

ENVIRONMENTAL SERVICES

Diane Anderson
Senior Engineer

PO Box 6760
Elgin, Moray IV30 9BX

Telephone: 01343 563782

Fax: 01343 563990

email: diane.anderson@moray.gov.uk

Website: www.moray.gov.uk

Our reference: LR/LRB283

Your reference: LR283

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

25 January 2023

Dear Madam

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

**REQUEST FOR REVIEW: PLANNING APPLICATION 22/00164/PPP ERECT DWELLINGHOUSE
ON SITE AT BROADLEY CLOCHAN BUCKIE**

I refer to your email dated 16th January 2023.

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

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

Yours faithfully



Diane Anderson
Senior Engineer

Local Review**LRB Ref 283****Planning Application Reference 22/00164/PPP Erect dwellinghouse on Site At Broadley Clochan Buckie****Response from Transportation, Moray Council**

1. This document is in response to the Notice of Review and the Statement of Case submitted by Rosemary Reeve and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 22/00164/PPP Erect dwelling house on Site at Broadley, Clochan.
3. Transportation received the consultation for planning application 22/00164/PPP on 23rd February 2022. A copy of Transportations consultation response dated 27th July 2022 is attached (TMC 01).
4. This proposal is for planning permission 'in principle' for a new dwelling. The submitted details showed a red line site boundary only. No details relating to the access or visibility splays or house layout were submitted. It was assumed that access was to be taken via the existing shared access.
5. This site was subject to previous planning permission (in principle) firstly in 2006 and then later in 2010 (05/01404/OUT and 10/00171/PPP relate). Both previous consents included a requirement to provide visibility splays. The previous planning consents are attached below as TMC 03 and TMC 04 respectively.
6. The most recent planning permission expired a considerable number of years ago in 2013. Therefore Transportation assessed this proposal against the current guidance and standards.
7. Transportation sought a visibility splay of 2.4m x 70m in both directions (equating to 85th %tile approaching vehicle speeds of 31mph). This requirement simply re-iterated the previous visibility splay requirements. The only change was the maintenance regime which was brought up to date with current standards/requirements (ie requiring the visibility splays to be maintained free from any obstruction greater than 0.6m in height instead of the previous 1.0m in height)
8. As the required visibility splay to the west of the access is obstructed by an existing boundary fence and passes across ground not under the control of the applicant a 'Further Information' consultation response was issued on 10th March 2022 seeking evidence of third party agreement confirming that the visibility splays could be provided and maintained thereafter. Notwithstanding any previous visibility splay requirements/arrangements, although the previous 2010 consent was for the same applicant given the length of time which had subsequently passed since the previous permission it was

Local Review**LRB Ref 283****Planning Application Reference 22/00164/PPP Erect dwellinghouse on Site At Broadley Clochan Buckie**

considered that there was also a reasonable likelihood that the third party land over which the visibility splay passes may have changed ownership in the intervening period.

9. Again notwithstanding any previous visibility splay requirements the current requirement would be to set the fence back to a position behind the visibility splay, or at the very least have agreement in place to ensure that the visibility splay both sides of the fence can be maintained. The reason for this is twofold – firstly the fence itself blocks the sightline for existing vehicles (and is exacerbated due to the fact that vegetation tends to grow up the side of fences further obstructing the sightlines); and secondly without a third party agreement in place protecting the visibility splay there would in principle be nothing preventing the landowner from placing an obstruction within the edge of their own field and thereby again potentially obstructing the sightline.
10. Historically when the maintenance regime sought was 1.0m in height, unless expressly conditioned this generally meant that fences did not require to be set back (if they were less than 1.0m in height). Therefore technically under the previous permission the fence may have been able to remain; however that still would not have resolved the fact that the visibility splay passes across a strip of third party land behind the fence line. Evidence of agreement with the landowner would likely have subsequently been required for the full application had it been submitted within the appropriate time period.
11. Transportation awaited clarification from the applicant in relation to the visibility splay agreement with the third party landowner. However no additional information was provided and upon the request of the Planning Officer Transportation issued their final response on 27th July 2022 (TMC 01) as an objection on the grounds of the information received to date being likely to give rise to conditions detrimental to the road safety or road users.
12. It should be noted that although the U70aL Main Road is a single track road with limited formal passing opportunities, Transport did not seek the provision of a new passing place for this new dwelling. Similarly based on current standards a more onerous visibility splay X distance of 4.5 would ordinarily be required for accesses serving multiple properties. Transportation only sought the less onerous visibility splay X distance of 2.4m (normally associated with a single dwelling). Furthermore no improvements were sought to the existing access (such as formalising an access layby to allow waste collection vehicles to stop safely off the carriageway) the only requirement was to surface the first 5m of the existing access, this due to the fact that there was clear evidence of water/ loose material being carried/discharged from the access track onto the public road.

Local Review

LRB Ref 283

Planning Application Reference 22/00164/PPP Erect dwellinghouse on Site At Broadley Clochan Buckie

13. It is accepted that there are other properties served via this existing access, but it should also be added that many of these properties were subject to consents dating back to 2003, and with the most recent consent dated 2011. Reference is made to the applicant being 'singled out' however this is not the case. Transportation has simply reviewed the proposal on its own merits, based on current policies and guidance; and on the basis that that any previous consent had lapsed nearly ten years ago. It was effectively considered to be a 'new' site.
14. It is generally accepted that obtaining agreements with third party landowners can sometimes be subject to delays. It was therefore assumed that this application would be withdrawn to enable the applicant time to obtain the third party agreement. Based on the information submitted to support the appeal it would appear as though the provision of third party permissions has not yet been ruled out. But instead via this appeal the applicant appears to seek to remove the requirement to obtain third party permissions and set back the boundary fence.
15. As stated previously a visibility splay of 4.5m x 70m would ordinarily be sought for an access which serves a number of properties, Transportation has sought a visibility splay of 2.4m x 70m. The 'X' distance represents the 'average' distance between the driver's seating position and the edge of the carriageway for a vehicle exiting an access. In other words the 2.4m 'X' distance represents the 'in car driver's eye view' upon sitting waiting to exit. A photo showing the in car 'driver's eye view' (from 2.4m back) is attached (TMC 02). As can be clearly observed the existing fence obstructs the sightline.
16. Transportation respectfully, requests that the MLRB to uphold the decision by the appointed officer. In particular on the grounds that Transportation considers that the proposal, if permitted, as a result of the restricted visibility would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policy DP1 'Development Principles' section (ii) 'Transportation', part 'a)' (safe entry and exit), as a consequence of the resulting intensification of use of the existing access with constrained visibility.
17. Finally, Transportation would be happy to review any subsequently submitted proposals should evidence of third party agreement with the adjacent landowner be subsequently obtained and submitted in support of any new dwelling at this location.

Transportation 25 January 2023

Local Review

LRB Ref 283

**Planning Application Reference 22/00164/PPP Erect dwellinghouse on Site At
Broadley Clochan Buckie**

Documents

TMC01 Transportation Consultation Response dated 27th July 2022

TMC02 Site photos

TMC03 Planning consent issued 05/01404/OUT

TMC04 Planning consent issued 10/00171/PPP

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	9th March 2022
Planning Authority Reference	22/00164/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site At Broadley Clochan Buckie
Site Postcode	N/A
Site Gazetteer UPRN	000133052020
Proposal Location Easting	339419
Proposal Location Northing	861745
Area of application site (M²)	800
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=R6XAAQBGL5C00
Previous Application	10/00171/PPP 05/01404/OUT
Date of Consultation	23rd February 2022
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Steve Reeve
Applicant Organisation Name	
Applicant Address	North Bogbain Farmhouse Keith Moray AB55 6RP
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: 22/00164/PPP

Erect dwellinghouse on Site At Broadley Clochan Buckie for Mr Steve Reeve

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

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

This proposal is for the erection of a new dwelling with access via an existing shared vehicular access adjacent:

A visibility splay 2.4m x 70m would be required in both directions at the access onto the public road free from any obstruction greater than 0.6m in height, with all boundaries set back to a position behind the required visibility splays. The visibility splay to the west is obstructed by vegetation and an existing fence and appears to pass over land not under the control of the applicant.

Confirmation of the applicant's ability to provide and maintain the required visibility splays (and set back the existing fence to the west) was therefore sought, through evidence of ownership or provision of third party agreement.

To date no evidence of third party agreement has been submitted which would confirm the applicant's ability to provide and maintain the required visibility splays.

Reason(s) for objection

On the basis of the information submitted to date Transportation considers that the proposal, if permitted, as a result of the restricted visibility would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policy DP1 'Development Principles' section (ii)- 'Transportation', part 'a)' (safe entry and exit)

Contact: AG

Date 27 July 2022

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

Consultee: TRANSPORTATION

Return response to

consultation.planning@moray.gov.uk

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



View towards public road from access track



View into site access – note evidence of loose material/ water ponding



Drivers eye view to west for exiting vehicle



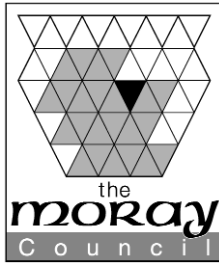
Drivers eye view to east from exiting vehicle – note the significant improvement afforded by the set back fence



View to west from 2.4m X distance (ignore car in foreground)



View to east from 2.4m X distance



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

PERMISSION FOR DEVELOPMENT

**[Lennox]
Outline Application**

TO Mr James A Milton
87 Castlehill Road
Fochabers
Moray
IV32 7JZ

With reference to your application for outline planning permission under the above-mentioned Act as amended, the Council in exercise of their powers under the said Act hereby now **GRANT** planning permission in principle for the following development:-

Outline planning for one house at Site At Broadley Clochan Buckie

in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, subject however to the following condition(s) and reason(s) as set out in the attached schedule.

This permission does not carry with it any necessary consent or approval to the proposed development under the building regulations or other statutory enactments and the development should not be commenced until all consents have been obtained.

Date of Notice: **14th November 2006**

HEAD OF DEVELOPMENT SERVICES

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

IMPORTANT NOTE

YOU ARE OBLIGED TO COMPLY WITH THESE CONDITIONS AND NOTES

SCHEDULE OF CONDITIONS

By this Notice the Moray Council has **APPROVED** this proposal subject to conditions considered necessary to ensure implementation of the proposal, including conditions imposed under S.58/59 of the Town & Country Planning (Scotland) Act 1997, as amended. **It is important that these conditions are adhered to and failure to comply may result in enforcement action being taken.**

Permission is granted subject to the following conditions: -

1 (a) That in the case of any reserved matter, application for approval must be made before:-

(i) that expiration of 3 years from the date of the grant of outline planning permission; or

(ii) the expiration of 6 months from the date on which an earlier application for such approval was refused; or

(iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest: provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (i) above.

(b) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-

(i) the expiration of 5 years from the date of the grant of outline planning permission; or

(ii) the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

2 That the development to which the permission relates must be begun not later than whichever is the later of the following dates:- (i) the expiration of 5 years from the date of the grant of outline planning permission; or (ii) the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

3 The approval hereby granted is in outline and prior to the commencement of the development approval of the details, including the siting, design and external appearances of the building(s) the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Council, as Planning Authority.

4 The proposed development shall be carried out only in accordance with detailed drawings which shall previously have been submitted to and approved by the Council, as Planning Authority. These drawings shall show the reserved matters numbered 5 - 9 below.

5 Plans, sections and elevations of all buildings proposed with details of

the type and colour of all external materials and finishes shall be submitted in accordance with condition no. 4 above.

6 The proposed layout of the site showing the exact position of the site boundaries, the position of all buildings, the means of access, areas for vehicle parking and the arrangements for the disposal of foul and surface water (i.e. a SUDS system or equivalent) shall be submitted in accordance with condition no. 4 above.

7 Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening shall be submitted in accordance with condition no. 4 above.

8 Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. 4 above.

9 Landscaping proposals showing any existing trees/hedges/shrubs to be retained or removed together with details of the type, position and number of all planting to be undertaken and details of all surfacing materials shall be submitted in accordance with condition no. 4 above.

10 The design of the property shall comply with the requirements of L/HC5 of the Moray Local Plan 2000, including the interpretation of policy regarding proportions of gable width and roof pitches.

11 No boundary fences, hedges, walls or any obstruction whatsoever over 1.0 m in height and fronting onto the public road shall be within 2.4 m of the edge of the carriageway.

12 The width of vehicular access shall be and have a maximum gradient of 1:20 measured for the first 5.0 m from the edge of the public carriageway. Section of access over the public footpath/verge shall be to The Moray Council specification and surfaced in bitmac.

13 No water shall be permitted to drain onto the public footpath/carriageway.

14 Drop kerbs shall be provided across the access to The Moray Council specification.

15 A parking layby 8.0 m long x 2.5 m wide with 30 degrees splayed ends shall be provided at the edge of the public road to allow visiting and service vehicles to park clear of the public road. The vehicular access(es) should lead off the layby(s). Layby to be to The Moray Council specification and be surfaced in bitmac.

16 Two private car parking spaces for up to a 3 bedroomed dwelling and three private car parking spaces for a 4 or more bedroomed dwelling shall be provided.

17 A turning area shall be provided within the curtilage of the site to enable vehicles to enter/exit in a forward gear.

18 A visibility splay of 3 metres x 95 metres shall be provided at the access.

19 New boundary walls/fences shall be set back from the edge of the public road at a distance of 2.0 metres.

20 If significant unsuspected contamination is found then all work shall cease until an appropriate investigation to determine the nature, extent and potential impacts of the contamination has been undertaken and a remediation method statement agreed with The Council as Planning Authority.

The Council's reason(s) for imposing the above condition(s) are:-

- 1 The time limit condition is imposed in order to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997.
- 2 The time limit condition is imposed in order to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997.
- 3 In order to ensure that the matters specified can be fully considered prior to the commencement of development.
- 4 As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
- 5 As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
- 6 As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
- 7 As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
- 8 As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
- 9 As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
- 10 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
- 11 In the interests of road safety.
- 12 In the interests of road safety.
- 13 In the interests of road safety.
- 14 In the interests of road safety.
- 15 In the interests of road safety.
- 16 In the interests of road safety.
- 17 In the interests of road safety.
- 18 In the interests of road safety.

- 19 In the interests of road safety.
- 20 In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.

ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

The following notes are provided for your information including comments received from consultees:-

TRANSCO (Gas Apparatus) - SCOTLAND LDZ has commented that:-

Symology should be contacted on 0800 231 251 PRIOR to work starting.

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

The applicants attention is drawn to the attached copy letter from Scottish Water.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

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

**DETAILS WHERE DIFFERENT TIME-PERIOD(S) FOR DURATION OF
PLANNING PERMISSION IMPOSED (S.58/59 of 1997 ACT)**

TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION

The terms, or summary of terms of the Agreement can be inspected at:-

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 appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of appeal should be addressed to the Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callander Road, Falkirk, FK1 1XR. This form can be obtained and may also be downloaded and/or submitted online from www.eplanning.scotland.gov.uk

If permission to develop land is refused or granted subject to conditions whether by the planning authority or by the Scottish Ministers, 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.

NOTIFICATION OF INITIATION OF DEVELOPMENT

S.27A of the 1997 Act requires any person who has been granted planning permission (including planning permission in principle) and intends to start development must, as soon as practicable after deciding the date they will start work on the development, give notice to the planning authority of that date. This ensures that the planning authority is aware that the development is underway and can follow up on any suspensive conditions attached to the permission.

Therefore, prior to any work commencing on site, the applicant/developer must complete and submit to the Moray Council, as planning authority, the attached Notification of Initiation of Development. Failure to submit the required Notice will

be a breach of planning control under S.123(1) of the 1997 Act.

NOTIFICATION OF COMPLETION OF DEVELOPMENT

S.27B of the 1997 Act requires any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority. This will ensure that the planning authority is aware that the development is complete and can follow up any planning conditions.

Therefore, on completion of the development or as soon as practicable after doing so, the applicant/developer must complete and submit to the Moray Council, as planning authority the attached Notification of Completion of Development.

Phased development – Under S.27B(2) of the 1997 Act where permission is granted for phased development, the permission is subject to a condition (see Schedule of Conditions above) requiring the applicant/developer as soon as practicable after each phase to give notice of that completion to the planning authority. This will allow the planning authority to be aware that particular phase(s) of the development is/are complete. The non-compliance with this condition or failure to give notice may result in enforcement action being taken. When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.

DISPLAY OF NOTICE WHILST DEVELOPMENT IS BEING CARRIED OUT

The permission as granted relates to a national or major development (under the Town & Country Planning (Hierarchy of Development) (Scotland) Regulations 2009), or is a development of a class specified in Schedule 3 of the Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

Under S.27C of the 1997 Act the developer must, for these types of development and for the duration of the development (until works are completed) display a sign or signs containing certain information, which should be provided and displayed in a prominent place at or in the vicinity of the site of the development, be readily visible to the public and be printed on durable material. This will provide the general public with information regarding the proposal and where further information can be obtained.

Therefore, prior to development commencing the applicant/developer must complete and display the attached Notice as required above. Failure to display the required Notice will constitute a breach of planning

The Moray Council

NOTIFICATION OF INITIATION OF DEVELOPMENT

Section 27A Town and Country Planning (Scotland) Act 1997

Planning Application Reference No: 05/01404/OUT

Date issued:

I hereby give notice that works as detailed under the above planning application will commence on:

Signed: _____ Date: _____

THE FOLLOWING INFORMATION MUST BE PROVIDED:

1. Name and address of person carrying out the development:

2. The full name and address of the landowner, if a different person:

3. Where a site agent is appointed, their full name and contact details:

4. The date of issue and reference number of the grant of planning permission:

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office,
High Street
Elgin IV30 1BX

Or email to: - development.control@moray.gov.uk

IMPORTANT

It is important that the Environmental Services Department is advised when you propose to start work as failure to do so may result in enforcement action be taken.

Please complete and return this form.

The Moray Council

NOTIFICATION OF COMPLETION OF DEVELOPMENT

Section 27B Town and Country Planning (Scotland) Act 1997

Planning Application Reference No: 05/01404/OUT

Date issued:

I hereby give notice that works as detailed under the above planning application will be completed on:

Signed: Date:

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office
High Street
Elgin IV30 1BX

Or email to: - development.control@moray.gov.uk

IMPORTANT

It is important that the Environmental Services Department is advised when the development has been completed as failure to do so may result in enforcement action be taken.

Please complete and return this form.

**TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997
as amended**

**TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2008**

Notice under Section 27 C (1) and Regulation 38 to be displayed
while development is in progress

NOTICE

Proposed Development: **Outline planning for one house at Site At Broadley
Clochan Buckie Banffshire**

NOTICE is hereby given that planning permission has been granted subject to
conditions to

Name (a)

Address (a)

on 08/12/99

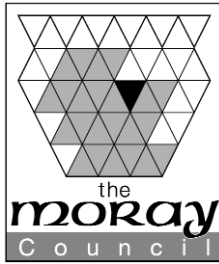
by THE MORAY COUNCIL under application reference **05/01404/OUT**

Further information regarding the planning permission including conditions, if any,
on which it has been granted can be obtained at all reasonable hours at the Access
Point, Council Office, Elgin. Information associated with the application may be
published on the Council's website at <http://public.moray.gov.uk/eplanning>

Contact for enquiries/Address of planning authority:

The Moray Council
Development Management
Development Services
Environmental Services
Council Office
High Street
Elgin IV30 1BX

(a) applicant/developer must insert name and address details prior to display. See
note appended to decision notice for requirements for display.



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

PERMISSION FOR DEVELOPMENT

**[Fochabers Lhanbryde]
Planning Permission in Principle**

TO Mr Steve Reeve
North Bogbain Farmhouse
Keith
Moray
AB55 6RP

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 hereby GRANT planning permission for the following development:-

Planning Permission in Principle to erect one house at Site At Broadley Clochan Buckie

in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, subject however to the following condition(s) and reason(s) as set out in the attached schedule.

This permission does not carry with it any necessary consent or approval to the proposed development under the building regulations or other statutory enactments and the development should not be commenced until all consents have been obtained.

Date of Notice: **3rd June 2010**

HEAD OF DEVELOPMENT SERVICES

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

IMPORTANT NOTE

YOU ARE OBLIGED TO COMPLY WITH THESE CONDITIONS AND NOTES

SCHEDULE OF CONDITIONS

By this Notice the Moray Council has **APPROVED** this proposal subject to conditions considered necessary to ensure implementation of the proposal, including conditions imposed under S.58/59 of the Town & Country Planning (Scotland) Act 1997, as amended. **It is important that these conditions are adhered to and failure to comply may result in enforcement action being taken.**

Permission is granted subject to the following conditions: -

- 1 (a) That in the case of any matter specified in conditions attached to the planning permission in principle, application for approval must be made before:-
 - (i) that expiration of 3 years from the date of the grant of planning permission in principle; or
 - (ii) the expiration of 6 months from the date on which an earlier application for such approval for the same matters was refused; or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest: provided that only one such application for approval of matters specified in conditions may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (i) above.
- (b) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
 - (i) the expiration of 3 years from the date of the grant of planning permission in principle; or
 - (ii) the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.
- 2 The approval hereby granted is for planning permission in principle and prior to the commencement of the development approval of matters specified in conditions, including the siting, design and external appearance of the building(s) the means of access thereto and the landscaping of the site shall be obtained from the Council, as Planning Authority.

- 3 The grant of planning permission hereby granted for the proposed development shall be carried out only in accordance with detailed drawings which shall previously have been submitted to and approved by the Council, as Planning Authority. These drawings shall show the matters specified in conditions numbered 4 - 8 below.
- 4 Plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes shall be submitted in accordance with condition no. 3 above.
- 5 The proposed layout of the site showing the exact position of the site boundaries, the position of all buildings, the means of access, areas for vehicle parking and the arrangements for the disposal of foul and surface water (i.e. a SUDS system or equivalent) shall be submitted in accordance with condition no. 3 above.
- 6 Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening shall be submitted in accordance with condition no. 3 above.
- 7 Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. 3 above.
- 8 Landscaping proposals showing any existing trees/hedges/shrubs to be retained or removed together with details of the type, position and number of all planting to be undertaken and details of all surfacing materials shall be submitted in accordance with condition no. 3 above.
- 9 The dwelling shall be of single storey construction.
- 10 No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway.
- 11 Vehicular access to the plot shall be taken via the adjacent existing access track onto the public road. The width of the vehicular access shall be as existing and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway.
- 12 The first 10m of the access track, measured from the edge of the public road, shall be constructed to the Moray Council specification and surfaced with bituminous macadam.
- 13 No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.
- 14 Two private car parking spaces for up to a 3 bedroomed dwelling and three private car parking spaces for a 4 or more bedroomed dwelling shall be provided.

- 15 A turning area shall be provided within the curtilage of the site/each plot to enable vehicles to enter and exit in a forward gear.
- 16 A visibility splay of 2.4m x 70m shall be provided and maintained at the existing access onto the public road across the site, clear of any obstruction above 1.0m in height.
- 17 New boundary walls/fences shall be set back from the edge of the public carriageway at a distance of 2.0m.
- 18 Houses requiring 2 parking spaces shall have a driveway length of 6.0m minimum in front of any garage to permit a second car to park, unless alternative parking arrangements are provided. No part of the driveway shall be included in the public road.
- 19 Parking provision shall be outwith visibility splays.
- 20 The roof of the dwelling hereby approved shall be finished in natural slate or a good quality artificial slate to be agreed in writing by the Council (as Planning Authority) prior to the commencement of development.
- 21 That no trees, shrubs or hedgerows on the site shall be removed without the prior written consent of this Council as Planning Authority.

The Council's reason(s) for imposing the above condition(s) are:-

- 1 The time limit condition is imposed in order to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
- 2 In order to ensure that the matters specified can be fully considered prior to the commencement of development.
- 3 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
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- 7 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 8 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 9 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
- 10 In the interests of road safety.
- 11 In the interests of road safety.
- 12 In the interests of road safety.
- 13 In the interests of road safety.
- 14 In the interests of road safety.
- 15 In the interests of road safety.
- 16 In the interests of road safety.
- 17 In the interests of road safety.
- 18 In the interests of road safety.
- 19 In the interests of road safety.
- 20 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
- 21 In order to ensure that the existing trees, shrubs or hedgerows are retained as they add interest and character to the site and will contribute to the appearance of the development approved herewith.

ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

The following notes are provided for your information including comments received from consultees:-

THE CONTAMINATED LAND SECTION has commented that:-

Your property has been identified as being in the vicinity of the following potential sources of contamination:

- Vehicle Maintenance and Storage Yard, On-site, 1973-1992 (Not shown on historic maps).

The Moray Council understands that a contamination site investigation was undertaken under Planning Application Reference 05/01404/OUT. Should you require further information, please contact the Environmental Health section on 01343 563496 or by email to contaminated.land@moray.gov.uk

THE TRANSPORTATION MANAGER, DIRECT SERVICES, ACADEMY STREET, ELGIN has commented that:-

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 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 applicant 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 Transportation Manager prior to work on it commencing.

THE DEVELOPMENT CONTROL MANAGER, DEVELOPMENT SERVICES, has commented that:-

It is noted that your planning application proposes a septic tank and soakaway/infiltration drainage system and the suitability of the ground condition to accommodate this will be dealt with as part of your Building Warrant application.

Full details of a ground assessment, trial pit investigations and percolation test results, from a suitably qualified person as contained within the Council's List of Approved Certifiers, will be required prior to obtaining a Building Warrant

An application for a Building Warrant and compliance with the Building Regulations are entirely separate from Planning procedures. Furthermore, the granting of Planning Consent does not guarantee approval of a Building Warrant.

If you have not already done so and you may wish to satisfy yourself about the adequacy of ground conditions separately at this stage, if so I recommend that you contact the Building Standards Section directly at Environmental Services, The Moray Council, Council Offices, High

Street, Elgin, IV30 1BX, telephone (01343) 563243.

Please also note that if you are proposing a discharge to a watercourse this will require separate consent from SEPA (Scottish Environment Protection Agency) under the Control of Pollution Act 1974.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Location plan
		Plot specification

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

None

DETAILS WHERE DIFFERENT TIME-PERIOD(S) FOR DURATION OF PLANNING PERMISSION IMPOSED (S.58/59 of 1997 ACT)

None

TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION

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, The 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.

NOTIFICATION OF INITIATION OF DEVELOPMENT

S.27A of the 1997 Act requires any person who has been granted planning permission (including planning permission in principle) and intends to start development must, as soon as practicable after deciding the date they will start work on the development, give notice to the planning authority of that date. This ensures that the planning authority is aware that the development is underway and can follow up on any suspensive conditions attached to the permission.

Therefore, prior to any work commencing on site, the applicant/developer must complete and submit to the Moray Council, as planning authority, the attached Notification of Initiation of Development. Failure to submit the required Notice will be a breach of planning control under S.123(1) of the 1997 Act.

NOTIFICATION OF COMPLETION OF DEVELOPMENT

S.27B of the 1997 Act requires any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority. This will ensure that the planning authority is aware that the development is complete and can follow up any planning conditions.

Therefore, on completion of the development or as soon as practicable after doing so, the applicant/developer must complete and submit to the Moray Council, as planning authority the attached Notification of Completion of Development.

Phased development – Under S.27B(2) of the 1997 Act where permission is granted for phased development, the permission is subject to a condition (see Schedule of Conditions above) requiring the applicant/developer as soon as practicable after each phase to give notice of that completion to the planning authority. This will allow the planning authority to be aware that particular phase(s) of the development is/are complete. **The non-compliance with this condition or failure to give notice may result in enforcement action being taken. When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.**

The Moray Council

NOTIFICATION OF INITIATION OF DEVELOPMENT

Section 27A Town and Country Planning (Scotland) Act 1997

Planning Application Reference No: 10/00171/PPP

Date issued:

I hereby give notice that works as detailed under the above planning application will commence on:

Signed: Date:

THE FOLLOWING INFORMATION MUST BE PROVIDED:

1. Name and address of person carrying out the development:

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2. The full name and address of the landowner, if a different person:

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3. Where a site agent is appointed, their full name and contact details:

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.....

4. The date of issue and reference number of the grant of planning permission:

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.....

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office,
High Street
Elgin IV30 1BX

IMPORTANT

It is important that the Environmental Services Department is advised when you propose to start work as failure to do so may result in enforcement action be taken.

Please complete and return this form.

The Moray Council

NOTIFICATION OF COMPLETION OF DEVELOPMENT

Section 27B Town and Country Planning (Scotland) Act 1997

Planning Application Reference No: 10/00171/PPP

Date issued:

I hereby give notice that works as detailed under the above planning application will be completed on:

Signed: Date:

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office
High Street
Elgin IV30 1BX

IMPORTANT

It is important that the Environmental Services Department is advised when the development has been completed as failure to do so may result in enforcement action be taken.

Please complete and return this form.