



## MORAY COUNCIL LOCAL REVIEW BODY

### Review Decision Notice

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#### Decision by Moray Local Review Body (the MLRB)

- Request for Review reference: Case 069
  - Site address: Newtyle, Rafford, Forres
  - Application for review by Mr Grant and Mrs Donelle Nicolson against the decision by an Appointed Officer of the Moray Council.
  - Application 12/01268/APP: Erection of a house at a site at Newtyle, Rafford, Forres.
  - Unaccompanied site inspection carried out by the MLRB on Tuesday 29 January 2013
  - Date of Decision Notice: 22 February 2013
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#### Decision

The MLRB agreed to uphold the request for review and grant planning permission, subject to the conditions appended to this decision notice.

#### 1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Moray Local Review Body (MLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.
- 1.2 The above case was considered at the meeting of the MLRB on 31 January 2013. The Review Body was attended by Councillors C Tuke (Chair), B Jarvis, G Coull, G Leadbitter, J Mackay and R Shepherd.

#### 2.0 Proposal

- 2.1 This is an application for planning permission for the erection of a dwellinghouse on a site at Newtyle, Rafford, Forres.

- 3.7 Councillor J MacKay expressed the view that having visited the site he disagreed with the grounds for refusal in particular that the proposed development would exceed the requirements of the development plan policy. In terms of policy H8 he was of the view that the proposal would meet the requirements needed and in this case the proposal was part of the corner of a field with existing boundaries, which were supplemented by the existing planted tree strips and with growth this will afford opportunities for back drop and enclosure of the site. He stated that in terms of the proposed house design it was considered to be appropriate for a countryside location. The gable widths in relation to height, roof pitch and vertical emphasis on windows were all in line with the design requirements contained in Policy H8 and in his opinion the proposal would not detract from the character or setting of existing buildings as it was sited in the corner of a field and in this instance he saw no danger of a cluster of houses and as there were no objections for these reasons he seconded Councillor Leadbitter' motion that the request for review by upheld and planning permission be granted as an acceptable departure from policy.
- 3.8 Councillor Tuke further advised that although the proposal was very well balanced he could see no grounds for an acceptable departure in terms of policy H8 and for that reason he seconded Councillor Jarvis' amendment that the original decision of the Appointed Officer be upheld.
- 3.9 Councillor Shepherd concurred with the reasons given by Councillors Leadbitter and J MacKay that the appeal be upheld as complying with policies H8 and IMP1.
- 3.10 Councillor Coull concurred with the reasons given by Councillors Leadbitter, J MacKay and Shepherd that the appeal be upheld as complying with policies H8 and IMP1.
- 3.11 Accordingly, the MLRB agreed, on a majority of four to two, that the request for review be upheld and that planning permission be granted, as complying with policy, subject to standard conditions and informatives.



**Paul Nevin**  
**Legal Adviser to the MLRB**

3. To ensure acceptable development that does not create any hazard to road users in the interests of road safety.
4. To ensure acceptable infrastructure at the development access.
5. To ensure an acceptable development in terms of parking provision and amenity of the area.
6. To ensure acceptable infrastructure at the development access.
7. To ensure acceptable development in the interests of road safety.
8. To ensure acceptable development in the interests of road safety.

## INFORMATIVE NOTES

SCOTTISH WATER has commented that:-

Please see consultation response dated 24<sup>th</sup> July 2012 attached.

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

The applicant is obliged to apply for a road opening permit in accordance with Section 85 of the Roads (Scotland) Act 1984. Advice on this matter can be obtained by emailing [roads.permits@moray.gov.uk](mailto:roads.permits@moray.gov.uk) and reference to the following page on the Council web site:

- Road Opening: [http://www.moray.gov.uk/moray\\_standard/page\\_79860.html](http://www.moray.gov.uk/moray_standard/page_79860.html)

Visibility splays relate to the visibility available to a driver at or approaching a junction in both directions. It is related to the driver's eye height, object height above the road, distance back from the main road known as the 'X' distance and a distance along the main road known as the 'Y' distance. The Y distance is related either to the design speed of the road and a corresponding 'stopping sight distance' or in some circumstances may be based on observed '85th percentile vehicle speeds'. Advice on this matter can be obtained by emailing [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk) and reference to the following pages on the Council web site:

- Transportation Service Requirements for Small Developments in the Countryside Full document <http://www.moray.gov.uk/downloads/file79761.pdf>
- Checklist <http://www.moray.gov.uk/downloads/file68812.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.

If required, street furniture will need to be repositioned at the expense of the developer. In addition any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by emailing [road.maint@moray.gov.uk](mailto:road.maint@moray.gov.uk)

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

24/07/2012

Moray Council  
Development Services Environment Services  
High Street  
Elgin  
IV30 1BX

**SCOTTISH WATER**

Customer Connections  
419 Balmore Road  
Glasgow  
G22 6NU

Customer Support Team  
T: 0141 355 5511  
F: 0141 355 5386  
W: [www.scottishwater.co.uk](http://www.scottishwater.co.uk)  
E: [connections@scottishwater.co.uk](mailto:connections@scottishwater.co.uk)

Dear Sir Madam

**PLANNING APPLICATION NUMBER: 12/01268/APP**  
**DEVELOPMENT: Forres Rafford Newtyle Site A**  
**OUR REFERENCE: 613192**  
**PROPOSAL: Erect house on**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application. This response is made based on the information available to us at this time and does not guarantee a connection to Scottish Water's infrastructure. A separate application should be submitted to us made for connection to our infrastructure after full planning has been granted.

There are no public sewers in the vicinity of the proposed development.

The water network that serves the proposed development may be able to supply the new demand.

Glenlatterach Water Treatment Works – has limited capacity available for new demand.  
The Developer should discuss their development directly with Scottish Water.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

613192\_Sir Madam\_P2 DOM Capacity Available\_Applicant\_11-58-38.doc

**The Moray Council**

**NOTIFICATION OF INITIATION OF DEVELOPMENT**

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

**Planning Application Reference No:**

**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

**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.**