

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

Our Ref: 224

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

17 January 2022

Dear Sir(s)/ Madam

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

NOTICE OF REVIEW

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

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

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

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

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

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

224 2021-08-17 Supporting Statement

224-01 Location Plan Rev_

224-02 Proposed Block Plan Rev.C

224-03 Site Plan 100 Rev_

224-04 Site Section Rev_

224 2021-09 Planning Email

224 2021-09 Planning Email 2

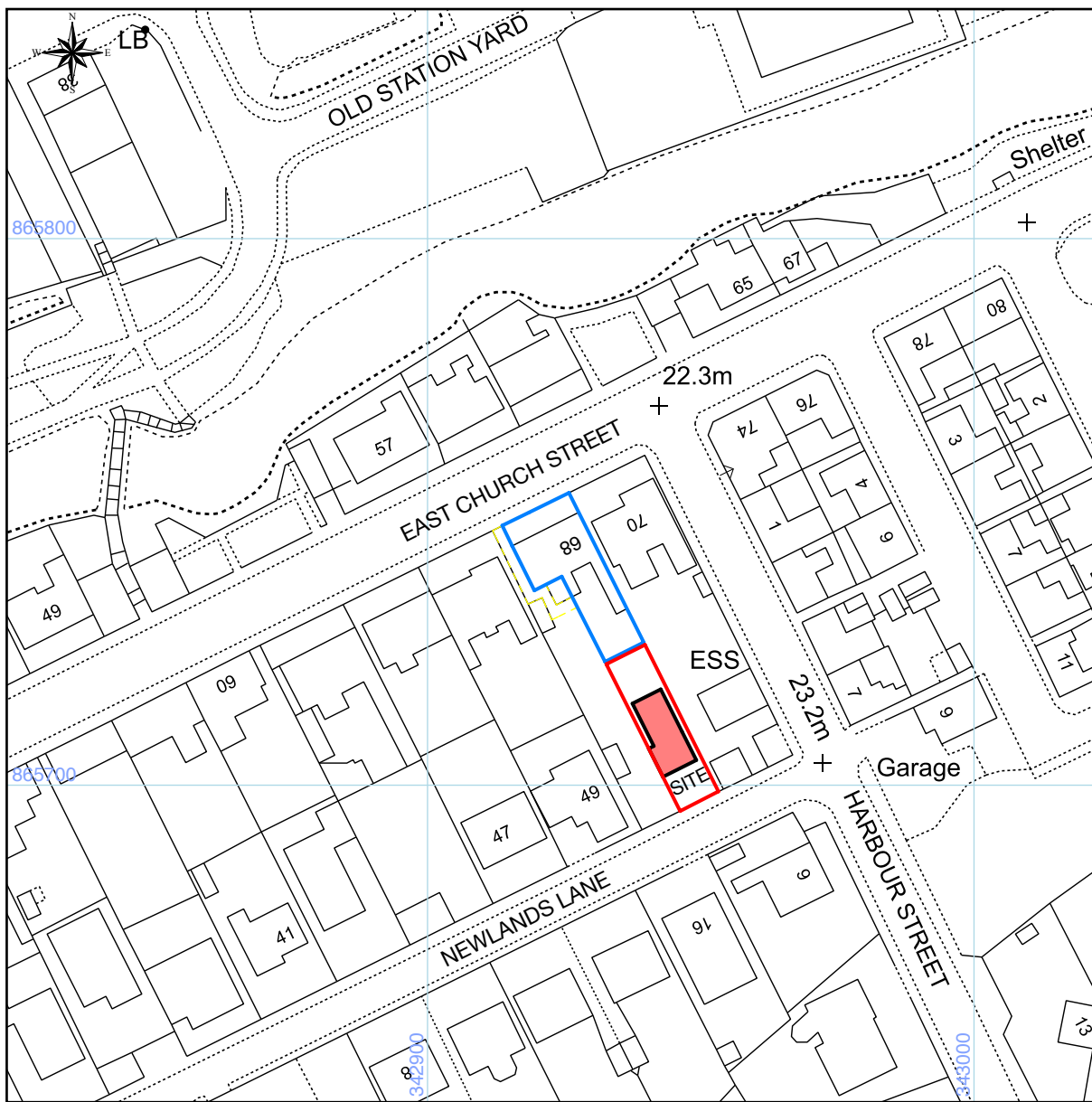
I trust this is in order and look forward to hearing from you in due course.

Yours faithfully,

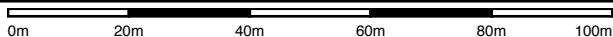
A solid black rectangular box used to redact the signature of Ross Cowie.

Ross Cowie

Location Plan of AB56 1ER



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Scale: 1:1250, paper size: A4

Site at Newlands Lane/
68 East Church St. Buckie

ROSS COWIE ARCHITECT

3 Campbell St. Cullen, AB56 4UE.

Tel. 01542 841549

rosscowiearchitect@gmail.com

www.rosscowiearchitect.com

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For Mr & Mrs B. Storch

Title Location Plan

Dwg No. 224-01

Scale 1:1250 @ A4

Status Planning

Date July 2021

Rev.



EAST CHURCH STREET

SCALE 0 2 4 6 8 10 20m

Site at Newlands Lane/
68 East Church St. Buckie

For Mr & Mrs B. Storch

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

ROSS COWIE ARCHITECT

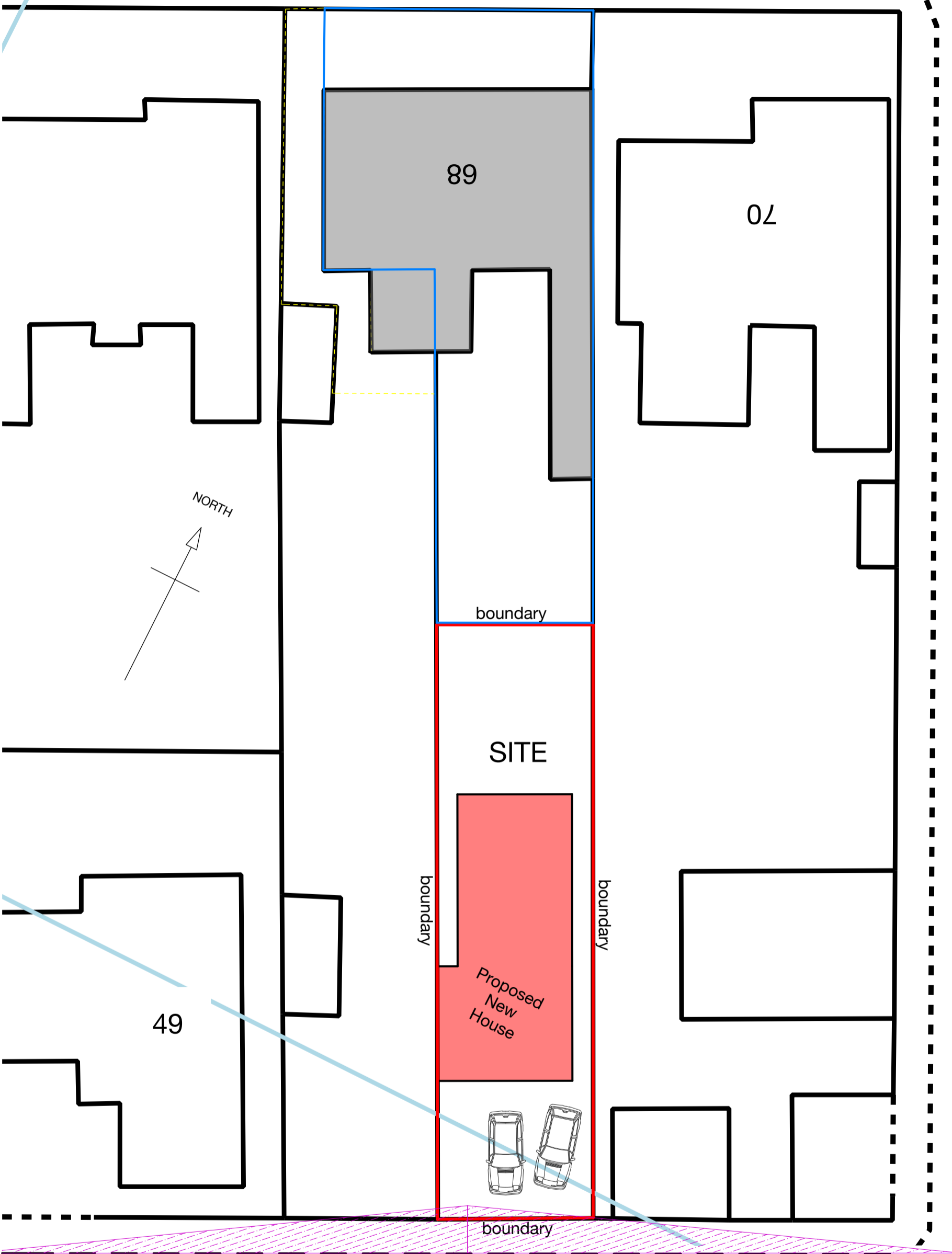
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HARBOUR STREET

Visibility Splays 2.4 x 25 meters

Visibility Splays 2.4 x 25 meters

NEWLANDS LANE

68 East Church Street

Site at Newlands Lane/
68 East Church St. Buckie

For Mr & Mrs B. Storch

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

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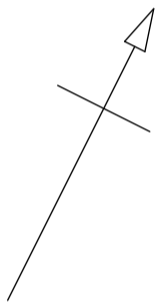
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SCALE



NORTH



Existing Garage

SITE

lawn and planted shrubs

path

Existing timber fence
to be removed.

boundary - timber fence

boundary - rubble stonework wall

Proposed
New
House

Path Rainwater Butt

Drive

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

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

Visibility Splays 2.4 x 25 meters

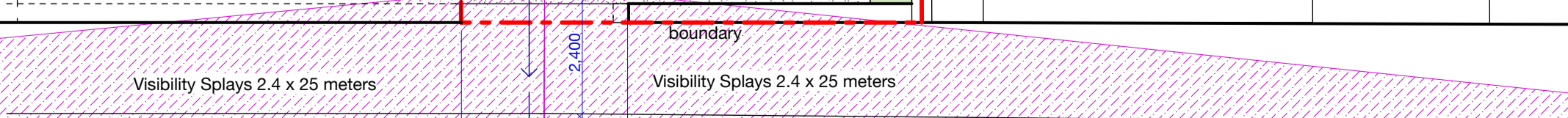
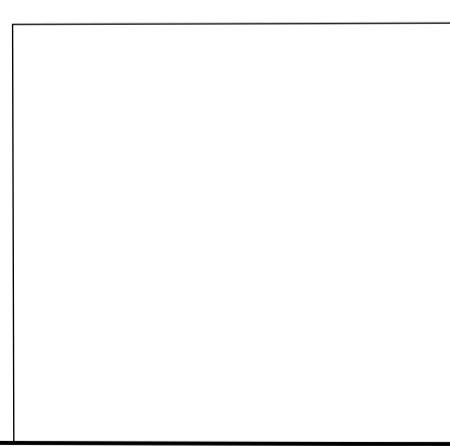
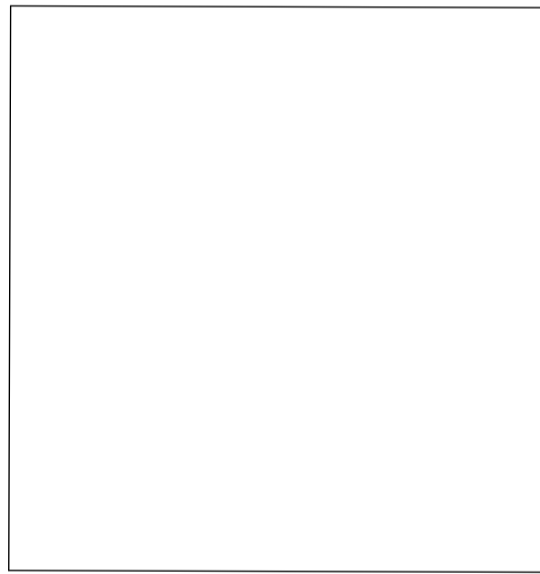
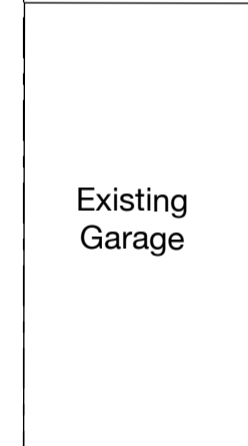
boundary

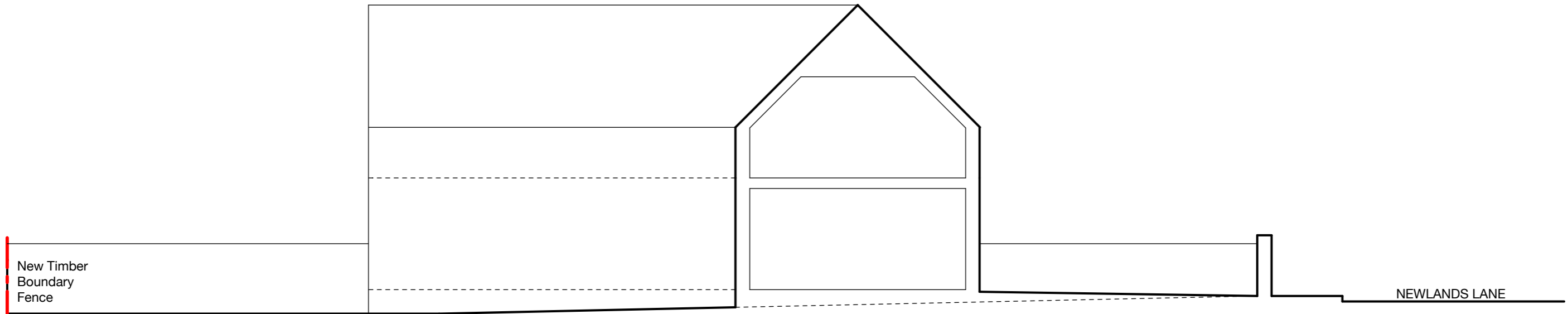
Visibility Splays 2.4 x 25 meters

Proposed vehicular access
& proposed drop kerb

NEWLANDS LANE

New connection to
combined system
public sewer





SITE SECTION

PLANNING NOTES:

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

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

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

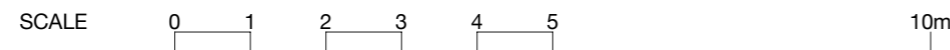
Foulwater drainage to be connected to existing public sewer.
 Surface water drainage to be connected to combined system public sewer.

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

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

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

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



Site at Newlands Lane/
 68 East Church St. Buckie

For Mr & Mrs B. Storch

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

ROSS COWIE ARCHITECT

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

R

Dear Katherine,

Apologies for my delay in getting back to you.

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

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

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

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

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

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

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

Thank you,
Kind regards,

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



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On 15 Sep 2021, at 12:29, Katherine Donnachie <Katherine.Donnachie@moray.gov.uk> wrote:

Dear Ross

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

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

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

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

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

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

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

Yours sincerely

Katherine Donnachie Planning Officer | Economic Growth and

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

- **Working pattern Wednesday to Friday**

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

From: Ross Cowie <rosscowiearchitect@gmail.com>

Sent: 10 September 2021 11:45

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

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

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

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

Good morning Katherine,

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

Thank you
Kind regards
Ross

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

Hi Katherine,

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

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

Kind regards,
Ross

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

Begin forwarded message:

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

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

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

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

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

Dear Mr Slorach,

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

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

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

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

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

Yours sincerely

Robert Hair

S.A. MCGREGOR



**SURFACE WATER DISPOSAL
RECOMMENDATION REPORT**

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

Client: Mr Brian Slorach

Agent: Ross Cowie

Contract No. 2864/21

Report Issued: 06 August 2021

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Discussion

Sub-Soils

SuDS & Surface Water Disposal

Simplified Surface Water Disposal Options Summary Table

Surface Water Disposal Recommendations

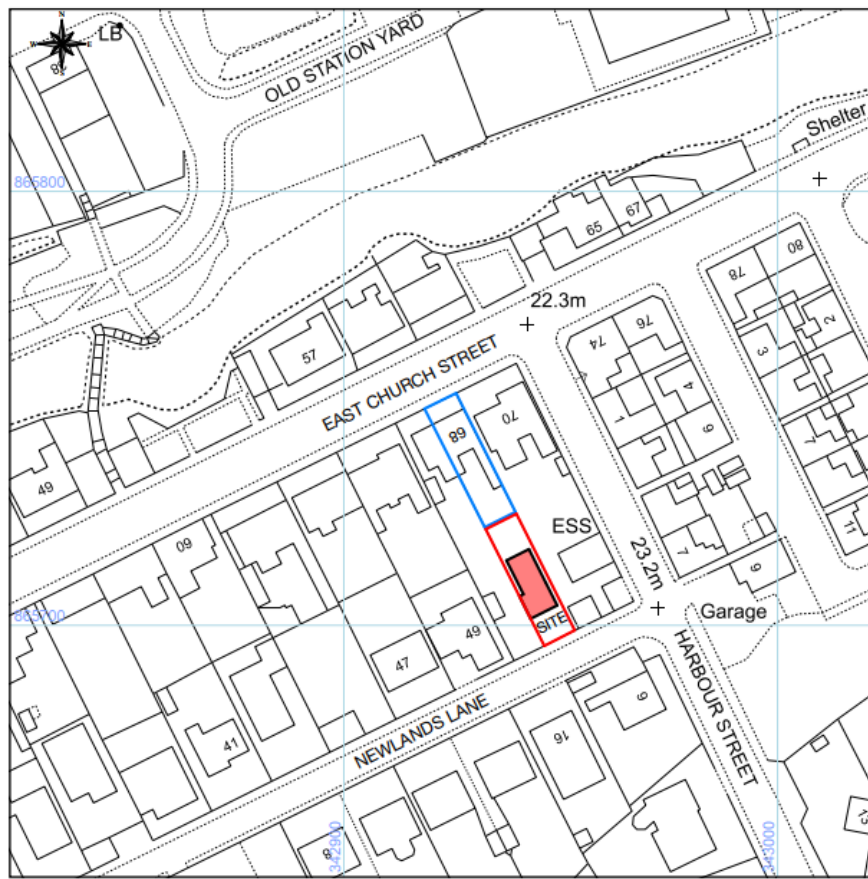
Proposed Surface Water Drainage Plan

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

INTRODUCTION

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

Site Location Plan



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

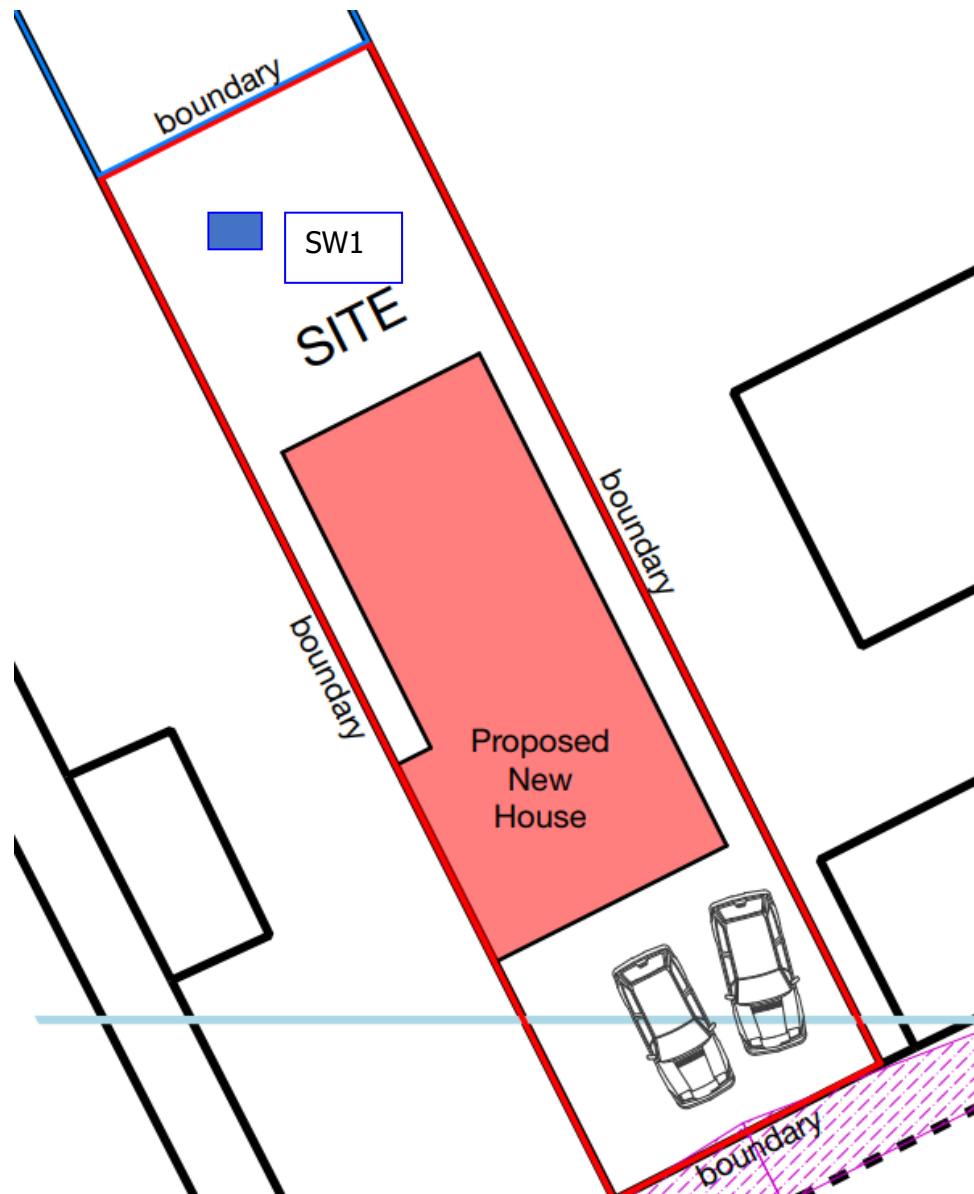
The site was a former 'Scout Hut' now removed with foundations still visible. The area is now very overgrown and is generally level with the boundaries defined by neighbouring walls the garden of No. 68 and access from Newlands Lane to the south.

SITE WORK

Trial Pits

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

Test Location Plan



Infiltration Testing

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

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

Trial Pit Log

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

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GROUND ASSESSMENT

Published Geology

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

Encountered Natural Sub-Soils

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

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

Bedrock: Bedrock was not encountered during the investigation

Ground Water Observations

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

DISCUSSION

Sub-Soils

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

SuDS & Surface Water Disposal

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

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

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

Simplified Surface Water Disposal Options Summary Table

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

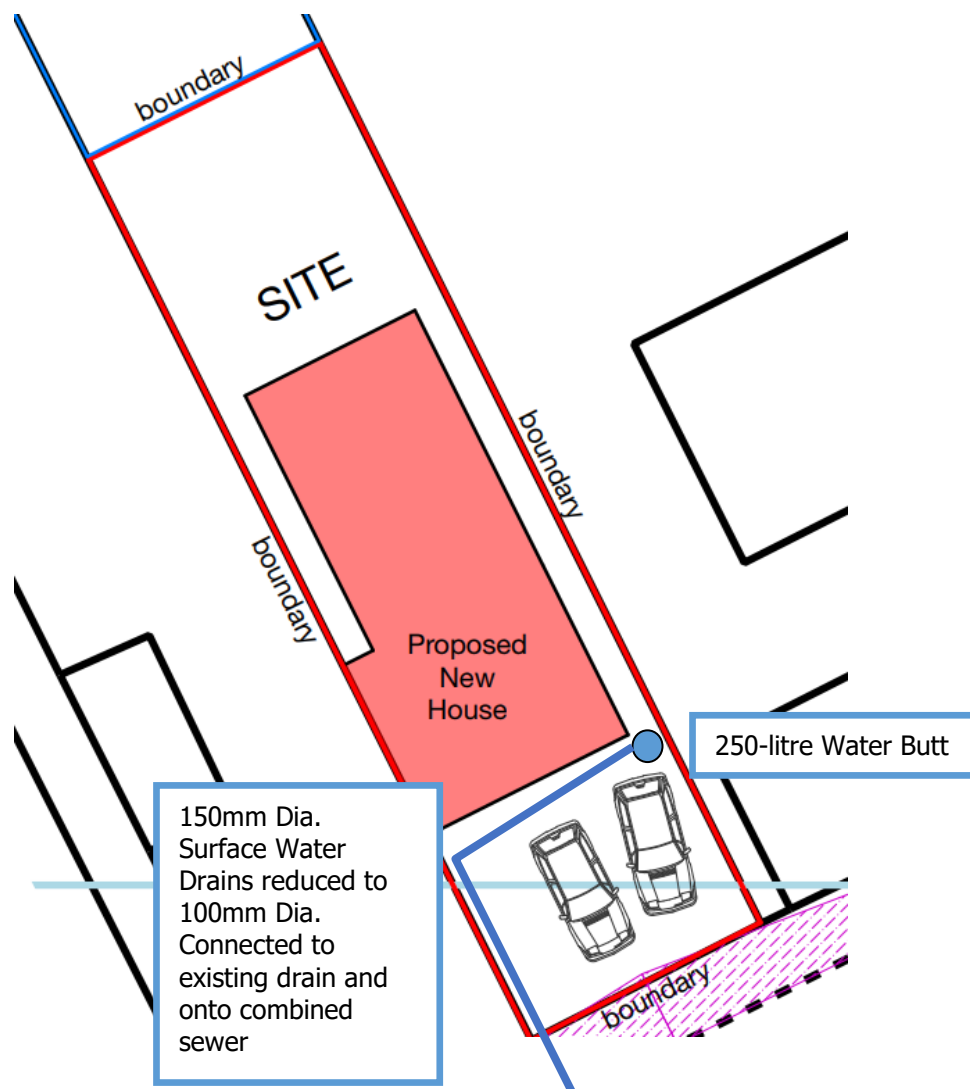
The previous Scout Hut had greater impermeable surface areas compared to the proposed new dwellinghouse and discharged to the sewer.

SURFACE WATER DISPOSAL RECOMMENDATIONS

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

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

Proposed Surface Water Drainage Plan



Signed

Name / Company

Address

Qualification



S. A. McGregor

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

B.Eng(Civil Engineering).

Date...06 August 2021



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

REFUSAL OF PLANNING PERMISSION

**[Buckie]
Planning Permission in Principle**

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

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

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

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

Date of Notice: **01 November 2021**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

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

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

None.

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

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

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

REPORT OF HANDLING

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

RECOMMENDATION

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

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

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

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

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Proposals

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

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

Site

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

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

There is no particular planning history on the site itself.

Policy Background

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

Principle

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

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

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

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

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

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

Siting, Layout and Amenity

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

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

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

Servicing

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

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

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

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

Environmental Impacts

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

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

Developer Obligations and Affordable Housing Contributions

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

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

Conclusion

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

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None.

HISTORY			
Reference No.	Description		
	Decision		Date Of Decision

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

DEVELOPER CONTRIBUTIONS (PGU)	
Status	CONT SOUGHT

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

Supporting information submitted with application?	YES	
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Summary of main issues raised in each statement/assessment/report

Document Name: Surface water disposal recommendation report

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

Document Name: Supporting Statement

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

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

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

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

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

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



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100456110-001

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

Type of Application

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

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

Description of Proposal

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

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

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

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

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

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

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Site at Newlands Lane/ 68 East Church Street Buckie

Northing

865711

Easting

342943

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

247.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Brownfield site/ part garden of 68 East Church St.

Access and Parking

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

Yes No

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

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

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

Water Supply and Drainage Arrangements

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

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

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

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

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

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

Trees

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

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

All Types of Non Housing Development – Proposed New Floorspace

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

Schedule 3 Development

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

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

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

Planning Service Employee/Elected Member Interest

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

Certificates and Notices

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

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

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

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Ross Cowie

On behalf of: Mr & Mrs Brian Slorach

Date: 12/08/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

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

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

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

Supporting Statement

Declare – For Application to Planning Authority

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

Declaration Name: Mr Ross Cowie

Declaration Date: 17/08/2021

Payment Details

Telephone Payment Reference: xxx

Created: 17/08/2021 15:06