

REPORT OF HANDLING

Ref No:	22/01292/APP	Officer:	Iain T Drummond
Proposal Description/ Address	Erect dwellinghouse on Plot 3 Minduff Drybridge Buckie Moray		
Date:	09.01.2023	Typist Initials:	SS

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Planning And Development Obligations	09/09/22	No contributions sought due to extant consent on site.
Moray Flood Risk Management	12/09/22	No objections
Environmental Health Manager	12/09/22	No objections
Contaminated Land	14/09/22	No objections
Private Water Supplies	15/09/22	No objections subject to condition
Transportation Manager	13/09/22	No objections subject to conditions and informatives.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP3 Infrastructure and Services	N	
DP1 Development Principles	N	
DP4 Rural Housing	N	
EP2 Biodiversity	N	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	
EP14 Pollution Contamination Hazards	N	

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

Proposal & Site

- This application seeks to amend the design of the houses approved on site via applications 09/01922/APP and 12/02050/APP, both of which have had a lawful start to the consents in the form of the partial formation of access and therefore remain extant.
- The proposed house consists of a one and a half storey, T-shaped house with integral double garage.
- The proposed amended house design overlaps and largely sits on the same footprint as the previously consented houses on this site.
- This application seeks detailed planning permission for the amendment of the design previously approved on site from a larger one and a half storey house.
- Use of a private water supply is proposed with foul drainage disposed of via a treatment plant and soakaway and surface water disposed of via a separate soakaway.
- The temporary siting of a static caravan is also proposed throughout the duration of the construction of the dwellinghouse.

Appraisal

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

Principle of the development (PP1, DP1 and DP2)

The principle of erecting a house on this site has already been established via the approval of applications 09/01922/APP and 12/02050/APP and therefore what requires to be considered as part of this application is the amendments to the design and siting of the house.

Design and amenity (PP1, DP1, DP4 and EP2)

In terms of the amended house design, with the exception of the roof finish, the proposal is compliant with the design and material finish requirements of policy DP4. Where the applicants have specified the use of slate effect tiles, policy DP4 specifically stipulates the use of natural slate or corrugated roofing on houses in the countryside and precludes the use of concrete tiles and as such a condition has been attached to the consent to ensure the finish of the house is natural slate in line with policy requirements. Landscaping proposals are lacking from the scheme, however, a condition has been attached to ensure tree planting covering 15% of the site as required by policy is achieved.

No tree removal is proposed as part of this application and in terms of biodiversity, the provision of planting across the site will ensure biodiversity levels within the plot are enhanced.

The temporary siting of a static caravan throughout the duration of the construction of the house is also considered to be acceptable, subject to the condition as applied that the caravan is removed following the completion or occupation of the dwellinghouse.

Overall the proposals are considered to be compliant with policies PP1, DP1, DP4 and EP2.

Drainage (EP12, EP13)

Drainage information has been provided with the application and identifies the means of surface water disposal from the site. Moray Flood Risk Management have assessed this information and have no objections to the approval of the application. Environmental Health have also confirmed that the proposed private water supply is sufficient to serve the proposed house subject to condition as recommended and as such the proposal is considered to comply with policy EP12 and EP13.

Access (DP1)

Transportation have no objection to the approval of the application subject to conditions as recommended and as such the development complies with policy DP1 in this regard.

Developer obligations and affordable housing (PP3 and DP2)

Developer obligations have already been paid in relation to the extant consent on site and as such the proposals are compliant with policies PP3 and DP2.

Conclusion and Recommendation

Based on all of the above, taking into account comments received from consultees, this application is considered to comply with development plan policy and is therefore recommended for approval subject to conditions.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are:-

The proposal complies with the provisions of the Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None.

HISTORY

Reference No.	Description		
12/02050/APP	Erect house at Plot 3 Minduff Drybridge Buckie Moray		
	Decision	Permitted	Date Of Decision 24/05/13
21/01560/APP	Erect dwellinghouse on Plot 3 Minduff Drybridge Buckie Moray		
	Decision	Refuse	Date Of Decision 02/02/22

ADVERT

Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Advertiser and Herald	No Premises	03/10/22
PINS	No Premises	03/10/22

DEVELOPER CONTRIBUTIONS (PGU)	
Status	NONE SOUGHT

DOCUMENTS, ASSESSMENTS etc. *		
<i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Drainage assessment	
Main Issues:	Outlines the drainage methodology for the site.	

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

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



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

PERMISSION FOR DEVELOPMENT

**[Fochabers Lhanbryde]
Application for Planning Permission**

TO Mr Timothy Wright
c/o Christopher Bremner
Minduff
Drybridge
Buckie
Moray
AB56 5LB

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

Erect dwellinghouse on Plot 3 Minduff Drybridge Buckie Moray

in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, and where appropriate, subject to the 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: **16 January 2023**

Head Economic Growth and Development Services
Economy, Environment and Finance
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 **GRANTED PLANNING PERMISSION** for this proposal subject to conditions as appropriate to ensure implementation of the proposal under 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.**

CONDITION(S)

Permission is granted subject to the following conditions: -

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

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

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

- 3 No water shall be permitted to drain or loose material be carried onto the public carriageway.

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

- 4 A visibility splay 2.4 metres by 120 metres to the north-west shall be provided at the access onto the public road, and maintained thereafter at all times free from any obstruction greater than 0.6m in height measured from the level of the carriageway.

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

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

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

- 6 Prior to the occupation of the house hereby approved a scheme of effective treatment to the private water supply shall be fully installed and properly maintained for the lifetime of the development. The scheme must ensure that the water to the house would fully comply with the regulatory limits stated in The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 and should specifically include effective point of entry ultraviolet treatment, prefiltration, pH correction measures and iron/manganese treatment.

Reason: To ensure that the development is served by an adequate and wholesome water supply.

- 7 The paddock area associated with the plot as identified in the approved site plan, shall be only used as paddock land, and not for domestic garden purposes. Note. For the avoidance of doubt, the paddock does not have the benefit of permitted development rights under Article 2(4), Schedule, Part 1 Classes 3B (Building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by the Town & Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any Order revoking and re-enacting that Order(s) with or without modifications).

Reason: To safeguard the rural character of the site and its surroundings, by mitigating against any domestic encroachment into adjoining farm/paddock land.

- 8 Unless otherwise agreed in writing with the Planning Authority, boundary enclosures surrounding the site hereby approved shall only comprise post and wire fencing or hedging made up of native species (birch, gean, hawthorn, scots pine, beech, oak, holly). In addition 15% of the plot must be landscaped with native tree species (whips and feathered trees at least 1.5 metres in height, planted at a density of 1 per 4 sqm).

All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the commencement of development. Any trees or plants which within a period of five years from the completion of the

development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: To ensure an acceptable scheme of landscaping to aid the integration of the house into the surrounding landscape and ensure the planting is timeously provided.

- 9 Notwithstanding the details shown on the approved plans, the roof of the dwellinghouse hereby approved shall be finished in natural slate.

Reason: To ensure the highest standards of material finish are achieved for new housing in the countryside and that new housing is finished in a manner which reflects the traditional material finishes of houses in Moray.

10. The residential caravan hereby permitted is solely for the use of the applicant or developer for the duration of the construction works associated with the development hereby approved. Within 3 years from the date of this decision notice or within 2 months following the occupation or completion of the dwellinghouse, whichever is the sooner, the caravan shall be removed permanently from the site, along with all associated fixtures and fittings.

Reason: To ensure the removal of the residential caravan from the site following the completion of the adjacent house, in the interests of minimising and removing the visual impact of the caravan.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are:-

The proposal complies with the provisions of the Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
20-121-PL02		Site sections
20-121-PL03		Site plan
20-126-PI04		Location plan
20-121-PL01		Elevations and floor plans

IMPORTANT NOTES ABOUT THIS DECISION

COMMENCEMENT AND COMPLETION OF THE DEVELOPMENT

The following are statutory requirements of the Town & Country Planning (Scotland) Act 1997, as amended. Failure to meet their respective terms represents a breach of planning control and may result in formal enforcement action. Copies of the notices referred to below are attached to this permission for your use.

NOTIFICATION OF INITIATION OF DEVELOPMENT

S.27A of the 1997 Act, as amended requires that 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.

NOTIFICATION OF COMPLETION OF DEVELOPMENT

S.27B of the 1997 Act, as amended requires that 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.

NOTIFICATION OF COMPLETION OF PHASED DEVELOPMENT

Under S.27B(2) of the 1997 Act, as amended 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.

When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.

ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

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

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

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

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure

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

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

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority. The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

**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

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

None

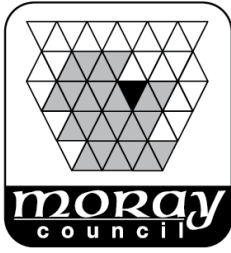
NOTICE OF APPEAL

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, 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.



MORAY COUNCIL

NOTIFICATION OF INITIATION OF DEVELOPMENT

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

Application Number **22/01292/APP**

Date Decision Issued

Location and Description of Development Erect dwellinghouse on Plot 3 Minduff Drybridge
Buckie Moray

Please note that all suspensive conditions must be discharged prior to commencement of development

Date works are to Commence	
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Name, Address and contact details of developer

.....
.....
.....

The Full name and Address and contact details of the landowner, if a different person

.....
.....
.....

Where an agent is appointed, their full name and contact details

.....
.....
.....

Signed

Name (Print)

Date

.....
.....
.....

Please complete and return this form to:

**Development Management & Building Standards Manager, Moray Council, PO
Box 6760, Elgin, Moray, IV30 1BX**

OR

E-mail: development.control@moray.gov.uk



MORAY COUNCIL

NOTIFICATION OF COMPLETION OF DEVELOPMENT

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

Application Number **22/01292/APP**

Date Decision Issued

Location and Description of Development Erect dwellinghouse on Plot 3 Minduff Drybridge
Buckie Moray

Date of completion of works	
------------------------------------	--

Name, Address and contact details of developer

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The Full name and Address and contact details of the landowner, if a different person

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Where an agent is appointed, their full name and contact details

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.....

.....

Signed

Name (Print)

Date

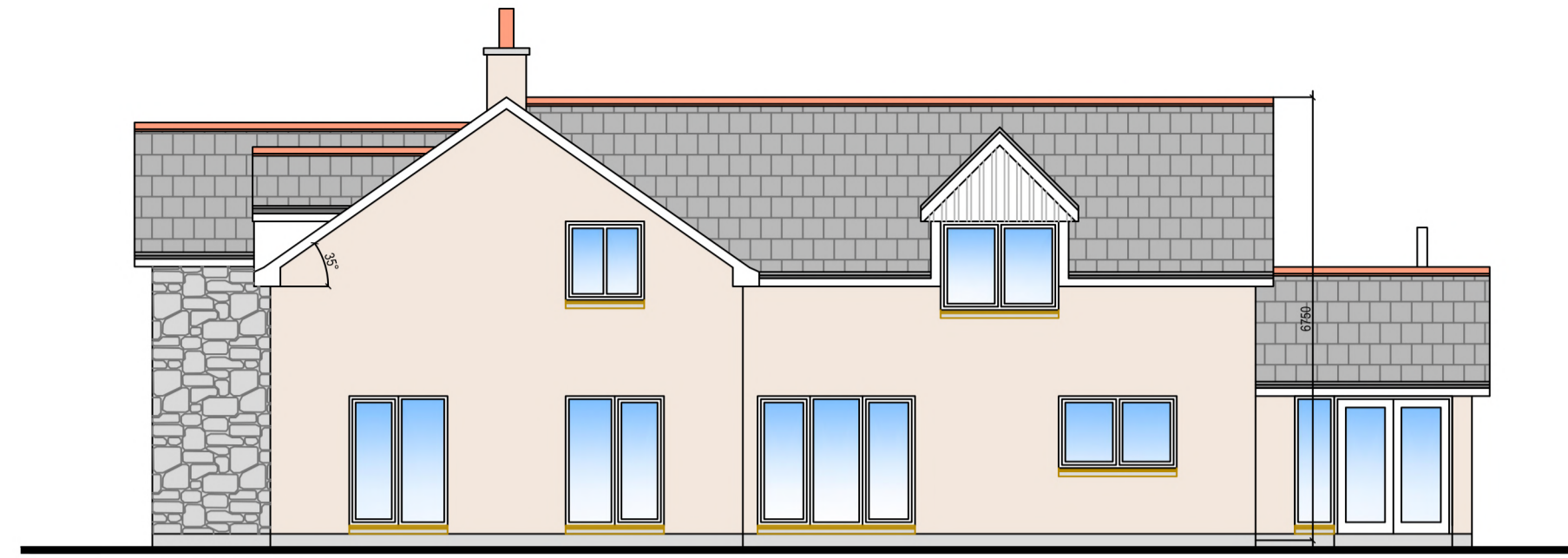
Please complete and return this form to:

**Development Management & Building Standards Manager, Moray Council, PO
Box 6760, Elgin, Moray IV30 1BX**

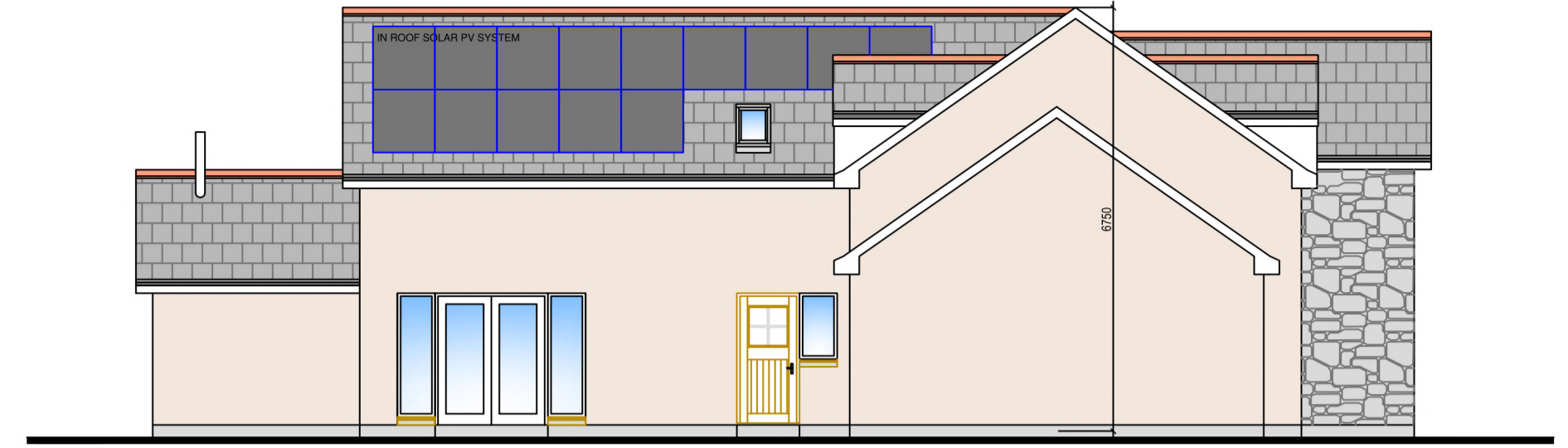
E-mail: development.control@moray.gov.uk



East Elevation



North Elevation



South Elevation



West Elevation

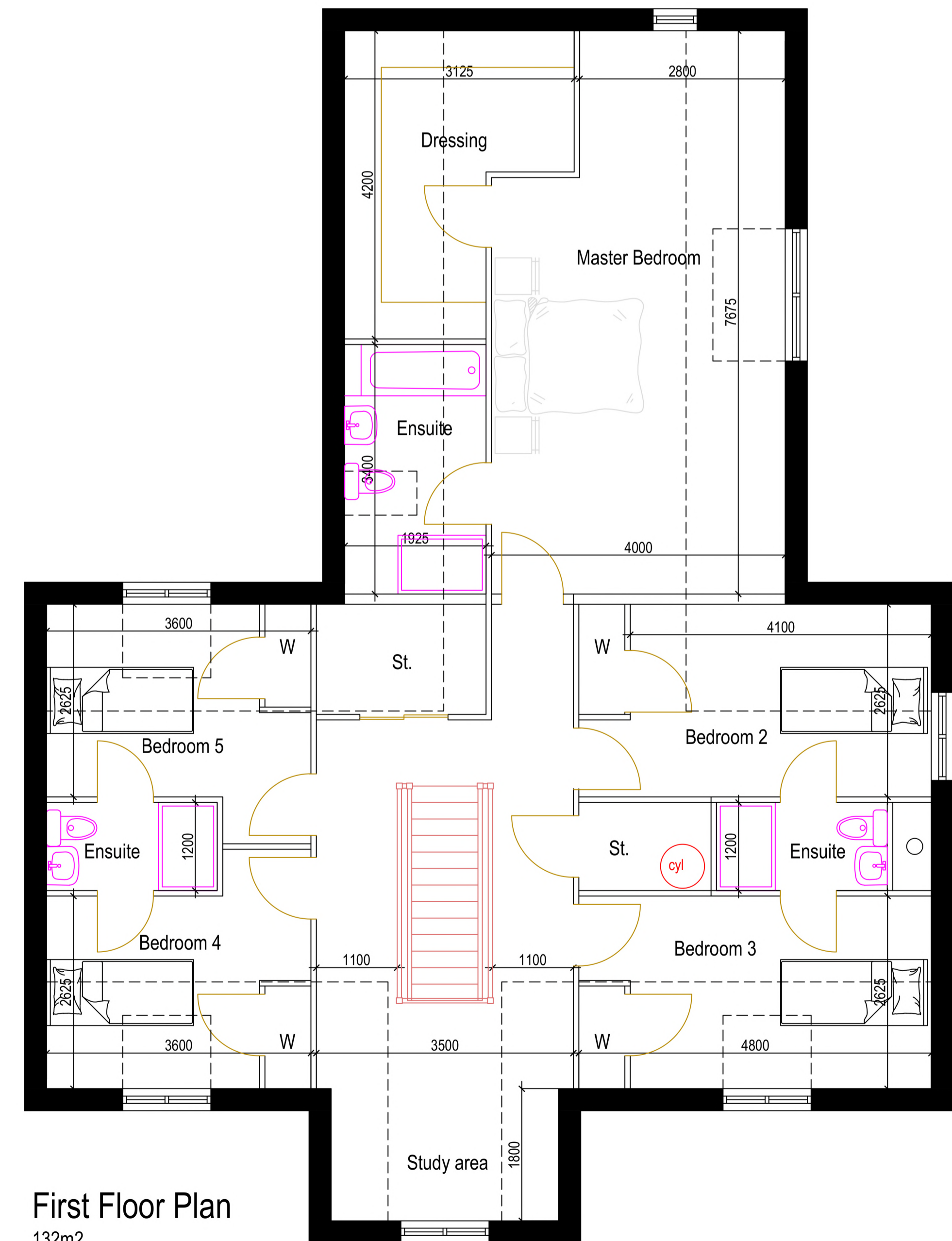
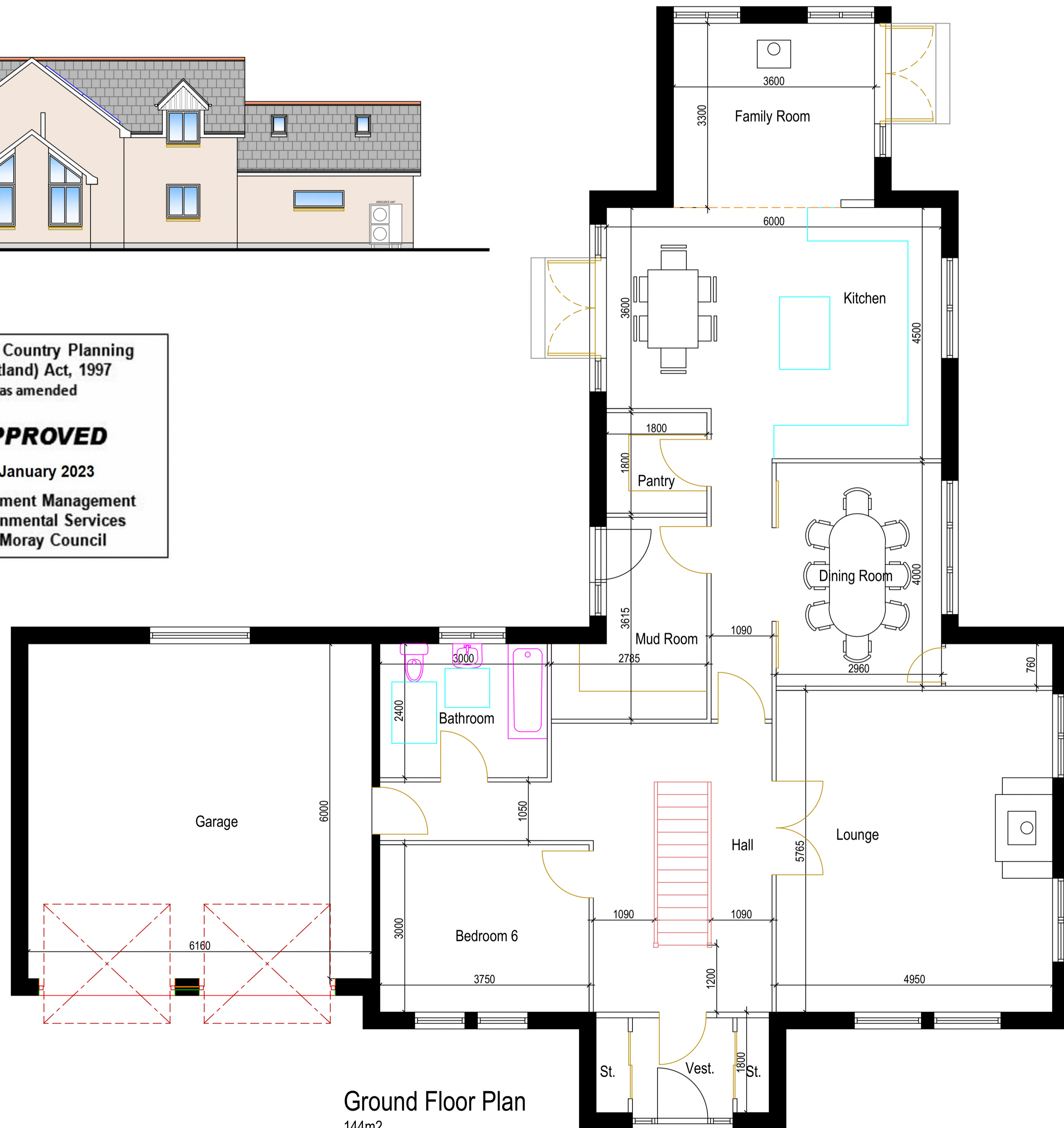
- EXTERNAL FINISHES:-**
1. Slate effect tiles
 2. Tuscany beige Roughcast.
 3. Natural stone feature gable.
 4. White UPVC Windows & Doors.
 5. White UPVC Soffit and Fascia.

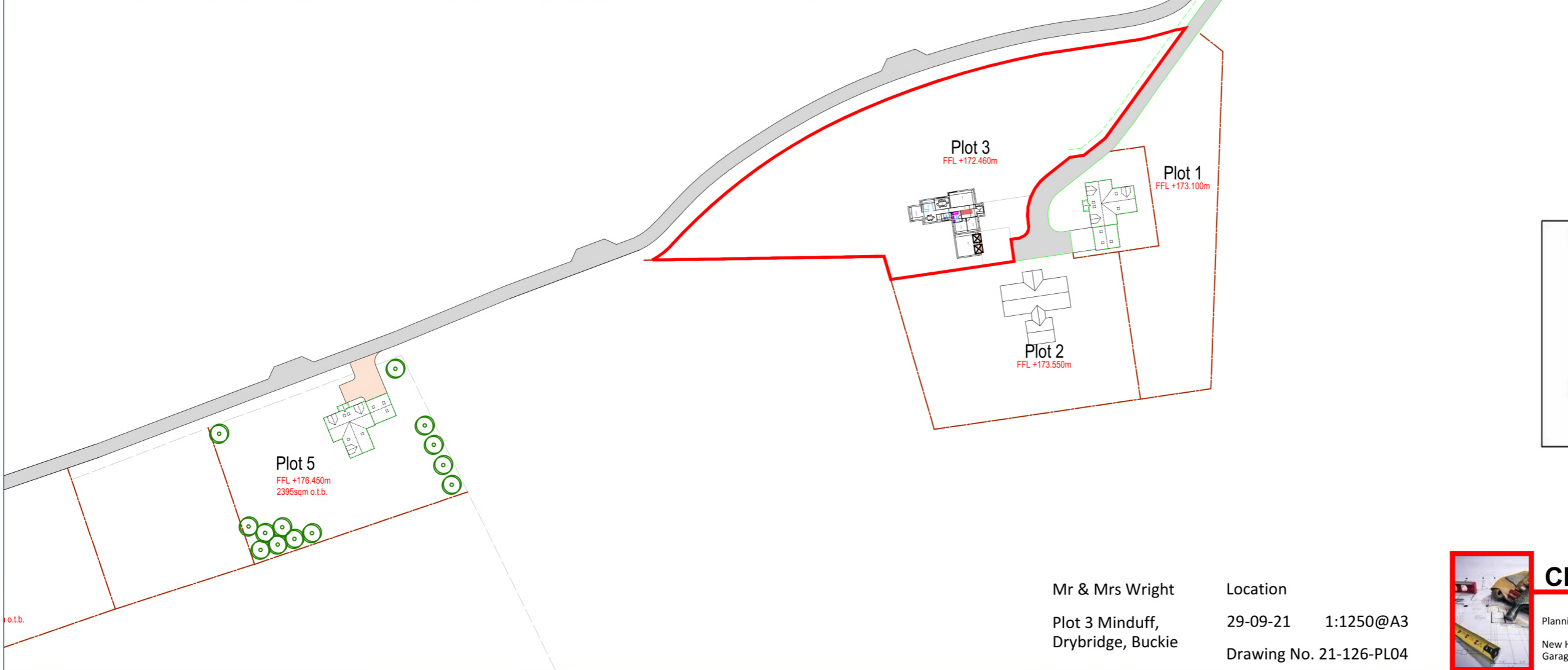
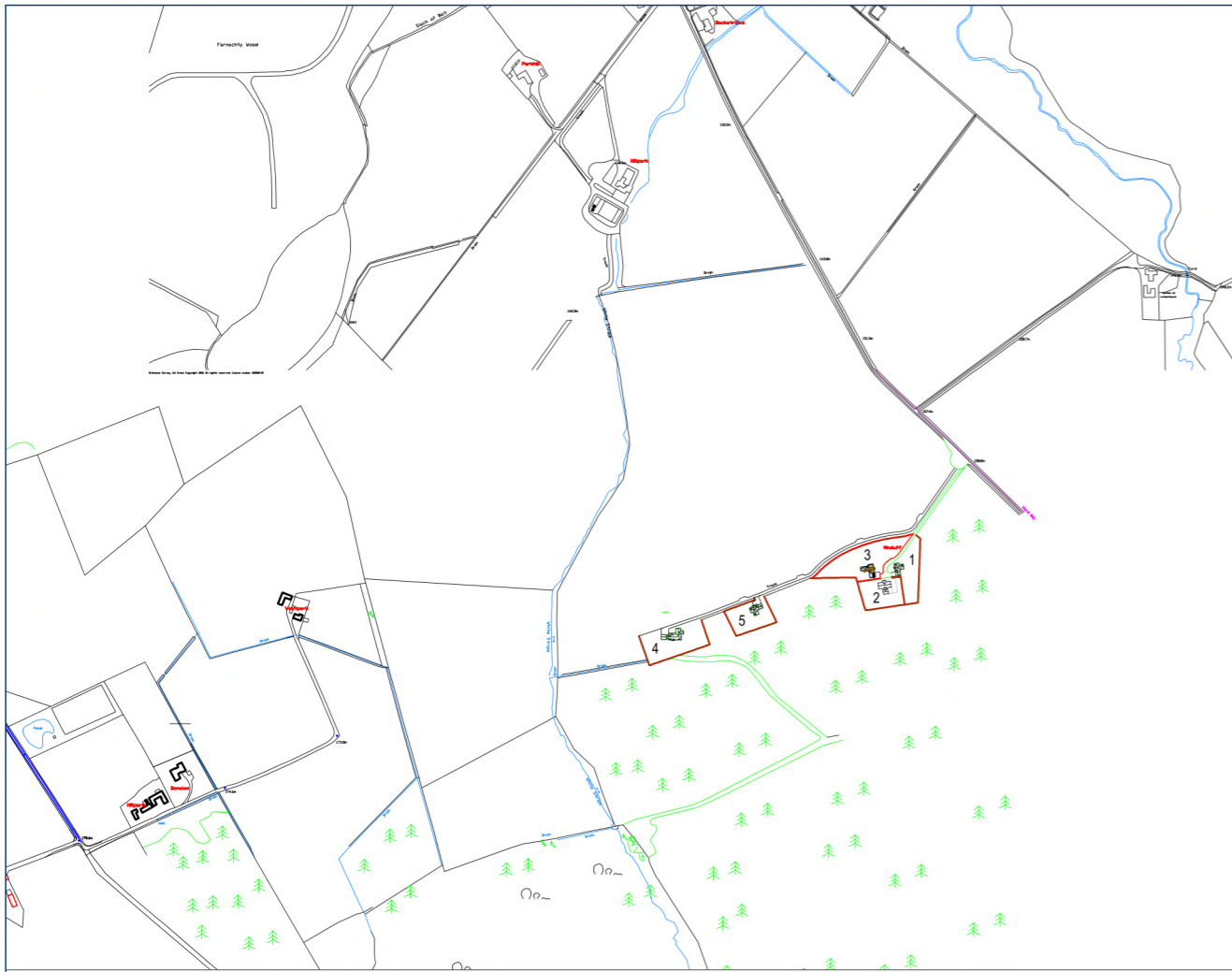
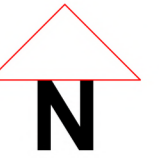
Town & Country Planning
(Scotland) Act, 1997
as amended

APPROVED

16 January 2023

Development Management
Environmental Services
The Moray Council





Town & Country Planning
(Scotland) Act, 1997
as amended

APPROVED

16 January 2023

Development Management
Environmental Services
The Moray Council

Mr & Mrs Wright
Plot 3 Minduff,
Drybridge, Buckie

Location
29-09-21 1:1250@A3
Drawing No. 21-126-PL04



CHRISTOPHER BREMNER
PLANS

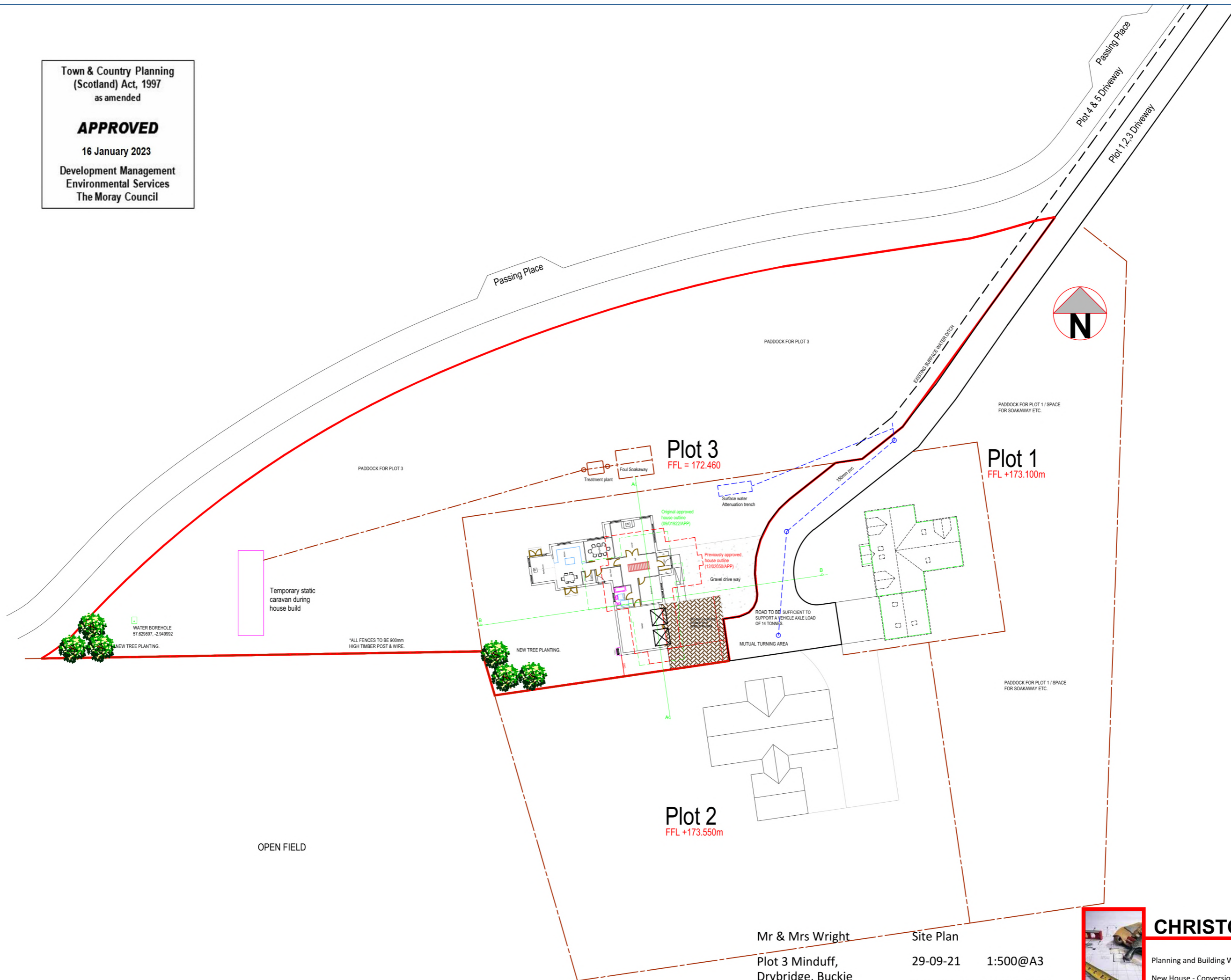
Planning and Building Warrant applications...
New House - Conversion -
Garage - Extension...
07876758717
christopher.bremner@hotmail.com

Town & Country Planning
(Scotland) Act, 1997
as amended

APPROVED

16 January 2023

Development Management
Environmental Services
The Moray Council



LANDSCAPE LEGEND

A range of 'Selected Standard'

- S - Silver Birch (Betula Pendula) Whip/Feather
- O - Oak (Quercus Petraea) Whip/Feather
- B - Beech (Fagus sylvatica) Whip/Feather
- R - Rowan (Sorbus Aucuparia) Whip/Feather

Spacing - 2m x 2m

Notes

All planting, seeding or turfing as may be compromised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of the development.

Any trees, plants or hedging, which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planning season with others of the same size and species

Mr & Mrs Wright
Plot 3 Minduff,
Drybridge, Buckie

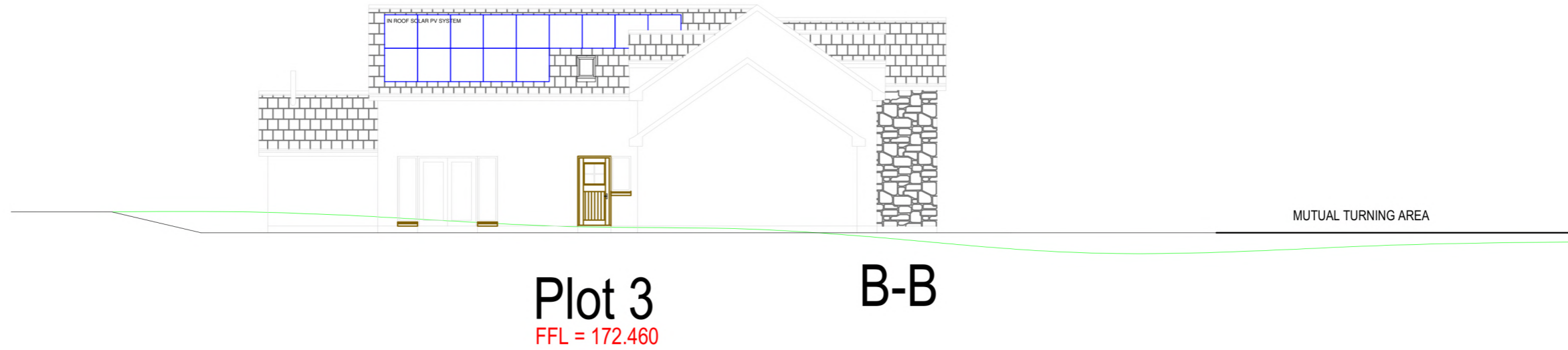
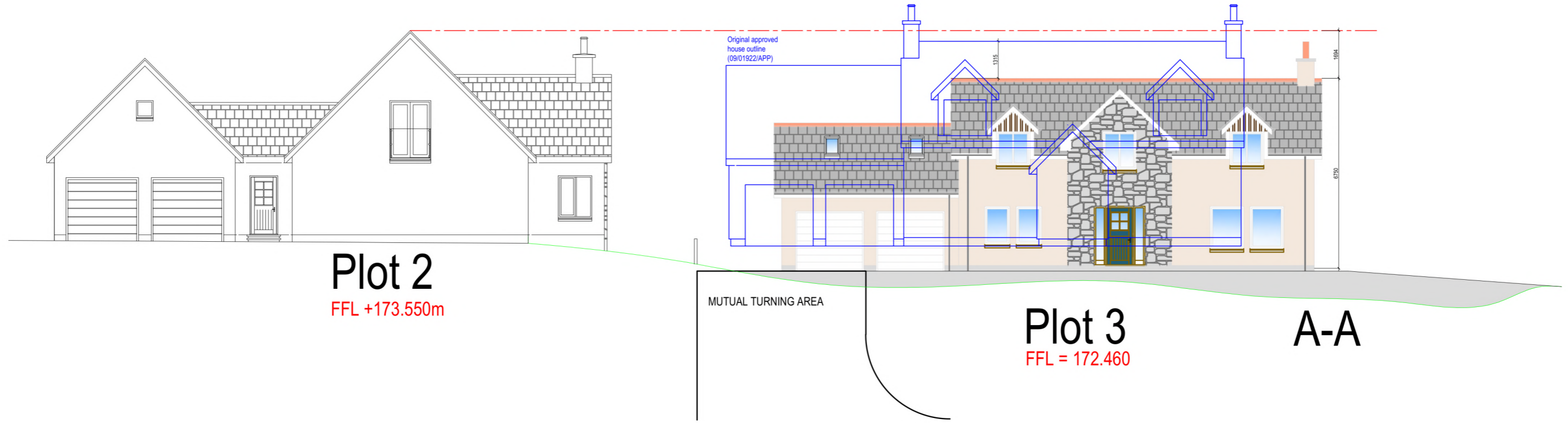
Site Plan
29-09-21 1:500@A3
Drawing No. 20-121-PL03



CHRISTOPHER BREMNER PLANS

Planning and Building Warrant applications...
07876758717
christopher.bremner@hotmail.com

New House - Conversion -
Garage - Extension...



Town & Country Planning
(Scotland) Act, 1997
as amended

APPROVED

16 January 2023

Development Management
Environmental Services
The Moray Council

Mr & Mrs Wright

Plot 3 Minduff,
Drybridge, Buckie

Site Sections

18-08-22 1:150@A3

Drawing No. 20-121-PL02



CHRISTOPHER BREMNER
PLANS

Planning and Building Warrant applications...

New House - Conversion -
Garage - Extension...

07876758717

christopher.bremner@hotmail.com