



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 100251076-001

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 7 detached dwellings

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Christopher"/>	Building Number:	<input type="text" value="119"/>
Last Name: *	<input type="text" value="Bremner"/>	Address 1 (Street): *	<input type="text" value="High Street"/>
Company/Organisation	<input type="text" value="Morlich Homes Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="01542 836510"/>	Town/City: *	<input type="text" value="Buckie"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB56 4DX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="chris@morlich.co.uk"/>		

Site Address Details

Planning Authority:

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

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

6226.00

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)

Scrub land

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)? *

21

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.

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

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

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

Assessment of Flood Risk

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

Yes No Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Kerbside recycling

Residential Units Including Conversion

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

Yes No

How many units do you propose in total? *

7

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

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Certificates and Notices

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

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

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

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

Are you able to identify and give appropriate notice to ALL the other owners? * Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Address:

Date of Service of Notice: *

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Mr Christopher Bremner

On behalf of:

Date: 27/04/2020

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Computer generated images

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 Christopher Bremner

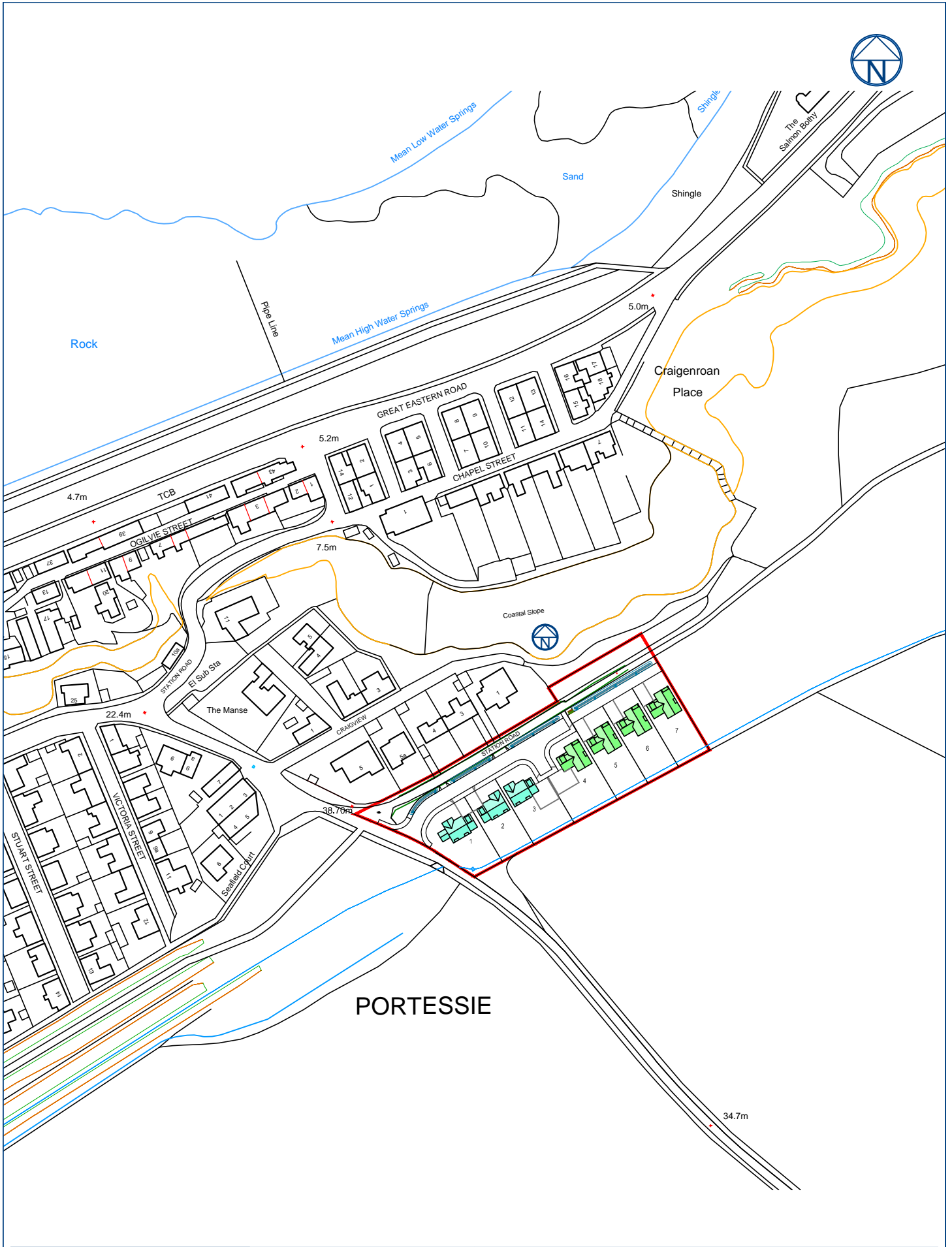
Declaration Date: 27/04/2020

Payment Details


Online payment: 082675

Payment date: 27/04/2020 16:48:37

Created: 27/04/2020 16:48



PORTESSIE

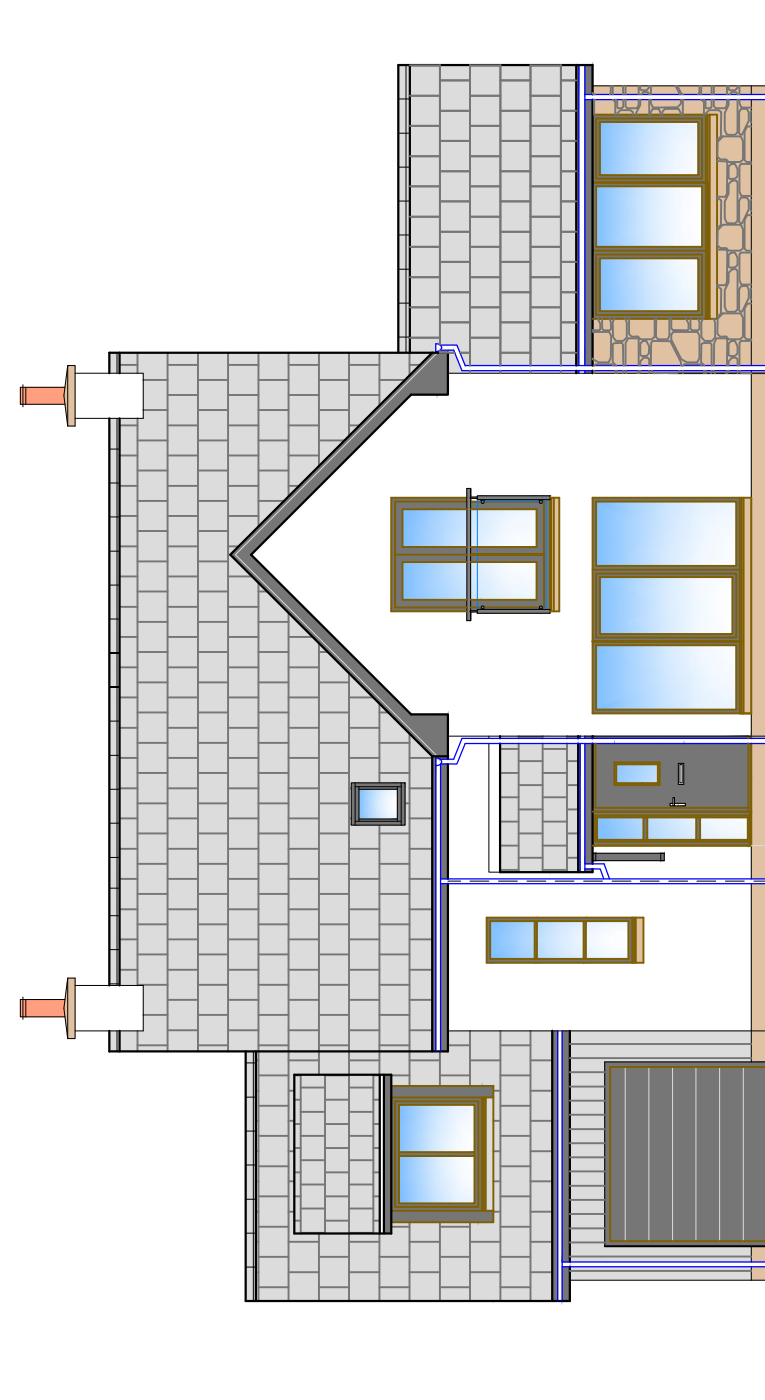
 <p>119 High Street, Buckie, Moray AB56 4DX Telephone (01542) 836510 Fax (01542) 832225</p>	<p>Project Station Road Portessie</p>	<p>Drawing Location Plan</p>	<p>Scale 1:2000 (A4)</p>
			<p>Date 23-04-2020</p>
			<p>Drawn By C Bremner</p>
			<p>Drawing No. 20-40/PL/02</p>

NOTES

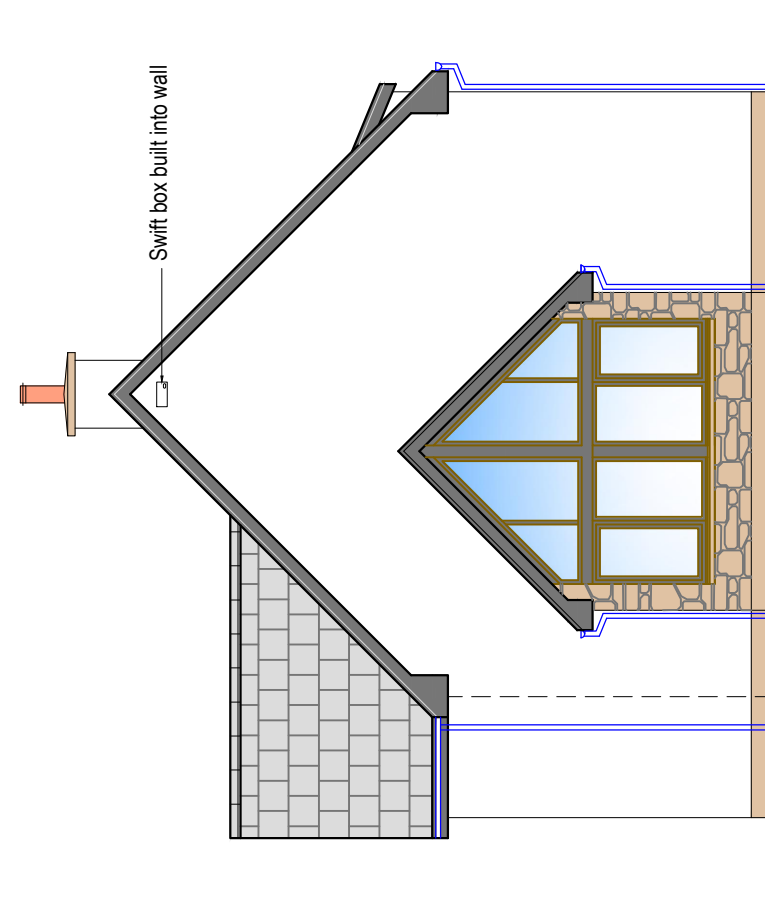
All Morlich Homes drawings to be read in conjunction with structural engineers drawings.
Do not scale this drawing.
All dimensions to be checked on site prior to commencement of construction and prior to ordering of materials and components.

EXTERNAL FINISHES:-

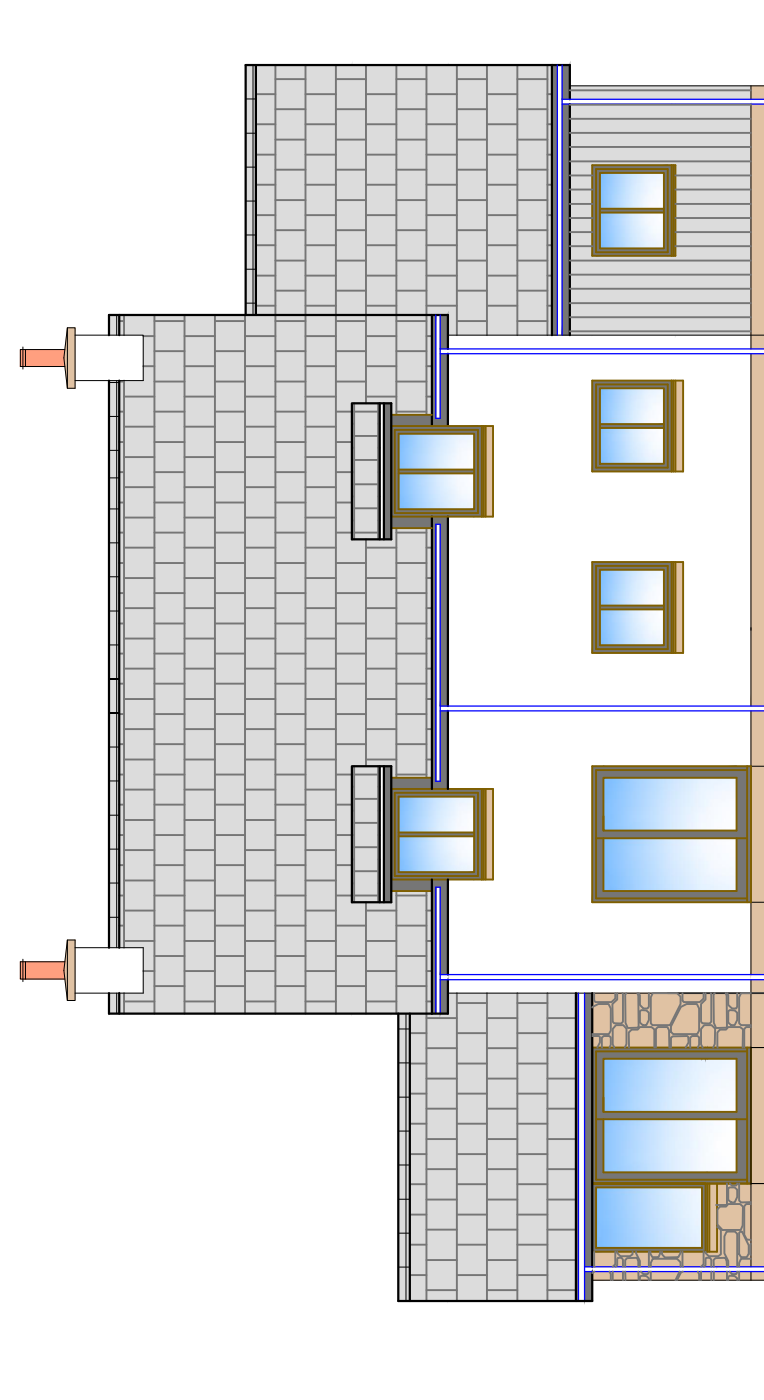
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2. Drydash Wall Finish - White
3. Denford stone panel
4. Marley Cadral cladding - Slate Grey
5. Timber Windows And Doors - Grey
6. Timber Fascia And Soffit - Grey



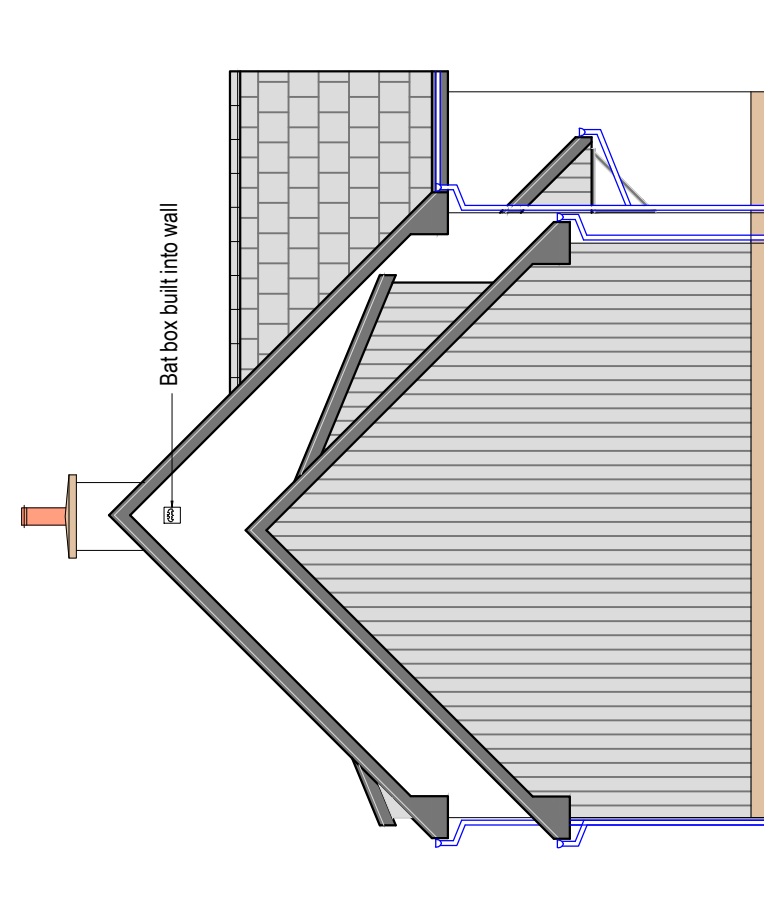
North West Elevation



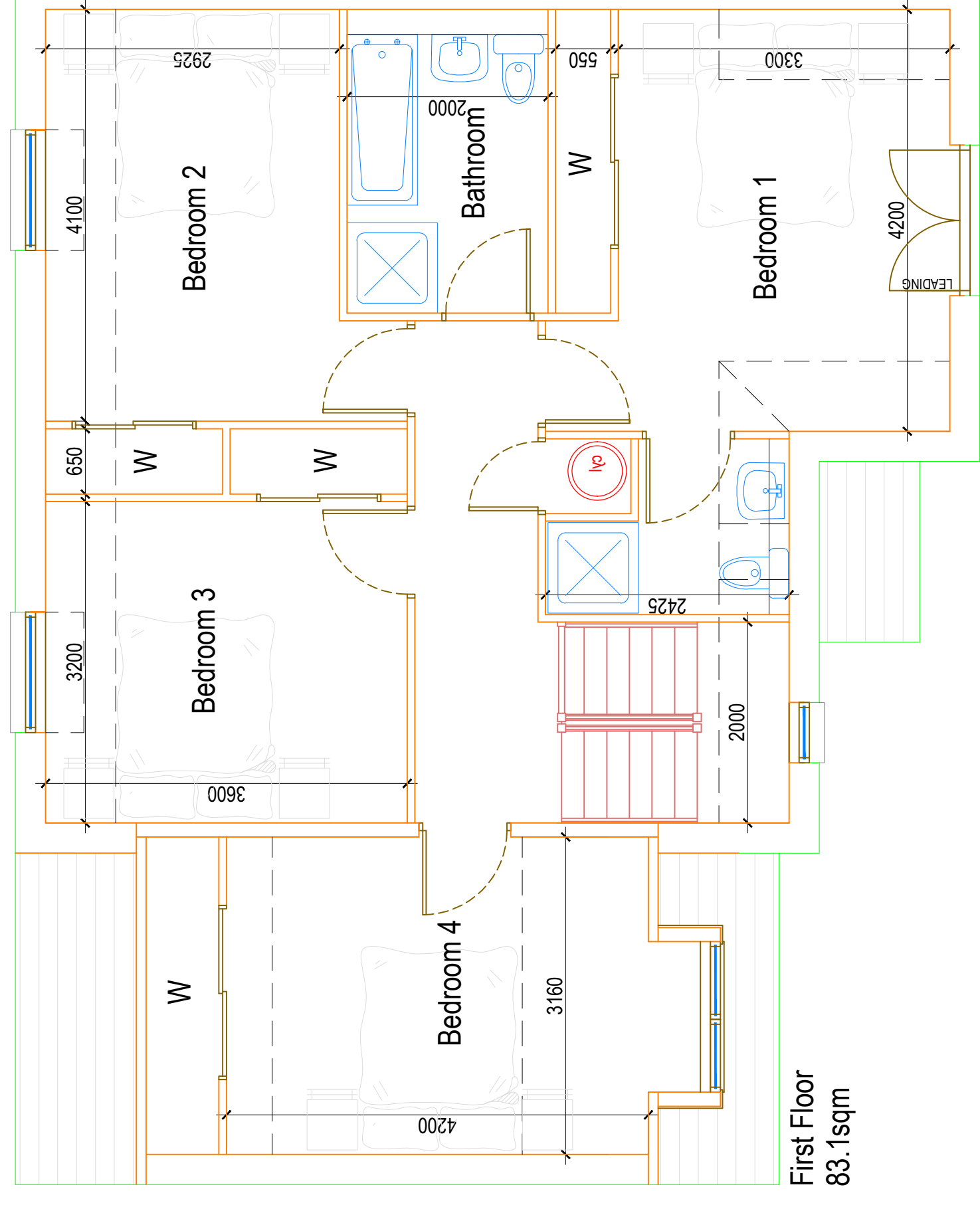
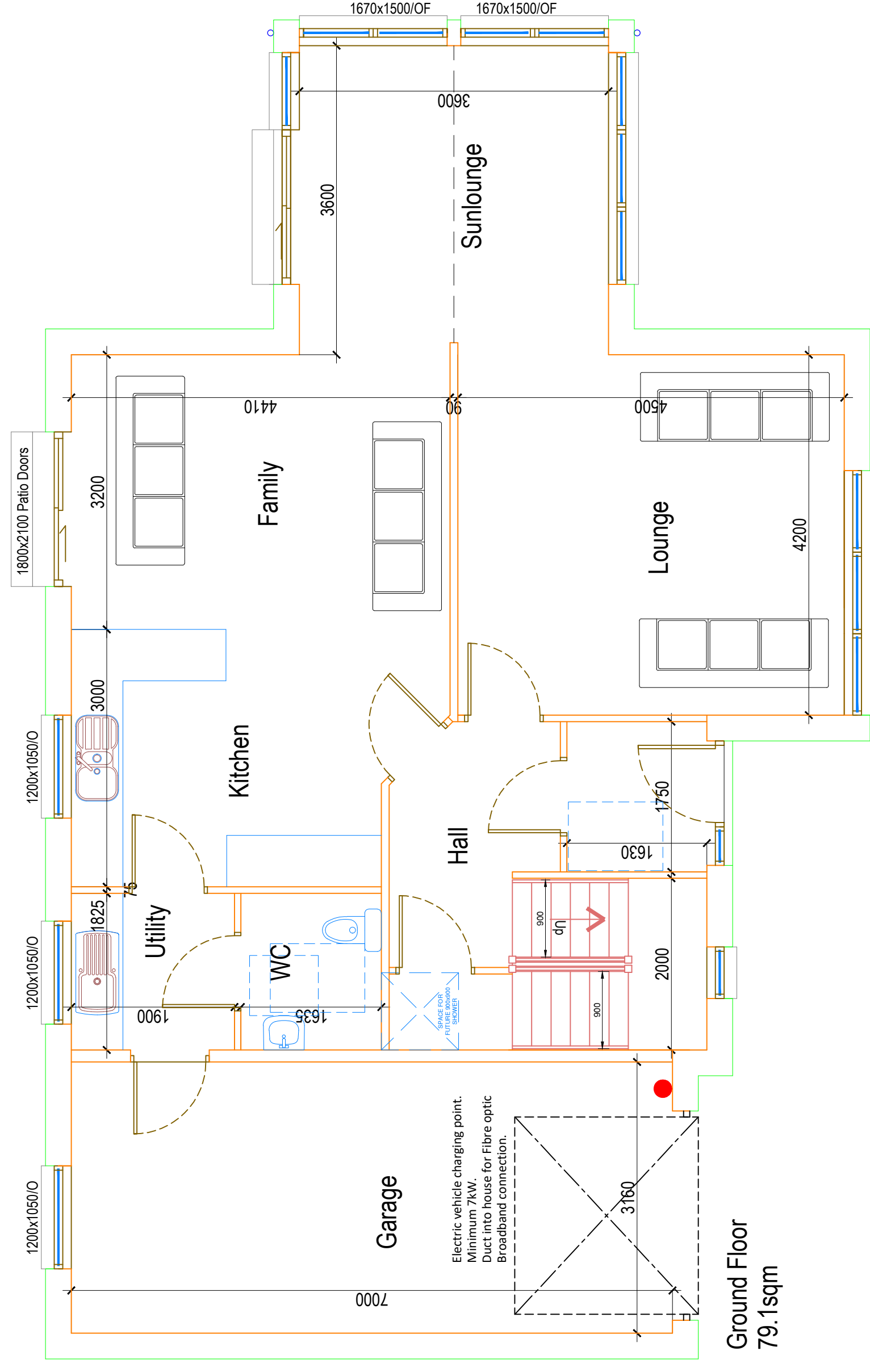
South West Elevation



South East Elevation



North East Elevation



Revision	Date
A	30/7/20
B	24/9/20
C	20/11/20
D	26/11/20



119 High Street, Buckie, Moray AB56 4DX
Telephone (01542) 836510 Fax (01542) 832225
e-mail : chris@morlich.co.uk

Project
Plot 1
Station Road
Portessie

Drawing
Floor Plans & Elevations

Scale
1:50/100 (A1)

Date
05-03-2020

Drawn By
C Bremner

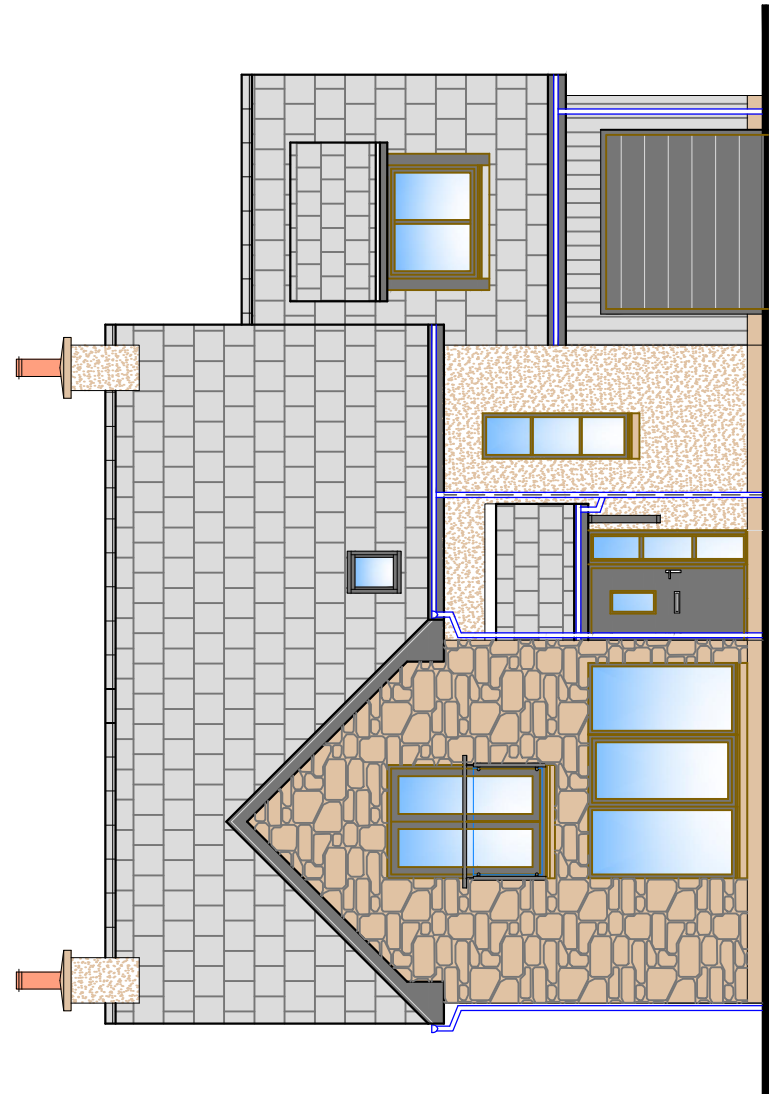
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20-40/PL/P1/01

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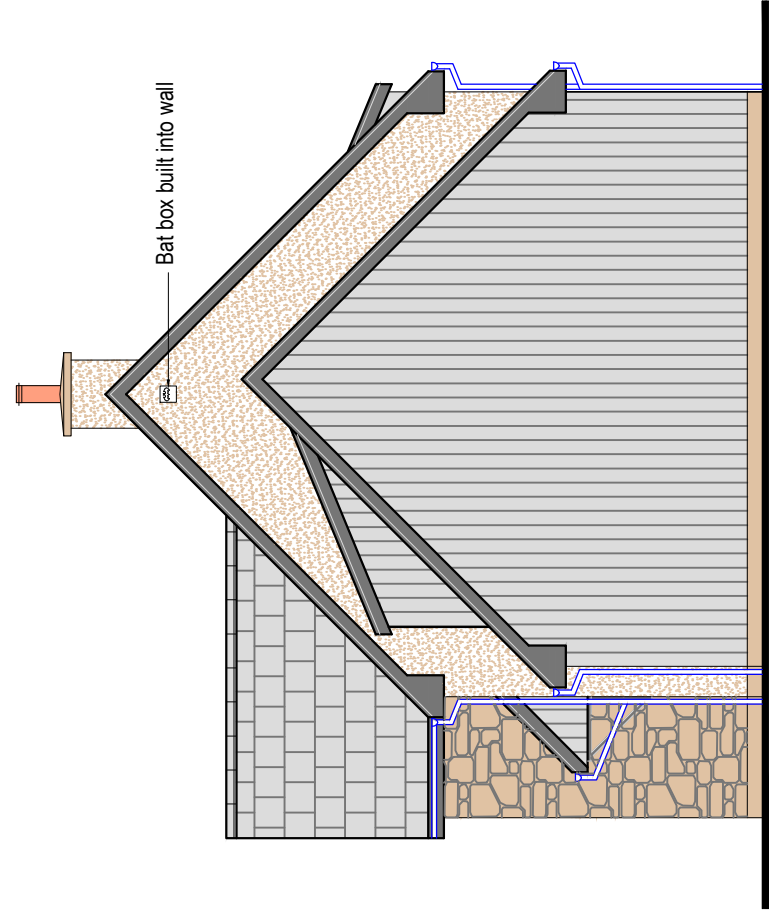
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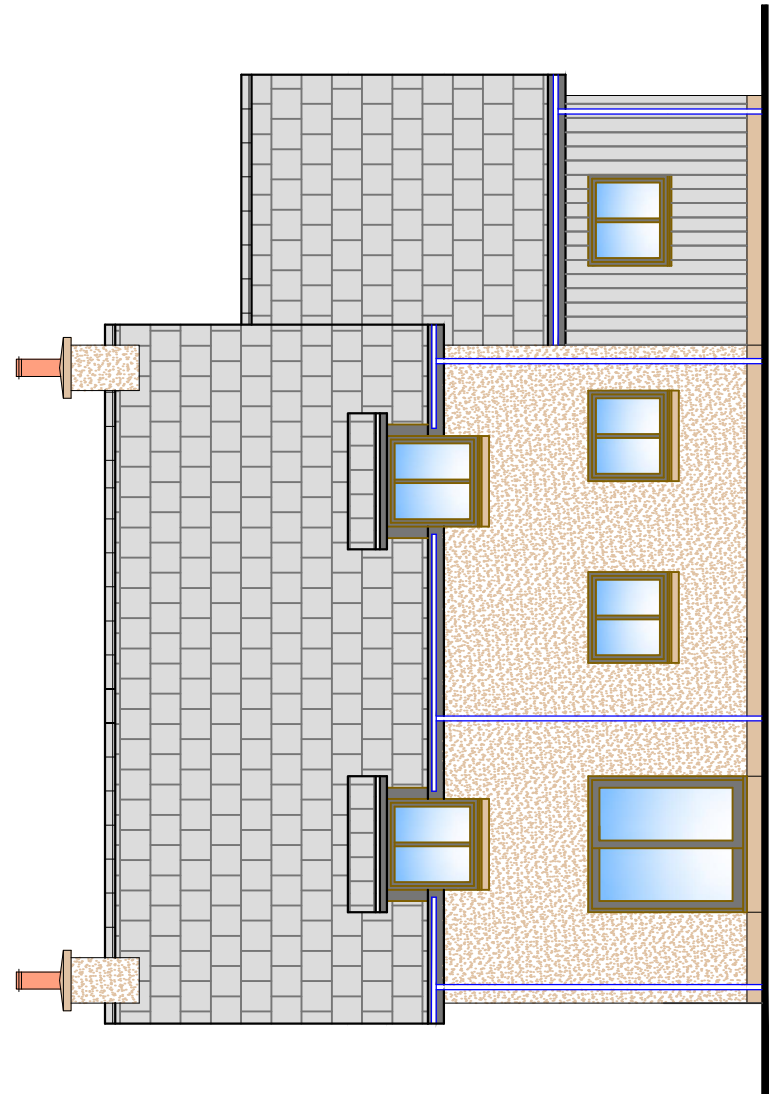
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5. Timber Windows And Doors - Grey
6. Timber Fascia And Soffit - Grey



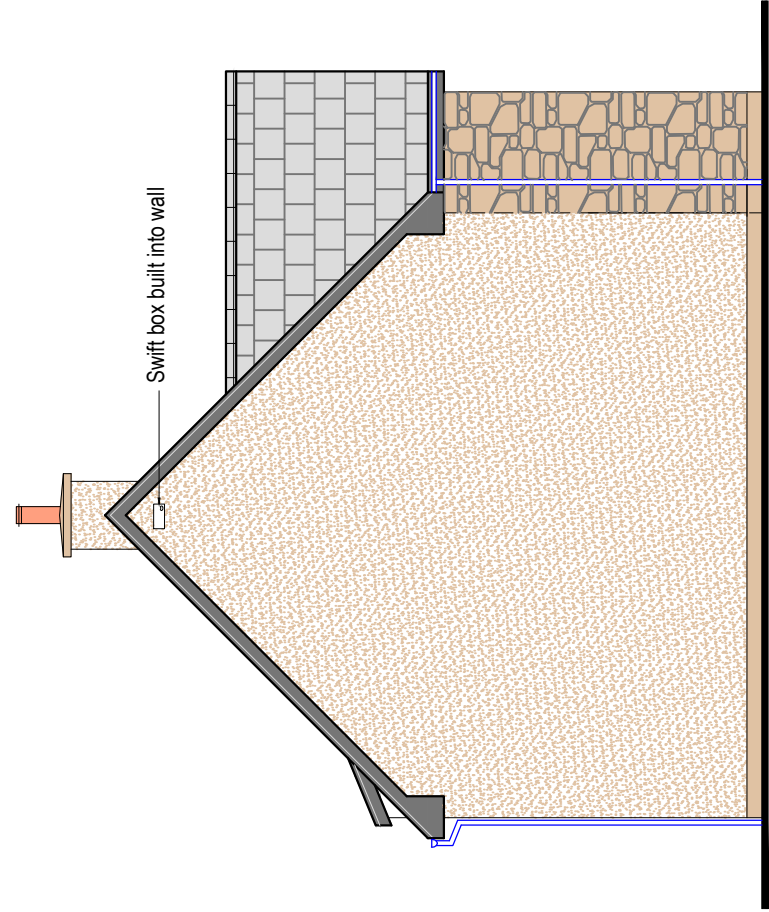
North West Elevation



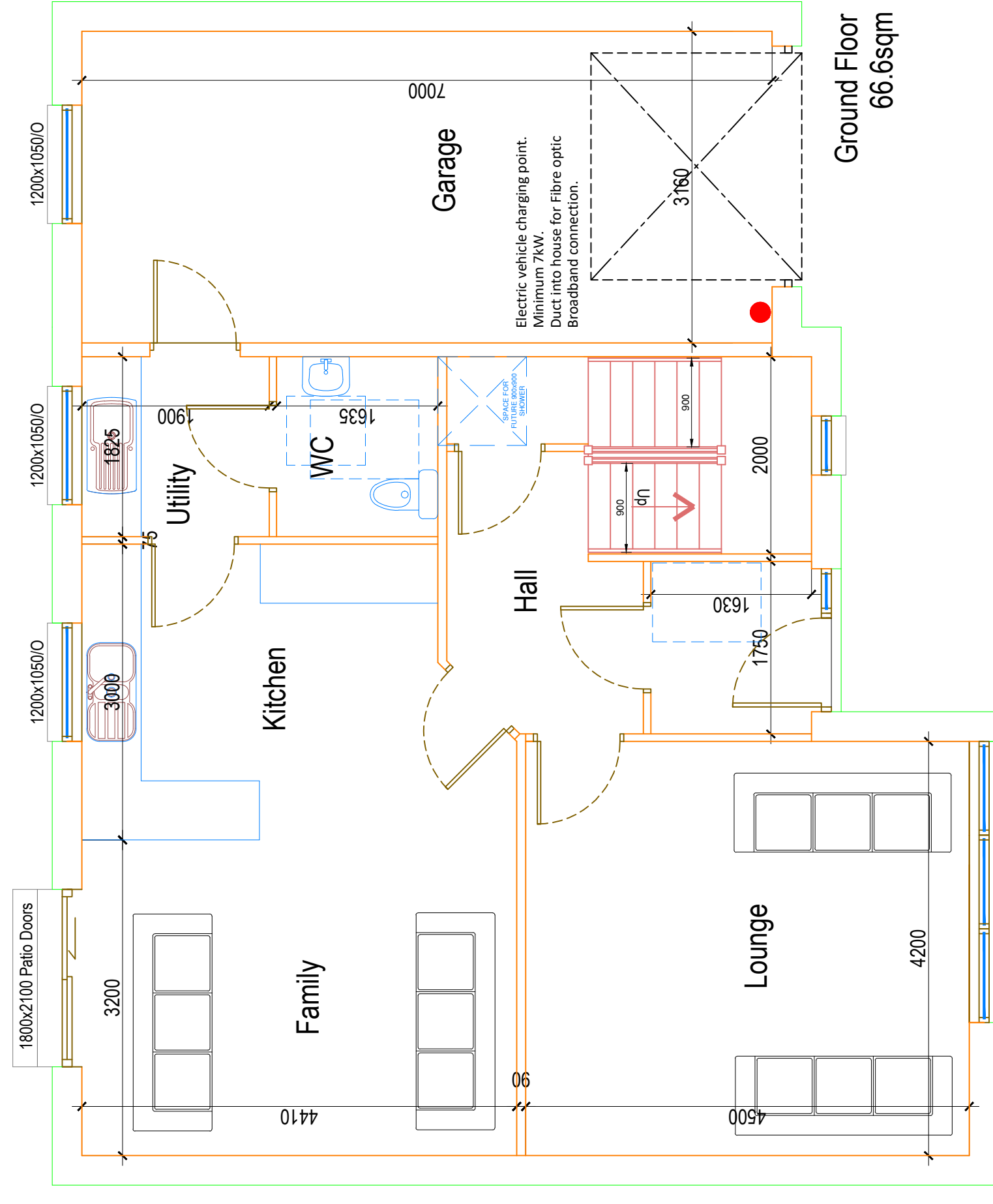
South West Elevation



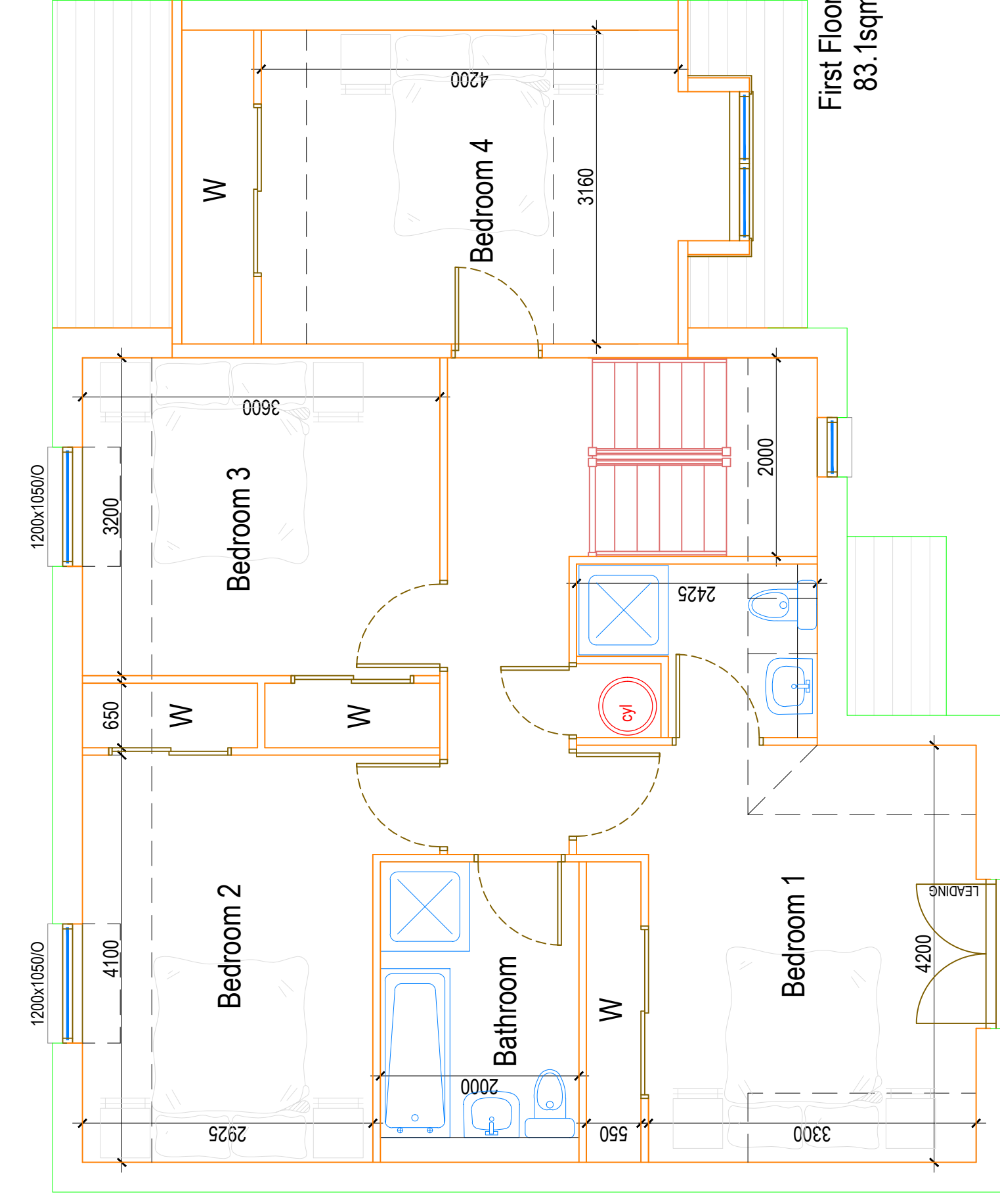
South East Elevation



North East Elevation



Ground Floor
66.6sqm



First Floor
83.1sqm

Revision	Date
A	30/7/20
B	24/9/20
C	20/1/20
D	26/1/20

Stone cladding added to garage added

Chimneys and cladding to garage added

Bat and Swift boxes added to gables

7m Garages



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e-mail : chris@morlich.co.uk

Project
Plot 2
Station Road
Portessie

Drawing
Floor Plans & Elevations

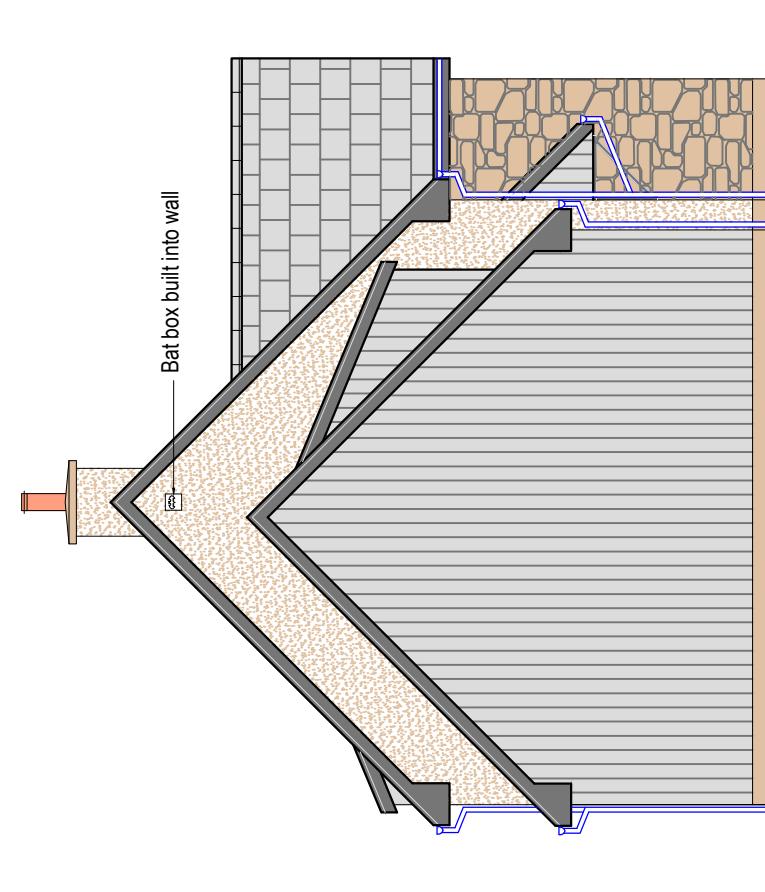
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Drawn By	C Bremner
Drawing No.	20-40/PL/P1/01

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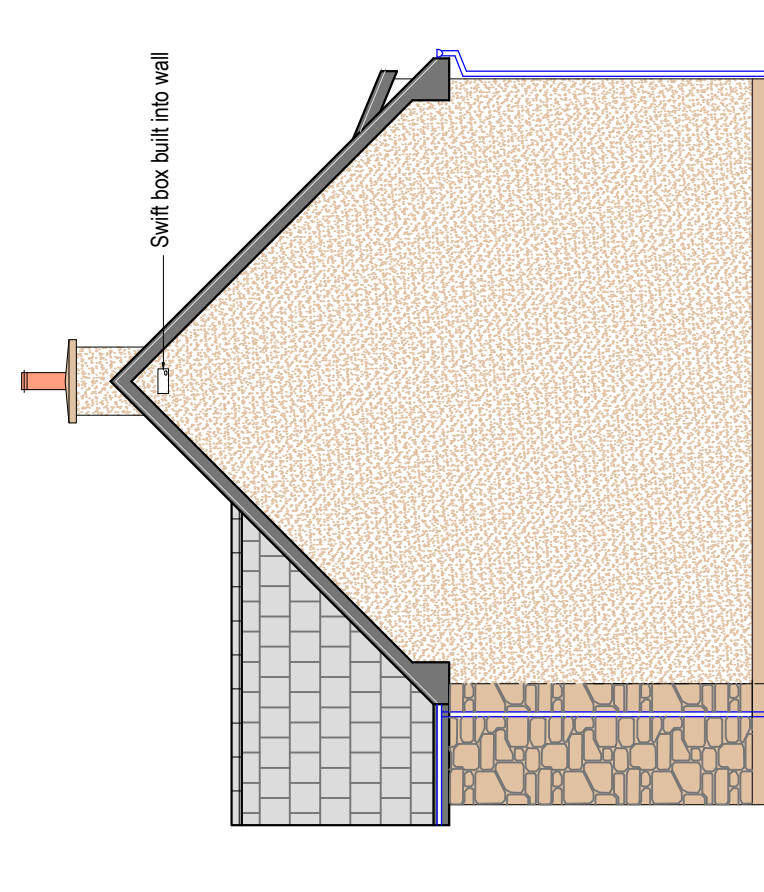
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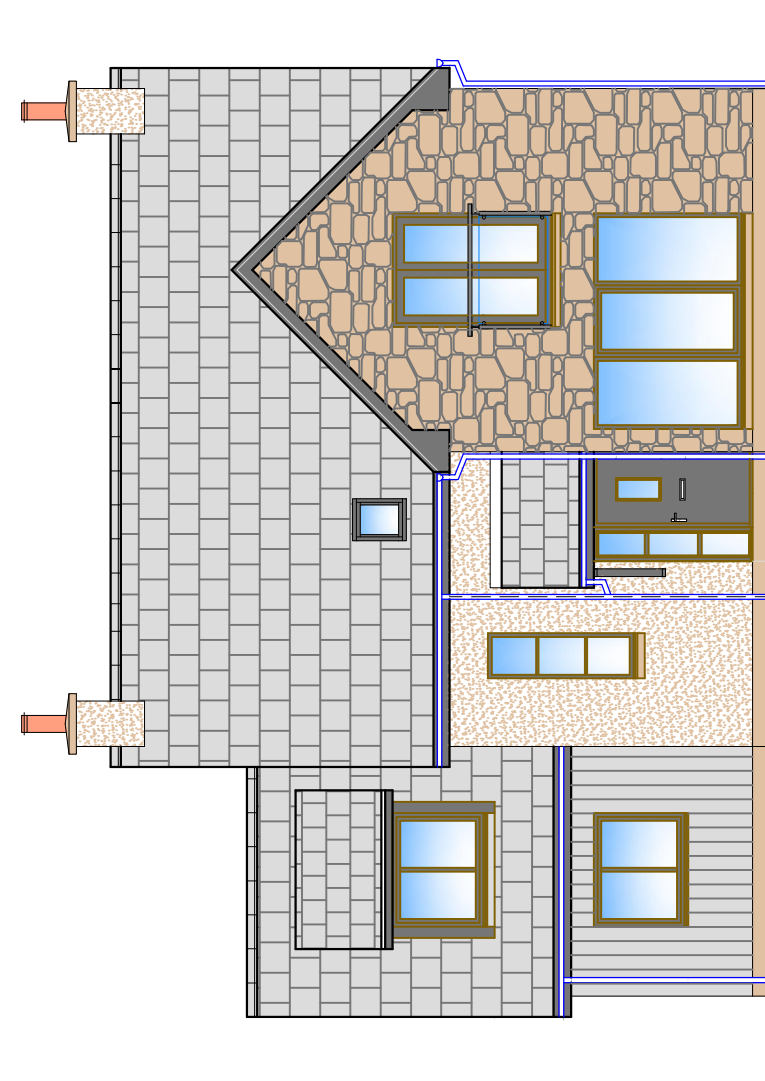
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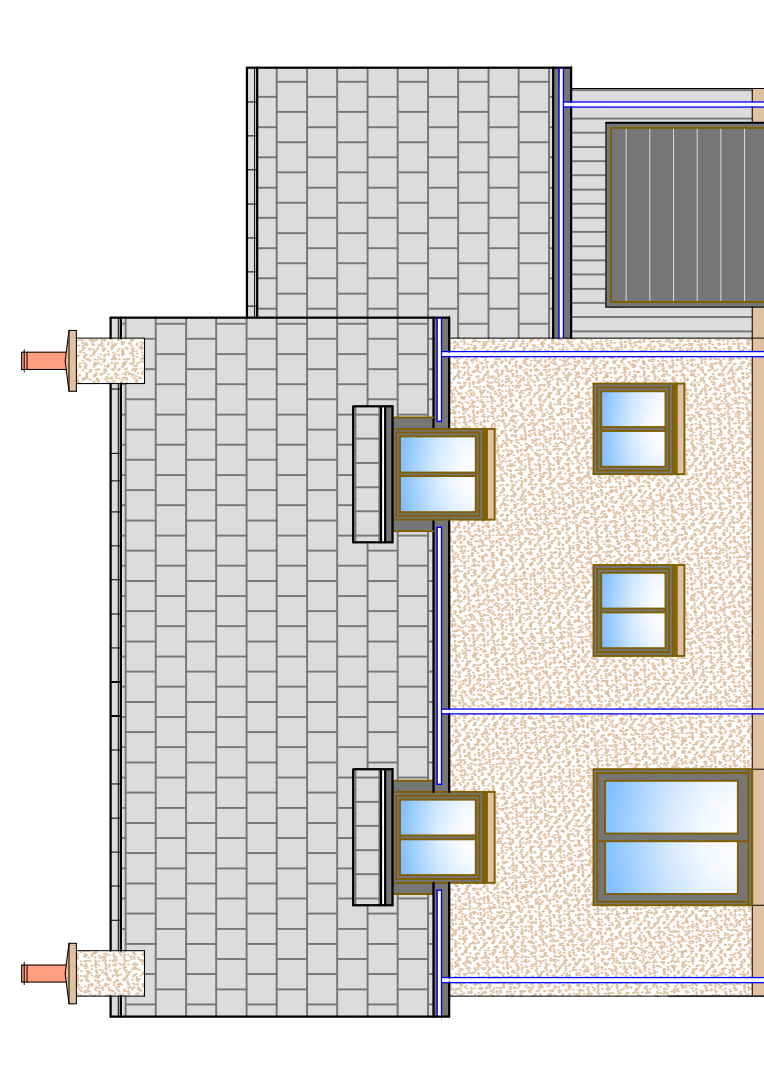
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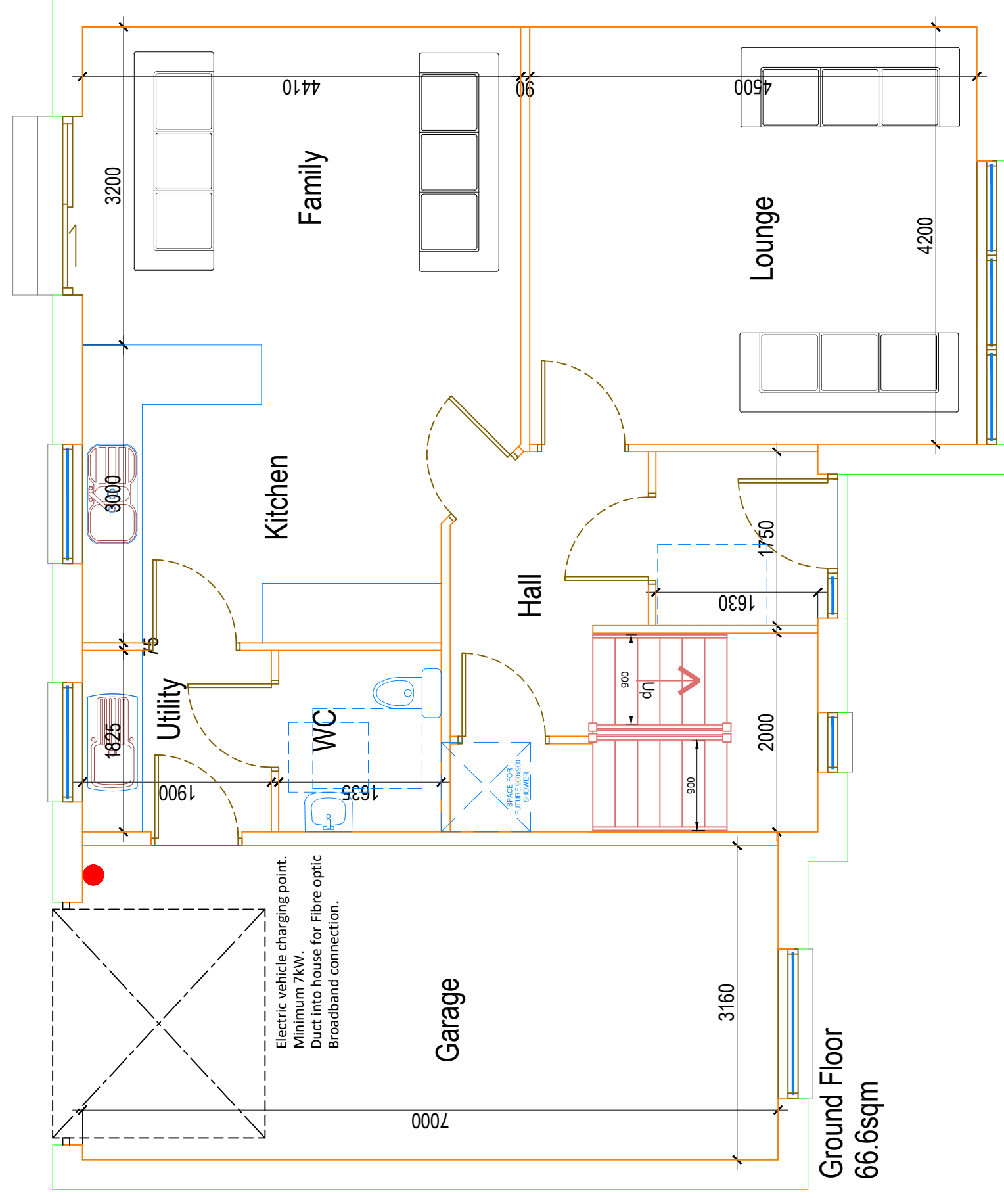
South West Elevation



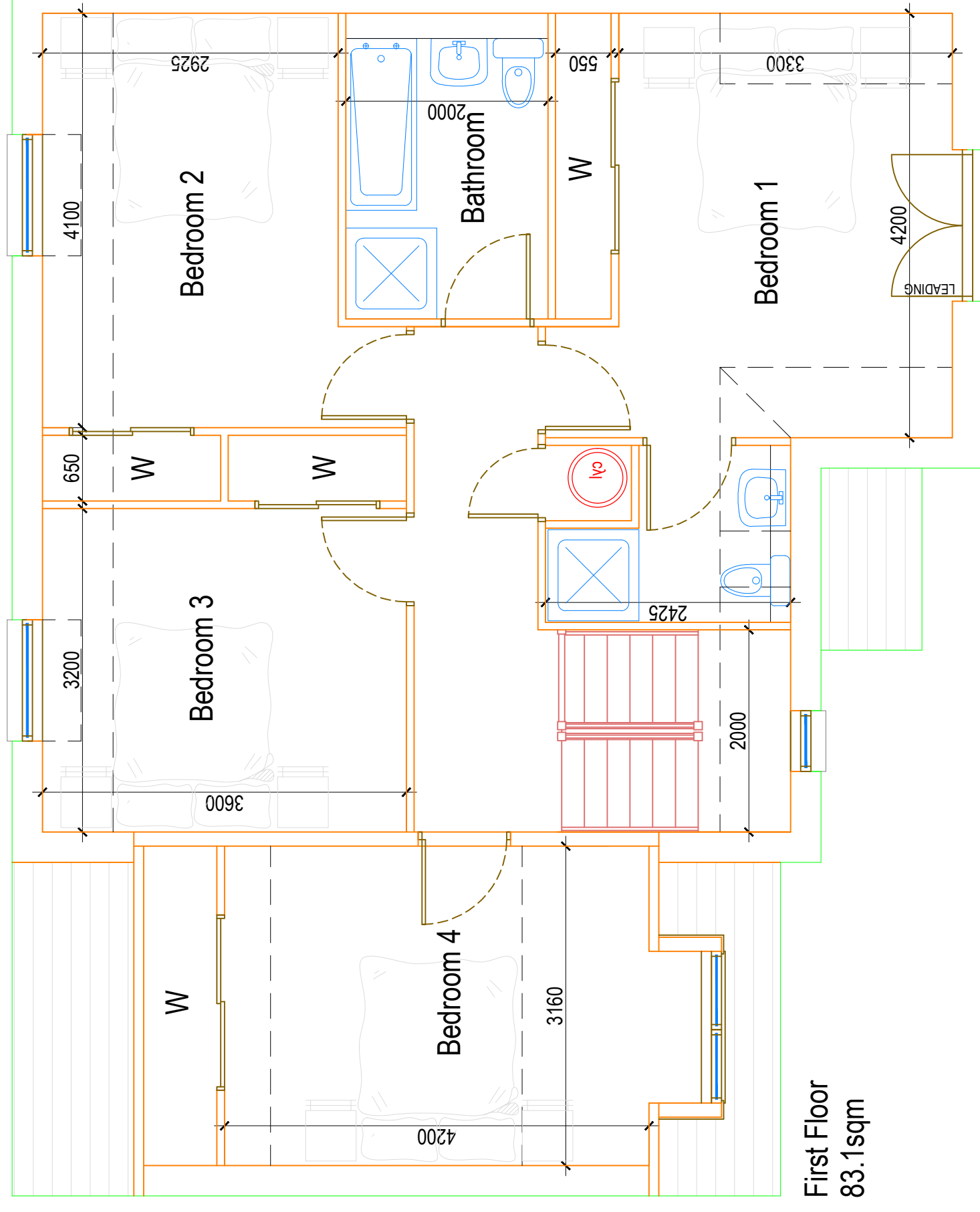
North West Elevation



South East Elevation



Ground Floor
66.6sqm



First Floor
83.1sqm

Revision	Date
A	30/7/20
B	24/9/20
C	20/11/20
D	26/11/20



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Project
Plot 3
Station Road
Portessie

Drawing
Floor Plans & Elevations

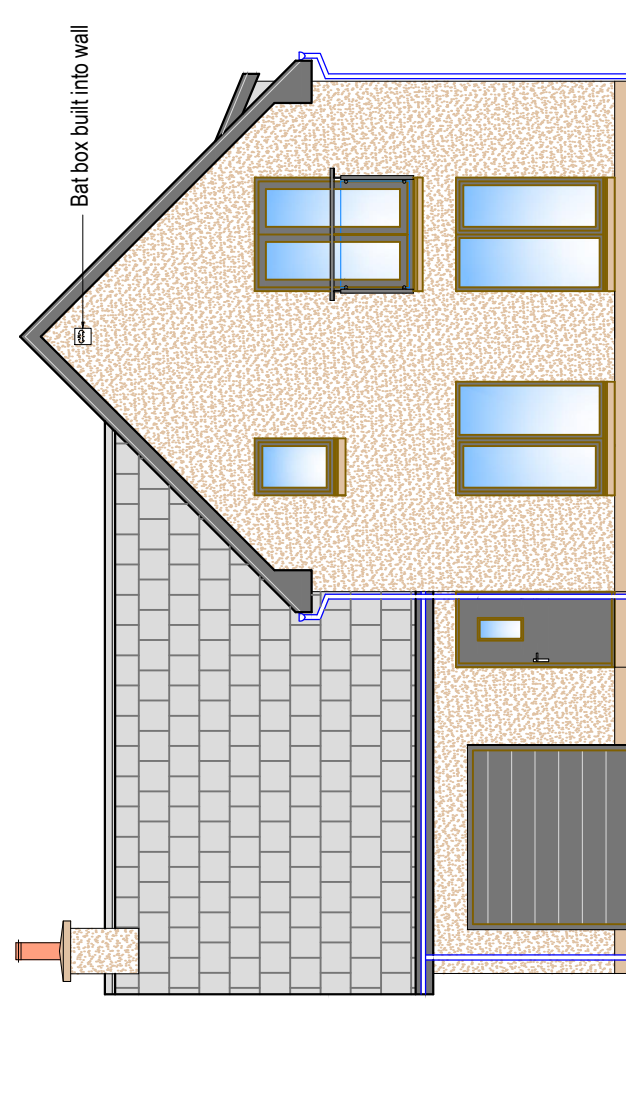
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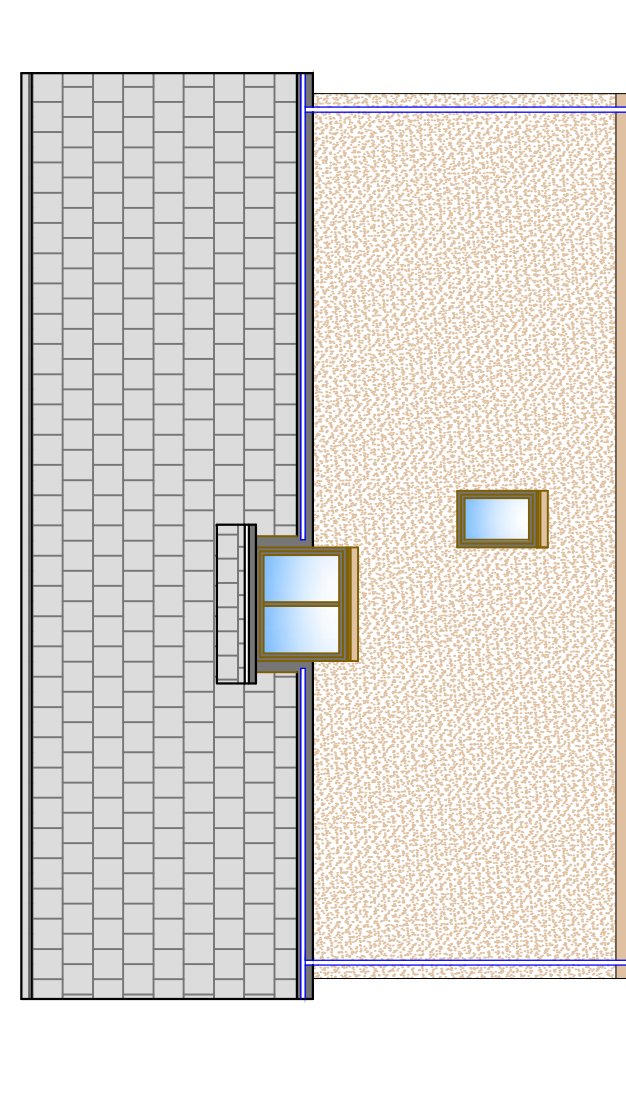
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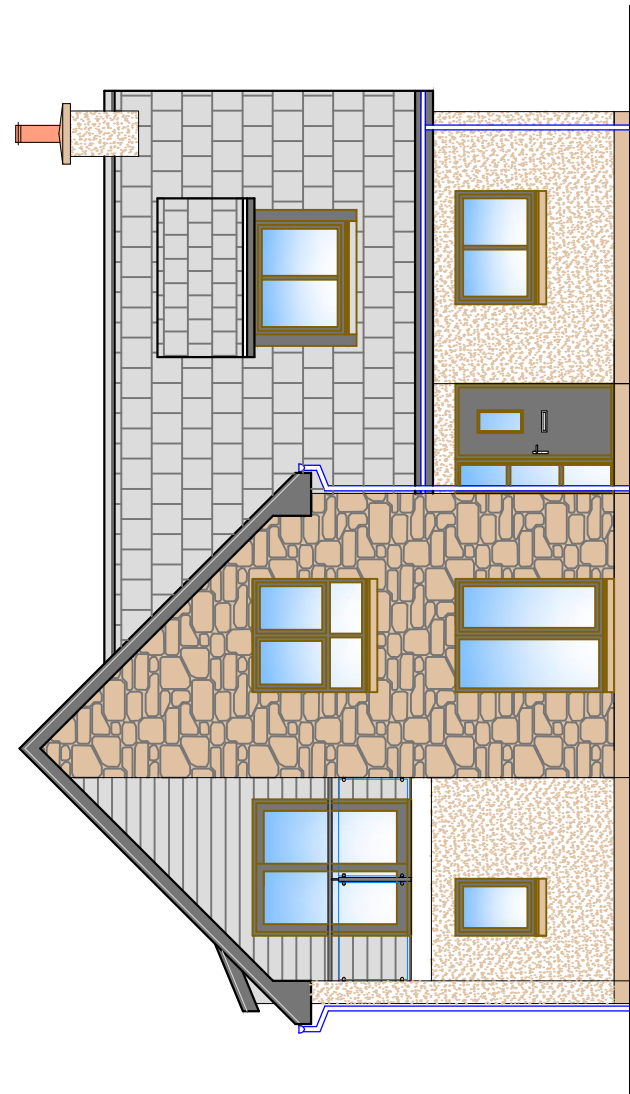
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5. Timber Fascia And Soffit - Grey



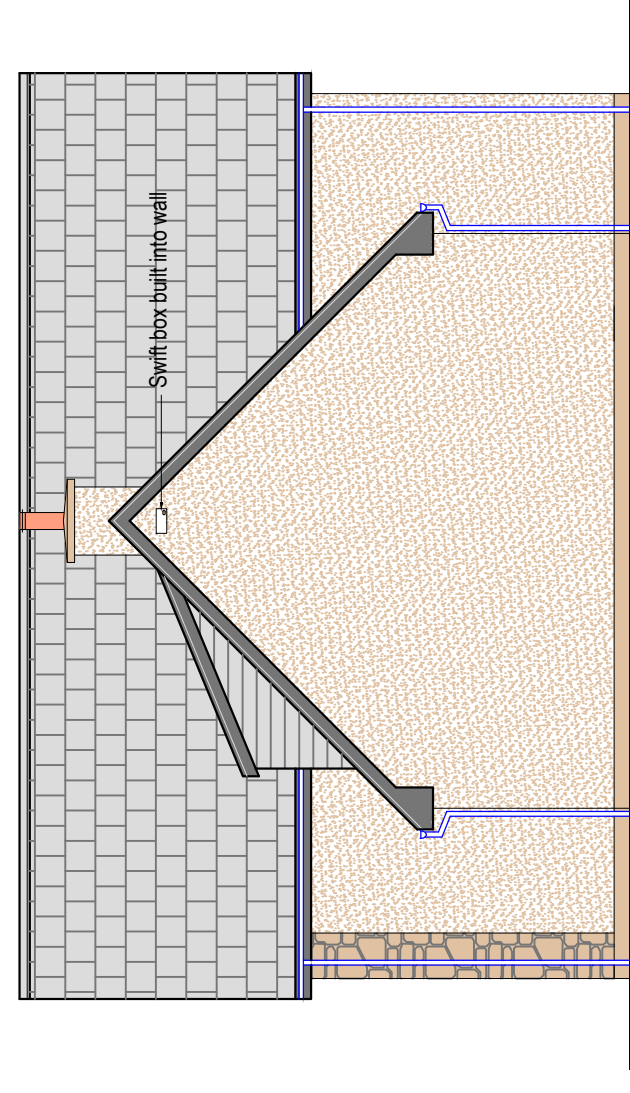
South East Elevation



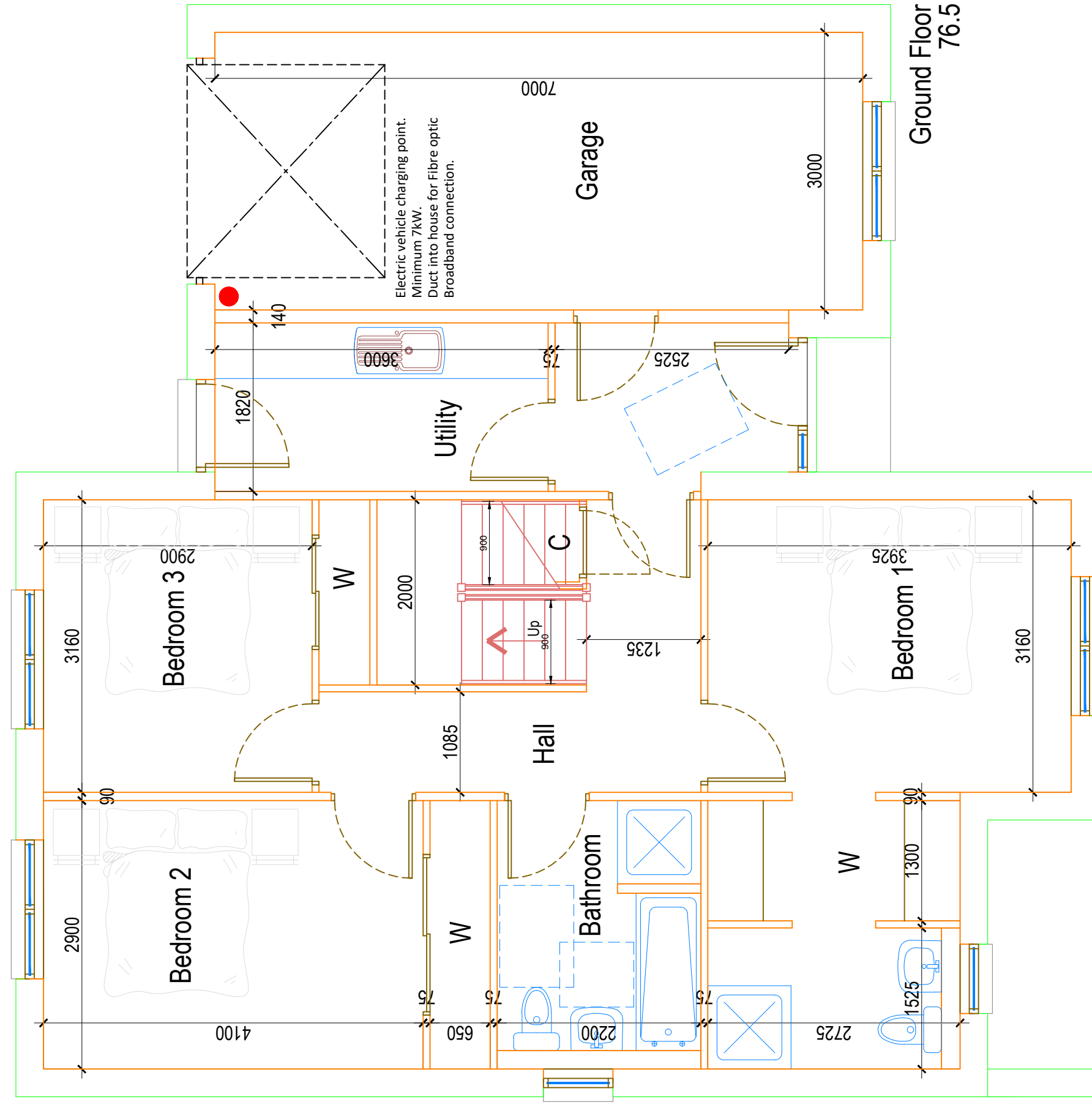
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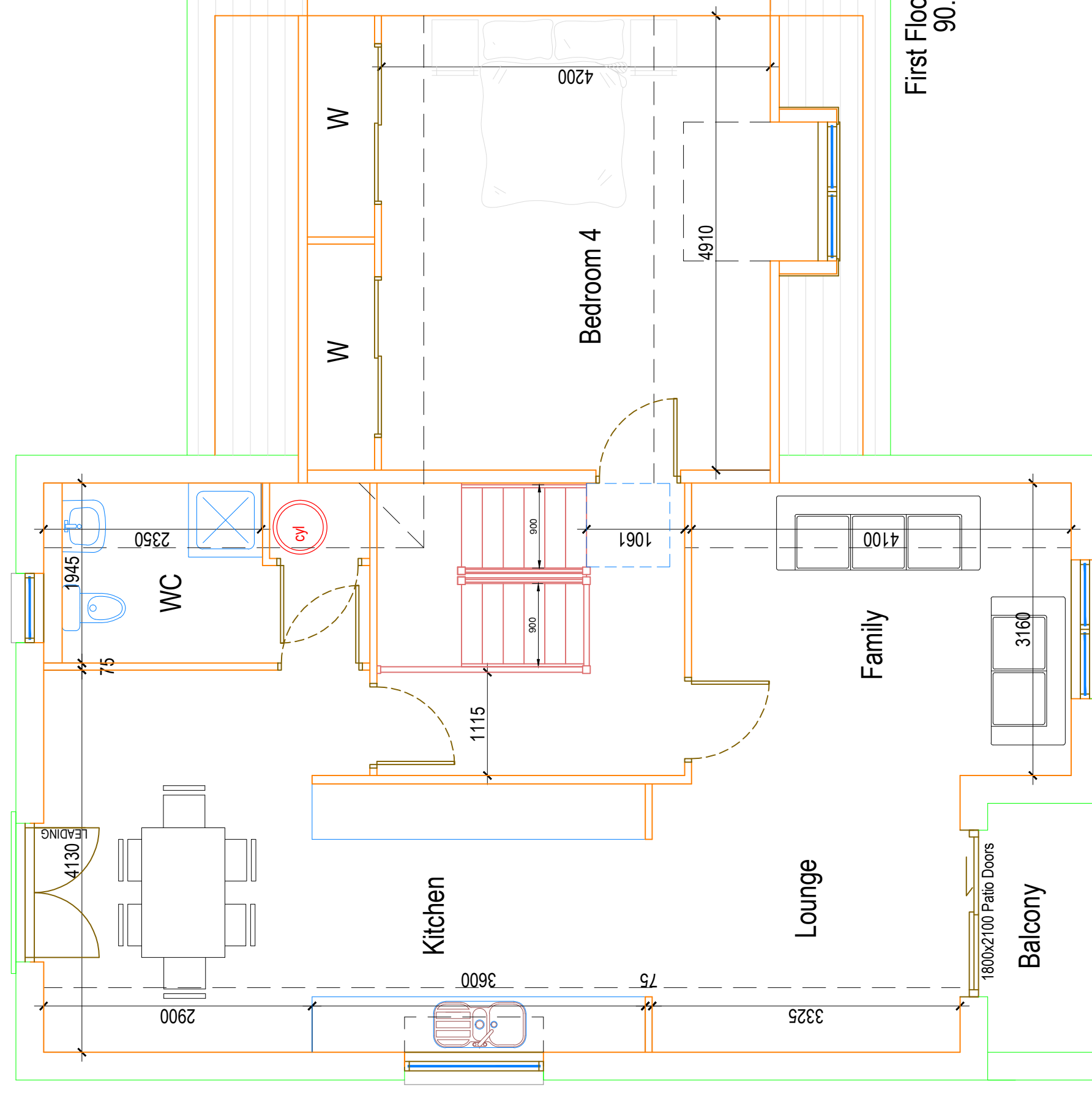
North West Elevation



South West Elevation



Ground Floor
76.5



First Floor
90.7

Revision	Date
D	7m Garages CB 26/11/20
C	Bar and Swift boxes added to gables. CB 20/11/20
B	Chimneys and cladding to garage added. CB 24/9/20
A	Stone clad areas revised. CB 30/7/20



119 High Street, Buckle, Moray AB56 4DX
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Project
House type 2
Plot 4
Station Road
Portessie

Floor Plans & Elevations

Scale **1:50/100 (A1)**

Date **05-03-2020** Drawn By **C Bremner**

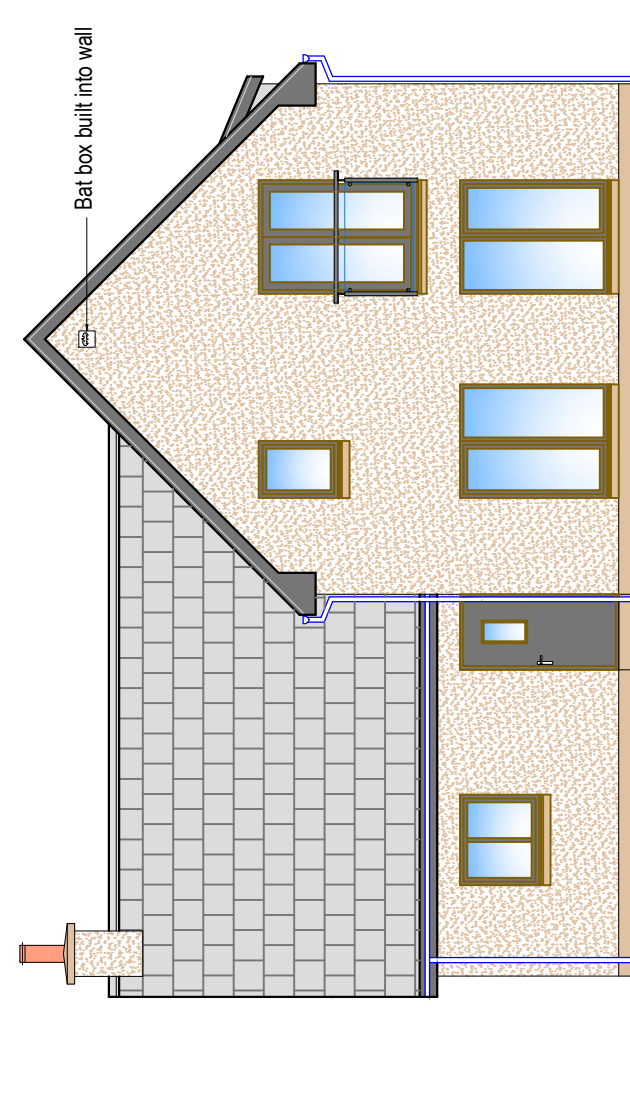
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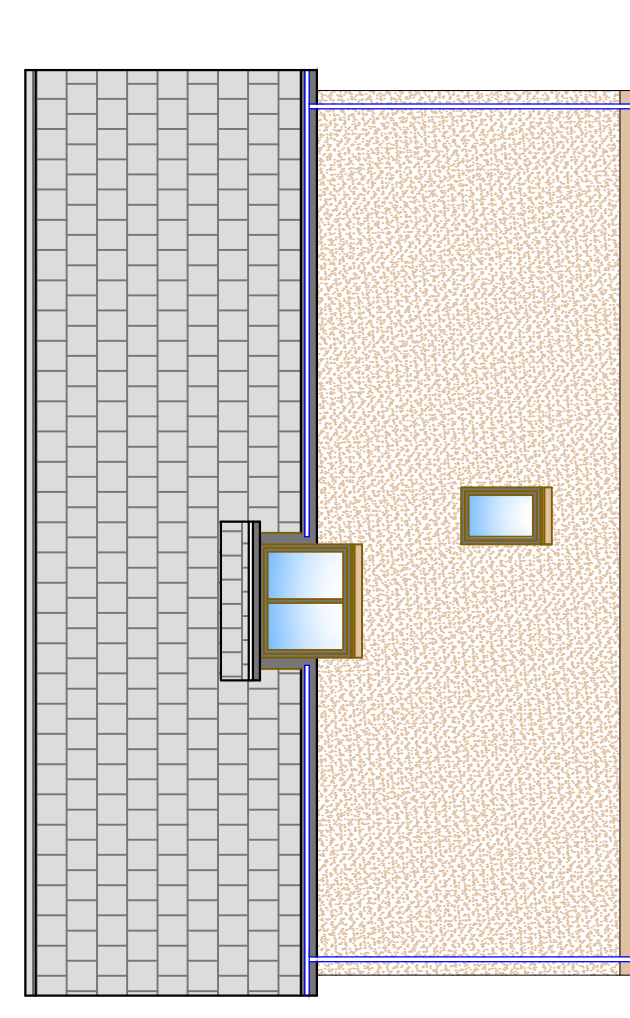
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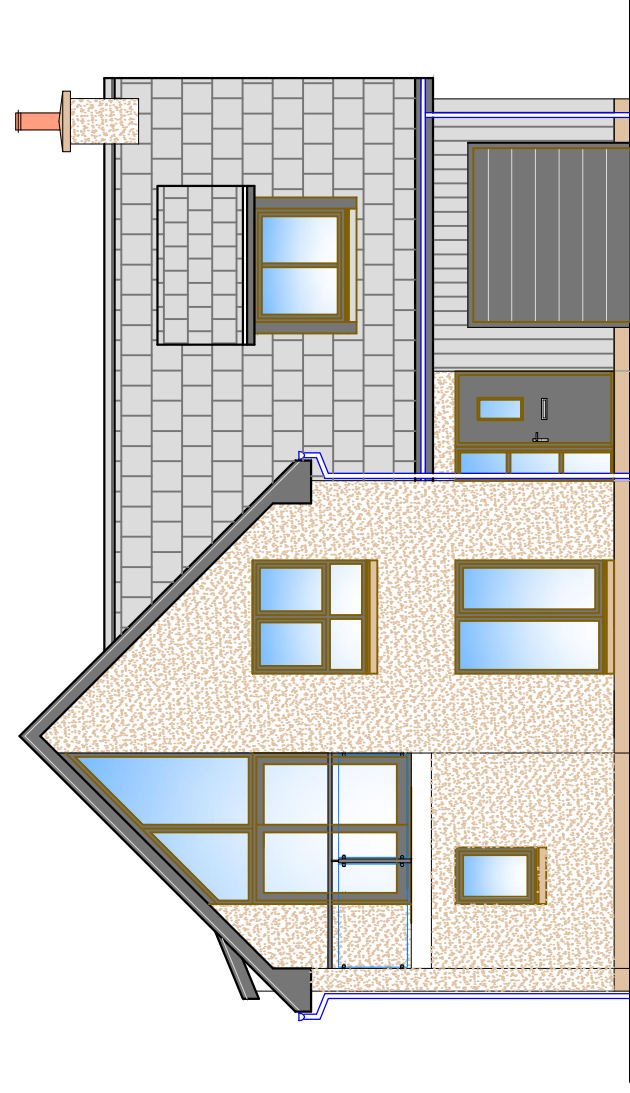
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5. Timber Fascia And Soffit - Grey



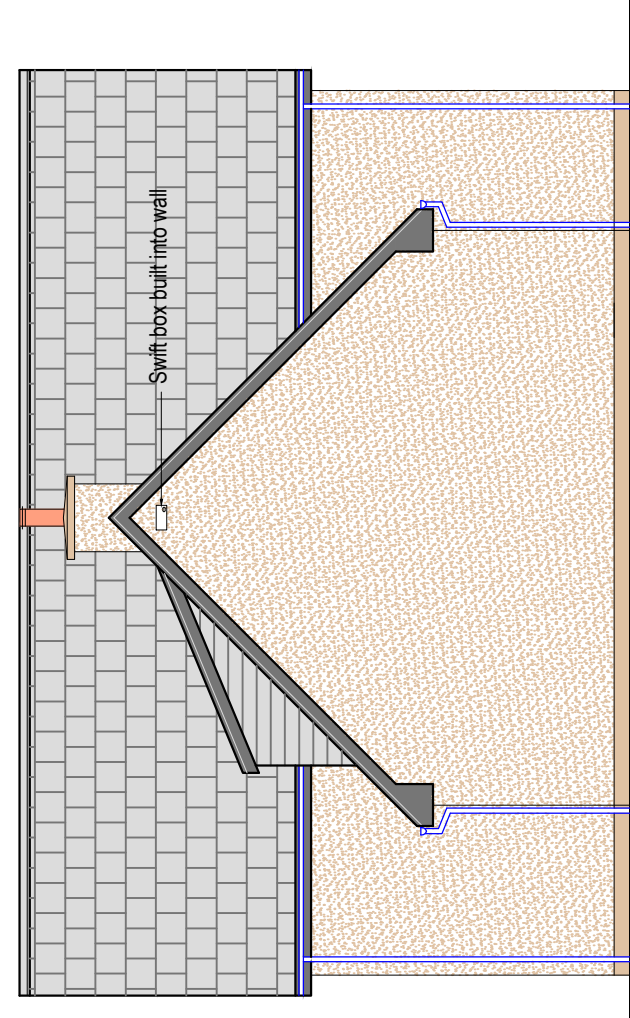
South East Elevation



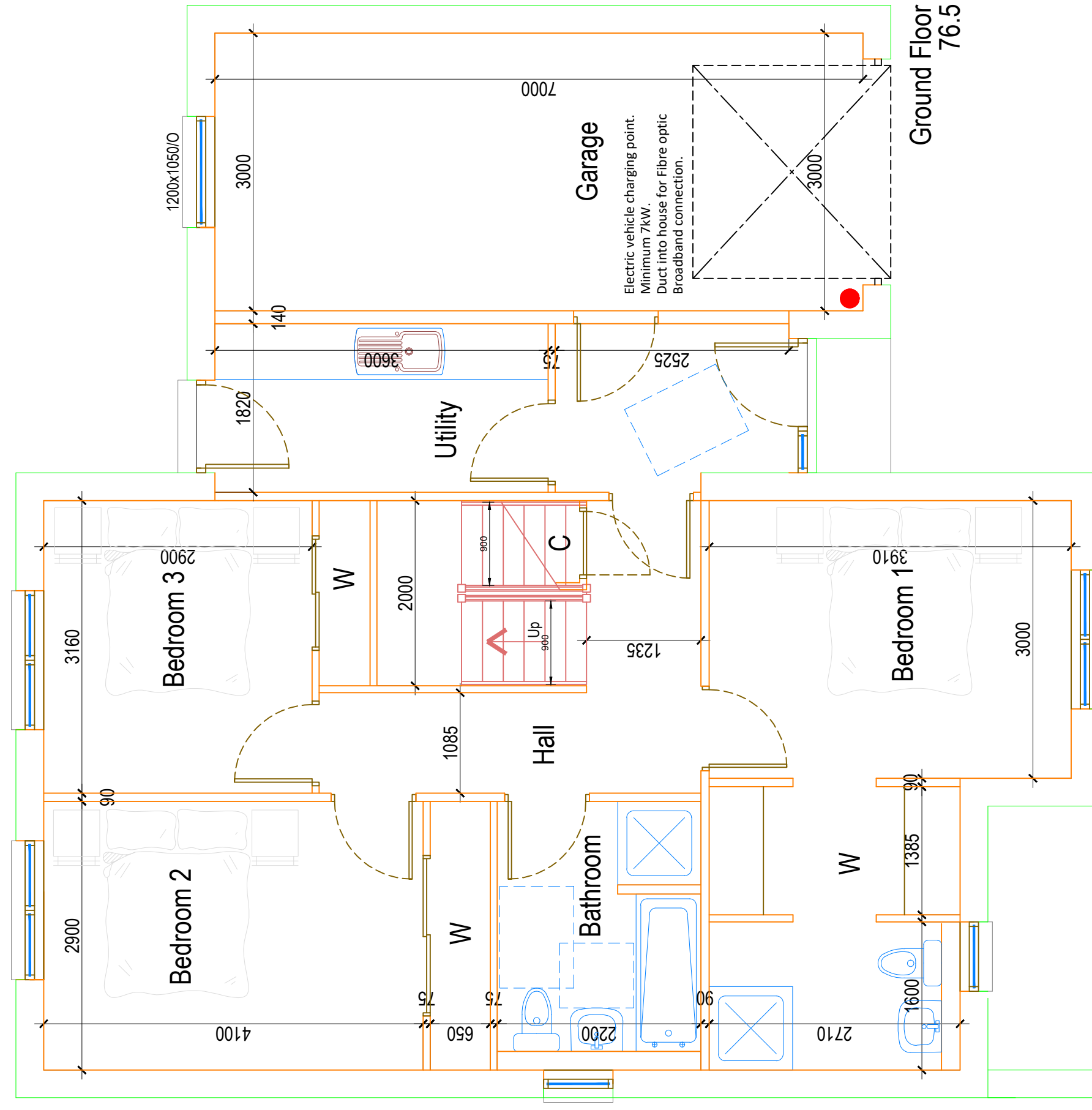
North East Elevation



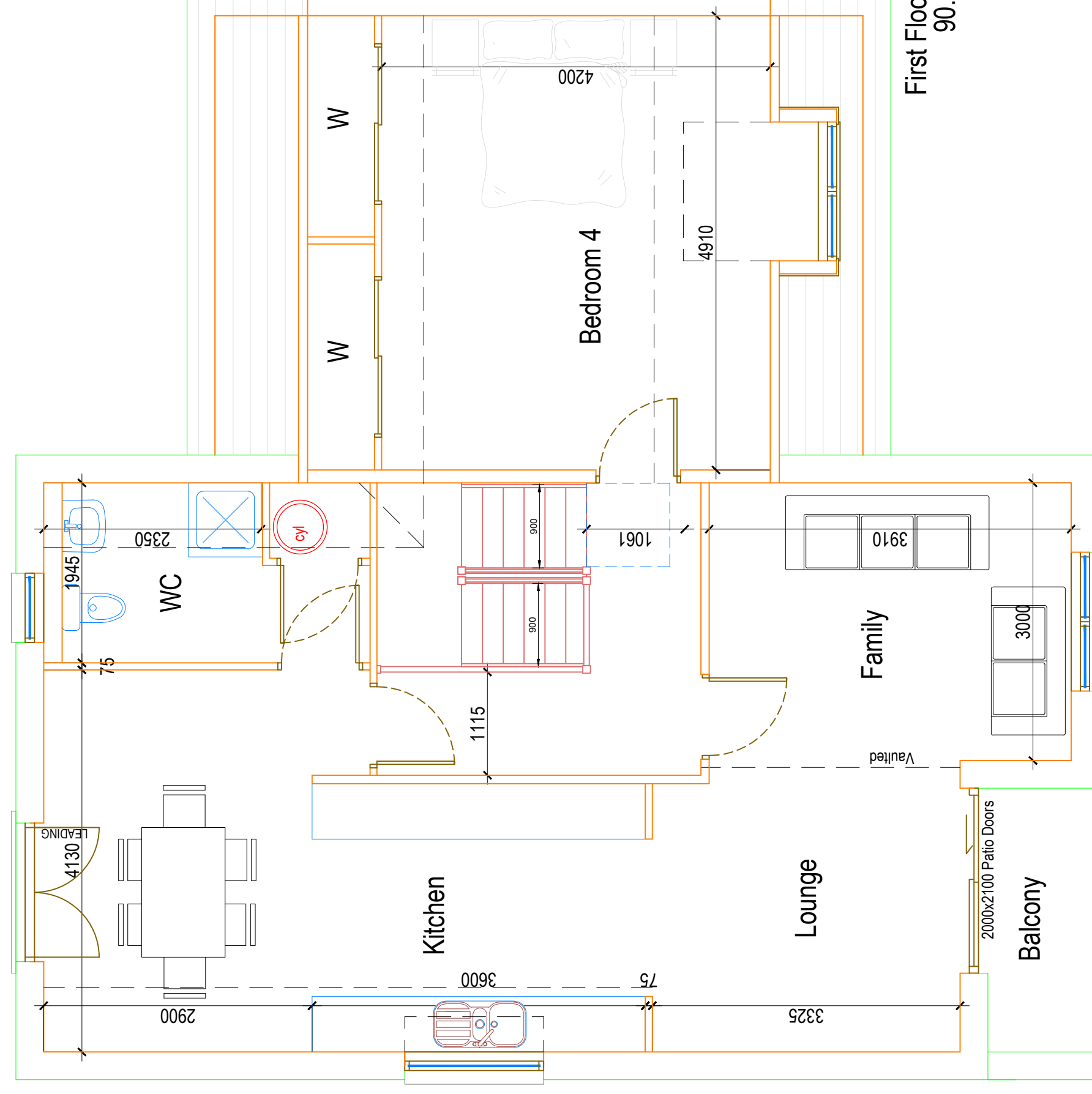
North West Elevation



South West Elevation



Ground Floor
76.5



First Floor
90.7

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Project

House type 2
Plot 5
Station Road
Portessie

Drawing

Floor Plans & Elevations

Scale **1:50/100 (A1)**

Date **05-03-2020** Drawn By **C Bremner**

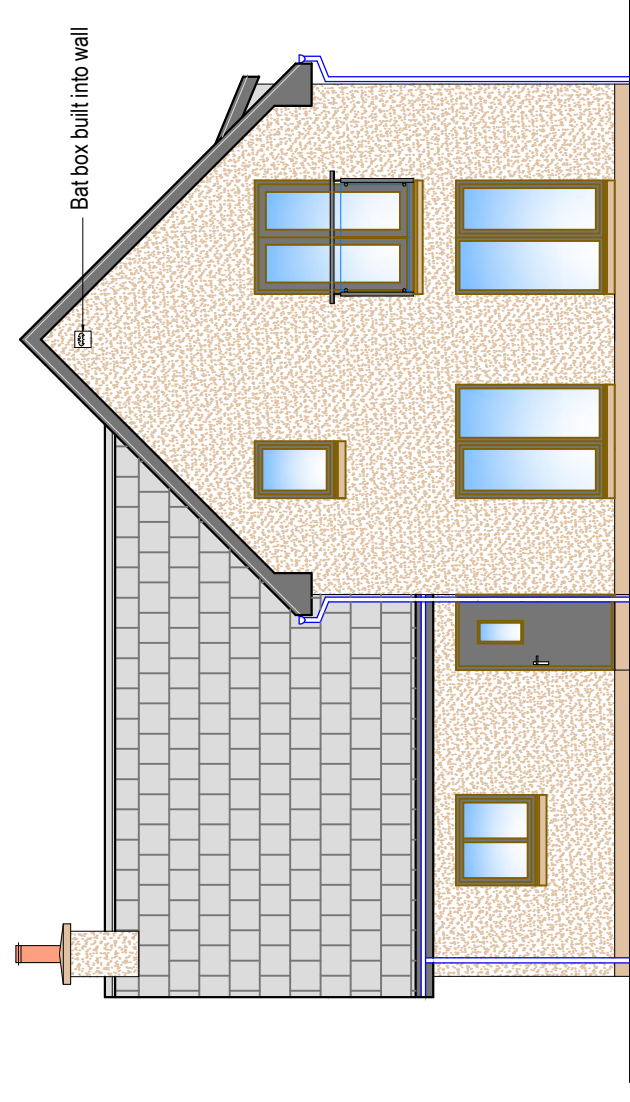
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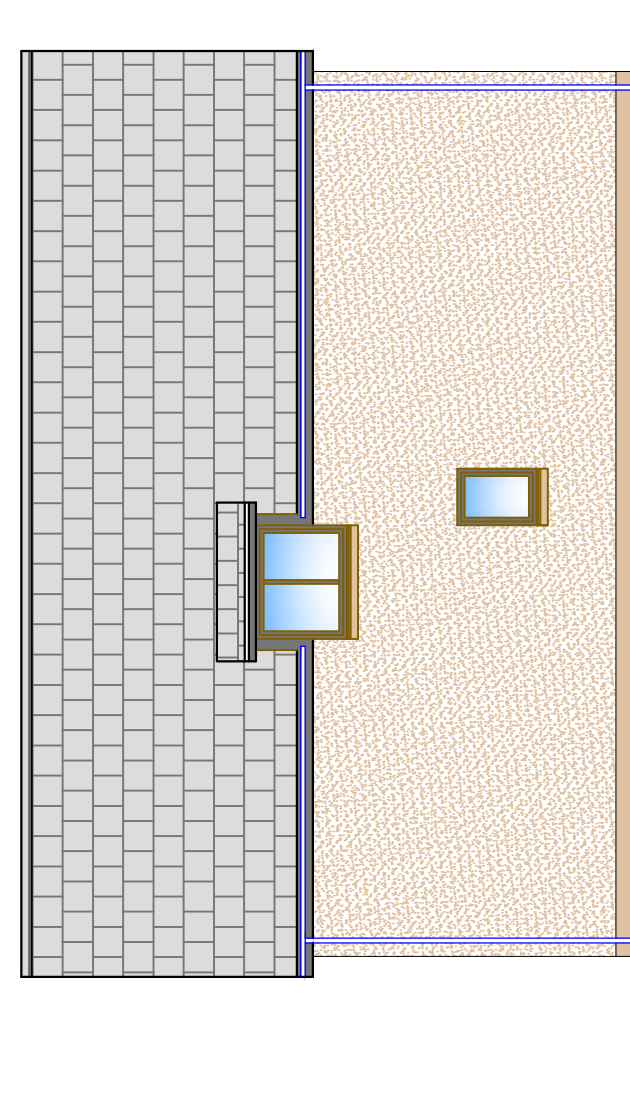
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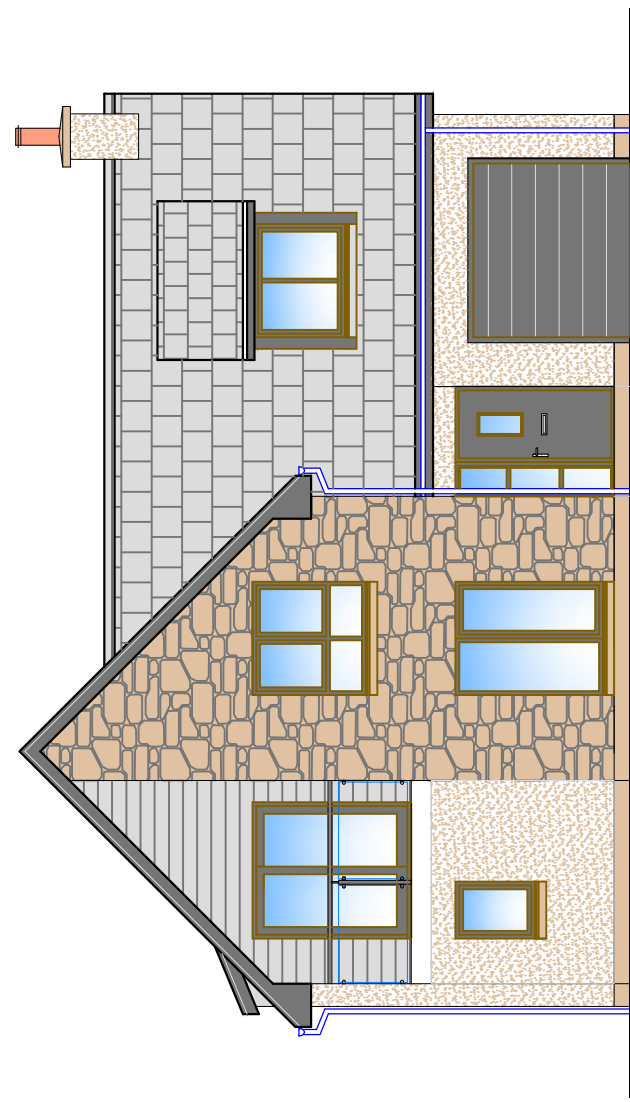
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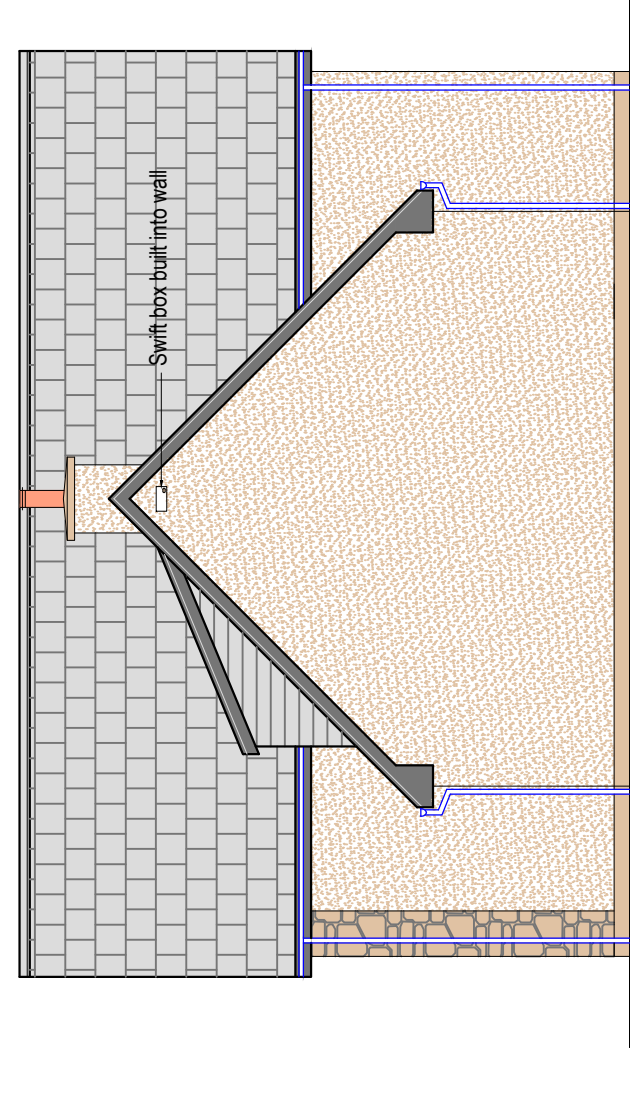
South East Elevation



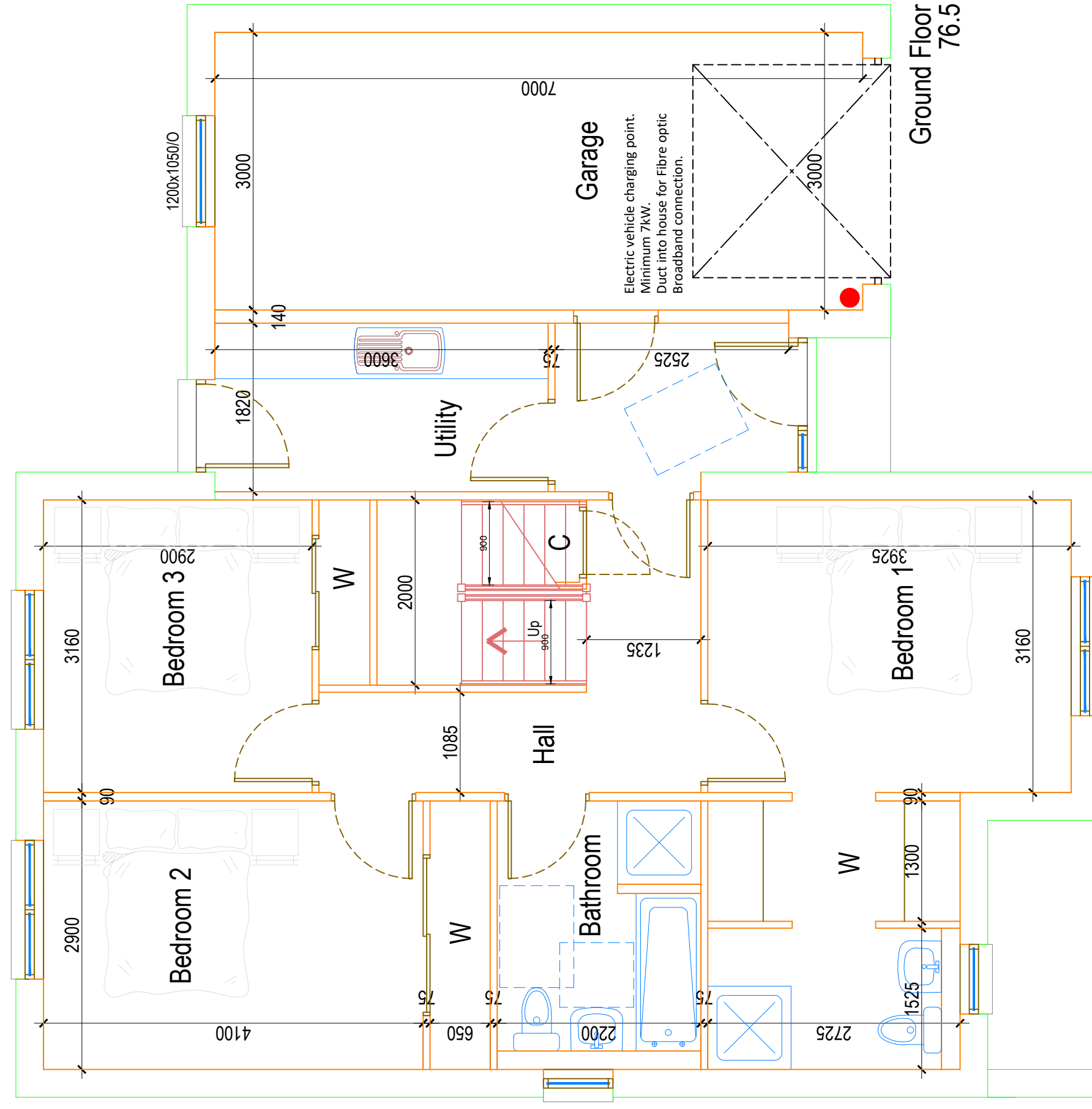
North East Elevation



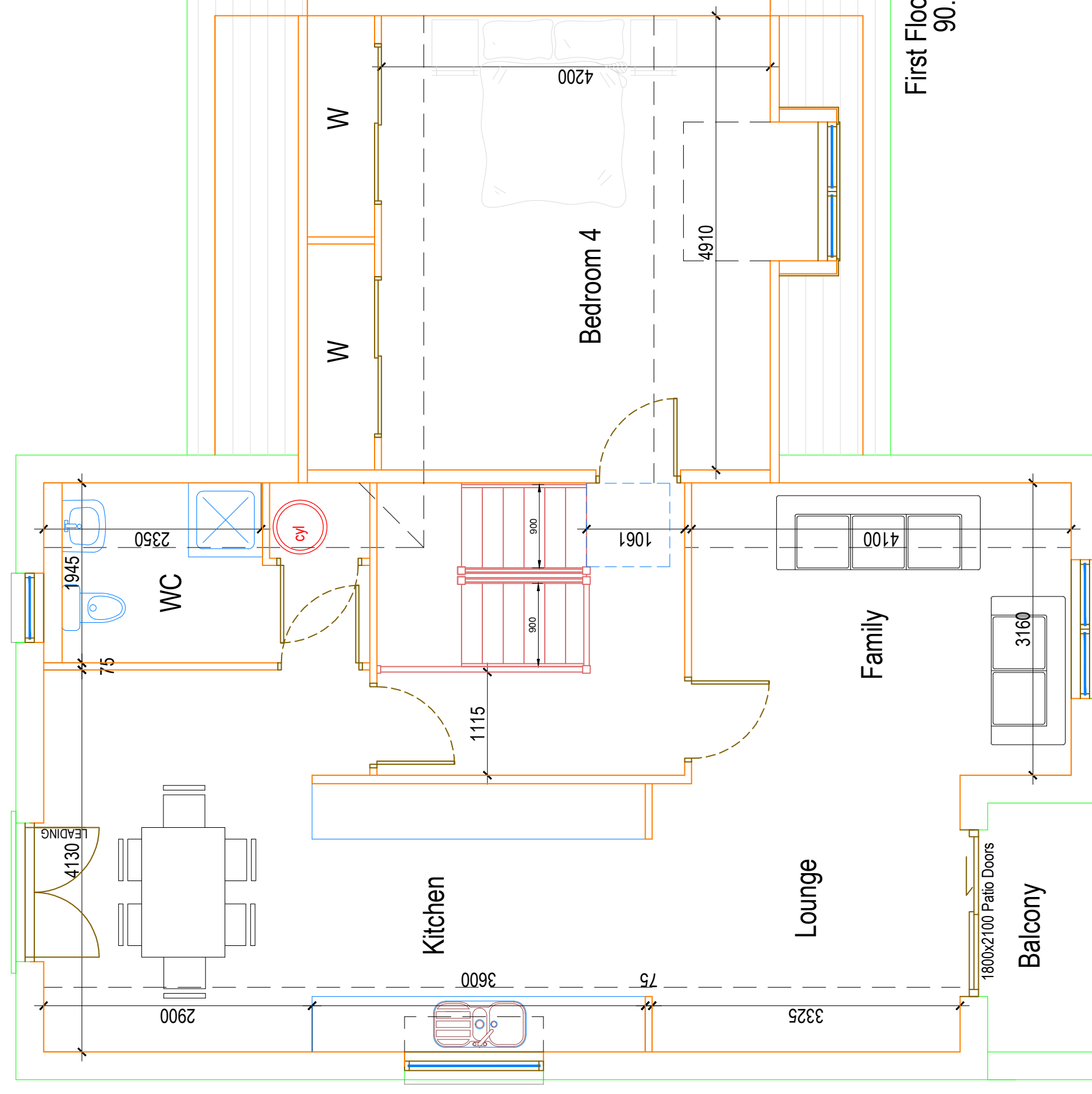
North West Elevation



South West Elevation



Ground Floor
76.5



First Floor
90.7

Revision	Date
D	7th Garages CB 26/11/20
C	Bat and Swift boxes added to gables. CB 20/11/20
B	Chimneys and cladding to garage added. CB 24/9/20
A	Stone clad areas revised. CB 30/7/20



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Project
House type 2
Plot 6
Station Road
Portessie

Floor Plans & Elevations








Scale **1:50/100 (A1)**

Date **05-03-2020** Drawn By **C Bremner**

Drawing No. **20-40/PL/P6/01**

Notes

All Morlich Homes drawings to be read in conjunction with structural engineers drawings.
Do not scale this drawing.
All dimensions to be checked on site prior to commencement of construction and prior to ordering of materials and components.

-  Beech hedging
-  Natural stone wall 900mm high
-  Post and Wire Fencing
-  300mm Timber Tip Fencing
-  1800mm Timber Fencing
-  Swales to be planted with wildflowers to enhance visual appeal and biodiversity.
-  Duct for future fibre broadband connection

Revision	Date
A	20/11/20
B	26/11/20
C	26/11/20



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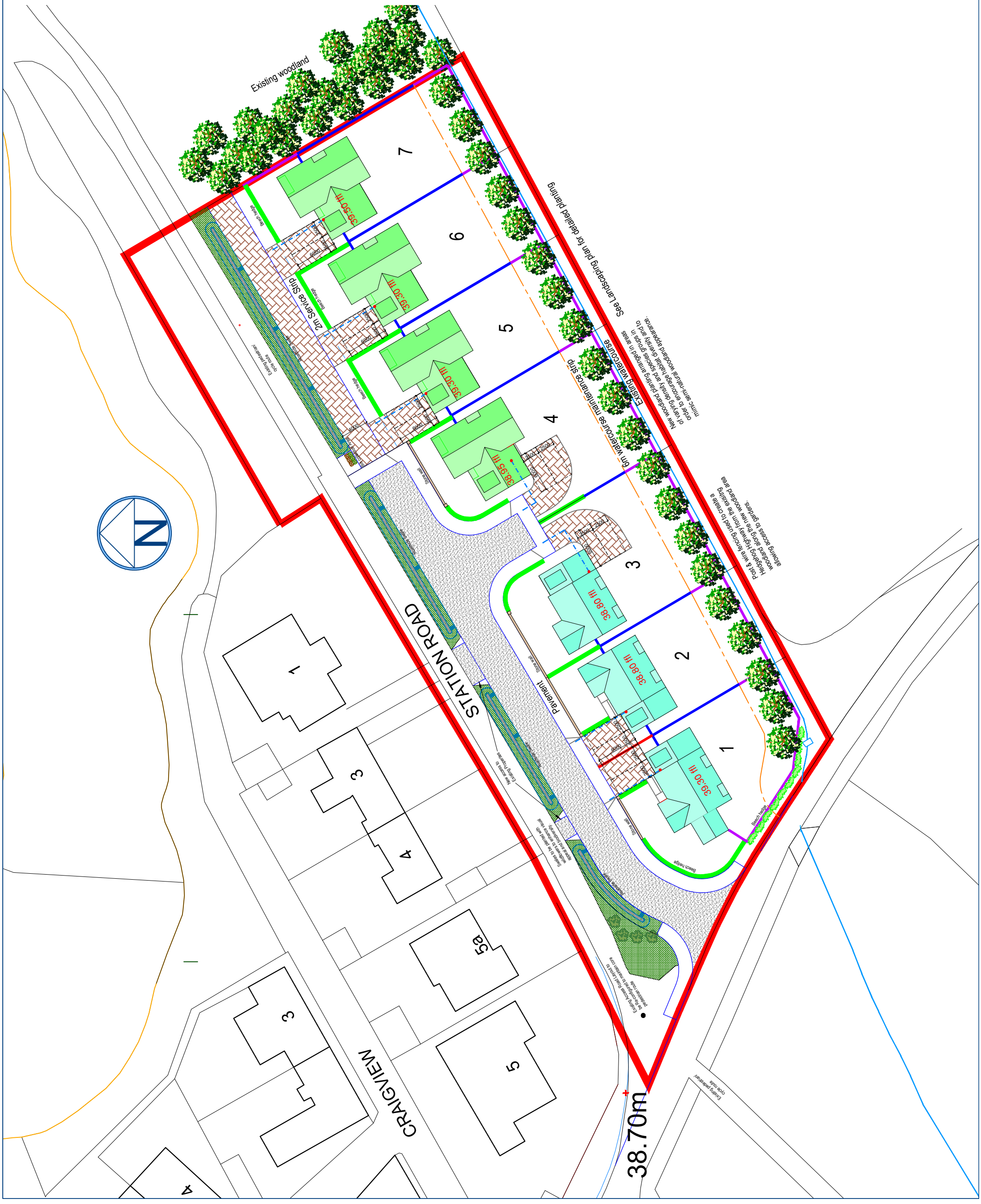
**Station Road
Portessie**

Site Layout

Scale: **1:500 (A3)**

Date: **05-03-2020**
Drawn By: **C Bremner**

Drawing No.: **20-40/PL/01**

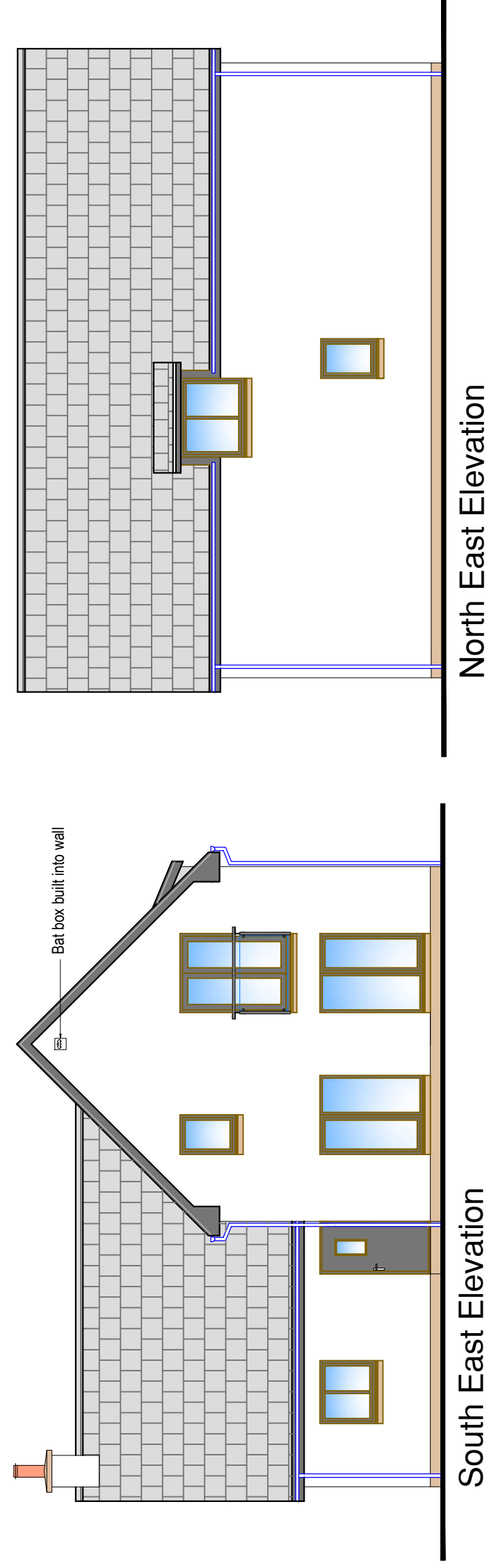


NOTES

All Morlich Homes drawings to be read in conjunction with structural engineers drawings.
Do not scale this drawing.
All dimensions to be checked on site prior to commencement of construction and prior to ordering of materials and components.

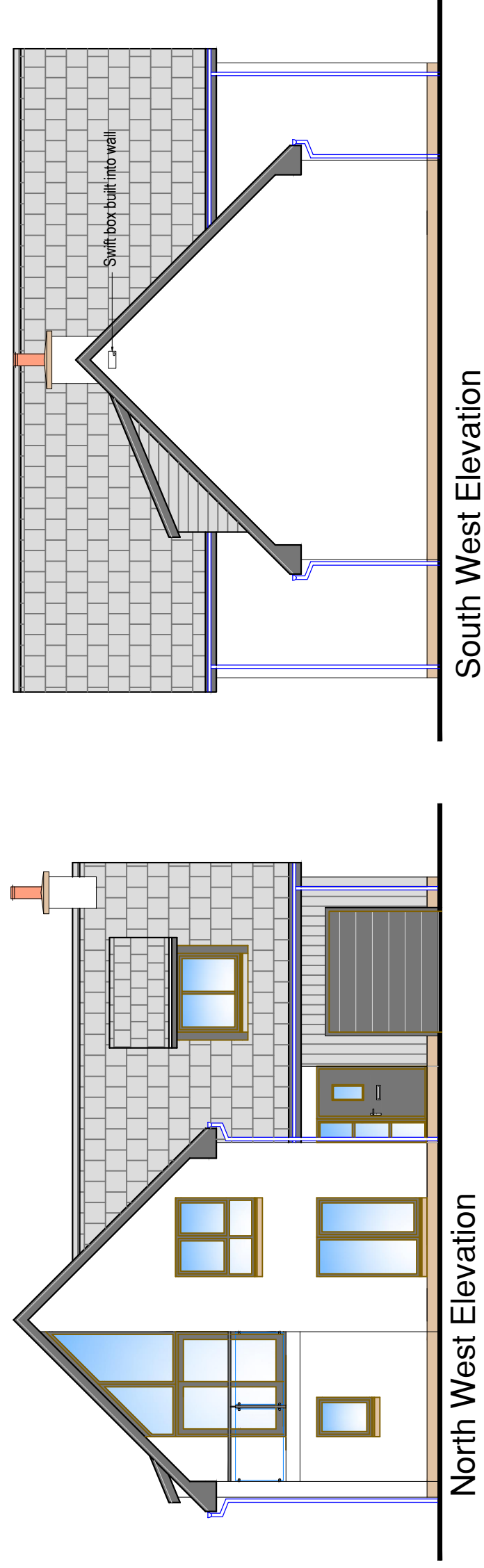
EXTERNAL FINISHES:-

1. Marley Edgemere Concrete Roof Tiles - Grey
2. Drydash Wall Finish - White
3. Marley Central cladding - Slate Grey
4. Timber Windows And Doors - Grey
5. Timber Fascia And Soffit - Grey



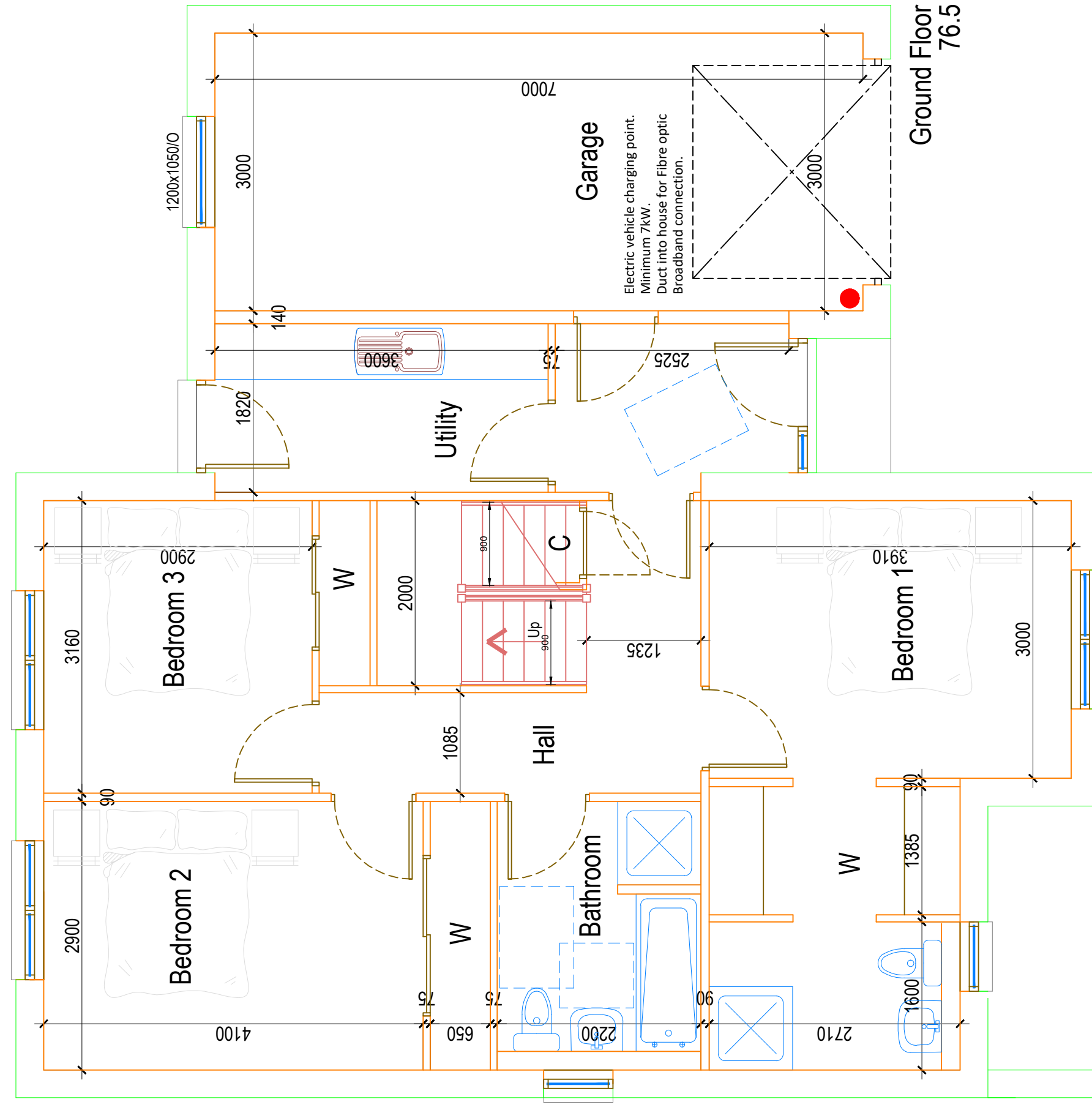
South East Elevation

North East Elevation

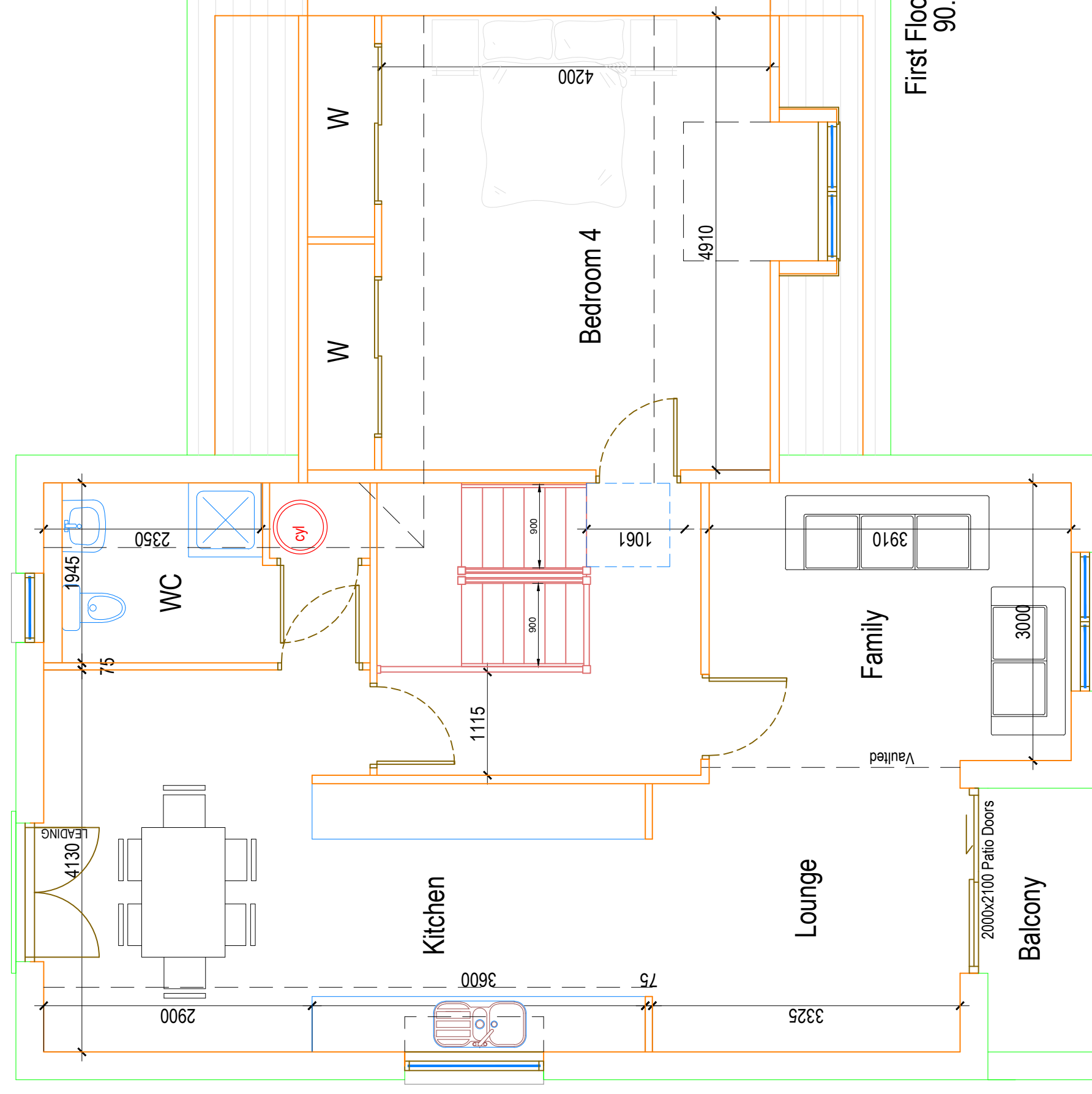


North West Elevation

South West Elevation



Ground Floor
76.5



First Floor
90.7

Revision	Date
A	30/7/20
B	24/9/20
C	20/11/20
D	26/11/20



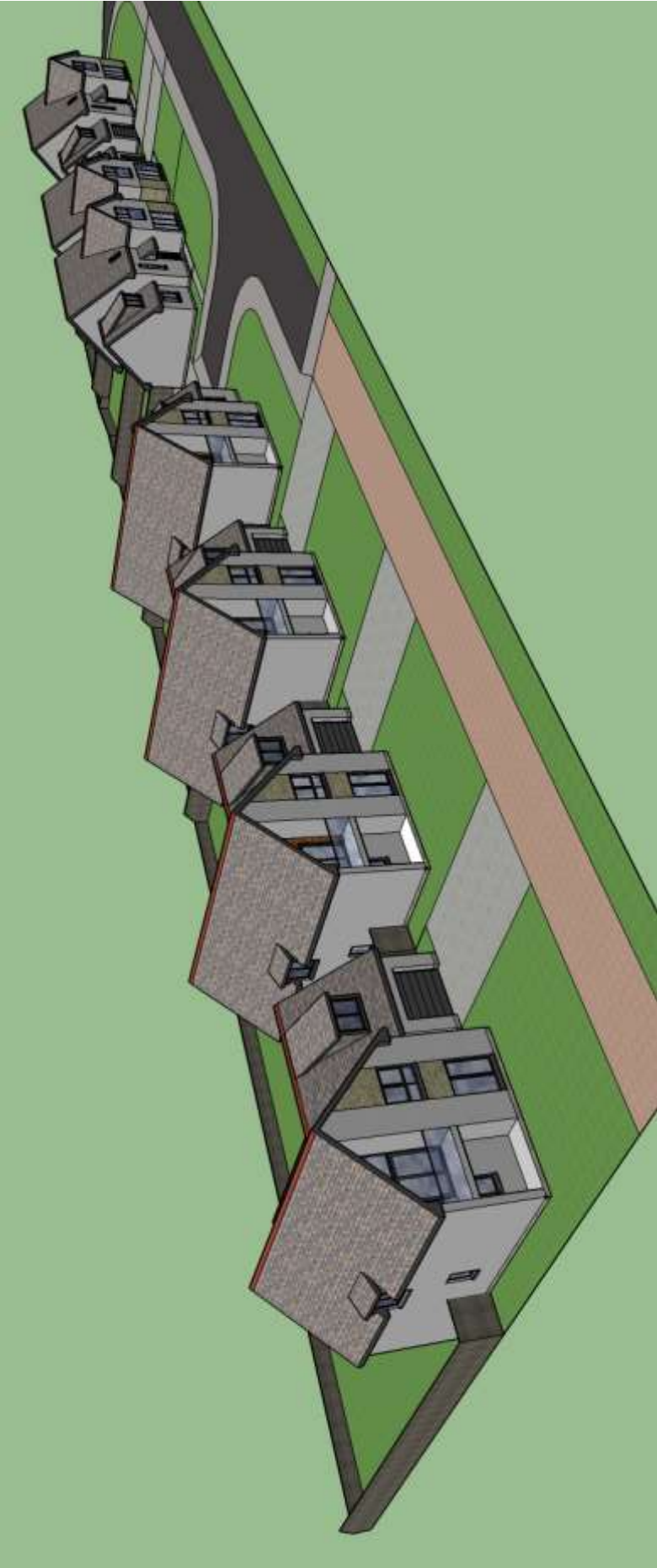
119 High Street, Buckle, Moray AB56 4DX
Telephone (01542) 836510 Fax (01542) 832225
e-mail : chris@morlich.co.uk

Project
House type 2
Plot 7
Station Road
Portessie

Floor Plans & Elevations

Scale	1:50/100 (A1)
Date	05-03-2020
Drawn By	C Bremner
Drawing No.	20-40/PL/7/01





Gary Mackintosh
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gmcsurveys

Surveys, Setting-Out Civil Engineering Design

Drainage Assessment and Flood Statement

STATION ROAD, PORTESSIE

Gary Mackintosh Bsc
gmcsurveys@gmail.com

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APPENDICES	

Client:

Morlich Homes Ltd

Site Address:

Site at Station Road
Portessie
Buckie

Planning Reference:

TBC

Date:

April 2020

Job Number:

01057

Company Information:

Assessment completed by:

Gary Mackintosh Bsc

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Introduction

The proposals are for 7 new private dwellings, adoptable standard road and access and associated infrastructure within land adjacent to station road in Portessie, Buckie.

To meet the needs of the local Planning Authority, a Drainage Assessment is required in accordance with policy EP5 of The Moray Local Plan.

Existing Site:

The site is located in the area of the former rail station to the south of station road in Portessie. A topographic survey has been carried out within the site which indicates that the site is predominantly flat within the north/north western areas with the former embankment running through the centre of the development area. The site is also raised to the south/south eastern areas adjacent to the field with a low area in the centre.

The existing site is currently partially wooded.

There is no foul water or surface water infrastructure within the site boundary however there is an existing manmade drainage ditch located to the south/south east boundary as indicated within the plans. The ditch runs north east to south west, parallel to the site boundary through the majority of the site. The watercourse is culverted beneath the public road continuing south west joining the wider network. The culvert is 300mm in diameter.

An existing overhead BT pole is located within the south west area of the site.

Flood Risk Statement/Mitigation:

The SEPA Flood Maps have been consulted which indicates significant pluvial flooding throughout the proposed site.

The SEPA flood Maps are based on existing, known topography highlighting low areas within the model mapping as having potential for surface water to pond within these areas while taking consideration of existing watercourses and their impact on potential flooding.

As noted within the 'Existing Site' section above, due to the position of the former rail embankment, a low area has formed between the exiting field area to the south/south east and the embankment. A site walkover confirmed that these areas do collect surface waters as per the SEPA Mapping.

Further investigation of the existing drainage ditch along the south/south east boundary highlighted that the watercourse becomes poorly formed before opening in to open ground prior to the discharge via the existing culvert. With an overland flow discharging to the culvert, much of the surface waters are gathering within the low areas and not fully draining through the exiting culvert.

Measures will be required therefore to alleviate the potential for surface water flooding within the site area and prevent an increase in surface water flooding out with the site.

During construction of the site it is proposed that the embankment is to be removed and the site area levelled as such that the existing low area within the site will be removed. The floor levels are to be positioned above the existing road level creating an overall even gradient throughout the development.

The properties are to be position a minimum of 6m from the top of the bank of the existing drainage ditch.

The existing drainage ditch is to be upgraded at the point where it discharges to the open ground in the form of extending the ditch towards the south/south east end of the development, channelling the surface waters directly to the culvert and removing the overland flow.

The above measures are to ensure that the current factors impacting the development are removed/improved ensuring that there are no areas for the surface waters to build up within the site with flows impacting the wider area. In addition, the surface water drainage features within the site are to be sized to manage surface water flows up to and including a 1:200year event.

Ground Conditions:

Soil investigations have been carried out within the site in November 2019 to assess the existing ground conditions and their suitability for the use of sub surface soakaways as a method of surface water management.

200mm – 400mm Topsoil with some fibrous rootlets and some roots overlying light brown to medium to medium dense, coarse gravelly sands to a depth of 1.0 – 1.2m and light brown medium to loose, fine gravelly Sands to the depth of the excavations.

The ground conditions remained consistent throughout the site. There was no evidence of contamination or water table within the test holes.

Infiltration testing was carried out in full accordance with BRE digest 365. The results can be found in the tables below.

Infiltration Test	Pit Dimensions (w/l)	Test Zone (mbgl)	Infiltration Rate (m/s)
SA01	0.8m x 1.0m	1.4 – 2.0	6.83×10^{-5}
SA02	1.0m x 1.0m	1.0 – 1.7	4.92×10^{-5}
SA03	0.9m x 1.1m	0.6 – 1.2	3.14×10^{-5}

Infiltration testing carried out during the investigations yielded average site infiltration rates of 0.0000232m/s or 4.96×10^{-5} m/s.

Local Water Courses:

As noted, there is an existing drainage ditch located along the majority of the south/south east boundary, the watercourse enters the wider network of drainage ditches. It is assumed that the drainage network discharges to the Burn of Rathven, approximately 800m to the south west of the proposed site.

The coastline is located approximately 300m north of the development.

Existing Foul and Surface Water Runoff:

The proposed development site area may be considered to produce 0.27l/s runoff during a two - year return period storm event (runoff calculations are included in Appendix D).

There is no existing foul water discharge from within the site area.

The Proposed Site

The site plan is shown in APPENDIX A.

The current proposals are for 7 new residential properties made up of detached housing, parking and access infrastructure.

The Overall site area is approximately 6,226m² which is inclusive of landscaping areas and the existing section of track.

The site is to be made of the following impermeable areas:

760m² – Roof Areas

370m² – Driveways

1250m² – Adoptable and Private Road Area (inclusive of footpaths and service verges)

Total Proposed Impermeable area 2,380m² which represents an increase of 38.2% impermeable area.

Drainage Strategy

Foul Drainage

In accordance with good practice the development will require to be served by a separate foul and surface water system and incorporate SUDS facilities.

The foul drainage from the individual properties is to enter a new 150mm diameter foul water sewer located beneath the development roads

The foul water for the development is to discharge, via gravity, to the existing Scottish Water foul water sewer located within the public road to the north west of the site.

The new foul water system is to be adopted and maintained by Scottish Water.

Storm Drainage

The surface water drainage will require to be designed in accordance with the principles of sustainable development. The objective of SUDS drainage systems is to manage the surface water runoff from the development by providing flow attenuation, water treatment and controlled discharge or dispersal. The aim is to maintain the pre-development runoff rate which would be achieved by agreeing a pre-development Greenfield runoff rate and designing a system to limit the post development discharge to this value.

The preferred method for incorporating SUDS within a development is to provide a series of features forming a management train throughout the site for the surface water.

Source control methods such as individual soakaways, porous vehicle surfaces and roadside infiltration trenches or swales are situated at the upstream end of the train. The downstream end of the chain can be made up of detention basins, ponds or wetlands where required.

It is therefore proposed that a roadside swale with infiltration beneath be installed along the length of the new road, sized to manage surface water flows up to and including a 1:200year event to prevent runoff entering areas sensitive to surface water flooding. The surface water runoff from the road area will enter the swale via flush kerbed runoffs as per the details shown within the appendices.

The road drainage system is to be adopted and maintained by The Moray Council.

The proposed roof and driveway areas are to discharge to private soakaways formed in Polycell storm water crates or similar approved and installed beneath the private driveway areas. The Soakaways are to be maintained by the individual property owners.

Conclusion

The proposals are for 7 new residential properties and associated infrastructure.

The foul water discharge from the development is to disperse to the existing foul sewer located to the north west of the site via gravity within a new foul water sewer to be located beneath the development roads.

The roads within the site are to discharge surface waters to roadside swales utilising infiltration as the method of surface water management. The roadside swales are to be adopted by The Moray Council following the completion of the development.

The roof and driveway areas are to discharge to privately maintained soakaways located beneath to individual driveways.

All surface water systems are to be sized to manage surface water flows up to and including a 1:200year event with 35% allowance for climate change.

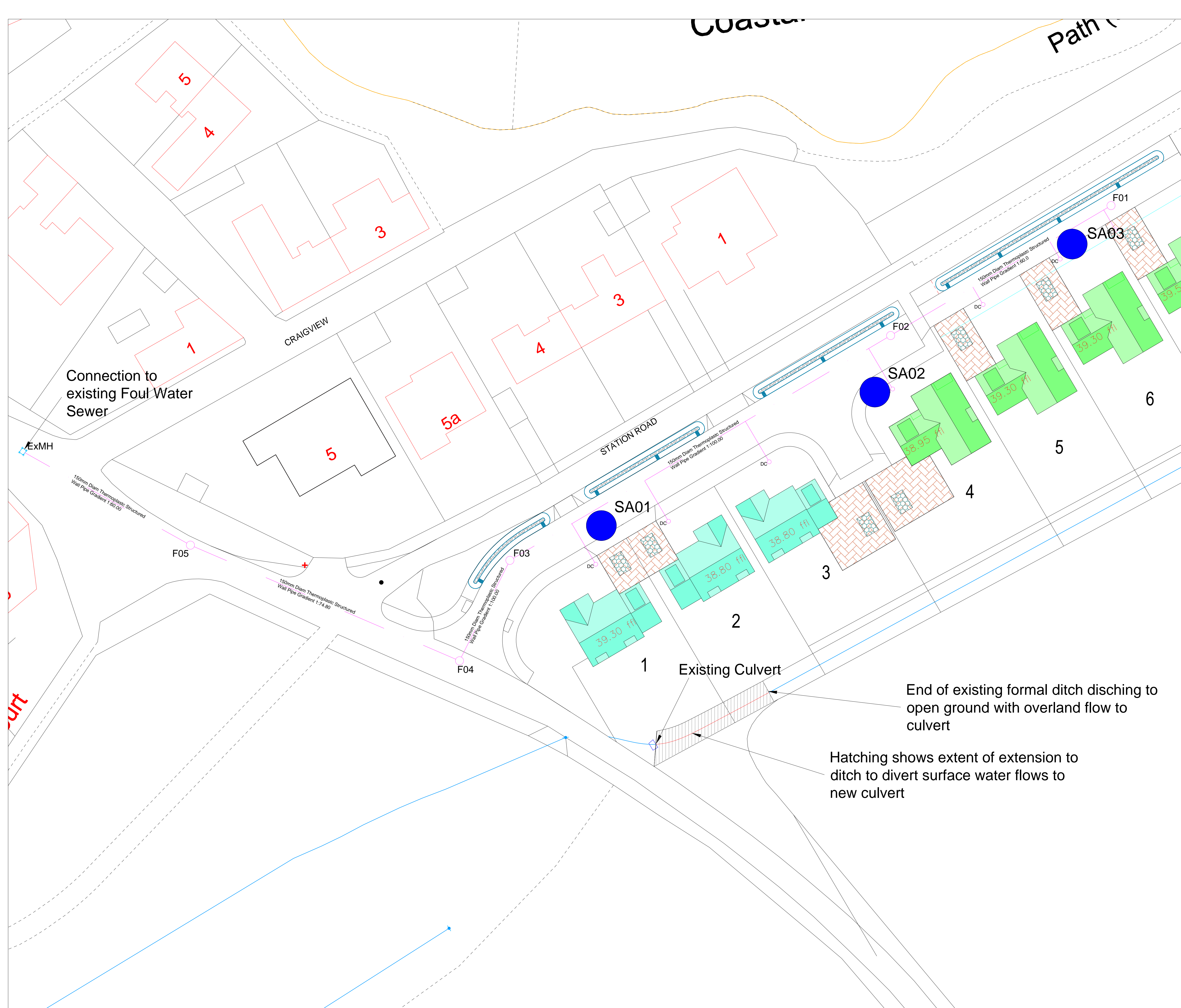
Improvement works are to be carried out within the existing ditch in order to alleviate the surface water flood risk within the site area.

References

1. Scottish Planning Policy 7: Planning and Flooding. Scottish Executive, Feb 2004.
2. Planning Advice Note 61: Planning and Sustainable Drainage Systems. Scottish Executive, July 2001.
3. CIRIA C521 Sustainable Urban Drainage Systems, Design Manual for Scotland and Northern Ireland, 2000.
4. CIRIA C697 Sustainable Urban Drainage Systems, Design Manual for Scotland and Northern Ireland 2007.
5. Building Research Establishment. BRE Digest 365 – Soakaway Design, 1991.
6. CIRIA, Report 156, Infiltration Drainage – Manual of Good Practice, 1996.
7. WRc plc Sewers for Scotland – A Policy, Design and Construction Guide for Developers in Scotland, 2001.

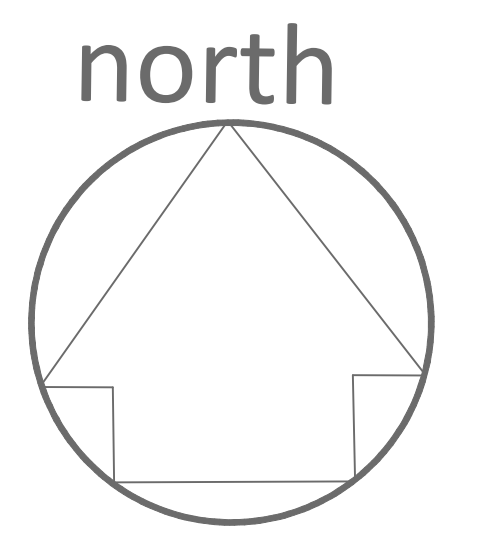
APPENDIX A

Drainage Strategy



Legend:

- Proposed roadside swale of varying depth with flush kerb. Offlets to be adopted by The Moray Council
- F - Foul Water Manhole
- Proposed Foul Water Sewer at varying depth and diameter to be adopted by Scottish Water
- Foul Water Disconnecting Chamber
- Private Surface Water Soakaway



REV:	DESCRIPTION:	BY:	DATE:
STATUS: For Approval			

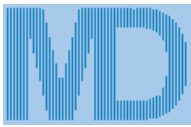
gmcsurveys
 Surveys, Setting Out, Civil Engineering Design
 T: 07557 431 702
 E: gmcsurveys@gmail.com

CLIENT: **Morlich Homes Ltd**
 119 High Street
 Buckie
 AB56 4DX

SITE: Station Road Portessie	
TITLE: Road Drainage Layout	
SCALE AT A1: 1:250	DATE: APR20
DRAWN: GM	CHECKED:
PROJECT NO: 01057	DRAWING NO: Appendix A
REVISION:	

APPENDIX B

Greenfield Runoff Estimation



MasterDrain
SW 11.0

gmcsurveys
Surveys, Setting Out, Civil Engineering Design

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email: gmcsurveys@gmail.com
Mobile: 07557 431 702

Job No. 01057		
Sheet no. 1		
Date 16/04/20		
By GM	Checked	Approved

Project Station Road, Portessie
Title Greenfield Runoff Estimation

Hydrological Data:-

FSR Hydrology:-

Location = BUCKIE (GRAMP)	Grid reference = NJ4265
M5-60 (mm) = 13.5	r = 0.25
Soil runoff = 0.15	SAAR (mm/yr) = 750
WRAP = 1	Area = Scotland & N. Ireland
Hydrological area = 1	Hydrological zone = 2

Soil classification for WRAP type 1

- i) Well drained permeable sandy or loam soils and shallower analogues over highly permeable limestone, chalk, sandstone or related drifts;
- ii) Earthy peat soils drained by dykes and pumps;
- iii) Less permeable loamy over clayey soils on plateaux adjacent to very permeable soils in valleys.

Design data:-

Area = 0.00623 Km² - 0.623 Ha - 6230 m²

Calculation method:-

Runoff is calculated from:-

$$Q_{BAR(rural)} = 0.00108 \text{ AREA}^{0.89} \cdot \text{SAAR}^{1.17} \cdot \text{SOIL}^{2.17}$$

where

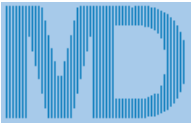
- AREA = Site area in Km²
- SAAR = Standard Average Annual Rainfall (mm/yr)
- SOIL = Soil value derived from Winter Rainfall Acceptance Potential
- Q_{BAR(rural)} = Runoff (cumecs)

Q_{BAR(rural)} is then multiplied by a growth factor - GC(T) - for different storm return periods derived from EA publication W5-074/A.

Calculated data:-

For areas less than 50Ha, a modified calculation which multiplies the 50Ha runoff value by the ratio of the site area to 50Ha is used
Reducing factor used for these calculations is 0.012

Mean Annual Peak Flow $Q_{BAR(rural)} = 0.27 \text{ l/s}$



MasterDrain
SW 11.0



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Job No. 01057		
Sheet no. 2		
Date 16/04/20		
By GM	Checked	Approved

Project **Station Road, Portessie**

Title **Greenfield Runoff Estimation**

Values for $Q_{BAR(rural)}$

Ret. per.	m ³ /hr	l/s	l/s/ha	Ret. per.	m ³ /hr	l/s	l/s/ha
1yr	0.837	0.232	0.373	100yr+20%	2.954	0.821	1.317
2yr	0.886	0.246	0.395	100yr+30%	3.200	0.889	1.427
5yr	1.211	0.336	0.540	100yr+40%	3.446	0.957	1.537
10yr	1.428	0.397	0.637	200yr	2.757	0.766	1.229
30yr	1.802	0.501	0.803	200yr + 30%	3.584	0.996	1.598
50yr	2.087	0.580	0.931	500yr	3.200	0.889	1.427
100yr	2.462	0.684	1.098	1000yr	3.574	0.993	1.594

Growth factors -

1yr	2yr	5yr	10yr	30yr	50yr	100yr	200yr	500yr	1000yr
0.85	0.90	1.23	1.45	1.83	2.12	2.50	2.80	3.25	3.63

The above is based on the Institute of Hydrology Report 124 to which you are referred for further details (see Sect 7).
Note that the 200 and above year growth curves were taken from W5-074.

APPENDIX C

Preliminary Drainage Calculations

Roadside Swales

Swale 1 and 2 Combined

Road Area (including footpaths and service verges) = 1250m²

Length of Swales (as Shown) = 88.0m

Infiltration Rate (average) = 0.178m/hr (4.96 x 10⁻⁵m/s)

From the calculation Sheet below, a swale with infiltration beneath and dimensions of 88.0m x 0.5m with a depth of 1.5m will provide adequate storage up to and including a 1:200year event with 35% allowance for climate change.

It is therefore proposed to install a roadside swale with an overall length of 88.0m, a width of 0.5m and a depth of 1.6m as per the details shown within Appendix D.

Private Soakaways

It is proposed to use the largest proposed roof and driveway area combined.

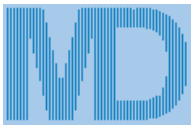
Contributing Area = 200m² (Largest Roof 115m², Largest Drive 85m²)

Infiltration Rate = 0.178m/hr (4.96 x 10⁻⁵m/s) (average)

From the calculation sheet below, a surface water soakaway formed in Polycell storm crates or similar approved with dimensions of 3.0m x 2.0m x 1.5m in depth is adequate to manage the surface water flows for the largest available contributing area up to and including a 1:200year event with 35% allowance for climate change.

The sizing has been applied to all plots within the drainage layout to demonstrate adequate space is available within the site. The individual soakaways are to be sized during the building warrant application and will be reduced in size based on the contributing areas.

The private soakaways could potentially be located within the proposed garden areas however further testing would be required following the clearing/regrading of the development to establish accurate infiltration rates.



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Job No. 01057		
Sheet no. 1		
Date 16/04/20		
By GM	Checked	Approved

Project Station Road, Portessie
Title Road Side Swale Size Requirements

Data:-

Location hydrological data (FSR):-

Location = BUCKIE (GRAMP)	Grid reference = NJ4265
M5-60 (mm) = 13.5	r = 0.25
Soil index = 0.15	SAAR (mm/yr) = 750
WRAP = 1	Area = Scotland and N. Ireland

Soil classification for WRAP type 1

- i) Well drained permeable sandy or loam soils and shallower analogues over highly permeable limestone, chalk, sandstone or related drifts;
- ii) Earthy peat soils drained by dykes and pumps;
- iii) Less permeable loamy over clayey soils on plateaux adjacent to very permeable soils in valleys.

Design data:-

Safety factor = 1.5 - No damage or inconvenience (SF=1.5)
Fill porosity = 0.45 - Clean stone (porosity = 0.4 - 0.5)

Equivalent porosity (n1) = 0.45

Area drained = 1250 m²

Infiltration coefficient = 0.178 m/hr
Effective inf. coeff (q) = 0.1186667

Return period = 200 yrs

Climate change factor = 35%

Calculations :-

Perimeter of pit = (2 x Excavation Width)+(2 x Excavation Length)
Area of base = Excavation Width x Excavation Length
Infiltration area = (Area of base)+(Perimeter of pit x Hmax)
Temporary constant 'a'
= (Area of base / perimeter)-((AreaDrained x Rainfall depth /1000)/(Perimeter/Inf. coeff))
Temporary constant 'b' = (Perimeter/Inf. coeff) / (Area of base x porosity)
Hmax = a*((EXP(-1 x b x Duration of storm))-1)

Note: The Hmax calculation is iterated to a maximum value of Hmax.

Note: Duration of storm in hours, Rainfall depth in mm/hr x Climate Change factor.

Results :-

Emptying time to 50% volume = 0:32 (hr:min)

hMax (Depth) = 1.5 metres

Time to maximum = 0:01 hr:min

Rainfall at maximum = 47.08mm/hr

Width (m) = 0.5

Length (m) = 88.0

Total Infiltration area = 309.2m² (base area + sidewall area).

Total available volume = 29.67m³

N.B. The rainfall rates are calculated using the location specific values above in accordance with the Wallingford procedure. Formulae and methods from CIRIA 156.



MasterDrain
SW 16.52

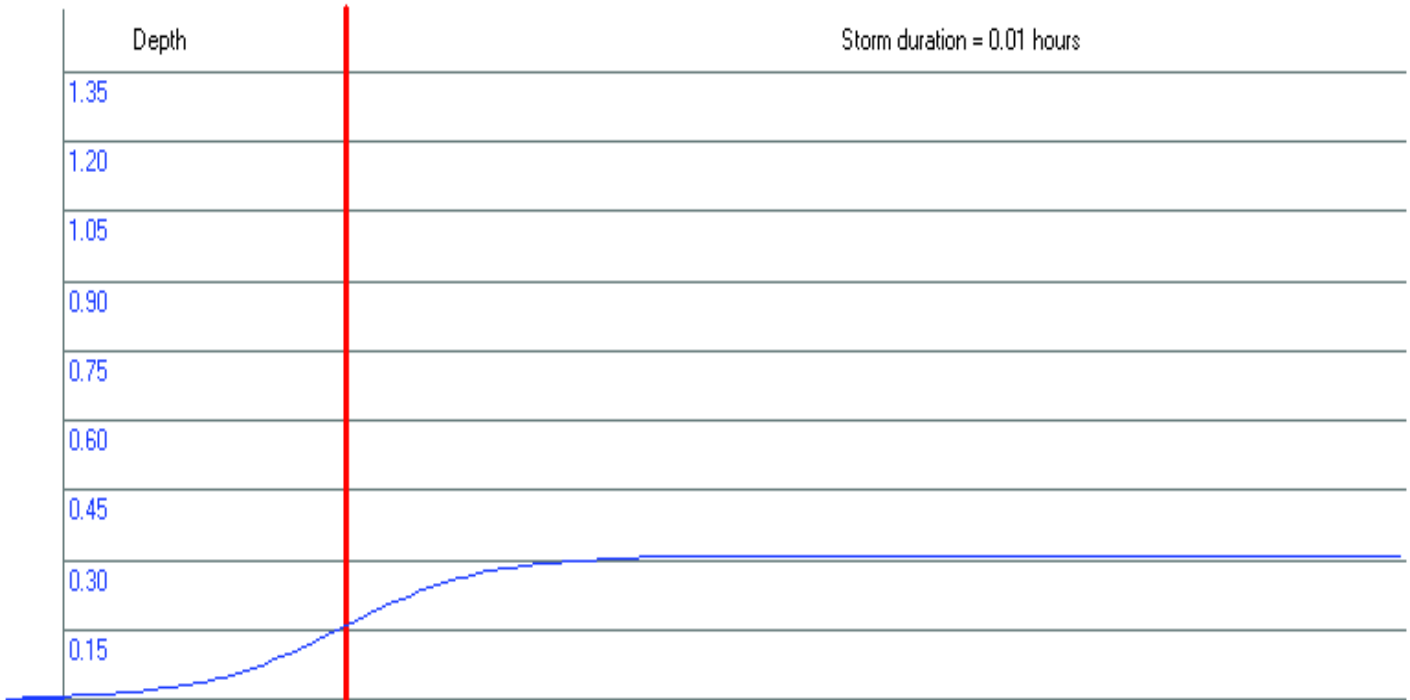
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Job No.	01057	
Sheet no.	2	
Date	16/04/20	
By	Checked	Approved
GM		

Project **Station Road, Portessie**

Title **Worst case soakaway times to empty.**





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SW 16.52

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Job No. 01057		
Sheet no. 1		
Date 16/04/20		
By GM	Checked	Approved

Project Station Road, Portessie
Title Surface Water Soakaway

Rectangular pit design data:-

Pit length = 3 m	Pit width = 2 m
Depth below invert = 1.5 m	Percentage voids = 95.0%
Imperm. area = 200 m ²	Infiltr. factor = 0.00005 m/s
Return period = 200 yrs	Climate change = 35%

Calculations :-

Surface area of soakaway to 50% storage depth (not inc. base):-

$$a_{s50} = 2 \times (\text{length} + \text{width}) \times \text{depth}/2 = 7.5 \text{ m}^2$$

Outflow factor : $O = a_{s50} \times \text{Infiltration rate} = 0.000375 \text{ m/s}$

Soakaway storage volume : $S_{\text{actual}} = \text{length} \times \text{width} \times \text{depth} \times \% \text{voids}/100 = 8.6 \text{ m}^3$

Duration	Rainfall mm/hr	Inflow m ³	Depth (hmax) m	Outflow m ³	Storage m ³
5 mins	132.5	2.2	0.37	0.11	2.09
10 mins	104.1	3.5	0.57	0.22	3.23
15 mins	87.5	4.4	0.71	0.34	4.04
30 mins	62.4	6.2	0.98	0.68	5.56
1 hrs	42.2	8.4	1.25	1.35	7.10
2 hrs	27.1	10.9	1.43	2.70	8.16
4 hrs	17.1	13.7	1.45	5.40	8.29
6 hrs	13.0	15.6	1.31	8.10	7.49
10 hrs	9.1	18.3	0.84	13.50	4.77
24 hrs	5.0	23.8	0.00	32.40	0.00

Actual volume : $S_{\text{actual}} = 8.550 \text{ m}^3$

Required volume : $S_{\text{reqd.}} = 8.290 \text{ m}^3$

Soakaway volume storage OK.

Minimum required a_{s50} : 7.27 m²

Actual a_{s50} : 7.50 m²

Minimum depth required: 1.45 m

Time to maximum 4 hrs

Emptying time to 50% volume = $t_{s50} = S_{\text{reqd.}} \times 0.5 / (a_{s50} \times \text{Infiltration rate}) = 03:04 \text{ (hr:min)}$

Soakaway emptying time is OK.



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SW 16.52

gmcsurveys
Surveys, Setting Out Civil Engineering Design

Shireen Villa, 34 Castle Street
Forres IV36 1FN
email: gmcsurveys@gmail.com
Mobile: 07557 431 702

Job No. 01057		
Sheet no. 2		
Date 16/04/20		
By GM	Checked	Approved

Project Station Road, Portessie
Title Surface Water Soakaway

Location hydrological data (FSR):-

Location	= BUCKIE (GRAMP)	Grid reference	= NJ4265
M5-60 (mm)	= 13.5	r	= 0.25
Soil index	= 0.15	SAAR (mm/yr)	= 750
WRAP	= 1	Area	= Scotland and N. Ireland

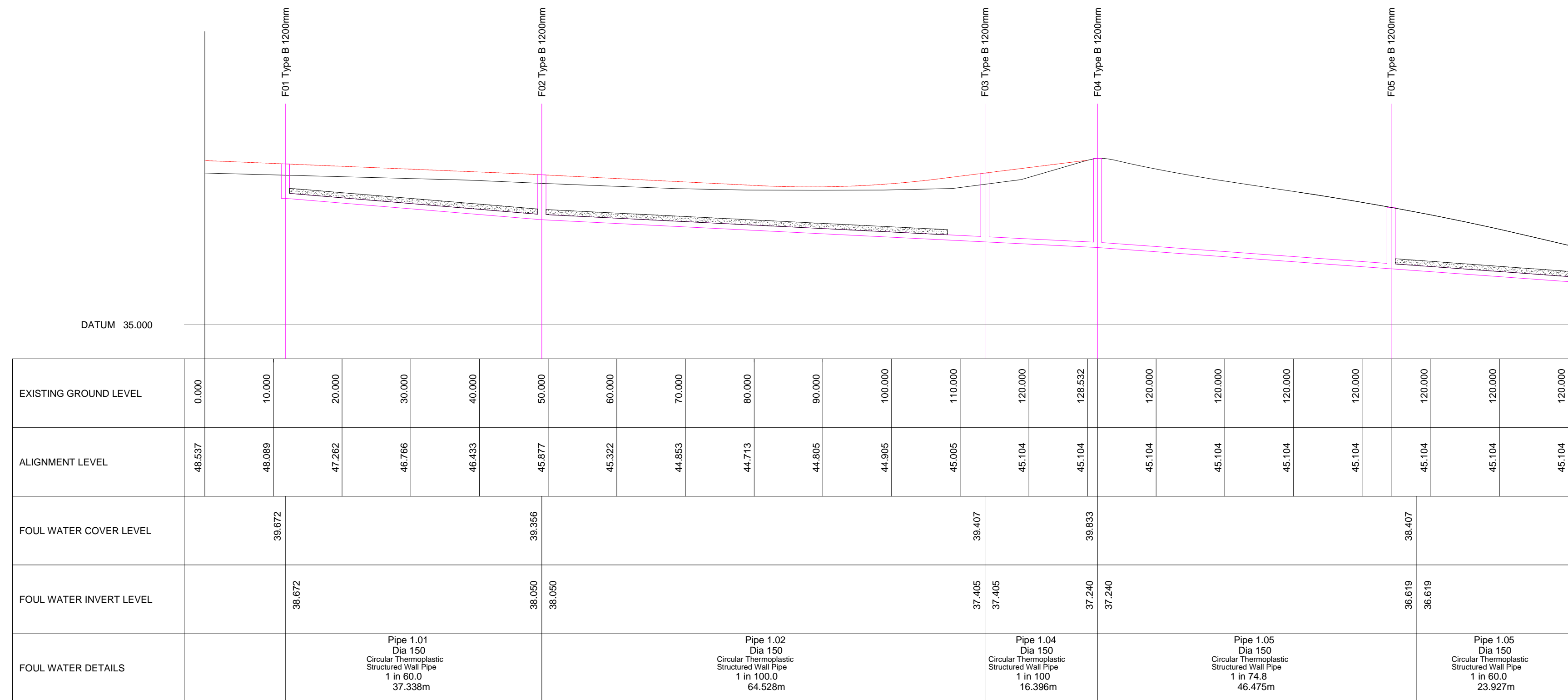
Soil classification for WRAP type 1

- i) Well drained permeable sandy or loam soils and shallower analogues over highly permeable limestone, chalk, sandstone or related drifts;
- ii) Earthy peat soils drained by dykes and pumps;
- iii) Less permeable loamy over clayey soils on plateaux adjacent to very permeable soils in valleys.

N.B. The rainfall rates are calculated using the location specific values above in accordance with the Wallingford procedure.

APPENDIX D

Drainage Details



REV:	DESCRIPTION:	BY:	DATE:
STATUS: For Approval			

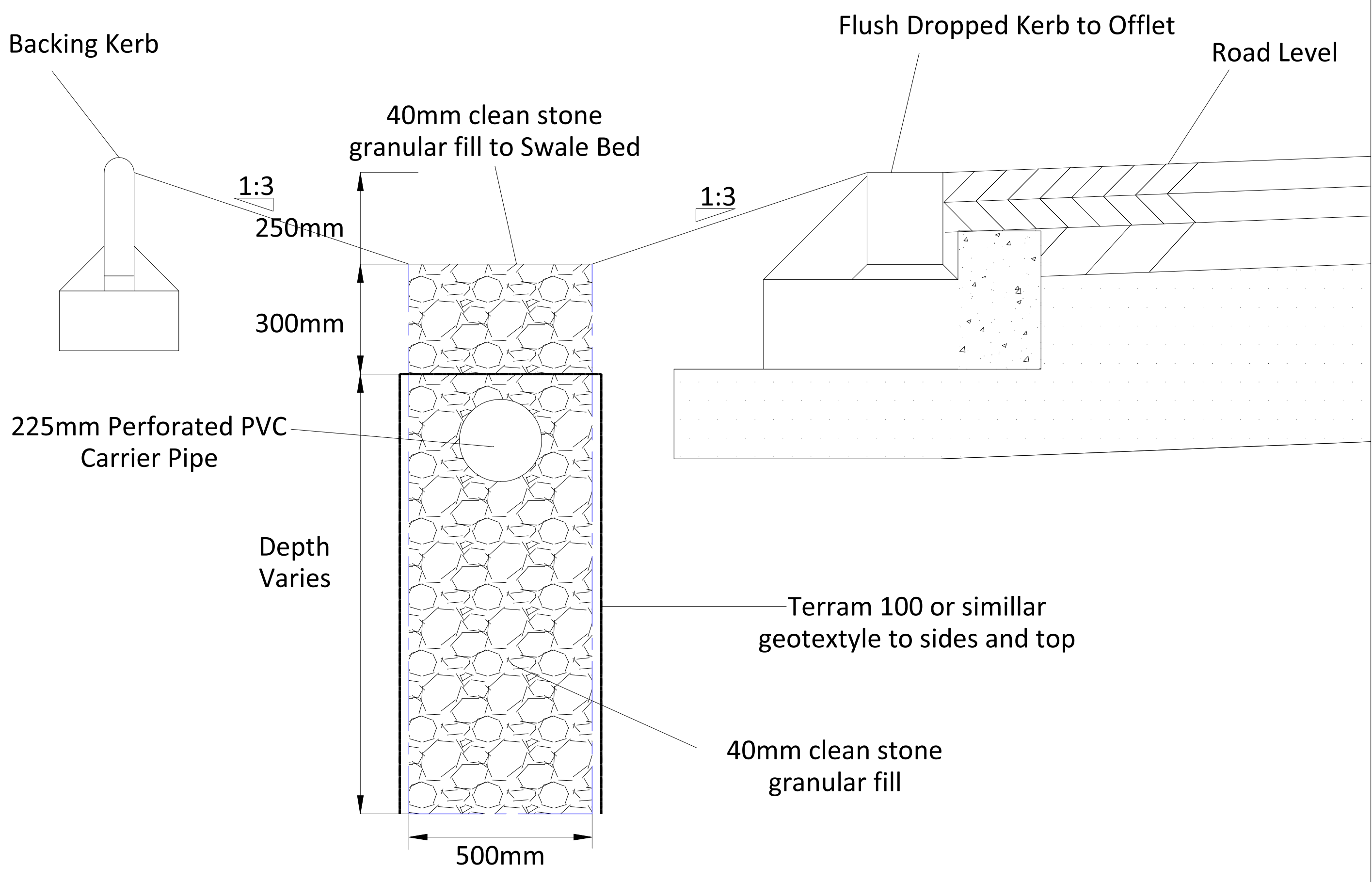
gmcsurveys
 Surveys, Setting Out, Civil Engineering Design
 T: 07557 431 702
 E: gmcsurveys@gmail.com

CLIENT: **Morlich Homes Ltd**
 119 High Street
 Buckie
 AB56 4DX

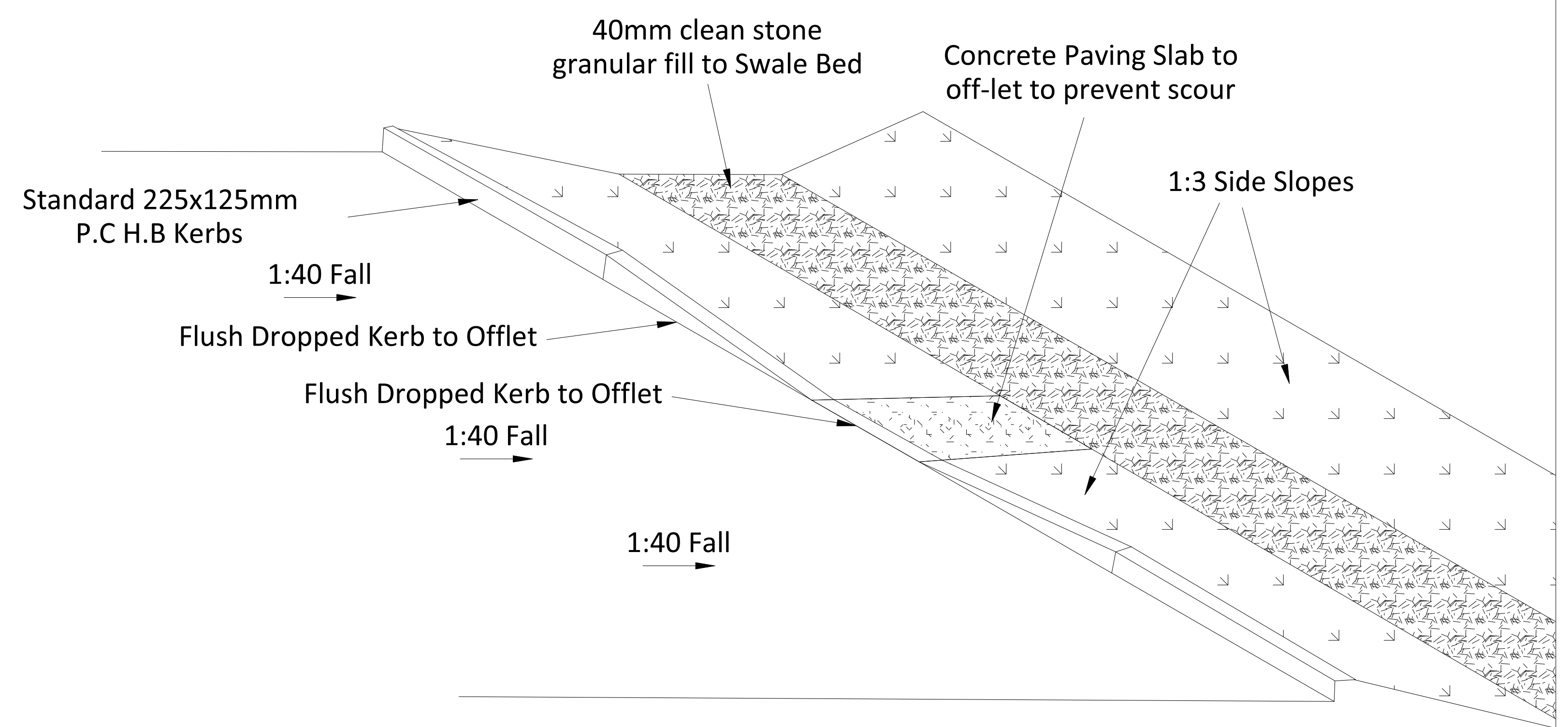
SITE: **Station Road**
Portessie

TITLE: **Drainage Longitudinal**
Sections Foul Water

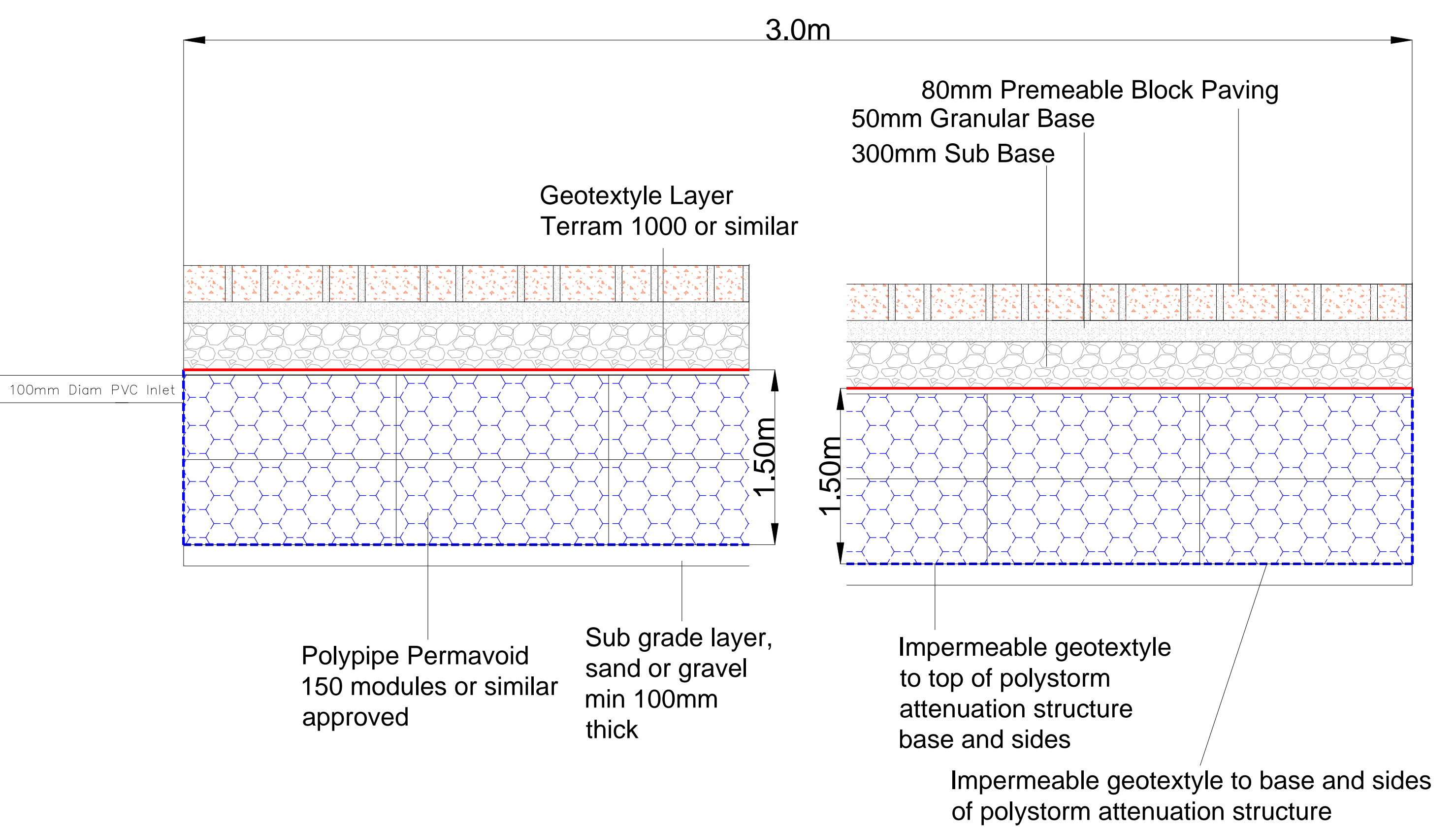
SCALE AT A1: 1:100V/1:500H	DATE: APR20	DRAWN: GM	CHECKED:
PROJECT NO: 01057	DRAWING NO: Appendix D1	REVISION:	



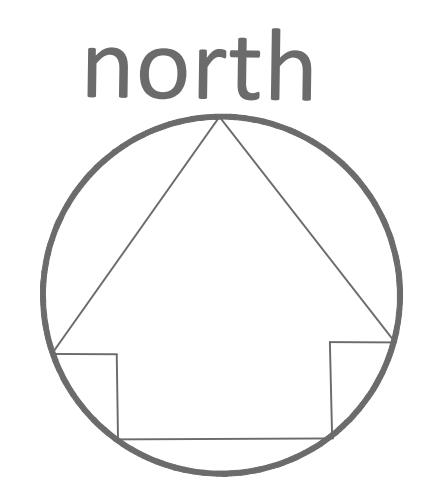
Typical section through Roadside Swale 1:10



Isometric View (NTS)



Proposed Crate Soakaway Details



REV:	DESCRIPTION:	BY:	DATE:
STATUS: For Approval			

gmcsurveys
 Surveys, Setting Out, Civil Engineering Design
 T: 07557 431 702
 E: gmcsurveys@gmail.com

CLIENT: **Morlich Homes Ltd**
 119 High Street
 Buckie
 AB56 4DX

SITE: **Station Road**
Portessie
 TITLE: **Drainage Construction**
Details

SCALE AT A1:	DATE:	DRAWN:	CHECKED:
1:25/10	APR20	GM	
PROJECT NO:	DRAWING NO:	REVISION:	
01057	Appendix D2		

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	29th May 2020
Planning Authority Reference	20/00544/APP
Nature of Proposal (Description)	Erect 7 detached dwellinghouses on
Site	Site Adjacent To 1-5 Station Road Portessie Buckie
Site Postcode	N/A
Site Gazetteer UPRN	000133073124
Proposal Location Easting	344496
Proposal Location Northing	866500
Area of application site (M²)	6226
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=Q9HI4YBGK6K00
Previous Application	
Date of Consultation	15th May 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Morlich Homes Ltd
Applicant Organisation Name	
Applicant Address	119 High Street Buckie Scotland AB56 4DX
Agent Name	
Agent Organisation Name	
Agent Address	
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:

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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: Contaminated Land

Planning Application Ref. No: 20/00544/APP

Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road Portessie Buckie for Morlich Homes Ltd

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

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

Condition(s)

The site is former railway land.

Condition

Unless otherwise agreed in writing, no development shall commence until a strategy to assess and then, where subsequently appropriate, a strategy to deal with potential contamination on the site have been submitted to, and accepted in writing by, the Council as Planning Authority. The strategies shall be devised and overseen by an appropriately qualified person in accordance with relevant up-to-date authoritative technical guidance, e.g. BS10175 'The Investigation of Potentially Contaminated Sites - Code of Practice', and shall include:

- i) an appropriate level of characterisation of the type, nature and extent of contamination on the site and accompanying risk assessment as described in Planning Advice Note 33 Development of Contaminated Land (Revised 2000);
- ii) how any identified contamination will be dealt with during construction works;
- iii) details of remedial measures required to treat, remove or otherwise mitigate contamination to ensure that the site is suitable for the proposed use, and that it does not represent a risk to health or of pollution in the wider environment; and
- iv) a means of verifying the condition of the site on completion of the remedial measures.

Thereafter, no development shall commence (other than those works required to investigate and remediate contamination on the site) until written confirmation has been

issued by the Council as Planning Authority that the works have been implemented and completed in accordance with the agreed details.

Reason

To ensure that the site is suitable for the proposed use, and that risks to the wider environment and to users of neighbouring land from on-site contamination are appropriately assessed and managed.

Contact: Adrian Muscutt
email address:
Consultee:

Date: 29.05.2020
Phone No

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

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

From: DeveloperObligations
Sent: 29 May 2020 12:59:09 +0100
To: Iain Drummond
Cc: DC-General Enquiries
Subject: 20/00544/APP DRAFT Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road, Portessie, Buckie
Attachments: 20-00544-APP DRAFT Erect 7 detached dwelling houses on Site Adjacent To 1-5 Station Road Portessie Buckie.pdf

Hi

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

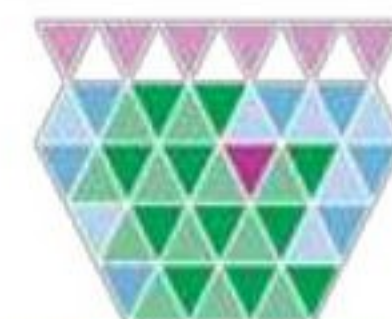
Thanks,
Rebecca

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](#)
01343 563583

MORAY
council



Developer Obligations: DRAFT ASSESSMENT REPORT



moray
council

Date: 29/05/2020

Reference: 20/00544/APP

Description: Erect 7 detached dwelling houses on Site Adjacent To 1-5 Station Road Portessie Buckie

Applicant: Morlich Homes Ltd

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

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

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	To be advised by Transportation Section
Healthcare (<i>Contribution towards reconfiguration of Seafield and Cullen Medical Practice</i>)	██████████
Sports and Recreation	Nil
Total Developer Obligations	██████████
Affordable Housing (<i>Commuted payment towards Affordable Housing units</i>)	██████████
TOTAL	██████████

Breakdown of Calculation

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

7 x 4 bed (1.2 SRUE) = 8.4 SRUE

This assessment is therefore based on 8.4 SRUE.



Moray Council **DEVELOPER OBLIGATIONS**



INFRASTRUCTURE

Education

Primary Education

This development will generate 2.52 primary pupils (8.4 SRUE x 0.3 primary pupils per SRUE).

The pupils generated by this development are zoned to Portessie Primary School. The school is currently operating at 71% functional capacity and the additional pupils as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Primary Education = Nil

Secondary Education

This development will generate 1.26 secondary pupils (8.4 SRUE x 0.15 secondary pupils per SRUE).

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.

Contribution towards Secondary Education = Nil.

Transport

The Moray Council Transportation Section to advise on developer obligations to be sought for this proposal.

Contributions towards Transport = To be advised by Transportation Section

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 working at 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 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



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.



Consultation Request Notification – Development Plans

Planning Authority Name	Moray Council
Response Date	29th May 2020
Planning Authority Reference	20/00544/APP
Nature of Proposal (Description)	Erect 7 detached dwellinghouses on
Site	Site Adjacent To 1-5 Station Road Portessie Buckie
Site Postcode	N/A
Site Gazetteer UPRN	000133073124
Proposal Location Easting	344496
Proposal Location Northing	866500
Area of application site (M²)	6226
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=Q9HI4YBGK6K00
Previous Application	
Date of Consultation	15th May 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Morlich Homes Ltd
Applicant Organisation Name	
Applicant Address	119 High Street Buckie Scotland AB56 4DX
Agent Name	
Agent Organisation Name	
Agent Address	
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

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

Please respond using the attached form:-

PLEASE COMPLETE AND RETURN WITHIN 48 HOURS
to consultation.planning@moray.gov.uk

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Development Plans

Planning Application Ref. No: 20/00544/APP

**Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road Portessie
Buckie for Morlich Homes Ltd**

Ward: 03_17 Buckie

DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN

(For Structure/Local Plan Comment)

		Page No	Policy No(s)	Yes	No
	Departure from Moray Local Development Plan 2020		<u>LDP 2020</u> EP5 Open Space ENV5 DP1 Development Principles DP2 a) Housing DP2 Housing d) Affordable Housing EP2 Biodiversity PP1 Placemaking	X X X X X X	X
2	Further Discussion Required				

REASONING FOR THIS DECISION:

Update

The following is an updated response to the previous Strategic Planning & Development consultation (1/7/20). At the time of the previous consultation the MLDP 2020 was not formally adopted but was a material consideration in the determination of planning applications. The MLDP 2020 was formally adopted on 27 July.

As the plan was not formally adopted at the time of writing, the previous response provided an assessment against both the relevant MLDP 2015 and MLDP 2020 plans and

highlighted that the proposal failed to comply with several policies.

Throughout the determination of the application the applicant sought to address some of the identified issues, particularly in relation to Policy PP1 Placemaking and EP2 Biodiversity. While these changes made improvements to the overall design the fundamental policy objection relating to the principle of residential development on an ENV designation remains.

EP5 Open Space – ENV5 Natural/Semi Natural Greenspace

The site is designated as an ENV in the MLDP 2020 and Policy EP5 Open Space applies and is the overriding policy for proposals within ENV designations. Policy EP5 seeks to protect existing areas of open space. The policy states that development that would result in a change of use of a site identified under an ENV designation in a settlement statement to anything other than an open space use will be refused. The proposal for housing within an ENV designation is not an acceptable change of use in terms of the policy and is therefore contrary to Policy EP5.

DP2 Housing

Part a) of the policy relates to windfall housing sites. As has been stated the principle of development is not supported as the site currently has an existing use as it is covered by an ENV designation to protect the open space. Given this designation the principle of the site as a windfall site for housing is not acceptable.

Part d) of the policy relates to affordable housing provision where proposals of 4 or more units must provide 25% of the total units as affordable housing. Housing and Property have confirmed that a commuted payment in lieu of affordable units from this development would be taken.

PP1 Placemaking, DP1 Development Principles

While the principle of development on the site is not supported the previous Strategic Planning & Development response provided comments on the design of the layout and highlighted several areas that would have to be improved if the proposal were to comply with PP1 and DP1.

Design and Layout

Throughout the determination of the application the applicant endeavoured to make several changes to the layout and design of the houses to make the development more reflective of Portessie. This included;

- Changes to the house design to provide variations in colours of render, adding mock chimneys, timber cladding on the smaller parts of the houses, and increased stone features on the principal elevations; and
- Stone walls and hedging as boundary treatments to reflect existing properties on Station Road.

The applicant also provided an improved and detailed landscaping plan showing that a variety and significant amount of woodland planting is proposed along the southern along the boundary as well as wildflower planting along the roadside swale.

Parking

PP1 states that car parking must not dominate the streetscape to the front of properties. A minimum of 50% of car parking must be provided to the side or rear and behind the building line with a maximum of 50% car parking within the front curtilage or street, subject to the visual impact being mitigated by hedging, low stone boundary walls or other acceptable treatments.

The applicant has demonstrated that the internal garages meet the Council's parking standards and are therefore considered to count as a parking space. On that basis the layout will provide 50% of parking spaces to the side or rear and behind the building line in line with PP1. Furthermore the low density nature of the development with large front gardens and beech hedging and stone wall boundary treatments will ensure that the development will not be visually dominated by parked cars.

Biodiversity

PP1 seeks to create a variety of high quality green/blue spaces and networks that connect people and nature and developments must safeguard and where physically possible extend or enhance wildlife corridors and prevent fragmentation of existing habitats. PP1 states that to achieve this proposals must comply with Policy EP2 Biodiversity and EP5 Open Space.

The ENV designation seeks to protect this area of open space/green corridor. As stated the principle of development for housing in an ENV designation is unacceptable and contrary to Policy EP5 as it is an unacceptable change of use that would result in the loss of part of this green corridor. While the applicant has sought to support biodiversity through a number of measures (see EP2), the principle of the loss of this green corridor is not supported and would result in the loss of an existing natural habitat and open space which the ENV designation seeks to protect.

EP2 Biodiversity

Proposals for 4 or more housing units must create new or where appropriate enhance natural habitats of ecological and amenity value. All development proposals must, where possible, retain, protect and enhance features of biological interest and provide for their appropriate management. Development must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.

Notwithstanding the fundamental policy objection to the principle of development the applicant has sought to support and promote biodiversity within the development.

This includes significant woodland planting on the southern edge of the site where it is proposed to plant over 1000 trees with a variety of species. It is also proposed to plant wildflowers along the roadside swale which further adds to the variety of planting across the site and supports biodiversity.

It is proposed to provide post and wire fencing along the southern boundary of the development which will allow for the free movement of hedgehogs between gardens and the wider area. It is also proposed to include bat and swift boxes within the development

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	29th May 2020
Planning Authority Reference	20/00544/APP
Nature of Proposal (Description)	Erect 7 detached dwellinghouses on
Site	Site Adjacent To 1-5 Station Road Portessie Buckie
Site Postcode	N/A
Site Gazetteer UPRN	000133073124
Proposal Location Easting	344496
Proposal Location Northing	866500
Area of application site (M²)	6226
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=Q9HI4YBGK6K00
Previous Application	
Date of Consultation	15th May 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Morlich Homes Ltd
Applicant Organisation Name	
Applicant Address	119 High Street Buckie Scotland AB56 4DX
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
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PA Response To	consultation.planning@moray.gov.uk

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Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 20/00544/APP

Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road Portessie Buckie for Morlich Homes Ltd

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

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

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact:
email address:
Consultee:

Date.....
Phone No

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

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Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	29th May 2020
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Applicant Name	Morlich Homes Ltd
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Applicant Address	119 High Street Buckie Scotland AB56 4DX
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
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Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Council Other Depts - Housing

Planning Application Ref. No: 20/00544/APP

Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road Portessie Buckie for Morlich Homes Ltd

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

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

Reason(s) for objection

Condition(s)

Policy H8 requires that 25% of the total number of units in new developments must be provided as affordable housing. As 7 housing units are proposed an affordable contribution of 1.75 units will be required.

The affordable housing requirement of one unit arising from this development is considered too small to be viable for affordable housing landlords to deliver, and/or provide a landlord service to. Social landlords operating in the area have been given the opportunity to participate in the delivery of one unit at this location but this has been declined. Therefore Housing and Property will accept a commuted payment in lieu of affordable units from this development, to be used in the provision of affordable housing elsewhere in the Buckie housing market area.

This approach is consistent with the Strategic Housing Investment Plan (SHIP) approved by Communities Committee on 17 December 2019 and available here http://www.moray.gov.uk/moray_standard/page_95565.html.

The commuted payment must be formalised in a Section 75/Section 69 Agreement prior to issue of any detailed planning approval on the site.

Policy H9 is not applicable.

Further comment(s) to be passed to applicant

Information on commuted payments is available on the Council's website at http://www.moray.gov.uk/moray_standard/page_94665.html

Further information required to consider the application

Contact: Fiona Geddes **Date:** 29 May 2020
email address: fiona.geddes@moray.gov.uk **Phone No:** 01343 563506
Consultee: Housing and Property

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

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	29th May 2020
Planning Authority Reference	20/00544/APP
Nature of Proposal (Description)	Erect 7 detached dwellinghouses on
Site	Site Adjacent To 1-5 Station Road Portessie Buckie
Site Postcode	N/A
Site Gazetteer UPRN	000133073124
Proposal Location Easting	344496
Proposal Location Northing	866500
Area of application site (M²)	6226
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=Q9HI4YBGK6K00
Previous Application	
Date of Consultation	15th May 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Morlich Homes Ltd
Applicant Organisation Name	
Applicant Address	119 High Street Buckie Scotland AB56 4DX
Agent Name	
Agent Organisation Name	
Agent Address	
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: 20/00544/APP

Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road Portessie Buckie for Morlich Homes Ltd

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

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

Preamble

At the time of writing this response no response has been provided by Strategic Planning and Development (SPD) officers advising of the requirements for EV Charging Unit provision. This response has been submitted on the basis that parking spaces for EV charging must be provided however any policy requirement for provision shall be advised separately by SPD officers.

Condition(s)

Notwithstanding the details submitted on the site layout and location plans (Drawings 20-40-PL-01 and 20-40-PL-02) for the changes required to Station Road (which are not acceptable), no development shall commence until detailed proposals for the reconfigured road footway and crossings at the existing PU79 (Station Road)/U66L (Station Road) junction have been submitted for approval by Planning in consultation with the Roads Authority.

Reason: To ensure acceptable infrastructure is provided for all road users and the provision of suitable access to existing properties, in the interests of road safety and the submission of information currently lacking.

No development shall commence until evidence has been submitted to confirm that the statutory process to stop up PU79 (Station Road) to vehicular traffic (except cycles) at its junction with the U66L (Station Road), has been completed.

Thereafter no dwelling house shall be completed until the works required to modify the existing road layout at the junction of PU79 (Station Road) with U66L (Station Road) have been completed in accordance with the approved details.

Reason: To ensure acceptable infrastructure is provided for road users in the interests of road safety.

Notwithstanding the details submitted on the site layout and location plans (Drawings 20-40-PL-01 and 20-40-PL-02) for the Plot 1 boundary (which is not acceptable). No development shall commence until revised plans have been submitted to show the site layout and Plot 1 boundary modified to ensure the plot 1 boundary is behind the 4.5m x 115m visibility splay as shown on Drawing 911 (Visibility Splay).

Reason: To ensure the proposals are consistent and the provision of an acceptable site layout and visibility splays at the access to the development in the interest of road safety.

No development shall commence 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 showing the provision of a minimum of one parking space per plot which can be served by an Electric Vehicle (EV) charger unit (minimum specification 7kw and with parking space accessible to, and located within 5 metres of the EV charger unit) and the location/specification of the EV charger unit. Thereafter the car parking spaces and EV charger unit shall be provided within the site in accordance with the approved drawing and be fully operational prior to the first occupation of the dwelling house and thereafter be retained and maintained 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 and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking.

A visibility splay of 4.5 metres by 43 metres to the north and 4.5 metres by 90 metres to the south shall be provided and maintained at the access from the development onto Station Road (U66L). A schedule of maintenance for the splay area shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and

ii) 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 0.6 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.

No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0 metre in height and fronting onto the public road shall be within 2.4 metres of the edge of the carriageway, measured from the level of the public carriageway, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

Reason - To enable drivers of vehicles leaving driveways to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users.

Parking provision shall be provided and made available for use at all times at the following level(s) of provision:

Dwellinghouses:

- up to 3 bedrooms - 2 spaces; and
- 4 or more bedrooms - 3 spaces.

Thereafter, no dwellinghouse shall be occupied until parking has been provided and made available for use by that house and the parking arrangements shall be retained and maintained in perpetuity as parking spaces for use in conjunction with that house hereby approved.

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.

Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced with bituminous macadam unless otherwise agreed with the Council, as Planning Authority in consultation with the Roads Authority.

Reason - To ensure acceptable infrastructure is provided at the property accesses.

No works shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:

- duration of works;
- construction programme;
- full details of any temporary construction access;
- measures to be put in place to prevent material being deposited on the public road;

- measures to be put in place to safeguard the movements of pedestrians;
- traffic management measures to be put in place during works including any specific instructions to drivers; and
- parking provision, loading and unloading areas for construction traffic.

Thereafter, the development shall be implemented in accordance with the approved details.

Reason - To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.

Further comment(s) to be passed to applicant

The current proposals do not provide sufficient detail for the reconfiguration of the existing Station Road junction. Details required to show the provision for retaining vehicular access to Number 5 Station Road, the extension of the footway across the existing junction and provision of a continuous two metre wide path within the road verge in the east side of the U66L (Station Road) linking the proposed development access to the south side of the junction at Craigview. Provision of drop kerbing at locations to be agreed with Transportation and provision for the crossing of the NCN1 route and associate signage and bollards. Details for the path construction, kerbing etc all to be agreed as part of the Roads Construction Consent.

The formation of the proposed access will require resurfacing of the full width of the U66L (Station Road) over the width of the new access. Details for this to be agreed as part of the Roads Construction Consent.

EV Charging Unit and parking provision shall be provided in accordance with Moray Council EV Charging Provision guidance (DRAFT) (a copy of which can be provided on request.)

Where required, EV Charging Units shall be provided prior to the first occupation of the dwelling house and thereafter be retained and maintained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Before commencing development, the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The applicant will be required to provide technical information, including drawings and drainage calculations, and provide a Road Bond to cover the full value of the works in accordance with the Security for Private Road Works (Scotland) 1985 Regulations. Advice on this matter can be obtained from the Moray Council web site or by emailing transport.develop@moray.gov.uk

Construction Consent shall include a CCTV survey of all existing roads drainage to be adopted and core samples to determine the construction depths and materials of the existing road. A Road Safety Audit for the modifications to the existing public road (including X Road improvements and proposed site for a Stage 3 or 4 Road Safety Audit

will be determined through the Roads Construction Consent process or subsequent to the road construction prior to any road adoption.

Requirement for any traffic calming, road construction materials and specifications and any SUDs related to the drainage of the public road must be submitted and approved through the formal Roads Construction Consent process.

Planning consent does not carry with it the right to carry out works within the public road boundary and the applicant is obliged to contact the Transportation Manager for road opening permit in accordance with the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road.

For garage parking to be included within the parking provision the applicant must demonstrate the garage car parking spaces have minimum clear internal dimensions not less than of 3 metres by 7 metres.

Any street furniture which requires to be removed or replaced and any existing roadside ditch which require a pipe or culvert will be at the developers expense Advice on these matters can be obtained by e-mailing transport.develop@moray.gov.uk

Street lighting will be required as part of the development proposal.

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

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into his property.

The applicant shall ensure that their operations do not adversely affect any Public Utilities, which should be contacted prior to commencement of operations.

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

The Transportation Manager must always be contacted before any works commence. This includes any temporary access, which should be agreed with the Roads Authority prior to work commencing on it.

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

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

Date...03/07/20.....
Phone No

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

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

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Access Manager

Planning Application Ref. No: 20/00544/APP

**Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road Portessie
Buckie for Morlich Homes Ltd**

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 | |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Ian M Douglas

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

Date 18/05/2020.....

.....
Phone **No**
7049.....

From: Claire Herbert
Sent: 26 May 2020 13:52:25 +0000
To: Planning Consultation
Cc: Iain Drummond
Subject: Planning application 20/00544/APP - Archaeology comments

Planning Reference: 20/00544/APP
Case Officer Name: Iain T. Drummond
Proposal: Erect 7 detached dwellinghouses
Site Address: Site Adjacent To 1-5 Station Road Portessie Buckie
Site Post Code:
Grid Reference: NJ 4450 6651

Having considered the above application, which lies within the archaeology site NJ46NW0075, the remains of a 19th century railway, I would ask that the following condition is applied:

Programme of archaeological works

No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

A full specification for archaeological works can be provided by ourselves, but we would expect works to comprise photographic recording of the remnants of the railway after all trees/vegetation have been removed, along with targeted archaeological investigations at the locations of the two buildings visible on early OS maps (a signal box and second building of unknown function) in the form of excavated trenches. All works to be undertaken by a suitably qualified archaeological contractor.

Kind regards,
Claire

Claire Herbert MA(Hons) MA MCIfA

Archaeologist

Archaeology Service
Infrastructure Services
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

01467 537717
07825356913

claire.herbert@aberdeenshire.gov.uk

Archaeology Service for Aberdeenshire, Moray, Angus & Aberdeen City Councils

<https://www.aberdeenshire.gov.uk/leisure-sport-and-culture/archaeology/>

<https://online.aberdeenshire.gov.uk/smrpub/>

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Dh'fhaodadh fiosrachadh sochaire, a tha a-mhàin airson an neach gu bheil am post-dealain air a chur, a bhith an seo. Ma tha thu air am post-dealain fhaighinn mar mhearachd, gabh ar leisgeul agus cuir fios chun an neach a chuir am post-dealain agus dubh às am post-dealain an dèidh sin. 'S e beachdan an neach a chuir am post-dealain a tha ann an gin sam bith a thèid a chur an cèill agus chan eil e a' ciallachadh gu bheil iad a' riochdachadh beachdan Chomhairle Shiorrachd Obar Dheathain.

www.aberdeenshire.gov.uk

Monday, 18 May 2020



Local Planner
High Street
Elgin
IV30 1BX

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

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

Dear Sir/Madam

SITE: Site Adjacent To 1-5 Station Road, Portessie, Buckie, AB56 1SY
PLANNING REF: 20/00544/APP
OUR REF: DSCAS-0013492-WXQ
PROPOSAL: Erect 7 detached dwellinghouses

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 PFI 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.



To find out more about connecting your

property to the water and waste water supply visit:



So, how are we doing?

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

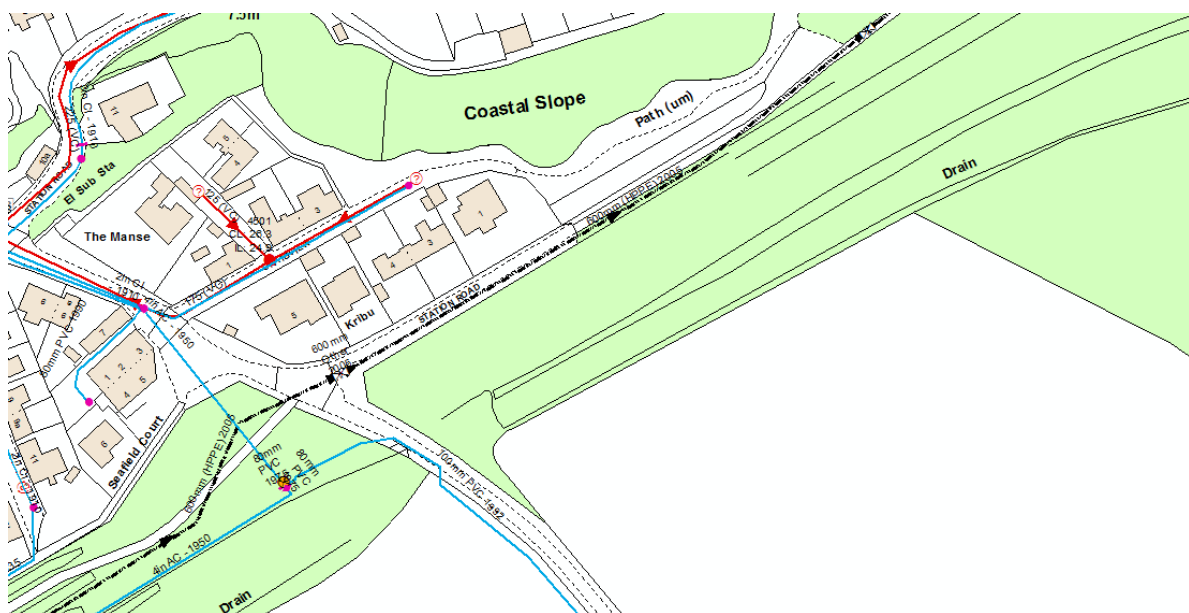


Please Note

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

Asset Impact Assessment

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



The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Surface Water

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

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



To find out more about connecting your

property to the water and waste water supply visit:



So, how are we doing?

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



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,



To find out more about connecting your

property to the water and waste water supply visit:



So, how are we doing?

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



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.



To find out more about connecting your

property to the water and waste water supply visit:



So, how are we doing?

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



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."



To find out more about connecting your

property to the water and waste water supply visit:



So, how are we doing?

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



Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: It is good to finally see new properties being proposed in Portessie as it is a beautiful area with a limited market supply. During these difficult times it is essential we generate employment opportunities in the construction industry and this development gives that opportunity to local builders. The final part that will be great to see is the much needed upgrade of Station Road which is a ruin of potholes and a danger to pedestrians, motorists and cyclists.

Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This is a fantastic opportunity for the area. Given the uncertain times we find ourselves in this would create employment for local trades which can only be a good thing. There is a very limited market supply of houses in the Portessie area and this site would upgrade Station Road which is in a poor state of repair at the moment.

Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Petition

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment

Comment: Ridiculous to cut down trees to put up houses. Animals live there, children play there. Why on earth choose that piece of land? The animals, birds and insects will have nowhere to go.

Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Road access
- Road safety
- Traffic

Comment: As a resident of Rathven, I am concerned about the increase in traffic not only during the development but once it's completed. The average house now has 2 vehicles which will increase traffic via Rathven which is a small narrow road that already has issues with speeding. The area of the proposed site is home to many wildlife and is a popular walking/cycling route steeped in history.

Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: These would be great for the area with demand Houses like this with high specifications and a great view included be very desirable.

Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment

Comment: I am objecting this application because of the affect this will have on wild life and the environment

Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The area currently lacks new build properties. My children currently attend the local primary school, and we have been searching in vain to buy a new build, energy efficient family home, within safe walking distance to the school. I believe this development is something that the Portessie area badly needs.

Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: My family and I are in support of this application. We are looking to relocate to the area and having great difficulty finding a suitable property with 4 bedrooms. The proposed small scale development would be ideal for our needs as are looking for a new build property within a community but without living on a large scale development/site.

Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Height of proposed development
- Loss of privacy (being overlooked)
- Road access
- Road safety
- View affected

Comment: Once again it's sad to see another development in our beautiful countryside. This small woodland is home to lots of wildlife . The opposite dwellings are going to be hugely affected and a once SAFE area to live & children to play will no longer exist . Personally my dwelling overlooks the sea the beautiful horizon now my view will be modern houses designed for towns not countryside . It confuses me how these developers are constantly granted permission to blot our landscape .

Comments for Planning Application 20/00544/APP

Application Summary

Application Number: 20/00544/APP

Address: Site Adjacent To 1-5 Station Road Portessie Buckie

Proposal: Erect 7 detached dwellinghouses on

Case Officer: Iain T Drummond

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Parking
- Road access
- Road safety

Comment: Having viewed the proposed plans for development across from my property I am objecting for the following reason.

The plans show that Station road would be made purely into a cycle/pedestrian route and that access to owner own property would be through a gap in the access from the new properties. Station road is our main access point for ourselves for our driveway and our property. Not only that this is the access road we require for workmen and deliveries of larger items to be delivered to our property as there are no other suitable access. Station road is also where family members and carers park to gain access to our properties.

I also feel there would be a safety impact on pedestrians and cyclist should we have to gain access through a different route due to lack of sight. I am also very concerned with the high volume of traffic and work vehicles that would be present during development as we have kids playing in the area and the area is busy with walkers and cyclists.

The area proposed for development is also rich in wildlife and is used by kids to play in and explore the old railway line and buildings which would be lost if the development went ahead. I feel there would be a lot of debris and rubbish during the development which would have an impact on my own property/family.

REPORT OF HANDLING

Ref No:	20/00544/APP	Officer:	Iain T Drummond
Proposal Description/ Address	Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road Portessie Buckie		
Date:	02.12.20	Typist Initials:	FJA

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	26/11/20	No objections
Contaminated Land	29/05/20	No objections subject to condition to investigate potential contamination on site.
Transportation Manager	03/07/20	No objections subject to conditions and informatives
Scottish Water	18/05/20	No objections
Strategic Planning And Development	24/11/20	Identifies that the proposal does not comply with development plan policy and recommends refusal.
Planning And Development Obligations	29/05/20	Identified contributions towards healthcare and affordable housing
Moray Flood Risk Management	22/05/20	No objections
Moray Council Other Depts - Housing	29/05/20	Identified that a financial contribution towards affordable housing would be the most appropriate option in relation to this site.
Moray Access Manager	18/05/20	No objections

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1 Placemaking	Y	
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	

DP2 Housing	Y	
EP2 Biodiversity	Y	
EP5 Open Space	Y	
EP7 Forestry Woodland and Trees	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 5 objections and 7 in support

Names/Addresses of parties submitting representations

Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.

Summary and Assessment of main issues raised by representations

Issue: Road safety

- Concerns regarding the proposals to access the existing house via the proposed new access road and restrict movements along Station road to pedestrian and cyclist and the impact this would have on the ability of larger delivery vehicles and other visitors to access the existing properties.
- The proposed access arrangement would have a detrimental impact on the safety of pedestrians and cyclists due to reduced visibility/lack of sight.
- There would be a high volume of traffic during the construction of the development which would be dangerous for children playing in the area and pedestrians/cyclists.
- Concerns about the increase in traffic not only during the development but once its completed. The average house now has 2 vehicles which will increase traffic via Rathven which is a small narrow road that already has issues with speeding.

Comments (PO): The transportation service have been consulted on the proposals and subject to the conditions as recommended, which includes measures for visibility splays the proposals are not considered to result in road safety concerns.

In terms of access for delivery vehicles and visitors to existing houses the proposed arrangements should provide a greater amount of turning and parking space than is presently available on Station Road.

With regard to road safety concerns during the construction process, a condition requiring a construction traffic management plan has been recommended and would ensure that construction traffic is managed to minimise impact on the neighbouring properties.

Issue: Impact on natural environment

- The area proposed for development is also rich in wildlife and is used by kids to play in and explore the old railway line and buildings which would be lost if the development went ahead.
- Once again it's sad to see another development in our beautiful countryside. This small woodland is home to lots of wildlife.
- The area of the proposed site is home to many wildlife and is a popular walking/cycling route steeped in history.

- Ridiculous to cut down trees to put up houses. Animals live there, children play there. Why on earth choose that piece of land? The animals, birds and insects will have nowhere to go.

Comments (PO): this issue is discussed in the observations section of this report, where it is concluded that due to the impact on the ENV designation the application is to be refused on this basis.

Issue: Loss of view

- Now my view will be modern houses designed for towns not countryside

Comments (PO):The design of the houses have been amended during the consideration of this application, to better reflect the traditional vernacular of Portessie, however, loss of view as a result of the proposed houses is not a material planning consideration and cannot be taken into account in the determination of this application.

Issue: There would be a lot of rubbish and debris during the construction of the development which would adversely affect the existing neighbouring properties.

Comments (PO): This is a speculative comment on which it would be unreasonable to refuse a planning application on these grounds as there is no guarantee that such an impact would occur. If the development resulted in a statutory nuisance in terms of noise or dust pollution then Environmental Health would have power to take action to rectify the issue.

Issue: Privacy impact on existing houses

Summary and Assessment of main points raised in support of the proposals

- This is a fantastic opportunity for the area. Given the uncertain times we find ourselves in this would create employment for local trades which can only be a good thing. There is a very limited market supply of houses in the Portessie area and this site would upgrade Station Road which is in a poor state of repair at the moment.
- It is good to finally see new properties being proposed in Portessie as it is a beautiful area with a limited market supply.
- We are looking to relocate to the area and having great difficulty finding a suitable property with 4 bedrooms. The proposed small scale development would be ideal for our needs as are looking for a new build property within a community but without living on a large scale development/site.
- The development will help support the school role of Portessie primary school, where it is difficult to find a property within the catchment which suits family needs.
- There is a large amount of availability for new build energy efficient homes in other areas of Buckie but no availability in the Portessie area.
- Without developments like this that school numbers will fall and as has been seen with other areas the school will inevitably close which would be a huge loss to the area.
- An energy efficient family home, within safe walking distance to the school. I believe this development is something that the Portessie area badly needs.
-

Comments (PO): Whilst these points are noted, 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.

As outlined within the observations section of the report, the site lies within a designated ENV5 area where residential development is not permitted and therefore this application is refused on this basis.

Proposal

This application seeks detailed planning permission for the erection of 7 dwellinghouses at Station Road, Portessie, Buckie.

The proposed houses are 4-bed, one and a half storeys with single integral garages and comprise two main house types, with variations from plot to plot, including the addition of a sun lounge on plot 1 and re-orientation of the garages on plots 3 and 4. It is proposed that the houses be finished in a mixture of render, natural stone and cedar cladding on the walls and smooth grey concrete tiles on the roof, with the houses on plots 2 to 6 being finished in beige render and the houses on the end plots (1 & 7) being finished in white render. Each of the houses incorporate an electric (EV) charging point within the garage and ducting is provided to all houses to allow for fibre optic broadband connections. Each of the houses also incorporate a swift and bat box on either gable elevation of the houses.

A new access road is proposed which would serve both the proposed houses and existing neighbouring houses, which is separate to but runs in parallel to Station Road, which would be retained for pedestrian/cycle purposes. Roadside swales, which form part of the overall SUDs scheme for the site are located between the new access and Station Road and are to be planted with wildflowers. The front and side gardens of the houses are bounded by a mixture of beech hedging and natural stone walls with the south of the sites being finished in post and wire fencing and 1.8m high timber screen fencing proposed between the rear garden areas of the houses.

A 6m wide buffer strip/habitat corridor is proposed adjacent to the existing ditch, which runs along the along the southern boundary of the site, where it is also proposed to plant over 1000 trees within this area.

Site

The site lies to the south of Portessie within the settlement boundary of Buckie and comprises a small portion of the larger Buckie ENV5 green corridor designation, as defined in the Moray Local Development Plan 2020. The site is bounded to the north by Station Road, which forms part of the Sustrans Aberdeen to Inverness cycle route and designated core path network. Station Road also serves the 5 existing houses which bound the site to the north.

The site is presently a relatively dense thicket of bushes bounded to the west by the public road and further dense bushes beyond, to the east by more dense bushes and to the south by a drainage ditch with open farmland beyond.

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 of the development (Buckie ENV5 (Portessie Station/Cycle Path), EP2, EP5, EP7, PP1, DP1 and DP2)

This site was designated as a residential site Buckie R10 within the proposed 2020 MLDP, however, following an examination of the plan by Scottish Ministers in May 2020 the Reporter concluded the following regarding the site,

"While I note that there is a requirement to protect the cycle route, improve the core path and for any proposed layout to take account of any existing services present, this site is subject to a number of site specific constraints. It is unclear at this stage how these constraints would be overcome.

At my site inspection I found it mostly to be covered in shrub and it was boggy and poorly drained. While I note that there may be no important habitat on the site, the established vegetation effectively screens the built edge of Portessie (even in Winter) from the open countryside and provides a valuable landscape setting to the settlement. A similar effect is also achieved on the opposite side of Station Road to the west. The development of this site would breach the natural limit of the village and I would be concerned over the precedent that may be set if it were to remain as a designation for housing. Therefore, I recommend that it is removed from the plan and reinstated as ENV5 as "Green Corridor". I do not consider that the removal of this small site from the plan would impact on the overall supply of housing within the Buckie Housing Market Area."

This application was submitted prior to the Reporters finding above being published and therefore prior to the adoption of the MLDP 2020, however, taking into account these findings and the now adopted MLDP 2020, this application must be assessed on the basis that the site is an ENV5 area and not the Buckie R10 housing designation.

With the above in mind, Development within ENV areas, must be assessed in accordance with the associated policy EP5, which stipulates the type of development which may be acceptable in these ENV areas and is therefore the leading policy consideration in the determination of this application.

Policy EP5 outlines that development which would result in a change of use of a site identified under the ENV designation in settlement statements or amenity land designations in rural groupings to anything other than open space use will be refused. The only exceptions are where the proposal is for essential community infrastructure required to deliver the key objectives of the Council and its Community Planning Partners, excluding housing, or for a site specific opportunity identified within the settlement statement.

In this case the proposal is contrary to Policy EP5 Open Space. The policy is clear that development that would change the use of an identified environmental designation will be refused. There are exceptions to this, including essential community infrastructure however housing is specifically excluded. Where it is considered development can be sensitively accommodated within an ENV this has been written into the accompanying designation text in the environment/green infrastructure section of the settlement statement within the LDP 2020. No such text has been added to ENV5 Portessie Station/Cycle Path designation.

The policy is very explicit that housing within an environmental designation is not an acceptable use and there is no justification to support a departure from this policy to allow a housing designation in this location.

In conclusion, the proposal is contrary to EP5 Open Spaces and this form the basis for the refusal of this application.

On the basis that the proposal lies within an ENV area and fails to comply with policy EP5, other policies within the plan such as policy PP1, DP1 and DP2 all require proposal to comply with policy EP5 and as this proposal does not comply with EP5, in turn the proposal automatically fails to comply with these policies as well. Policies EP2 and EP7 also aim to ensure safeguards against adverse impacts on wildlife corridors/green networks and fragmentation of existing habitats and loss of woodland. Whilst the site is contained in the national forest inventory, prior to inclusion of the site within the Proposed MLDP 2020 a biodiversity report was provided at the Main Issues Report which demonstrated that there are no rare species of rare flora or fauna on the site. Whilst it is recognised that the site is contained in the national forest inventory, it is debatable as to whether the plant species on site constitute woodland and are not more of a dense thicket of bushes. At the time of proposing the site for residential development it was concluded that need for housing within this area outweighed the loss of vegetation on this site, however, now that the site has been designated as an ENV area, the loss of bushes from the site is contrary to the requirements of policy EP2 and EP7.

The applicants have outlined in support of their case that whilst the Reporters comments are noted, they have been able to show how the site can be developed whilst taking into account the constraints and this is demonstrated by the lack of any objections from consultees on the proposals. In addition to this they have highlighted that the proposed development is of a very high standard of design and reflects the traditional character of Portessie. The proposals also retain the green edge to the settlement via the provision of the 6m wide habitat corridor along the south of the site, where over 1000 trees are proposed to be planted which addresses the second main concern raised by the Reporter. The applicants have also incorporated wildflower SUDs features, proposed post and wire fencing to allow free movement of hedgehogs, incorporated swift and bat boxes when all taken together would result in a development of high biodiversity value.

Whilst the details of the applicant's case are noted and an assessment of the overall design and layout of the scheme has concluded that the proposals would have been compliant with development plan policy on placemaking, design, biodiversity, drainage, parking, access etc, should the site have been designated within the adopted 2020 MLDP for residential development, however, the fact remains that the site was designated as an ENV area within the adopted MLDP 2020 and there are no caveats within policy EP5 or any other local development plan policy, which would allow for housing to be constructed within this ENV area, nor are the matters outlined considered to be of sufficient weight to justify a departure from policy.

Drainage (EP12 and EP13)

Drainage information has been provided with the application and identifies the means of surface water disposal from the site. Moray Flood Risk Management have assessed this information and have no objections to the approval of the application. Scottish Water have also raised no objection to the proposed use of the public foul sewer or water supply and as such the proposal is considered to comply with policy EP12.

Access (DP1)

The Transportation service, have confirmed they have no objection to the approval of the proposals, subject to conditions, as such the proposed access details comply with policy DP1.

The Moray Access Manager has been consulted in relation to the potential impact on the cycleway/core path which bounds the site and given the development has been largely separated from the cycleway/core path and this route has been retained, no objections have been raised in relation to this aspect of the proposals.

Developer obligations and affordable housing (PP3 and DP2)

The applicants have confirmed that they are agreeable to entering into a legal agreement to secure the identified developer obligations and affordable housing contributions and as such the proposals are considered compliant with policies PP3 and DP2 in this regard.

Conclusion and Recommendation

Whilst it is acknowledged that when this application was submitted this site was a proposed residential designation, the proposed MLDP had very limited material planning weight at this time and now that the MLDP 2020 had been adopted and this residential designation has been removed from the plan and replaced with the Buckie ENV5 designation. As outlined above policy EP5 explicitly excludes residential development and therefore regardless of whether or not any proposed houses could be adequately served in terms of infrastructure, the fundamental principle of locating housing within an ENV area is unacceptable and as such this proposal is recommended for refusal on this basis.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**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	No Premises	15/06/20	
PINS	No Premises	15/06/20	

DEVELOPER CONTRIBUTIONS (PGU)

Status	CONT SOUGHT
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DOCUMENTS, ASSESSMENTS etc. *

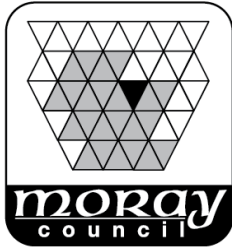
** Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Drainage assessment	
Main Issues:	Outlines the drainage methodology for the site.	

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]
Application for Planning Permission**

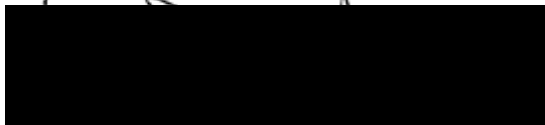
TO Morlich Homes Ltd
119 High Street
Buckie
Scotland
AB56 4DX

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

**Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road
Portessie Buckie**

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

Date of Notice: **2 December 2020**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Fincance
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 the Buckie ENV5 designation and associated policies PP1, DP1, DP2, EP2, EP5 and EP7 of the Moray Local Development Plan 2020, in that the development would result in the loss of land within an ENV designation where these policies aim to protect and preserve the characteristics of ENV areas and where policy EP5 specifically excludes residential development within ENV designations.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
20-40/PL/03		Landscape layout
20-40/PL/02		Location plan
20-40/PL/P1/01	D	Plot 1 - elevations and floor plans
20-40/PL/P1/01	D	Plot 2 - elevations and floor plans
20-40/PL/P3/01	D	Plot 3 - elevations and floor plans
20-40/PL/P4/01	D	Plot 4 - elevations and floor plans
20-40/PL/5/01	D	Plot 5 - elevations and floor plans
20-40/PL/P6/01	D	Plot 6 - elevations and floor plans
20-40/PL/01		Site layout
20-40/PL/7/01	D	Plot 7 - elevations and floor plans

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

N/A

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

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

