

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare (<i>Contribution towards reconfiguration of Seafield and Cullen Medical Practice</i>)	
Sports and Recreation	Nil
Total Developer Obligations	
Affordable Housing	
TOTAL	

Breakdown of Calculation

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

4 bed = 1.2 SRUE

This assessment is therefore based on 1.2 SRUE.



Moray Council DEVELOPER OBLIGATIONS

INFRASTRUCTURE

Education

Primary Education

The pupils generated by this development are zoned to Cullen Primary School. The school is currently operating at 54% physical capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

Contribution towards Primary Education = Nil

Secondary Education

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

Contribution towards Secondary Education = Nil

Transport

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

Contributions towards Transport = Nil

Healthcare

Healthcare Facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities. The

recommended number of patients is 1500 per General Practitioner (GP) and floorspace requirement per GP is 271m².

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

Seafield and Cullen Medical Practice is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Seafield and Cullen Medical Practice is working beyond design capacity and existing space will be required to be reconfigured

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

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

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

Contribution for Sports and Recreation Facilities = Nil



AFFORDABLE HOUSING

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

[REDACTED]

Therefore, the total contribution towards affordable housing is:

1 proposed unit = [REDACTED]

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



TERMS OF ASSESSMENT

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

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

PAYMENT OF CONTRIBUTIONS

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

INDEXATION

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

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



MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Flood Risk Management

Planning Application Ref. No: 21/00059/APP

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

Please

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

Contact: Richard Knight
email address: Richard.knight@Moray.gov.uk
Consultee: The Moray Council, Flood Risk Management
Date.....12/02/2021

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	8th February 2021
Planning Authority Reference	21/00059/APP
Nature of Proposal (Description)	Demolish existing store and erection of dwellinghouse at
Site	Store Seatown Cullen Buckie Moray AB56 4SJ
Site Postcode	N/A
Site Gazetteer UPRN	000133067088
Proposal Location Easting	350708
Proposal Location Northing	867261
Area of application site (M²)	290
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QN666VBGL5D00
Previous Application	20/00722/PELOC
Date of Consultation	25th January 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr M Wilson
Applicant Organisation Name	
Applicant Address	Waterstore House Banchory AB31 5HS
Agent Name	Mantell Ritchie
Agent Organisation Name	
Agent Address	Architects 27 High Street BANFF AB45 1AN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Aberdeenshire Council Archaeology Service

Planning Application Ref. No: 21/00059/APP

Demolish existing store and erection of dwellinghouse at Store Seatown Cullen Buckie for Mr M Wilson

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...2/2/2021.....
Phone No ...01467 537717

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

Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.moray.gov.uk/eplanning/> (You can also use this site to

track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using “redaction” software to avoid (or mask) the display of such information. Where appropriate other “sensitive” information within documents will also be removed prior to publication online.

Consultee Comments for Planning Application 21/00059/APP

Application Summary

Application Number: 21/00059/APP

Address: Store Seatown Cullen Buckie Moray AB56 4SJ

Proposal: Demolish existing store and erection of dwellinghouse at

Case Officer: Iain T Drummond

Consultee Details

Name: Mr EH Consultations

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

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

Comments

Approved unconditionally

Consultee Comments for Planning Application 21/00059/APP

Application Summary

Application Number: 21/00059/APP

Address: Store Seatown Cullen Buckie Moray AB56 4SJ

Proposal: Demolish existing store and erection of dwellinghouse at

Case Officer: Iain T Drummond

Consultee Details

Name: Mr CL Consultations

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

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

Comments

Approved unconditionally

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	8th February 2021
Planning Authority Reference	21/00059/APP
Nature of Proposal (Description)	Demolish existing store and erection of dwellinghouse at
Site	Store Seatown Cullen Buckie Moray AB56 4SJ
Site Postcode	N/A
Site Gazetteer UPRN	000133067088
Proposal Location Easting	350708
Proposal Location Northing	867261
Area of application site (M²)	290
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QN666VBGL5D00
Previous Application	20/00722/PELOC
Date of Consultation	25th January 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr M Wilson
Applicant Organisation Name	
Applicant Address	Waterstore House Banchory AB31 5HS
Agent Name	Mantell Ritchie
Agent Organisation Name	
Agent Address	Architects 27 High Street BANFF AB45 1AN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 21/00059/APP

Demolish existing store and erection of dwellinghouse at Store Seatown Cullen Buckie for Mr M Wilson

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"/> |

Moray Council Parking Standards require 2no Parking spaces for a dwelling with 2 or 3 bedrooms, and 3no parking spaces for a dwelling with 4 bedrooms or more. This proposal is for a 4 bedroom dwelling and therefore would require 3no spaces.

The proposed double garage is smaller than would ordinary count as equivalent to 2no parking spaces (minimum internal clear dimensions should be not less than 3 metres by 7 metres), and parking for three vehicles has not actually been shown. Infrastructure to support a future Electric Vehicle (EV) charging unit would also required for this proposal and has also not been shown.

Transportation previously sought further information relating to the provision of 3no car parking spaces, and future Electric Vehicle infrastructure provision. To date no additional information has been received.

Reason(s) for objection

On the basis of the submitted details to date Transportation considers that the proposal, if permitted, would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policy DP1 'Development Principles' section (ii)- 'Transportation', part 'e' (parking provision).

Contact: AG

Date 09 November 2021

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

Consultee: TRANSPORTATION

Return response to

consultation.planning@moray.gov.uk

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

Tuesday, 26 January 2021



Local Planner
Development Services
Moray Council
Elgin
IV30 1BX

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

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

Dear Sir/Madam

SITE: Store Seatown Cullen, Buckie, AB56 4SJ
PLANNING REF: 21/00059/APP
OUR REF: DSCAS-0031276-TVP
PROPOSAL: Demolish existing store and erection of dwellinghouse

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

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

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

Waste Water Capacity Assessment

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



SW Public
General

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



Page 185

So, how are we doing?

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



Please Note

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

Surface Water

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

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

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

General notes:

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



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

Next Steps:

▶ All Proposed Developments

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

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

▶ Non Domestic/Commercial Property:

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

▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the



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

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

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

Yours sincerely,

Planning Application Team

Development Operations Analyst

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

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



So, how are we doing?

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



Comments for Planning Application 21/00059/APP

Application Summary

Application Number: 21/00059/APP

Address: Store Seatown Cullen Buckie Moray AB56 4SJ

Proposal: Demolish existing store and erection of dwellinghouse at

Case Officer: Iain T Drummond

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Over-development of site
- Poor design
- View affected

Comment: The proposed development is within a conservation area. The scale, design and aesthetic of the proposed development does not reflect the character, vernacular and history of its locality.

REPORT OF HANDLING

Ref No:	21/00059/APP	Officer:	Iain T Drummond
Proposal Description/ Address	Demolish existing store and erection of dwellinghouse at Store Seatown Cullen Buckie		
Date:	14.12.2021	Typist Initials:	LMC

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Planning And Development Obligations	09/02/21	Contributions sought towards healthcare and affordable housing
Moray Flood Risk Management	12/02/21	No objections
Aberdeenshire Council Archaeology Service	02/02/21	No objections
Environmental Health Manager	01/02/21	No objections
Contaminated Land	27/01/21	No objections
Transportation Manager	09/11/21	Object to the development due to failure to show sufficient car parking
Scottish Water	25/01/21	No objections

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1 Placemaking	Y	
PP3 Infrastructure and Services	Y	
DP1 Development Principles	Y	
DP2 Housing	Y	
EP1 Natural Heritage Designation	Y	
EP3 Special Landscape Areas	Y	
EP8 Historic Environment	Y	
EP9 Conservation Areas	Y	
EP12 Management and Enhancement Water	N	

EP13 Foul Drainage	N	
EP14 Pollution Contamination Hazards	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: The proposed development is within a conservation area. The scale, design and aesthetic of the proposed development does not reflect the character, vernacular and history of its locality.</p> <p>Comments (PO): This issue is considered in the observations section of this report, where it is concluded that the proposed design would have an adverse impact on the character and appearance of the Conservation Area and the application is refused on this basis.</p>		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal and Site

This application seeks planning permission for the demolition of an existing storage building and erection of a dwellinghouse on the frontage at Cullen seatown. The proposed house consists of a one and a half storey building with main rectangular element fronting on to the street to the south and two protruding gable legs to the rear facing towards the beach.

The site is located on a prominent seafront location within the Cullen Conservation Area overlooking Cullen Bay to the north and is bounded to the south west by a C listed house, to the north east by a further house and to the south by further listed houses which lie within the conservation area.

Access is proposed to the rear/north of the house, with parking provided within the integral double garage. Foul drainage is proposed via the public sewer and surface water is to be disposed of via a soakaway within the site.

This application has been submitted alongside another application 21/01147/CON for Conservation Area Consent for the demolition of the existing building on site. Historic Environment Policy for Scotland and the associated Managing Change in the Historic Environment guidance note series published by Historic Environment Scotland make it clear that both the planning application and the Conservation Area Consent application should be considered in conjunction with one and other.

Appraisal

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

Principle, siting and design (PP1, DP1, DP2 and EP9)

Policies EP9, PP1, DP2 and DP1, requires that all development within a conservation area must preserve and enhance the established traditional character or appearance of the area. New development as well as alterations or other redevelopment will be refused if it adversely affects the character and appearance of the conservation area in terms of scale, height, massing, colour,

materials and siting. This will typically require the use of traditional materials and styles to be used. Contemporary designs and materials can be acceptable and have a positive effect on the conservation area if the material finishes and design respect the architectural authenticity of the building and character of the conservation area.

Development proposals involving the demolition of buildings within a Conservation Area will be refused unless the building is of limited townscape value, its structural condition rules out retention at a reasonable cost, or its form or location makes it's re-use extremely difficult. The demolition of a building for redevelopment will only be considered where there are acceptable proposals and it can be demonstrated that a new building will preserve and enhance the character of the conservation area. These policies are also supported by detailed guidance contained in the Cullen Conservation Area Character Appraisal which offers good advice in terms of new development in the conservation area and highlights the special qualities of the area which led to its designation.

In terms of the principle of the proposal, the existing building on site is a flat roofed and non-traditional and as such presently detracts from the traditional character of the conservation area. With this in mind the principle of redeveloping the site is encouraged, however, the site lies in an exceptionally prominent location on the sea frontage of the Cullen Conservation Area. The viewpoint from Cullen beach back towards the seatown and viaduct is arguably one of the most iconic and important viewpoints within Moray and is one which is appreciated by local residents and a considerable number of visitors to the area. The proposed site lies front and centre within this viewpoint and as such it is imperative that any redevelopment of this site is in keeping with the traditional character of the conservation area and achieves the highest design standards.

To this end the applicants approached the proposal in the correct manner initially submitting a pre application enquiry. Feedback was provided highlighting the importance and prominence of the site and identifying that the design submitted at the pre application stage was not appropriate for the site and would not be supported by the planning service should a formal application be submitted. The feedback also highlighted that the correct approach to the redevelopment of the site would be to carry out a Heritage Impact Assessment of the site and surrounding area and use this information as a basis to inform and influence the proposed design in a positive manner, hopefully resulting in a design which was fitting for the site. The proposals should also be supported by a Design Statement to explain the thought process behind reaching the final design solution proposed.

Notwithstanding this feedback, the applicants submitted a relatively contemporary design which was not supported by a Heritage Impact Assessment or Design Statement. The proposed design was not considered to respect the character and appearance of the Conservation Area, however, given the importance of the site it was agreed that rather than refusing the application straight away, the planning service would engage with the applicants to try and achieve a design which could be supported. There has been a considerable amount of dialog between the applicants and the planning service throughout the consideration of this application and the applicants have amended the proposed scheme a number of times, however, it is still considered to fall considerably short of the standard of design which would be appropriate for this site and given the long period of time that the proposal has now been under consideration, a decision must now be reached on the proposal.

In terms of the details of the proposed design and how these are not considered to be in keeping with the character of the surrounding conservation area, the conservation area is characterised by a considerable number of properties with their gables fronting onto the seafront and this is also true of a number of the properties in the same street as the proposal, which have gable features fronting onto the Cullen Burn and beach beyond. The main form of the proposal reflects these traditional characteristics, in that, the proposed house has two gable legs fronting onto the seashore, however, whilst the main form of the proposal reflects this traditional arrangement, details of the north west elevation are not considered to be in keeping and are discussed below.

The proposed glazed gables on the protruding gable legs, are a feature which is alien to the remainder of the traditional properties within the Cullen seatown that front onto the foreshore of the Cullen conservation area. There is no historic evidence been supplied or architectural rational for the inclusion of this feature other than to maximise the views from the proposed house. Whilst this desire from the applicant is understandable, it would result in a feature which is not in keeping with the traditional character of the conservation area and would act to draw visual attention to this proposed house and away for the remainder of traditional properties along the frontage of the conservation area and unbalancing the traditional character and appearance of the foreshore and undermining the basis on which the conservation area was designated in the first instance. This issue could be overcome by scaling back the glazing arrangements on these protruding gables. Contemporary design solutions could still be utilised as long as these are more subtle, a good example of where this has been achieved is located on the new build units adjacent to Cullen Harbour, however, unfortunately such an approach has not been adopted in this case.

In addition to this, the northernmost protruding gable leg is proposed at an unusual angle to the main body of the propose house. All other protruding gables along the rear streetscape adjacent to the site are located at right angles to the main body of the houses, with this being a traditional feature of the built form in the area. This feature would therefore not be in keeping with the established built form and would again draw undue attention to this modern insertion into the conservation area to the detriment of the traditional character of the surrounding area. Again this could be relatively easily resolved by squaring off this gable leg, however, again this approach has not been incorporated into the scheme.

Lastly the roof element of the central portion of the rear/north west elevation located between the two proposed protruding gable legs has another unusual design feature, in that, this portion of the proposed house has been increased to a two storey element finished with a shallow pitched roof. This design element is not in keeping with the traditional architecture of the conservation area and could be avoided if the internal space of the proposed house was amended and the roof amended to form a traditional pitched roof. It is accepted that such an amendment would reduce the overall internal space of the proposed house, however, the element as designed is considered to represent overdevelopment of the site to the detriment of the character and appearance of the proposed design and in turn the surrounding conservation area.

Given the location of this proposed development in such a prominent site within the Cullen Conservation Area, it is very important to ensure the highest design standards are achieved. Taking into account the issues which have been identified with the proposed design and the failure to submit a Heritage Impact Assessment or Design Statement to inform the proposed design, it is considered that the development fails to comply with policies PP1, DP1, DP2 and EP9 and associated guidance contained within the Cullen Conservation Area Character Appraisal, as it would result an adverse impact on the character and appearance of the conservation area and is recommended for refusal on this basis.

Infrastructure (PP3, DP1 and DP2)

The transportation service have been consulted in relation to the development and identified that the Moray Council Parking Standards require 2no Parking spaces for a dwelling with 2 or 3 bedrooms, and 3no parking spaces for a dwelling with 4 bedrooms or more. This proposal is for a 4 bedroom dwelling and therefore would require 3no spaces.

The proposed double garage is smaller than would ordinary count as equivalent to 2no parking spaces (minimum internal clear dimensions should be not less than 3 metres by 7 metres), and parking for three vehicles has not been shown. Infrastructure to support a future Electric Vehicle (EV) charging unit would also be required for this proposal and has also not been shown.

Transportation previously sought further information relating to the provision of 3no car parking spaces, and future Electric Vehicle infrastructure provision. To date no additional information has

been received.

On the basis of the submitted details to date Transportation considers that the proposal, if permitted, would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policy DP1 'Development Principles' section (ii)- 'Transportation', part 'e)' (parking provision). The lack of provision of EV charging point also fails to comply with the requirements of policy PP3.

These requirements were again highlighted at the pre applications stage, however, the scheme as proposed does not incorporate them and as such this issue forms a further reason for refusal.

Developer obligations and affordable housing (PP3 and DP2)

Contributions towards healthcare and affordable housing have been identified which the applicant has agreed to pay in the event of approval being given.

Water Supply and Drainage (PP3, EP12 & EP13)

Moray Flood Risk Management have no objection to the proposed drainage arrangements comprising foul drainage disposed of via the public sewer and surface water soakaway within the site and as such the proposals are compliant with policies PP3, EP12 and EP13.

Scottish water has no objection to the use of the proposed water supply.

Recommendation

The application is to be refused on the basis that fails to comply with policies PP1, DP1, DP2 and EP9 and associated guidance contained within the Cullen Conservation Area Character Appraisal, in that, the proposed development by virtue of the unsympathetic design detailing would have an adverse impact on the character and appearance of what is an exceptionally prominent site on the frontage of the Cullen Conservation Area.

Furthermore, the application is contrary to policies PP3, DP1 and DP2, in that, the applicants have failed to provide 3 car parking spaces, which if the development were permitted, would be likely to give rise to conditions detrimental to the road safety of road users. The lack of an EV charging point within the site is a matter which should be easily overcome, however, failure to provide this as part of the proposals results in a further reason for refusal on this basis.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
20/00722/PELOC	Conversion of tattie store to dwellinghouse at 56 Seatown Cullen Buckie Moray AB56 4SJ			
	Decision	ID/PE Answered	Date Of Decision	15/09/20

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Advertiser and Herald	Planning application affecting LB/CA Departure from development plan	22/02/21
PINS	Planning application affecting LB/CA Departure from development plan	22/02/21

DEVELOPER CONTRIBUTIONS (PGU)	
Status	Contributions sought towards healthcare and affordable housing

DOCUMENTS, ASSESSMENTS etc. *		
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

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

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



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

REFUSAL OF PLANNING PERMISSION

**[Keith And Cullen]
Application for Planning Permission**

TO



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

**Demolish existing store and erection of dwellinghouse at Store Seatown
Cullen Buckie**

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

Date of Notice: **16 December 2021**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
Moray Council
Council Office
High Street
ELGIN
Moray
IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal would be contrary to policies PP1, PP3, DP1, DP2 and EP9 of the Moray Local Development Plan 2020 and associated guidance contained within the Cullen Conservation Area Character Appraisal for the following reasons:

1. The proposed development by virtue of the unsympathetic design detailing would have an adverse impact on the character and appearance of what is an exceptionally prominent site on the frontage of the Cullen Conservation Area.
2. Furthermore the applicants have failed to provide 3 car parking spaces, which if the development were permitted, would be likely to give rise to conditions detrimental to the road safety of road users. The lack of an EV charging point within the site is a matter which should be easily overcome, however, failure to provide this as part of the proposals results in a further reason for refusal on this basis.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
20015 02	F	Elevations and floor plans
20015 03	A	Site layout plan and elevation
20015 LP		Location plan

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100339781-009

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Mantell Ritchie		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Michael	Building Name:	
Last Name: *	Ritchie	Building Number:	27A
Telephone Number: *	01261 812267	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Banff
Fax Number:		Country: *	Scotland
		Postcode: *	AB45 1AN
Email Address: *	admin@mantellritchie.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Waterstore House"/>
First Name: *	<input type="text" value="M"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Wilson"/>	Address 1 (Street): * <input type="text" value="Banchory"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="."/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="AB31 5HS"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="admin@mantellritchie.co.uk"/>	

Site Address Details

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

Please identify/describe the location of the site or sites

Site adjacent to 56 Seatown, Cullen, Buckie, Ab56 4SJ

Northing	<input type="text"/>	Easting	<input type="text"/>
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Description of Proposal

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

Demolish existing store and erection of dwellinghouse at Store, Seatown, Cullen, Buckie

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

See attached Statement of Review

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

☐ Yes ☒ No

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

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

Drawing Nos. 20015 Ex, LP, 02F and 03A. Demolition Statement, Drainage Statement and Bat Survey

Application Details

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

21/00059/APP

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

22/07/2021

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

16/12/2021

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Site visit to see context of site in relation to rest of Conservation Area

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Michael Ritchie

Declaration Date: 15/02/2022



STATEMENT OF REVIEW

The Tattie Shed, 56 Seatown, Cullen **Ref No. 21/00059/APP**

The site adjacent to 56 Seatown, Cullen is built on with a non-traditional (for a Conservation Area) shed (commonly referred to as 'The Tattie Shed'). The proposals are to demolish the shed and erect a dwellinghouse and garage.

A pre-application advice application was submitted in June 2020 and the principle of demolition of the building and erection of a dwellinghouse was accepted as being in order but the design of the same would need to be developed for a planning application.

The design was amended and a planning application submitted and validated January 2021.

Subsequent to submission, we had various conversations with the planning officer and the design evolved. Our early discussions with the planning officer confirmed that two glazed gables could be supported if sufficient evidence of other glazed gables were shown to exist in the Cullen Conservation Area. A subsequent discussion then proposed that one glazed gable could be supported and ultimately no glazed gables.

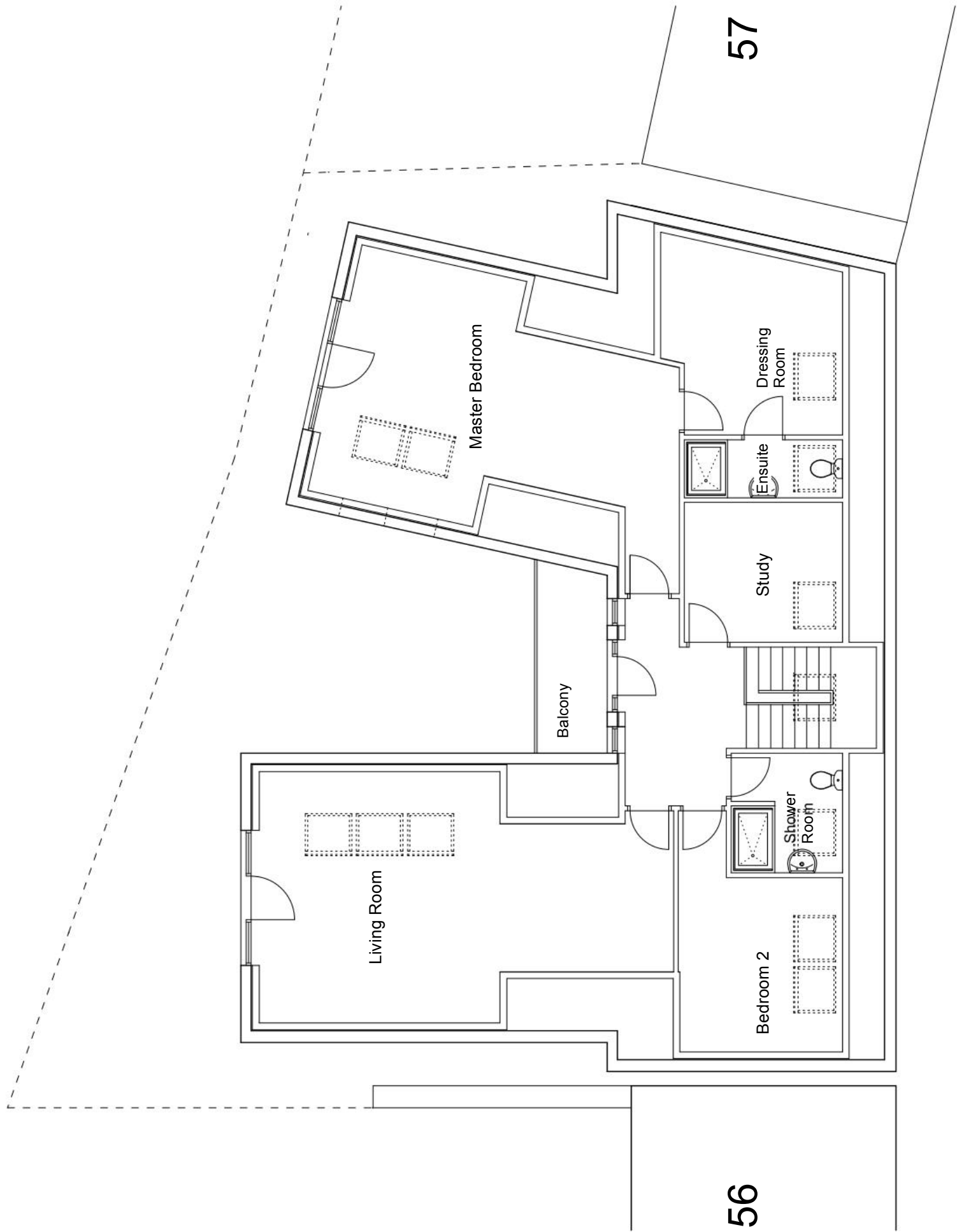
Through the planning process, various discussions were carried out between ourselves, the clients and planning officer and the design amended to the current scheme. The planning officer was always supportive of the principle of the development. The proposed finishes are traditional and in keeping with Cullen's Conservation Area and the design is generally in order apart from four points that the planning officer was unsure about. They are as follows and are elements which the planning officer states are non-traditional for Cullen:-

- Glazed gables are not traditional in Cullen – We would dispute this as we have attached images of several glazed gables in Cullen.
- The angle of the North-East gable not being perpendicular to the main house is not common in the Cullen Conservation Area - Many buildings are at unusual angles to fit in with the land associated with the properties and at other times to tie in with neighbouring properties. With the proposed scheme, the angle of the gable ties in with 57 Seatown, and the other gable ties in with 56 Seatown.
- The balcony to the central section is not a traditional feature in Cullen – We would dispute this again as the photographs show balconies in Cullen. In addition, the balcony being recessed between the 2 gables has no prominence and would not be visible except when looking directly on to the dwellinghouse.
- The catslide roof to the central section – Slated catslide roofs are traditional features.

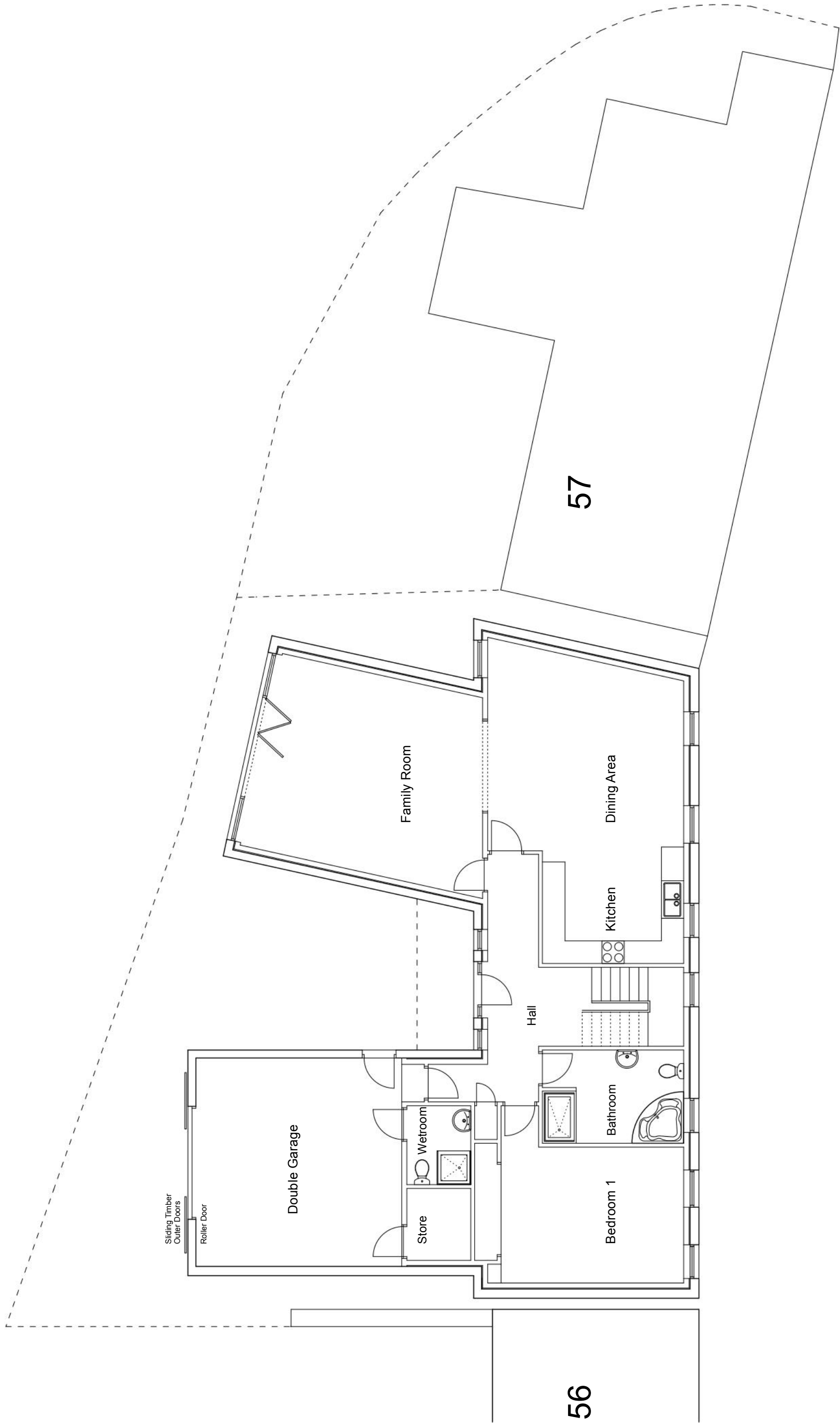
In addition the proposed development sits between 56 and 57 Seatown, neither of which could be classed as fully traditional based on the comments from the planning officer.

The site, although visible from the public road, is angled away from the same so the design in our opinion is neither prominent nor will have a negative impact on the Conservation Area.

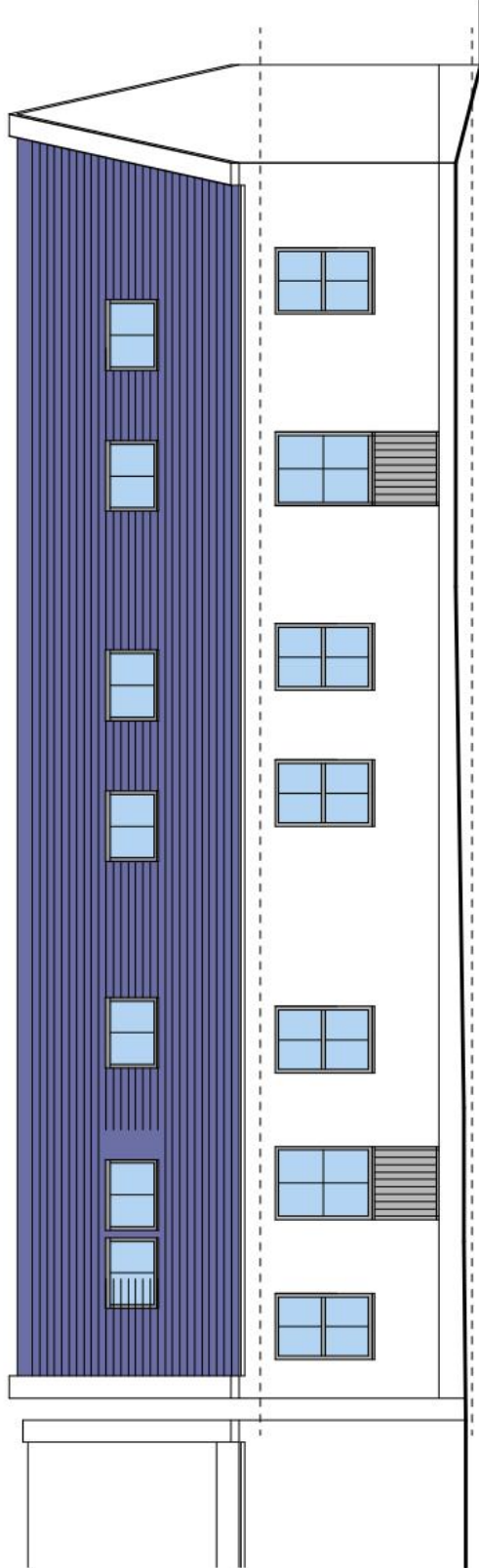
Proposed Finishes		
Roofs	Slates	
Walls	Wet Dash Render - White	
Central Section	NW Elevation - Vertical Timber Linings	
	Glazed Gable - Vertical Timber Linings	
Windows/	Timber - Painted White	
External Doors	Aluclad Timber - White	
Glazed Gable	Glazing	



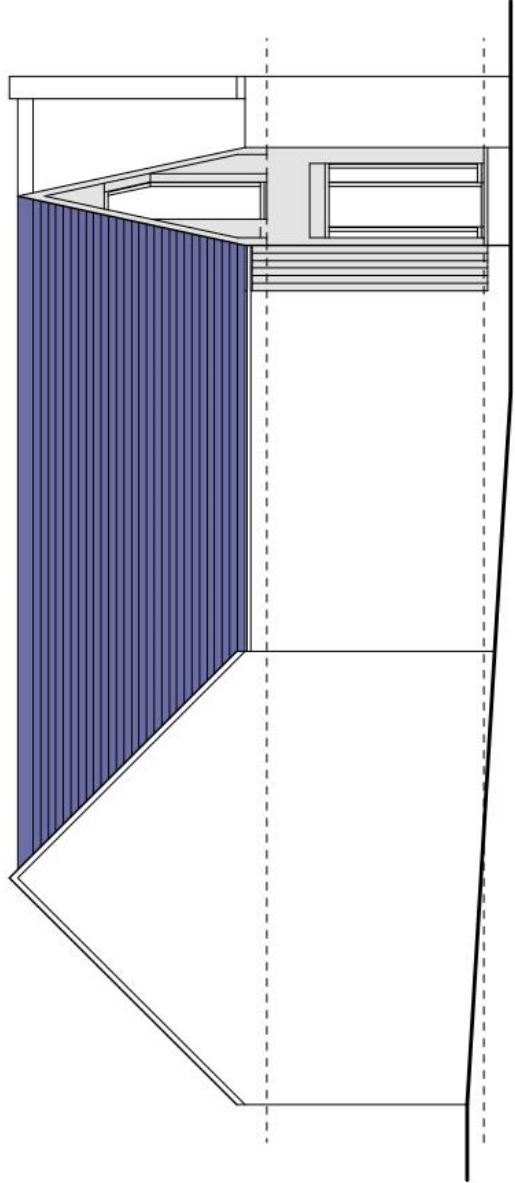
First Floor Plan 1:100



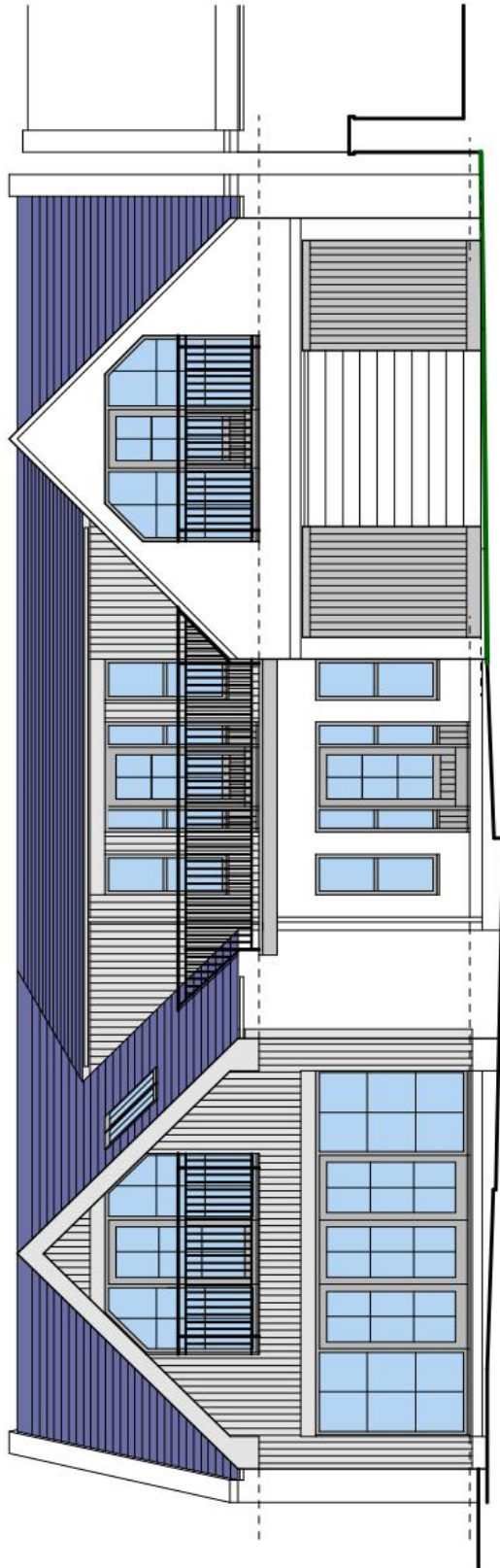
Ground Floor Plan 1:100



South-East Elevation 1:100



North-East Elevation 1:100



North-West Elevation 1:100

F	Further Revisions	04.12.21	MR
E	NE Gable Revised	18.10.21	MR
D	NW Elevation Revised	22.09.21	MR
C	Further Revisions	24.07.21	MR
B	Various Alterations	04.05.21	MR
A	Garage / Living Room Swapped	22.11.20	MR
No	Revisions	Date	Initials

MANTELL
RITCHIE

Chartered Architects

27A High Street, BANFF
AB45 1AN
Tel: 01224 812687
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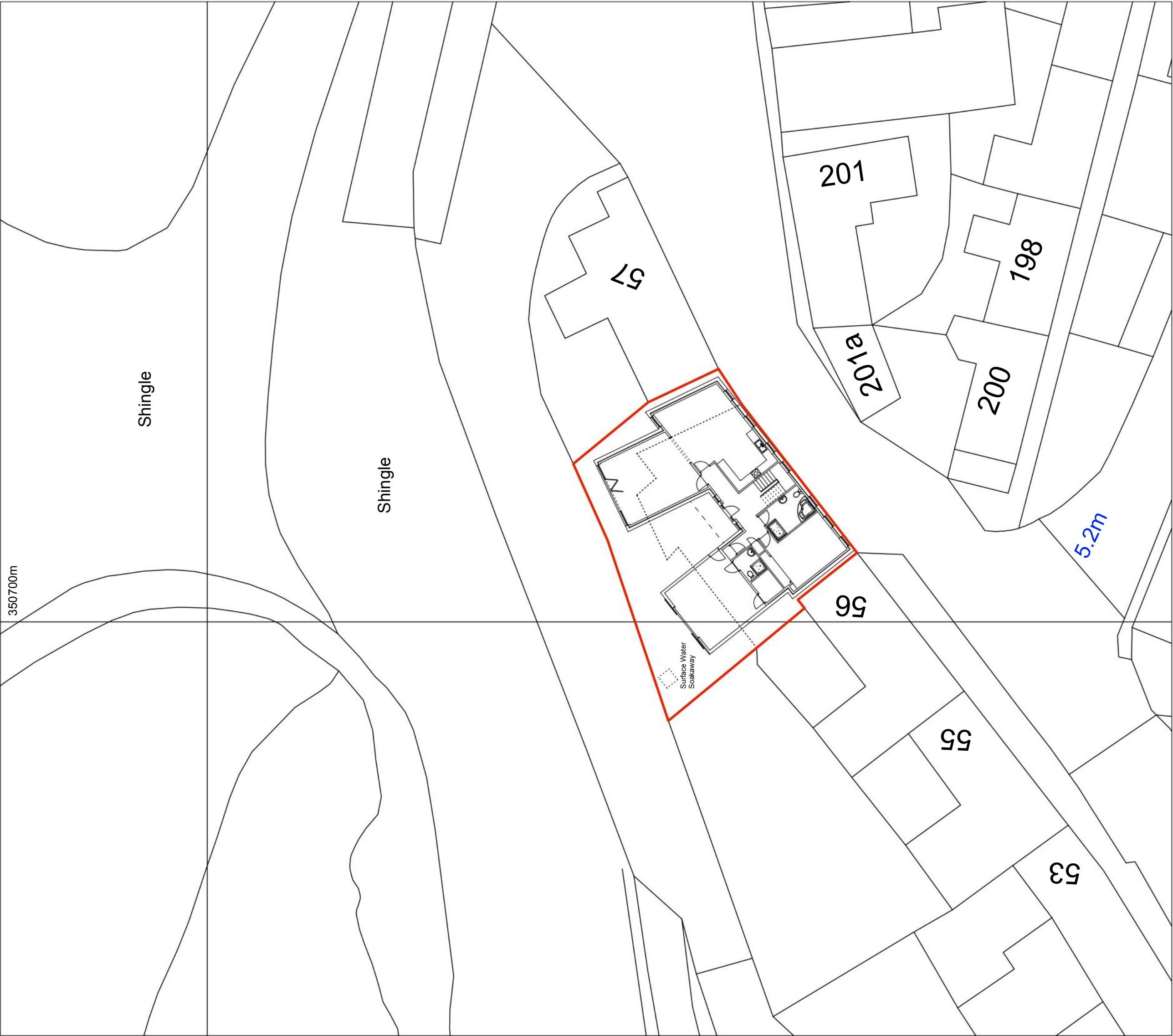
project	Shed Adjacent to 56 Seatown, CULLEN.
Proposed Development	
for	Mr M Wilson

content	Sketch Proposals
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scales	1:100
drawn by	MR

size	A1
date	04.10.20

ref	20015
	02F



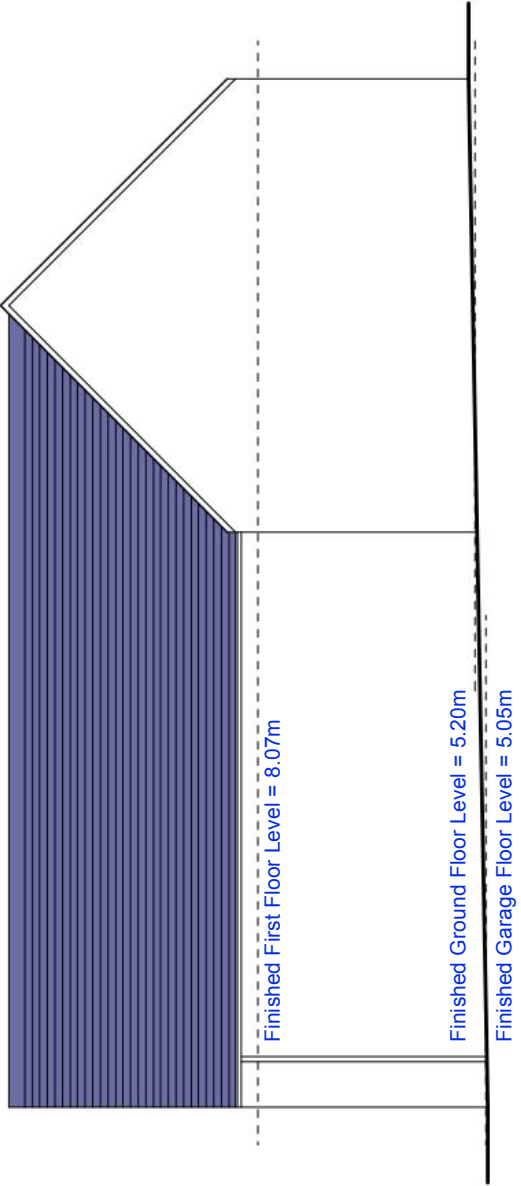
©Crown Copyright and database rights 2020 OS Licence no. 100057546

Site Layout Plan. 1:250



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Location Plan 1:1250



South-West Elevation 1:100

A	Amended Proposals	04.12.20	MR
No	Revisions	Date	Initials

**MANTELL
RITCHIE**

Chartered Architects

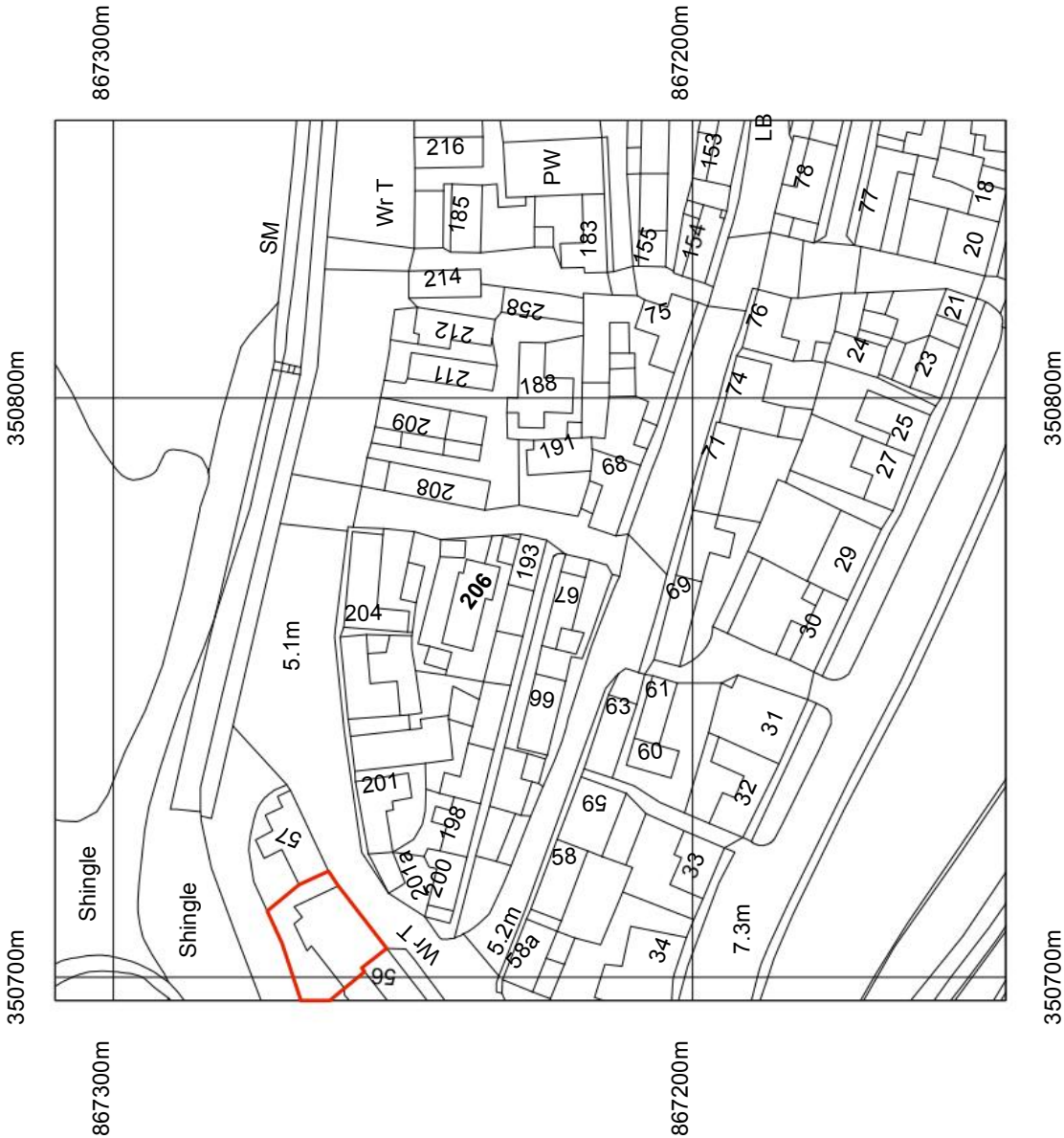
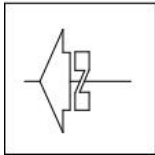
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www.mantellritchie.com



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project	Shed Adjacent to 56 Seatown, CULLEN.
Proposed Development	
for	Mr + Mrs M Wilson

content	Location + Site Layout Plans + Elevation				
scales	1:1250, 1:250, 1:100				
drawn by	MR	size	A2	date	19.01.21
ref	20015		03A		



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Location Plan 1:1250



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project
Shed Adjacent to 56 Seatown,
CULLEN.
Proposed Development
for
Mr + Mrs M Wilson

content	Location Plan
scales	1:1250
drawn by	MR
size	A4
date	02.03.20

ref	20015	LP
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JUSTIFICATION AS TO NO REQUIREMENT FOR BAT SURVEY

The Tattie Shed, 56 Seatown, Cullen **Ref No. 21/00059/APP**

We attach a bat survey prepared for (18/100693/APP) 193 and (21/00349/APP) 206 Seatown, Cullen which confirmed that the surrounding habitat is poor and not suitable for bats. The bat survey recorded no evidence of bats.

In addition, the survey was used as a justification for no bat survey at 58 Seatown, Cullen and this was accepted (20/01440/APP).

Further to the above, the existing building being demolished is a flat roofed one (which is not one bats tend to frequent). we are very confident that the development will have no impact on bats.



STATEMENT ON BUILDING TO BE DEMOLISHED

The Tattie Shed, 56 Seatown, Cullen **Ref No. 21/00059/APP**

The building between 56 and 57 Seatown, Cullen, locally referred to as the 'Tattie Shed' is to be demolished and a new dwellinghouse erected in its place.

The 'Tattie Shed' is a flat roofed non-traditional building in the Conservation Area and further to a pre-application enquiry regarding the development, the planning officer agreed that it had no great architectural merit, did not contribute to the Conservation Area and therefore demolition of the same could be supported.

Please see photographs below of the 'Tattie Shed'.









DRAINAGE STATEMENT

The Tattie Shed, 56 Seatown, Cullen **Ref No. 21/00059/APP**

The foul water drainage to the development of the site adjacent to 56 Seatown, Cullen will be connected to public sewers as it currently does from the 'Tattie Shed'.

The surface water drainage will be connected to a surface water soakaway on site which will actually mean the post-development run off rate will be less than the currently run off rate as the surface water drainage from the roof currently runs onto the ground and thereafter away from the site.

Examples of Glazed Gables in Cullen/Portknockie/Findochty Conservation Areas









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

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

Thank you for completing this application form:

ONLINE REFERENCE 100339781-010

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

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Site adjacent to 56 Seatown, Cullen, Buckie, Ab56 4SJ

Northing

Easting

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Mantell Ritchie		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Michael	Building Name:	
Last Name: *	Ritchie	Building Number:	27A
Telephone Number: *	01261 812267	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Banff
Fax Number:		Country: *	Scotland
		Postcode: *	AB45 1AN
Email Address: *	admin@mantellritchie.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Waterstore House
First Name: *	M	Building Number:	
Last Name: *	Wilson	Address 1 (Street): *	.
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Banchory
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB31 5HS
Fax Number:			
Email Address: *	admin@mantellritchie.co.uk		

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? *

☐ Yes ☒ No

Case Number Details

Please provide the case number from the planning authority for the original application(s).

Please provide the case number provided by your Planning Authority: *

100339781-009

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

Further to submitting the Notice of Review, we attach herewith an updated glazed gable photograph report.

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. *

☒ Yes ☐ No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr Michael Ritchie

Declaration Date: 18/02/2022

Examples of Glazed Gables and Balconies in Cullen/Portknockie/Findochty Conservation Areas



Glazed gable



Glazed Juliet balcony



Glazed Juliet Balcony





Glazed roof



Glazed gable



Glazed balcony



Glazed gable window



Glazed gable with balcony



Glazed gable



Glazed gable with balcony

Commentary on Photographs

Through the discussions with the planning officer, we were asked to provide evidence of glazed gables and balconies in the Conservation Area to justify the design part of the proposed house.

The foregoing images show numerous examples of glazed gables and glazed balconies which have recently been completed or are currently on site in the Conservation Area.

The examples vary in terms of aesthetic quality but in all these examples, large panes of glass are installed which would be non-traditional as would glazed balconies.

Our proposals for the glazed gables are for multi-pane timber windows and doors and mild steel protective barriers (painted black) all of which would be more traditional design than examples shown and in our opinion, much more in keeping with the Conservation Area.



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

From: [REDACTED]
Sent: 25 February 2022 14:27
To: Lissa Rowan
Subject: Notice of review; Planning Application 21/00059/APP

Your ref LR/LR272

Dear Madam,

I refer to your letter of 24th February 2022 giving intimation of a Notice of Review in respect of Planning Application 21/00059/APP to demolish existing store and erection of dwelling house at Store, Seatown, Cullen, Buckie.

I confirm that I adhere to my previous observations and comments on the application. I note that the Statement of Review makes reference to [REDACTED] 57 Seatown with the assertion that it could not be "classed as fully traditional". In this regard, I would respectfully refer to the Cullen Conservation Area Character Appraisal published by The Moray Council in 2017. In particular to page 28 of that document and the text accompanying photograph 33 of no 57.

"An example of new development in the Seatown. An example of how new development can be contemporary but still respect the traditional appearance of the Conservation Area. The massing and height is respectful of the surrounding townscape and the use of traditional materials reflects the traditional character of Cullen. The use of colour around the windows is a characteristic that was identified as enhancing the appearance of the Conservation Area."

In other words, [REDACTED] property is considered to be an exemplar of a new development in a Conservation Area. I remain of the view that the application above referred to is inappropriate and insensitive in the context of a Conservation Area. I trust that my initial observations and the references that I make herein will be taken into account by the MLRB when conducting and determining the review.

Yours faithfully,

[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/LRB272

Your reference: LR272

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

08 March 2022

Dear Madam

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

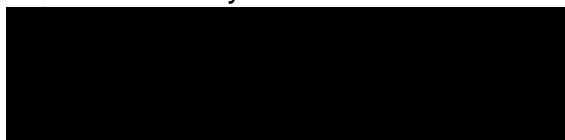
**REQUEST FOR REVIEW: PLANNING APPLICATION 21/00059/APP DEMOLISH EXISTING STORE AND
ERECTION OF DWELLINGHOUSE AT STORE SEATOWN CULLEN**

I refer to your email dated 24th February 2022.

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 272****Planning Application Reference 21/00059/APP Demolish existing store and erect new dwelling at store Seatown Cullen****Response from Transportation, Moray Council**

1. This document is in response to the Notice of Review and the Statement of Case submitted by Mr M Wilson and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 21/00059/APP to demolish a former store and erect a new dwelling within Seatown Cullen.
3. Transportation received the consultation for planning application 21/00059/APP on 25th January 2021. A copy of Transportations (final) consultation response dated 9th November 2021 is attached (TMC01).
4. The proposed parking is located to the rear of the property and accessed via a private road. However the road to the rear is a busy Moray Council Core Path and it was therefore considered important for all associated parking to be provided fully within the curtilage of the site, and clear of the core path.
5. The initial design proposals did not show any parking provision for the development other than the inclusion of an integral 'double' garage. The proposal was for a 4 bed dwelling and therefore required 3 car parking spaces, based on Moray Council Parking Standards.
6. At this time the Planning Officer indicated that he was minded to refuse the application on the basis of the overall design, and that revised design proposals were being sought.
7. Although a revised design was expected to be provided to reflect the Planning officers concerns, Transportation in the meantime submitted a request for Further Information relating to the parking provision. It was highlighted that the proposed 'double' garage whilst small would be acceptable on the basis that that proposal was for the re-use of an existing building which would have had a previous parking demand associated. Drawings were sought clearly showing parking for three vehicles within the site curtilage.
8. Transportation were asked by Planning Team to submit an updated 'final' response due to the significant amount of time which had passed from the receipt of the application. On the basis that the additional information relating to parking provision had not been forthcoming to date, Transportation issued their final response on 9th November 2021 (TMC01)
9. It is now noted that updated drawings were submitted on the 15th December 2021, after Transportation had issued their 'final' response. The updated drawings showed an amended internal layout with the number of bedrooms reduced from 4 to 3. Parking provision was not shown, other than the previously

Local Review

LRB Ref 272

Planning Application Reference 21/00059/APP Demolish existing store and erect new dwelling at store Seatown Cullen

detailed 'double' garage. Transportation were not made aware of the revised drawings and the application was subsequently refused by Planning on the 16th December 2021.

10. Moray Council Parking Standards require 2no Parking spaces for a dwelling with 2 or 3 bedrooms, and 3no parking spaces for a dwelling with 4 bedrooms or more, and therefore based on the revised drawings (now showing only 3 bedrooms) 2no car parking spaces would be required.
11. Note- Transportation's 'Further information' request was provided on the expectation that revised drawings would be submitted, and at which time the associated parking provision would have been fully assessed, including further comments on the specification/ design of the garage. (Although the dimensions of the double garage were previously confirmed as acceptable the door width is too small to facilitate side by side parking for 2 vehicles, effectively rendering it as only a single garage.)
12. Therefore, for the benefit of clarity, and notwithstanding the fact that Transportation had not been aware of the revised drawings, should the most recently submitted proposal be approved at Local Review (3 bed dwelling) then the proposed double garage would be acceptable as counting towards 2 parking spaces but strictly on the basis that the garage entrance must be widened to a minimum of 4.8 metres.
13. Based on the amended drawings submitted after Transportations 'final' response, (effectively showing only one parking space provided due to the narrow garage entrance) Transportation considers that the parking shown would not be acceptable, and would be likely to result in parking outwith the site which would obstruct the adjacent core path, and on that basis Transportation respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that policy DP1 'Development Principles' section (ii)- 'Transportation', part 'e)' (parking provision) is not satisfied.

Transportation
08 March 2022

Documents

TMC01	Transportation Consultation Response dated 09 November 2021
TMC02	Site photos

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	8th February 2021
Planning Authority Reference	21/00059/APP
Nature of Proposal (Description)	Demolish existing store and erection of dwellinghouse at
Site	Store Seatown Cullen Buckie Moray AB56 4SJ
Site Postcode	N/A
Site Gazetteer UPRN	000133067088
Proposal Location Easting	350708
Proposal Location Northing	867261
Area of application site (M²)	290
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QN666VBGL5D00
Previous Application	20/00722/PELOC
Date of Consultation	25th January 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr M Wilson
Applicant Organisation Name	
Applicant Address	Waterstore House Banchory AB31 5HS
Agent Name	Mantell Ritchie
Agent Organisation Name	
Agent Address	Architects 27 High Street BANFF AB45 1AN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 21/00059/APP

Demolish existing store and erection of dwellinghouse at Store Seatown Cullen Buckie for Mr M Wilson

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"/> |

Moray Council Parking Standards require 2no Parking spaces for a dwelling with 2 or 3 bedrooms, and 3no parking spaces for a dwelling with 4 bedrooms or more. This proposal is for a 4 bedroom dwelling and therefore would require 3no spaces.

The proposed double garage is smaller than would ordinary count as equivalent to 2no parking spaces (minimum internal clear dimensions should be not less than 3 metres by 7 metres), and parking for three vehicles has not actually been shown. Infrastructure to support a future Electric Vehicle (EV) charging unit would also required for this proposal and has also not been shown.

Transportation previously sought further information relating to the provision of 3no car parking spaces, and future Electric Vehicle infrastructure provision. To date no additional information has been received.

Reason(s) for objection

On the basis of the submitted details to date Transportation considers that the proposal, if permitted, would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policy DP1 'Development Principles' section (ii)- 'Transportation', part 'e' (parking provision).

Contact: AG

Date 09 November 2021

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

Consultee: TRANSPORTATION

Return response to

consultation.planning@moray.gov.uk

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



View of existing store frontage onto C107L Seatown



View of existing store frontage onto C107L Seatown



View of existing store frontage onto Core path



View from existing store frontage onto Core path



View from core path at adjacent property showing route to Beach and Golf course Car Park



APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS



NOTICE OF REVIEW

The Tattie Shed, 56 Seatown, Cullen **Ref No. 21/00059/APP**

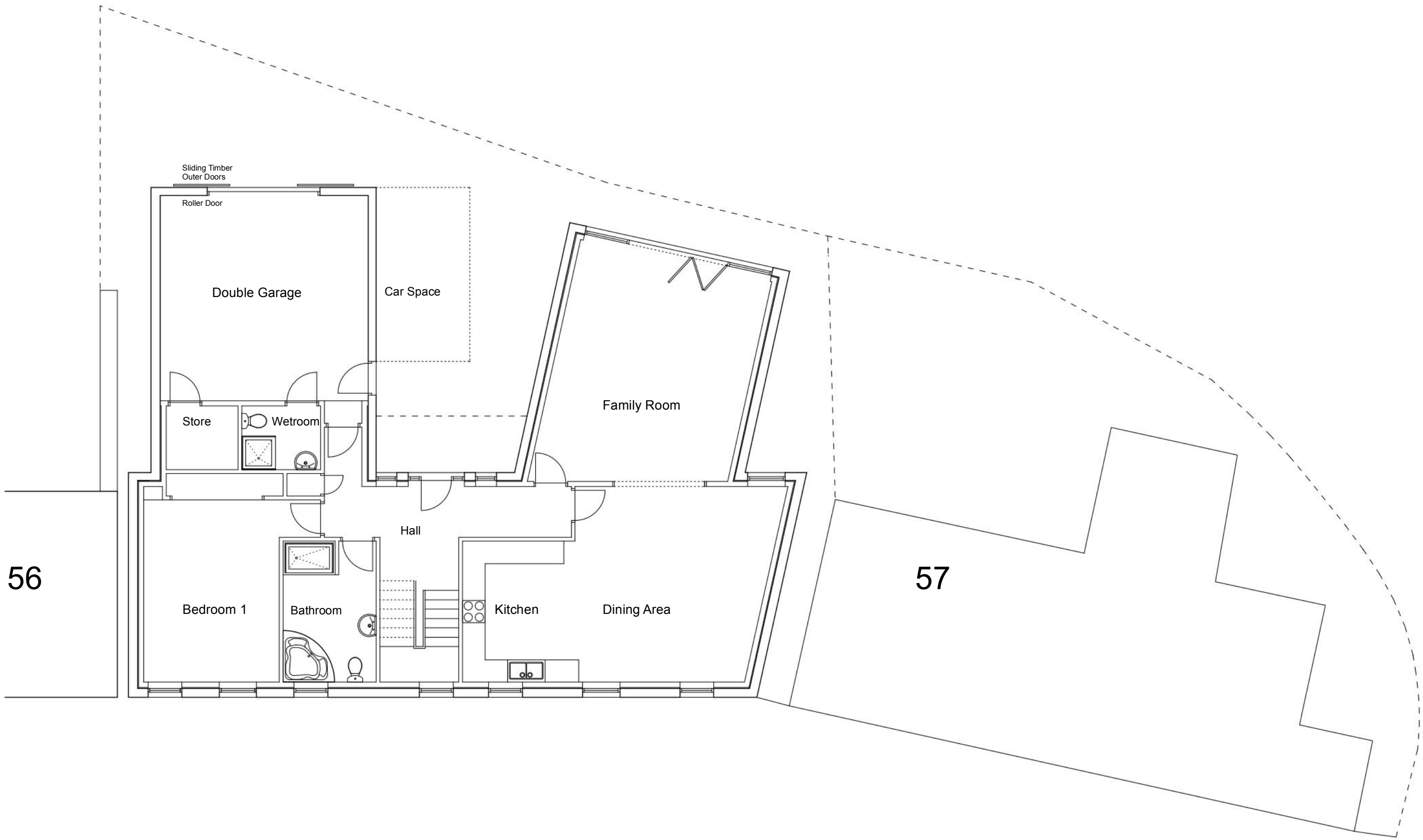
We refer to the email of 14 March 2022 from Lissa Rowan with attached representations and attach a copy of Drawing No. 20015 02G with additional details.

In relation to the representation, we would respond as follows:-

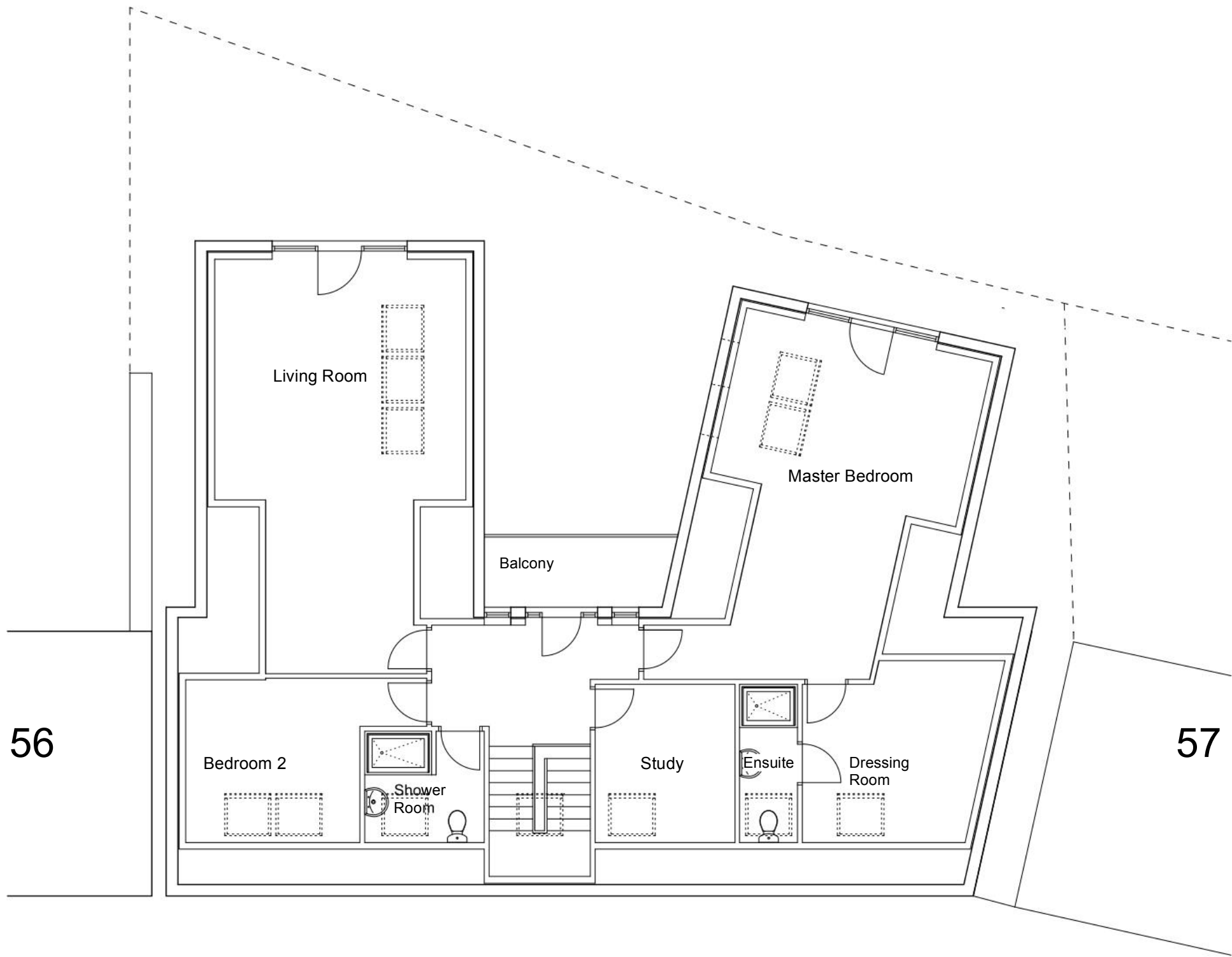
Transportation – we have shown the second car parking space.

Public representation – 57 Seatown has been extended in the recent past and although the extension is finished in tradition material the design of the same could not be classed as typical for Cullen's Conservation Area and is classed as contemporary.

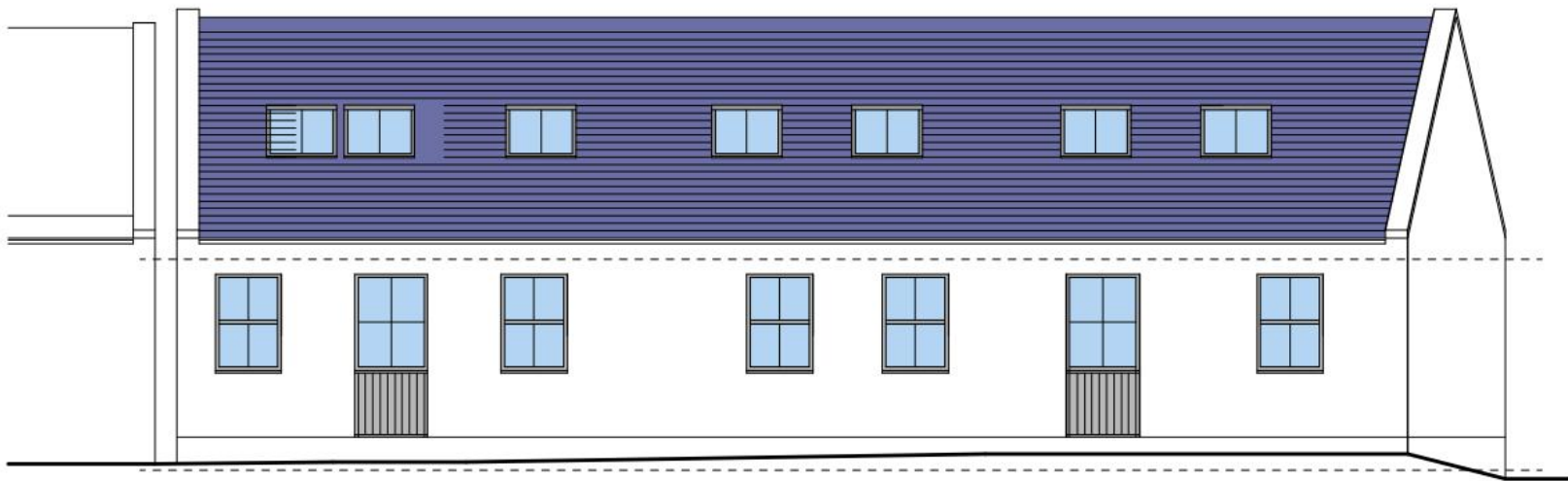
The acceptance that a contemporary extension in Cullen's Conservation Area can be supported in our opinion would allow for the design of the new house being of traditional materials, scale and design with contemporary features such as the glazed gables to be supported.



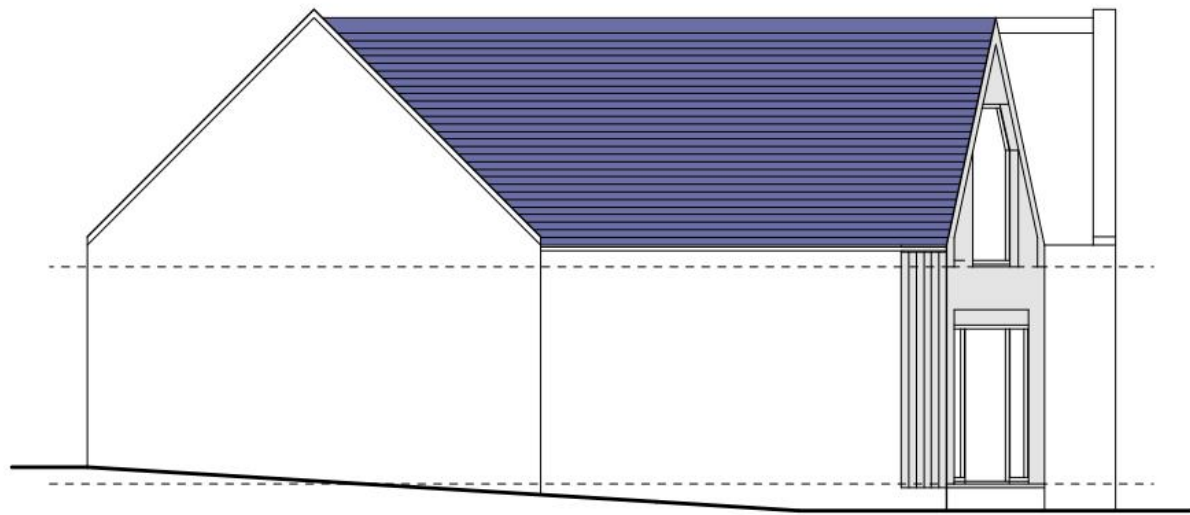
Ground Floor Plan 1:100



First Floor Plan 1:100



South-East Elevation 1:100



North-East Elevation 1:100



North-West Elevation 1:100

Proposed Finishes

Roofs	Slates
Walls	Wet Dash Render - White
	Central Section
	NW Elevation - Vertical Timber Linings
	Glazed Gable - Vertical Timber Linings
Windows/ External Doors	Timber - Painted White
Glazed Gable Glazing	Aluclad Timber - White

G	Car Parking Space	15.03.22	MR
F	Further Revisions	04.12.21	MR
E	NE Gable Revised	18.10.21	MR
D	NW Elevation Revised	22.09.21	MR
C	Further Revisions	24.07.21	MR
B	Various Alterations	04.05.21	MR
A	Garage / Living Room Swapped	22.11.20	MR
No	Revisions	Date	Initials

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project
Shed Adjacent to 56 Seatown,
CULLEN.

Proposed Development

for
Mr M Wilson

content
Sketch Proposals

scales

1:100

drawn by

MR

size

A1

date

04.10.20

ref

20015

02G

