



## **Moray Local Review Body**

Thursday, 27 June 2019

**NOTICE IS HEREBY GIVEN** that a Meeting of the **Moray Local Review Body** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Thursday, 27 June 2019 at 09:30.**

### **BUSINESS**

- 1 Sederunt**
- 2 Declaration of Group Decisions and Members Interests \***
- 3 Minute of Meeting dated 30 May 2019** **5 - 8**  
**New Cases**
- 4 LR223 - Ward 1 - Speyside Glenlivet** **9 - 98**  
Planning Application 18/01495/PPP – Erect Single Dwelling House and Garage on site within grounds of Hillwood, Carron, Aberlour, Moray
- 5 LR224 - Ward 5 - Heldon and Laich** **99 - 250**  
Planning Application 18/01478/APP – Erect single storey dwellinghouse within grounds of Torrieston House, Pluscarden

### **Summary of Local Review Body functions:**

To conduct reviews in respect of refusal of planning permission or unacceptable conditions as determined by the delegated officer, in terms of the Scheme of Delegation to Officers under Section 43(A)(i) of the Town & Country Planning (Scotland) Act 1997 and the Town & Country Planning (Scheme of Delegation and Local Review Procedure)(Scotland) Regulations 2013, or where the Delegated Officer has not determined the application within 3 months of registration.

**Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.**



<b>GUIDANCE NOTES</b>
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\* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

\*\* **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

\*\*\* **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

Clerk Name: Lissa Rowan  
Clerk Telephone: 01343 563015  
Clerk Email: lissa.rowan@moray.gov.uk

# **THE MORAY COUNCIL**

## **Moray Local Review Body**

### **SEDERUNT**

Councillor Amy Taylor (Chair)  
Councillor David Bremner (Depute Chair)  
Councillor George Alexander (Member)  
Councillor Paula Coy (Member)  
Councillor Donald Gatt (Member)  
Councillor Ray McLean (Member)  
Councillor Derek Ross (Member)

Clerk Name: Lissa Rowan  
Clerk Telephone: 01343 563015  
Clerk Email: [lissa.rowan@moray.gov.uk](mailto:lissa.rowan@moray.gov.uk)

**Minute of Meeting of the Moray Local Review Body**

**Thursday, 30 May 2019**

**Council Chambers, Council Office, High Street, Elgin, IV30 1BX**

**PRESENT**

Councillor George Alexander, Councillor David Bremner, Councillor Paula Coy, Councillor Ray McLean, Councillor Derek Ross, Councillor Amy Taylor

**APOLOGIES**

Councillor Donald Gatt

**IN ATTENDANCE**

Also in attendance at the above meeting were the Legal Services Manager, Eily Webster, Senior Planning Officer, Emma Gordon, Planning Officer and Tracey Sutherland, Committee Services Officer.

**1 Chair**

Councillor Taylor, being Chair of the Moray Local Review Body, chaired the meeting.

**2 Declaration of Group Decisions and Members Interests**

In terms of Standing Order 20 and the Councillor's Code of Conduct, Councillor Ross stated that he was unable to attend the site visit due to a prior engagement with the Cairngorm National Park as he represented Moray Council on this Outside Body. He further stated that he was of the view that it was custom and practice to keep Fridays free from Council business to enable Members to fulfil their role on Outside Bodies such as the Cairngorm National Park however as Moray Local Review Body site visits had been changed from Mondays to Fridays, there would be some occasions where he would be unable to attend site visits.

In response, the Chair acknowledged Councillor Ross' concern and advised that the Legal Adviser would provide further information with regard to site visits later on in the meeting.

There were no other declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Members interests in respect of any item on the agenda.

### **3 Minute of Meeting dated 25 April 2019**

The Minute of the Meeting of the Moray Local Review Body dated 28 March 2019 was submitted and approved.

### **4 Site Visits**

The Chair invited the Legal Adviser to provide an update in relation to Moray Local Review Body (MLRB) site visits.

The Legal Adviser advised that, whilst she appreciated that there would be occasions where Members would be unable to attend site visits, her advice had consistently been that each member should be present at the same site visit with officers present. She further advised that there had been a recent incident at Midlothian Council where an Elected Member had visited a site unaccompanied, engaged in conversation with an objector to the development and subsequently raised this at the Committee meeting. This had resulted in a harsh punishment from the Standards Commission. The Legal Adviser advised that a briefing note would be issued to Members in relation to site visits and that it was her intention to provide a report to Moray Council in the near future so that an agreed policy and procedure could be put in place with regard to site visits. This was noted.

Councillor Coy stated that, whilst she appreciated the advice provided by the Legal Adviser, she had visited the site on her own with the documentation that had been issued ahead of the MLRB meeting.

In response, the Legal Adviser advised that, whilst she appreciated that the site of the application in question had been considered by the MLRB before and was already familiar to the Body, her original advice remained.

### **5 LR222 - Ward 6 - Elgin City North**

#### **Planning Application 18/01576/APP – Convert part of bar to 3no flats at The Golden Pheasant, North Street, Bishopmill, Elgin, IV30 4EF**

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse an application on the grounds that:

The proposal is contrary to the Moray Local Development Plan 2015 because:

- i. The proposal would involve a significant intensification of the use of an existing access where visibility is severely restricted and the access lane is not wide enough to allow two vehicles to pass clear of the public road. This proposal will therefore fail to provide safe entry and exit to the site, giving rise to conditions detrimental to the safety of road users. This is contrary to policies T2, H1 and IMP1.
- ii. A Noise Impact Assessment has not been provided that demonstrates the occupants of the proposed residential units will not be subject to adverse noise emissions detrimental to their residential amenity from nearby sources (road traffic, the remaining public house, its internal ventilation systems and

the car parking area to the rear). This is contrary to policies EP8 and IMP1.

The proposal also fails to comply with the requirements of the Proposed Moray Local Development Plan 2020 (policies PP3, DP1, DP2 and EP14).

A Summary of Information Report set out the reasons for refusal, together with documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

With regard to the unaccompanied site inspection carried out on 24 May 2019, the Chair stated that all present members of the Moray Local Review Body (MLRB), with the exception of Councillors Ross and Coy, were shown the site where the proposed development would take place and had before them papers which set out both the reasons for refusal and the Applicant's grounds for review.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, both the Legal and Planning Advisers advised that they had nothing to raise at this time.

The Chair asked the MLRB if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information.

Councillor Bremner, having had the opportunity to visit the site and consider the Applicant's grounds for review stated that he had some sympathy for the application however based on the current policies of the Council saw no way that the MLRB could approve the application.

The Chair shared the same opinion as Councillor Bremner and moved that the MLRB refuse the appeal and uphold the original decision of the Appointed Officer to refuse planning application 18/01576/APP.

There being no-one otherwise minded, the MLRB agreed to dismiss Case LR222 and uphold the original decision of the Appointed Officer to refuse Planning Application 18/01576/APP as the proposal is contrary to Policies T2, H1, EP8 and IMP1 of the Moray Local Development Plan 2015.





## MORAY LOCAL REVIEW BODY

27 JUNE 2019

### SUMMARY OF INFORMATION FOR CASE No LR223

**Planning Application 18/01495/PPP – Erect Single Dwelling House and Garage on site within grounds of Hillwood, Carron, Aberlour, Moray**

#### **Ward 1 – Speyside Glenlivet**

Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 22 January 2019 on the grounds that:

The proposal would be contrary to policies PP1, E7, H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside (2017) for the following reasons:

The approval of a further house within this small grouping would not only overwhelm the adjacent traditional cottage (Ashgrove Cottage), but also erode the character of the countryside as the proposal would result in a high density form of development more akin to a suburban cul-de-sac than this countryside location, which is designated for its Great Landscape Value. In addition to this the Speyside Way runs in close proximity to the south of the site and as such the development would result in an erosion of the character of the countryside from this vantage point.

Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

Further Representations received in response to the Notice of Review are attached as **Appendix 3**.

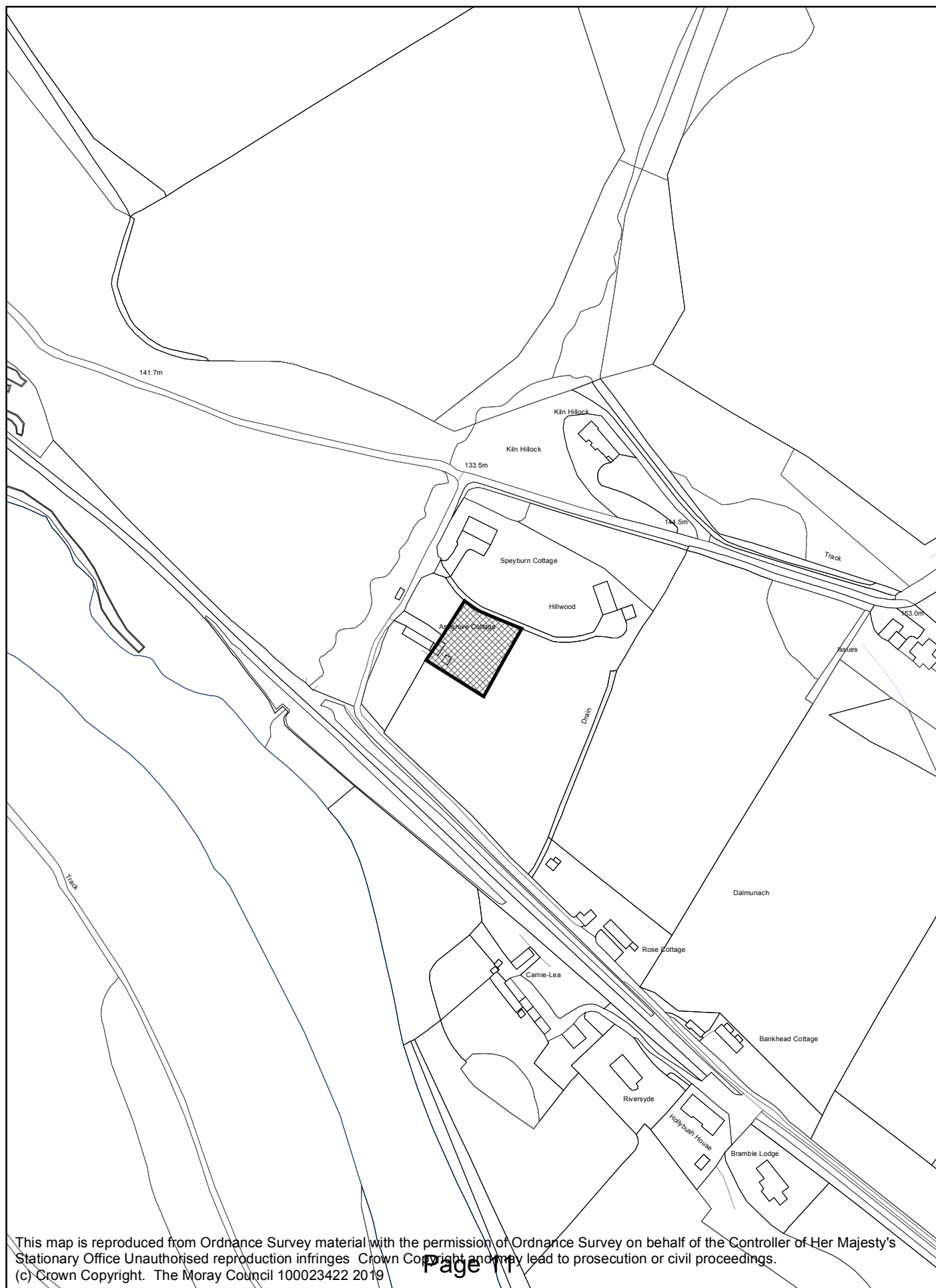
No representation was received from the Applicant in response to the Further Representations.







# Location plan for Planning Application Reference Number : 18/01495/PPP







## **APPENDIX 1**

# **DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER**





The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: [development.control@moray.gov.uk](mailto: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 100144239-001

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)

Proposed Single dwelling house and garage.

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:	IH Designs ( Moray )		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	ian	Building Name:	Eilean Dubh
Last Name: *	holmes	Building Number:	12
Telephone Number: *	01309 674368	Address 1 (Street): *	Councillors Walk
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Forres
Fax Number:		Country: *	Scotland
		Postcode: *	IV36 1HA
Email Address: *	ian54holmes@hotmail.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Flat
First Name: *	Ruari	Building Number:	7
Last Name: *	Watt	Address 1 (Street): *	2 North Street
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Elgin
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV30 6BS
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Moray Council

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

Address 1:

HILLWOOD

Address 2:

CARRON

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERLOUR

Post Code:

AB38 7QP

Please identify/describe the location of the site or sites

Northing

842030

Easting

321185

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

1700.00

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)

Area of scrub land within boundaries of dwelling houses ( Speyburn Cottage and Hillwood, both family owned ).

## 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.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>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.</p>
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> <p>Will your proposal require new or altered water supply or drainage arrangements? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input type="checkbox"/> Yes – connecting to public drainage network</p> <p><input checked="" type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>As you have indicated that you are proposing to make private drainage arrangements, please provide further details.</p> <p>What private arrangements are you proposing? *</p> <p><input checked="" type="checkbox"/> New/Altered septic tank.</p> <p><input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).</p> <p><input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).</p>
<p>What private arrangements are you proposing for the New/Altered septic tank? *</p> <p><input checked="" type="checkbox"/> Discharge to land via soakaway.</p> <p><input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway).</p> <p><input type="checkbox"/> Discharge to coastal waters.</p>
<p>Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *</p> <div style="border: 1px solid black; padding: 10px; min-height: 80px;"> <p>Proposed biodisc treatment plant and soak way system, either single soak away or bed system.</p> </div>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>(e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>



## 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: ian holmes

On behalf of: Mr Ruari Watt

Date: 22/11/2018

☒ 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. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

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

Applicant 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 ian holmes

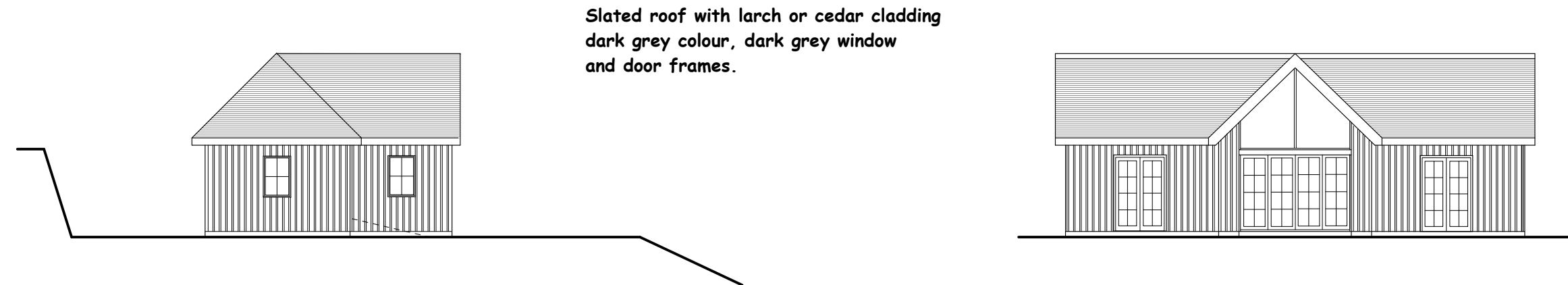
Declaration Date: 22/11/2018

## Payment Details

Telephone Payment Reference: 355131

Created: 23/11/2018 10:28





INDICTATIVE ELEVATIONS OF POSSIBLE HOUSE STYLE

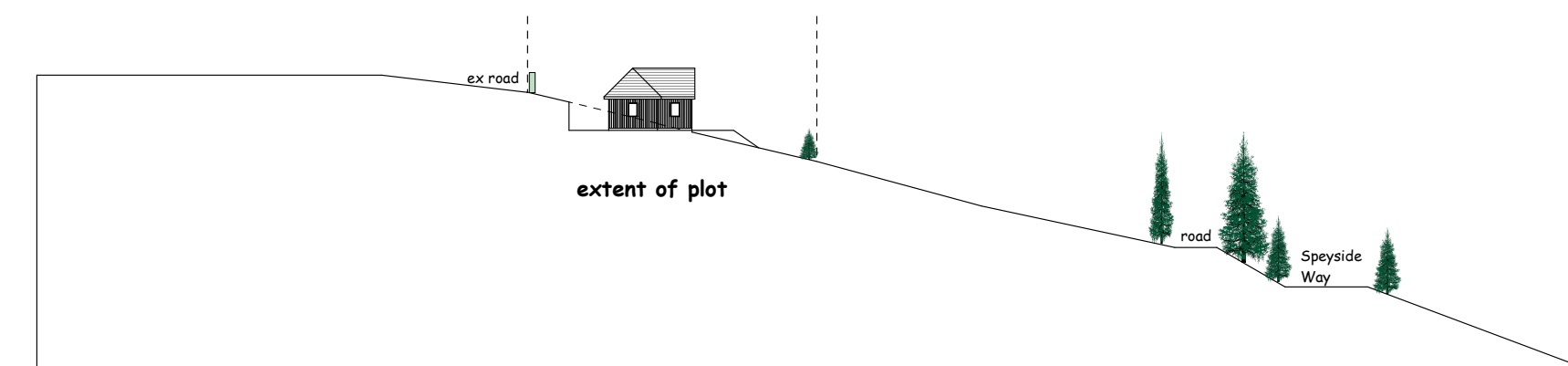
No works to commence on site until Planning and or Building Warrant Approvals are received. Contractors must visit the site and check site dimensions, roof pitches etc and familiarise themselves prior to ordering and manufacturing components and materials. Do not scale the drawings. These are not Construction Drawings.



SITE PLAN 1:1000



LOCATION PLAN 1:10,000



CROSS SECTION AT PLOT

Planning Permission in Principle for a single dwelling at Hillwood, Carron AB38 7QP October 2018

Drwg. LP1/1 scale. as noted Rev :

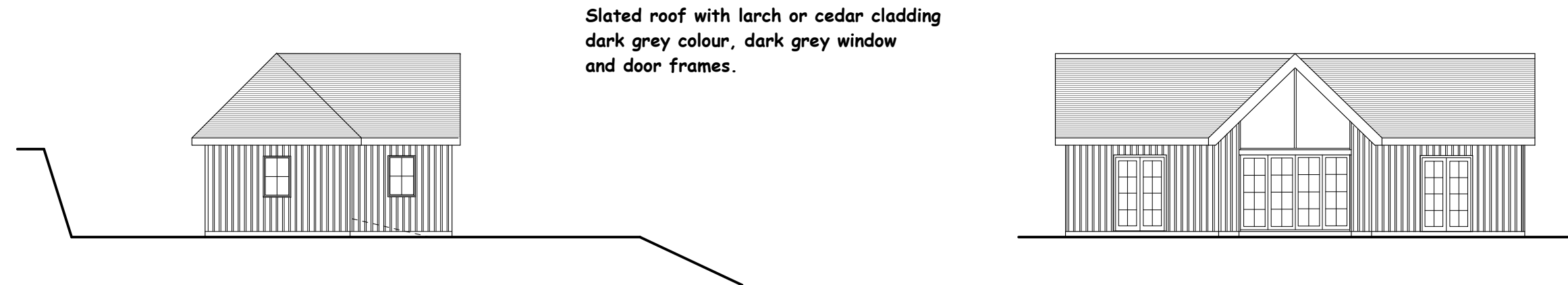


**IH Designs ( Moray)**

12 Councillors Walk, Forres IV36 1HA  
Tel : 01309 674368  
Email : ian54holmes@hotmail.co.uk  
Web : www.ihdesignsmoray.co.uk







INDICTATIVE ELEVATIONS OF POSSIBLE HOUSE STYLE

No works to commence on site until Planning and or Building Warrant Approvals are received. Contractors must visit the site and check site dimensions, roof pitches etc and familiarise themselves prior to ordering and manufacturing components and materials. Do not scale the drawings. These are not Construction Drawings.



Photograph of plot looking South



SITE PLAN 1:1000



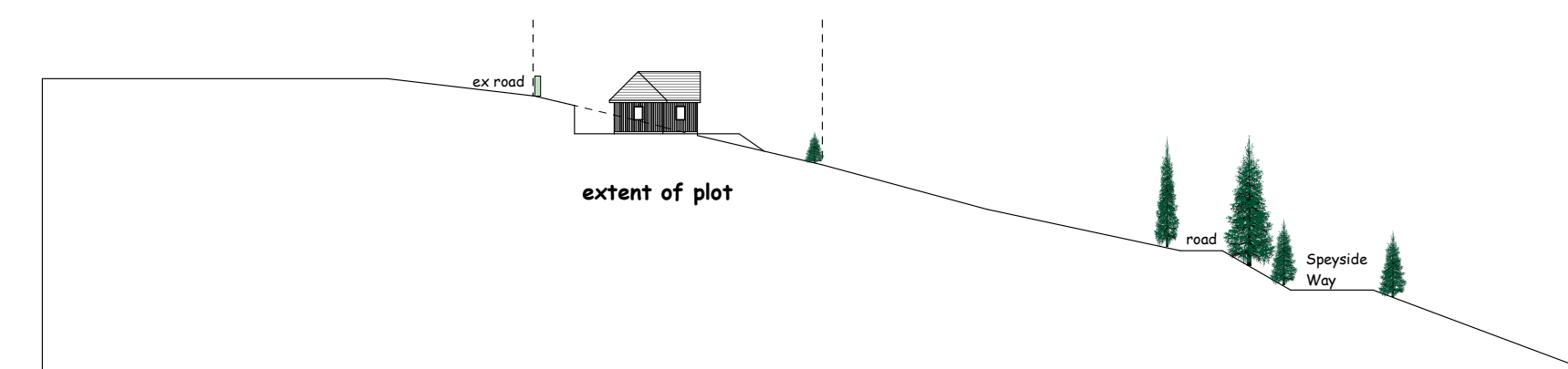
LOCATION PLAN 1:10,000



Photograph of Hillwood access track looking West with plot access



Photograph of access track looking West



CROSS SECTION AT PLOT

Proposed PPP for house plot at Hillwood, Carron AB38 7QP

October 2018

Drwg. RW1/1 scale. as noted  
Rev :









**From:** DeveloperObligations  
**Sent:** Fri, 30 Nov 2018 14:20:21 +0000  
**To:** Iain Drummond  
**Cc:** DC-General Enquiries  
**Subject:** 18/01495/PPP Proposed single dwelling house and garage on Site Within Grounds of Hillwood, Carron, Aberlour  
**Attachments:** 18-01495-PPP Proposed single dwelling house and garage on Site Within Grounds of Hillwood, Carron, Aberlour.pdf

Hi

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

Regards  
Hilda

Find us on   
[Moray Council Planning](#)

**Hilda Puskas**  
Developer Obligations Officer  
Development Plans  
[hilda.puskas@moray.gov.uk](mailto:hilda.puskas@moray.gov.uk)  
01343 563265





# Developer Obligations: ASSESSMENT REPORT



**moray**  
council

**Date:** 30/11/2018

**Reference:** 18/01495/PPP

**Description:** Proposed single dwelling house and garage on Site Within Grounds of Hillwood, Carron, Aberlour

**Applicant:** Mr Ruari Watt

**Agent:** IH Design

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

The LDP and SG can be found at [http://www.moray.gov.uk/moray\\_standard/page\\_100443.html](http://www.moray.gov.uk/moray_standard/page_100443.html)

## Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare ( <i>Contribution towards reconfiguration of Aberlour Health Centre and 1 Additional Dental Chair</i> )	
Sports and Recreation	Nil
<b>Total Developer Obligations</b>	

## Breakdown of Calculation

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

1 x 3-bed= 1 SRUE

This assessment is therefore based on 1 SRUE.

### Developer Obligations Discount for Small Scale Development

A discount of 80% will be applied to the contribution for single unit developments to reflect their small scale nature.



**Moray Council DEVELOPER OBLIGATIONS**



## INFRASTRUCTURE

### Education

#### Primary Education

Pupils generated by this development are zoned to Knockando Primary School. The school is currently operating at 72% functional capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

**Contribution towards Primary Education = Nil**

#### Secondary Education

Pupils generated by this development are zoned to Speyside High School. The school is currently operating at 75% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

**Contribution towards Secondary Education = Nil**

### Transport

The Moray Council Transportation Services has confirmed that no developer obligations will be sought for this proposal.

**Contributions towards Transport = Nil**

### Healthcare

Healthcare Facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities. The recommended number of patients is 1500 per

General Practitioner (GP) and floorspace requirement per GP is 271m<sup>2</sup>.

Healthcare infrastructure requirements have been calculated with NHS Grampian on the basis of national standards and specifications for healthcare facilities and estimating the likely number of new patients generated by the development (based on the average household size of 2.17 persons -Census 2011).

Aberlour Health Centre is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Aberlour Health Centre is working beyond design capacity and existing space will be required to be reconfigured and that 1 Additional Dental Chair will be required.

Contributions are calculated based on a proportional contribution of £[REDACTED] per SRUE for the healthcentre and £[REDACTED] per SRUE for the additional dental chair.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Contribution towards Healthcare= £[REDACTED]**

### Sports and Recreational Facilities

#### Sports and Recreation Facilities

Existing sports provision within Aberlour is considered to be adequate to serve the needs of the residents anticipated to be generated





by this development. Therefore, in this instance, no contribution will be required.

**Contribution for Sports and Recreation  
Facilities = Nil**



## TERMS OF ASSESSMENT

This assessment report is valid for a period of 6 months from the date of issue.

Please note that any subsequent planning applications for this site may require a re-assessment to be undertaken on the basis of the policies and rates pertaining at that time.

## PAYMENT OF CONTRIBUTIONS

Remittance of financial obligations can be undertaken either through the provision of an upfront payment or by entering into a Section 75 agreement. The provision of an upfront payment will allow a planning consent to be issued promptly. However, where the amount of developer contributions are such that an upfront payment may be considered prohibitive a Section 75 will likely be required. The payment of contributions may be tied into the completion of houses through a Section 75 Agreement or equivalent, to facilitate the delivery of development. Please note that Applicants are liable for both the legal costs of their own Legal Agent fees and Council's legal fees and outlays in the preparation of the document. These costs should be taken into account when considering the options.

## INDEXATION

Developer obligations towards Moray Council infrastructure are index linked to the General Building Cost Price Index (BCPI) as published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors (RICS) from Q3, 2017 and obligations towards NHS Grampian infrastructure are index linked to All in Tender

Price Index (TPI) as published by the Royal Institute of Chartered Surveyors (RICS) from Q2, 2017.



# **Consultee Comments for Planning Application 18/01495/PPP**

## **Application Summary**

Application Number: 18/01495/PPP

Address: Site Within Grounds Of Hillwood Carron Aberlour Moray

Proposal: Proposed single dwelling house and garage on

Case Officer: Iain T Drummond

## **Consultee Details**

Name: Mr CL Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

## **Comments**

Approved Unconditionally - Andrew Stewart





# **Consultee Comments for Planning Application 18/01495/PPP**

## **Application Summary**

Application Number: 18/01495/PPP

Address: Site Within Grounds Of Hillwood Carron Aberlour Moray

Proposal: Proposed single dwelling house and garage on

Case Officer: Iain T Drummond

## **Consultee Details**

Name: Mr EH Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

## **Comments**

Approved Unconditionally - Andrew Stewart



4<sup>th</sup> December 2018

Moray Council  
Council Office High Street  
Elgin  
IV30 9BX



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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Local Planner

**AB38 Aberlour Carron Site Within Grnds Of Hillwood**  
**PLANNING APPLICATION NUMBER: 18/01495/PPP**  
**OUR REFERENCE: 770178**  
**PROPOSAL: Proposed single dwelling house and garage**

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

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

**Water**

- There is currently sufficient capacity in the Badentinan Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

**Foul**

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

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

## **Surface Water**

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

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

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### **General notes:**

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

#### **Next Steps:**

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our->

[services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h](#)

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Angela Allison**  
Angela.Allison@scottishwater.co.uk

## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	14th December 2018
<b>Planning Authority Reference</b>	18/01495/PPP
<b>Nature of Proposal (Description)</b>	Proposed single dwelling house and garage on
<b>Site</b>	Site Within Grounds Of Hillwood Carron Aberlour Moray
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133054881
<b>Proposal Location Easting</b>	321128
<b>Proposal Location Northing</b>	842011
<b>Area of application site (Ha)</b>	1700 m <sup>2</sup>
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=PISGTYBGJPK00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=PISGTYBGJPK00</a>
<b>Previous Application</b>	
<b>Date of Consultation</b>	30th November 2018
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr Ruari Watt
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Flat 7 2 North Street Elgin Scotland IV30 6BS
<b>Agent Name</b>	IH Design
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	Eilean Dubh 12 Councillors Walk Forres Moray IV36 1HA
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Iain T Drummond
<b>Case Officer Phone number</b>	01343 563607
<b>Case Officer email address</b>	iain.drummond@moray.gov.uk
<b>PA Response To</b>	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](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](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto: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: 18/01495/PPP**

**Proposed single dwelling house and garage on Site Within Grounds Of Hillwood Carron  
Aberlour Moray for Mr Ruari Watt**

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

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

*The proposed development is a single house accessed via an existing access onto the PU16 Dalmunach single track Road. Whilst this is a Private Road it is still important to ensure that there is adequate forward visibility to see approaching vehicles, and sufficient available opportunities for two vehicles to pass each other in a safe manner. The following conditions are recommended:*

#### **Condition(s)**

1. Prior to any development works commencing:
  - a. a detailed drawing (scale 1:500) showing the location and design of a passing place on the section of the PU16 Dalmunach Road (to the Moray Council standards and specification), shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and
  - b. thereafter the passing place shall be constructed in accordance with the approved drawing prior to any development works commencing (except for those works associated with the provision of the passing place).

Reason: To enable drivers of vehicles to have adequate forward visibility to see approaching traffic and for two vehicles to safely pass each other ensuring the safety and free flow of traffic on the road.

2. No water shall be permitted to drain or loose material be carried onto the public footway/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.

3. Parking provision shall be as follows:

- 2 spaces for a dwelling with three bedrooms or less; or
- 3 spaces for a dwelling with four bedrooms or more.

The parking spaces shall be provided within the site prior to the occupation or completion of the dwellinghouse, 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.

4. 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.

Reason: To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the road.

**Further comment(s) to be passed to applicant**

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

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 85 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing [roadspermits@moray.gov.uk](mailto:roadspermits@moray.gov.uk)

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

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

**Contact:LL**  
**email address:transport.develop@moray.gov.uk**  
**Consultee: Transportation**

**Date 05.12.2018**

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



## **REPORT OF HANDLING**

<b>Ref No:</b>	18/01495/PPP	<b>Officer:</b>	Iain T Drummond
<b>Proposal Description/ Address</b>	Proposed single dwelling house and garage on Site Within Grounds Of Hillwood Carron Aberlour Moray		
<b>Date:</b>	22/01/19	<b>Typist Initials:</b>	FJA

### **RECOMMENDATION**

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

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Environmental Health Manager	05/12/18	No objections
Contaminated Land	05/12/18	No objections
Transportation Manager	05/12/18	No objections subject to conditions and informatives
Scottish Water	04/12/18	No objections
Planning And Development Obligations	30/11/18	Contribution sought towards

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
PP1: Sustainable Economic Growth	Y	
H7: New Housing in the Open Countryside	Y	
E7: AGLV and impacts on wider landscape	Y	
EP5: Sustainable Urban Drainage Systems	N	
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
T2: Provision of Access	N	
T5: Parking Standards	N	
IMP1: Developer Requirements	N	
IMP3: Developer Obligations	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received – ten separate representations from one party		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p><b>Issue:</b> The application form refers to the site as scrub land however it is agricultural land.</p> <p><b>Comments (PO):</b> Local Development Plan policy allows for change of use of agricultural land for residential purposes, where proposals are compliant with Local Development Plan policy in all other regards, however, as outlined in the observations section of this report, this application is not considered to comply with policy and is recommended for refusal on this basis.</p>		
<p><b>Issue:</b> This is the fifth house proposed in this location. Houses 1 and 2 are built. House 3 refused. House 4 looking to renew application. Now house 5 by the same applicant as House 4 and next door. The open ground aspect of the landscape is destroyed by both houses 4 and 5. Why does the applicant need 2 houses? This can only be for the purpose of selling the sites.</p> <p><b>Comments (PO):</b> Applications for new houses in the countryside must be considered in accordance with Local development Plan policy, where, need or eventual ownership of sites is not a material planning consideration. The build-up of development in this locality is considered in the observations section of this report where it is concluded that the proposal will result in an unacceptable impact on the character of the surrounding area.</p>		
<p><b>Issue:</b> The proposal, when considered in conjunction with neighbouring existing houses and approved plot, will result in a cul de sac layout, which is not compliant with Local development Plan policy for rural development.</p> <p><b>Comments (PO):</b> The application is being refused on this basis as outlined in the observations section of this report.</p>		
<p><b>Issue:</b> Adverse impact on privacy levels</p> <p><b>Comments (PO):</b> As this application is in principle there are no detailed design of the proposed house under consideration, however, it is potentially possible to accommodate a house on this site without resulting in an unacceptable privacy impact on the neighbouring houses and as such this issue does not form a reason for refusal of this application.</p>		
<p><b>Issue:</b> The existing access road is substandard to support the proposed house or neighbouring approved house site.</p> <p><b>Comments (PO):</b> The transportation service has confirmed that they have no objection to the approval of the application. The access serving the site is a private road and therefore its condition and any repairs required following development is a private legal matter to be resolved between the parties who are responsible for the maintenance of the road and is not a material planning consideration that can be taken into account in the determination of this application.</p>		
<p><b>Issue:</b> There is a history of refused planning application within the area surrounding the site.</p> <p><b>Comments (PO):</b> Each planning application must be considered on its own merits and in accordance with the Local development Plan policy at that time and no precedent should be taken from nearby recent decisions.</p>		
<p><b>Issue:</b> In the guidance for the LDP it refers to the 'value of the Moray countryside being of the utmost importance'. The proposed site along with neighbouring houses and approved site 'contributes to the gradual erosion' (taken from the guidance) of the countryside. Today 11 years on, the orientation and position of house 2 would be questionable under today's guidelines.</p> <p>From the guidance:</p> <p>A proposal that contributes to a build-up of development that is considered to undermine the rural character of the locality will not be acceptable. Where a considerable level of development has taken place, another dwelling may adversely impact on the distinctive rural qualities of the area (e.g. open appearance or ambience).</p>		

This applies to the proposed development when considered in conjunction with the neighbouring housing and approved house site.

From the extract for Policy H7 of the guidance for the LDP:

'It does not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications; and,'

This application significantly impacts the rural character of the area.

Three house applications adding to the two recently built in the open countryside (house 4 - 18/01410/APP) is in the middle of the field and this application would demonstrate a growth of 300% in a very small land area.

**Comments (PO):** As outlined in the observations section of this report, the build-up, density and dominance of development in this locality is the reason that this application is being recommended for refusal.

**Issue:** From the extract for Policy H7 of the guidance for the LDP:

It reflects the traditional pattern of settlement in the locality and is sensitively integrated with the surrounding landform using natural backdrops, particularly where the site is clearly visible in the landscape. Obtrusive development (i.e. on a skyline, artificially elevated ground or in open settings such as the central area of a field) will not be acceptable;

This application is not:

- sensitively integrated

and does not:

- use natural backdrops

The site is:

- clearly visible from the road out from the village

- an obtrusive development.

**Comments (PO):** Although unacceptable in cumulative terms when considered in conjunction with the neighbouring houses and approved plot, individually, the proposed house is not considered to represent obtrusive development, in that it would be generally viewed against a mature wooded natural backdrop and although it would be visible in the landscape it is not considered to constitute obtrusive development when assessed in isolation.

**Issue:** From the extract for Policy H7 of the guidance for the LDP:

'It does not detract from the character or setting of existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development;'

This application for house 5 substantially detracts from the character of existing buildings. The nearest building (less than one metre from the proposed boundary) is a one bedroom single storey cottage in stone and slate built in 1864.

**Comments (PO):** As outlined in the observations section of this report the application is being refused on the basis of the dominant impact on the adjacent traditional cottage.

**Issue:** From the extract for Policy H7 of the guidance for the LDP:

'At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, watercourses, woodlands, tracks and roadways).' The boundary between Ashgrove Cottage and the sheds in the application could not be considered a long established boundary. For this application 0% of the site boundaries are long established.

**Comments (PO):** The curtilage of the adjacent existing houses is sufficient to provide 50% boundary enclosure as specified by policy and therefore the proposal is considered compliant in this regard

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

### The Proposal

This application seeks planning permission in principle for the erection of a dwellinghouse on a site at Hillwood, Carron.

## **The Site**

The site lies to the south west of Hillwood and immediately to the east of Ashgrove Cottage. Planning permission has recently been renewed for the erection of a house immediately to the east of the site 18/01410/APP, this permission was a renewal of a previous consent granted in 15/02012/APP.

The site comprises an area of agricultural field, which along with the surrounding landscape is designated within the Moray Local Development Plan as an Area of Great landscape Value (AGLV). The Speyside way also runs to the south of the site.

## **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 2015 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below.

### **Siting and Impact upon Landscape Character**

**(MLDP 2015 Policies PP1, E7, H7 and IMP1, Supplementary Guidance: 'Housing in the Countryside' MLDP 2015, Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside 2017)**

Policy E7: The site lies within an area of the countryside designated in the Local Development Plan for its Great Landscape Value, where there is a presumption against development which would have an adverse effect on the character of the surrounding area and where the highest standard of siting is required.

Policy H7: New Housing in Open Countryside of the Moray Local Development Plan 2015 contains the necessary criteria for assessing new rural housing in the countryside; these include the requirement that new sites

- a) should reflect the traditional settlement pattern of the locality and integrate sensitively with the surrounding landform (i.e. not be obtrusive),
- b) not detract from the character or setting of existing buildings, or their surrounding area,
- c) not contribute to a build-up of development which changes the character of the area (with particular attention being given to proposals where there has been a significant growth in the number of house applications) and
- d) have at least 50% established boundaries.

The policy also contains site-specific criteria requiring at least 25% of plot areas to be planted with trees and design criteria to ensure a satisfactory form of traditional design.

Policy IMP1: Development Requirements seeks compatibility in terms of scale, density and character and requires new development to integrate into the surrounding landscape. Policy PP1 advocates sustainable economic growth that protects the natural and built environment.

Associated Supplementary Guidance 'Housing in the Countryside' (Moray Local Development Plan 2015) provides relevant advice (pages 13 to 14) in relation to the issue of cumulative build-up of housing which is pertinent to the current application. This states inter alia that, "...A proposal that contributes to a build-up of development that is considered to undermine the rural character of the locality will not be acceptable. Where a considerable level of development has taken place, another dwelling may adversely impact on the distinctive rural qualities of the area (e.g. open appearance or ambience). For example, successive applications for houses in the corner of fields within a dispersed pattern of settlement may be considered to detrimentally alter the character of the locality. Whilst this may reflect the dispersed pattern of settlement the volume of new houses may impact on the open appearance and tranquil qualities of the rural area."

A further guidance note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside was approved by the Planning and Regulatory Services Committee on the 15 August 2017, which identifies hotspots where cumulative build up is prevalent and outlines indicators where



build-up may be present out with these specific hot spots.

In this case the site is bounded to the north by two relatively modern houses and a traditional cottage to the west and an approved house site to the east. The adjacent house plot was originally determined prior to the council's adoption of guidance for the consideration of build up of new housing development in the countryside and the consents subsequent renewal took into account that there was already an extant planning permission granted on the site which could have been implemented. In this case however, there is no such previous planning permission in place.

The proposed site does not lie within any specific build up hot spot, however, there are three existing houses (2 of which are relatively modern) and a further house plot all of which bound this site and as such the build-up of development in this locality is a key consideration of this application.

There are 7 cumulative build-up indicators identified within the guidance which should be used when sites do not lie within the specific hot spots. These are as follows,

### **siting indicators**

- The number of new houses overwhelms the presence of older buildings, such that the new houses are the predominant components of the landscape and the traditional settlement pattern is not easy to perceive.
- The incidence and inter-visibility of new houses result in these being a major characteristic of the landscape. There is a prominence of new houses from key viewpoints such as roads, adopted core paths or long distance paths and existing settlements.
- There are sequential visual effects of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site. The proposal contributes to ribbon development between existing/consented houses contrary to the traditional dispersed settlement pattern.

### **design indicators**

- In order to serve numerous new house plots in any given area, commonly suburban style features are required, such as accesses built to adoptable standards (rather than gravel tracks) and large bin storage areas at the end of tracks. These features erode the rural character of an area.
- The larger scale of new houses contrasts to generally smaller size of older building, cottages and farms results in the development being out of keeping and incongruous within the rural setting.
- There are numerous incidences of open prominent elevations that are visible in the landscape and are orientated for views and in contrast to traditional settlement pattern.
- A new architectural design is prevalent which has overwhelmed the older vernacular style.

With regard to the above indicators the two adjacent relatively modern houses and further approved house plot together result in a relatively dominant impact on the existing traditional Ashgrove Cottage. The approval of a further house within this small grouping would not only overwhelm the adjacent traditional cottage, but also erode the character of the countryside as the proposal would result in a high density form of development more akin to a suburban cul-de-sac than this countryside location, which is designated for its Great Landscape Value. In addition to this the Speyside Way runs in close proximity to the south of the site and as such the development would result in an erosion of the character of the countryside from this vantage point.

For the avoidance of doubt the design indicators are not applicable as this application is in principle and therefore the detailed design of the house is not being considered at this stage.

Given these impacts, the proposal is considered to constitute an inappropriately located site which fails to satisfy the siting criteria of policies PP1, E7, H7, IMP1 and associated Supplementary Planning Guidance 'Housing in the Countryside' 2015 and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside 2017.

Although the proposal is potentially capable of satisfying policy criteria in relation to boundary treatment, 25% tree planting and house design, these aspects do not override the main policy objection concerning an unacceptable build-up of housing and its associated impact upon the rural character of this particular location.

#### **Access/Parking (T2 and T5)**

Following consultation the Transportation Section has raised no objection to the proposal subject to conditions and informatives.

#### **Water Supply and Drainage (EP4, EP10 and IMP1)**

Proposed drainage arrangements comprising private septic tank/soakaway and surface water soakaway would satisfy policy EP10 and IMP1. Final details would be addressed under the Building Regulations and had the application been recommended for approval, informative advice in this regard would have been attached to the decision notice.

Scottish water has no objection to the use of the proposed water supply.

#### **Developer Obligations (IMP3)**

An assessment has been carried out and a contribution has been identified towards healthcare, which the applicant has agreed to pay in the event of approval being given.

#### **Recommendation**

The proposed development is unacceptable in this location, fails to comply with development plan policy and is recommended for refusal.

### **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

#### **HISTORY**

Reference No.	Description			
	Decision		Date Of Decision	

#### **ADVERT**

Advert Fee paid?	N/A		
Local Newspaper	Reason for Advert	Date of expiry	

#### **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?		NO
--	--	----

Summary of main issues raised in each statement/assessment/report
---

Document Name:
----------------

Main Issues:
--------------

**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
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Summary of Direction(s)
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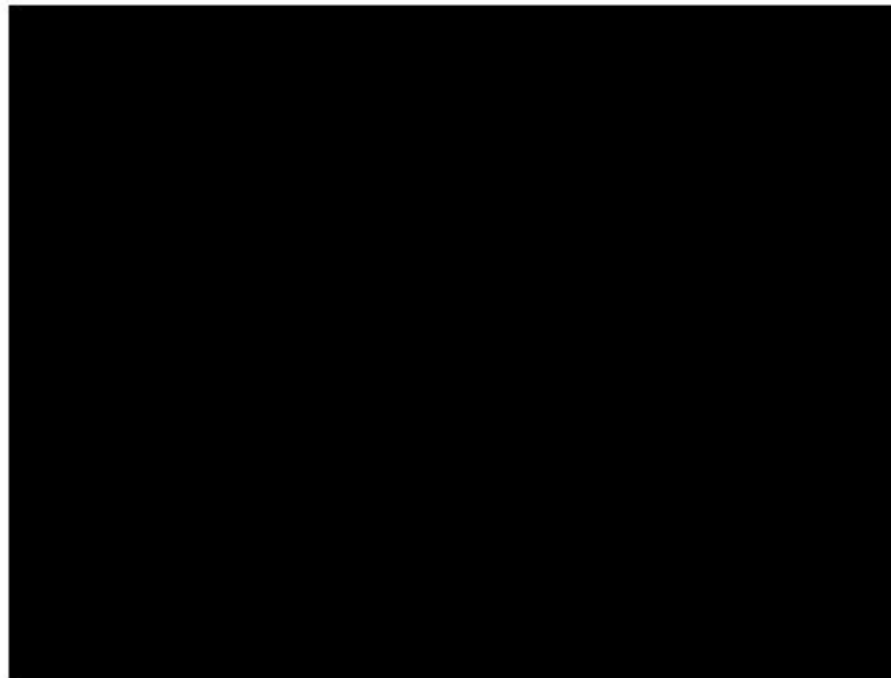


MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended

REFUSAL OF PLANNING PERMISSION

[Speyside Glenlivet]  
Planning Permission in Principle

TO

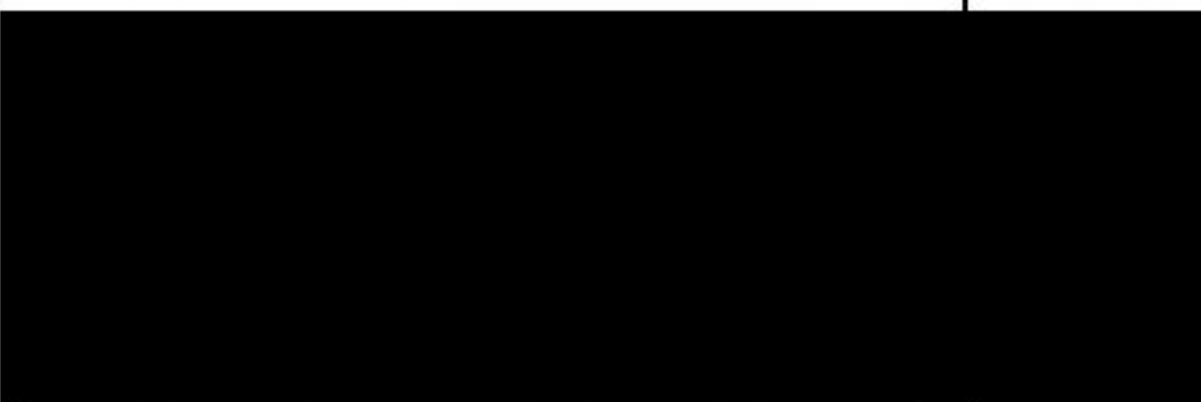


With reference to your application for planning permission in principle under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Proposed single dwelling house and garage on Site Within Grounds Of Hillwood Carron Aberlour Moray**

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

Date of Notice: 22 January 2019



**HEAD OF DEVELOPMENT SERVICES**

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

**IMPORTANT**  
**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

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

The proposal would be contrary to policies PP1, E7, H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside (2017) for the following reasons:

The approval of a further house within this small grouping would not only overwhelm the adjacent traditional cottage (Ashgrove Cottage), but also erode the character of the countryside as the proposal would result in a high density form of development more akin to a suburban cul-de-sac than this countryside location, which is designated for its Great Landscape Value. In addition to this the Speyside Way runs in close proximity to the south of the site and as such the development would result in an erosion of the character of the countryside from this vantage point.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

Reference	Version	Title
LP1/1		
RW1/1		Site plan

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

N/A

**DETAILS OF MATTERS SPECIFIED IN CONDITIONS**

Approval, consent or agreement has been GRANTED for the following matter(s): -

The matter(s) was/were specified in conditions imposed on the earlier grant of planning permission: -

N/A

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

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

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.







## **APPENDIX 2**

# **NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS**





The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: [development.control@moray.gov.uk](mailto: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 100160684-001

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.

## 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:	HHL Scotland		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Matthew	Building Name:	Allander
Last Name: *	Hilton	Building Number:	
Telephone Number: *	07743221617	Address 1 (Street): *	Mill Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Nairn
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV12 5EL
Email Address: *	matthew@hhlscotland.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="RUARI"/>	Building Number: <input type="text" value="12"/>
Last Name: *	<input type="text" value="WATT"/>	Address 1 (Street): * <input type="text" value="COUNCILLORS WALK"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="FORRES"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="MORAY"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="IV36 1HA"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

## Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northings	<input type="text" value="842004"/>	Easting	<input type="text" value="321113"/>
-----------	-------------------------------------	---------	-------------------------------------

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

ERECT SINGLE DWELLING HOUSE AND GARAGE

## Type of Application

What type of application did you submit to the planning authority? \*

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☒ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

PLEASE SEE ATTACHED STATEMENT OF CASE

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

SEE ATTACHED STATEMENT OF CASE

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/01495/PPP

What date was the application submitted to the planning authority? \*

27/11/2018

What date was the decision issued by the planning authority? \*

22/01/2019

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

SEE ATTACHED STATEMENT OF CASE

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Matthew Hilton

Declaration Date: 10/04/2019







# HHL Scotland

Chartered Town Planning &  
Building Consultants

6 Cameron Crescent  
Nairn  
IV12 5DY

Tel. 01667 451334  
Mob. 07743 221617  
Email. [admin@hhlscotland.co.uk](mailto:admin@hhlscotland.co.uk)  
Web. [hhlscotland.co.uk](http://hhlscotland.co.uk)

## LOCAL REVIEW BODY STATEMENT OF CASE TO SUPPORT

### PROPOSED SINGLE DWELLING HOUSE AND GARAGE ON SITE WITHIN GROUNDS OF HILLWOOD CARRON ABERLOUR MORAY

APPELLANT.

MR RUARI WATT

COUNCIL PLANNING REF.

18/01495/PPP

DATE.

10 APRIL 2019

HHL SCOTLAND REF.

19012



# HHL Scotland

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Web. [hhlscotland.co.uk](http://hhlscotland.co.uk)

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3.0	PLANNING CONSIDERATION	PAGE 6
4.0	CONCLUSION	PAGE 10

## APPENDIX

APPENDIX 1	COUNCIL DECISION NOTICE
APPENDIX 2	REPORT OF HANDLING
APPENDIX 3	APPLICATION DRAWING



## 1.0 INTRODUCTION

### Background

- 1.1 This Local Review Statement of Case has been prepared by HHL Scotland Chartered Town Planning & Building Consultants to support a recently refused Planning Permission in Principle Application, proposing the erection of a single house and garage within the grounds of 'Hillwood' Carron, Aberlour Moray
- 1.2 The planning application was validated on 27th November 2018 and was refused on 22nd January 2019 under delegated powers (Decision Notice – Document 1). This Review has been prepared and lodged within the statutory 3months period from the date of the decision notice.
- 1.3 The application was refused for the following reason:

The proposal would be contrary to policies PP1, E7, H7 & IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside (2017) for the following reasons:

The approval of a further house within this small grouping would not only overwhelm the adjacent traditional cottage (Ashgrove Cottage), but also erode the character of the countryside as the proposal would result in a high density form of development more akin to a suburban cul-de-sac than this countryside location, which is designated for its Great Landscape Value. In addition to this the Speyside Way runs in close proximity to the south of the site and as such the development would result in an erosion of the character of the countryside from this vantage point.



And after due consideration, the appellant has decided to seek a Review of the decision by the Council Review Body and the following Statement of Case and attached documents constitutes the appellants submission.

### **Proposed Development**

- 1.4 This 'Planning Permission in principle' application seeks to erect a simple 'T-shaped' house and detached garage on a roughly rectangular shaped site. The indicative plans demonstrate that the house would face down the slope in the same orientation as the adjacent properties (Ashgrove Cottage & Speyburn Cottage)
- 1.5 As the application is in 'principle', full details of the house floor levels are not included as part of the submission. Nevertheless, the indicative drawings demonstrate that the land immediately behind the property continue to rise and is heavily wooded thereby providing an immediate substantial backdrop to the site.

### **Consultations / Representations**

- 1.7 As is the norm with this type of application, the Appointed Officer sought consultations from various statutory and non-statutory bodies, including:
- Council Transportation Manager – Raised no objections to the proposal. The site is also large enough to accommodate the required parking and turning provision.
  - Scottish Water – No objection
  - Council Environmental Health Manager – No objection
  - Council Contaminated Land Manager – no objection.
  - Planning and Development Obligations – Financial contribution sought towards a health care provision. Which the appellant is content to settle at the appropriate time.
- 1.8 In addition, the statutory neighbour notification and advertisement processes were followed, with the application being advertised in the local press. Representation was received from one property. All of which are dealt with within the Appointed Officer Report of Handling/Statement of Case below.



## **2.0 THE APPLICATION SITE**

- 2.1 The Review site is currently rough agricultural ground, which sits adjacent to Ashgrove Cottage on the approximate 124m contour, the ground immediately beyond (to the northern) rises in height to the summit of 'Monahoudie Mossll' at 202m in height. With a mature forestry plantation running from approximately the 130m contour up to the summit.
- 2.2 The site is accessed via a private road, which the appellant has the full right of access over. The Council Transportation Section has confirmed that this access will provide a safe and secure access to the public road network.
- 2.3 The existing settlement pattern has developed in recent years with a number of new house approvals within the locale, along with the existing traditional properties. Two of these new houses have been built whilst a third has an extant permission.
- 2.4 To the south of the site lies the Speyside Way, which along this section is lined by mature trees providing an attractive walk and limiting views to the appeal site.



### 3.0 PLANNING CONSIDERATION

- 3.1 Section 25 of the Town & Country Planning (Scotland) 1997 Act (as amended) advises that planning applications are required to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 The development plan in relation to this Review is noted as being the 'Moray Local Development Plan 2015' (MLDP), with the salient policy being 'Policy H7: New Housing in the Open Countryside'.
- 3.3 This policy '**...assumes in favour...**' of new housing applications on the proviso that a number of 'Siting' & 'Design' considerations are met. As this development is in 'principle' only the Siting Criteria are relevant, these are as follows:
1. The proposal reflects the traditional settlement pattern of the locale, it is sensitively sited and uses natural backdrops to integrate the development.
  2. The proposal does not detract from the character or setting of existing buildings or surrounding uses.
  3. It does not result/or contribute to a build-up of residential development in an area which has seen 'significant' growth of the number of houses, which thereby changes the character of the area.
  4. The site must have 50% boundary definition with long established boundaries, including, stone dykes and woodlands.
- 3.4 In terms of this Review, the most important consideration of these are points 1 - 3; as the Appointed Officer has suggested that this area has a build up of properties to the detriment of the rural area.
- 3.5 The Council has prepared Supplementary Guidance on the 'Landscape and Visual Impacts of Cumulative Build-Up of Houses In The Countryside'. This document outlines a number of 'Siting' Indicators to help identify where a



build up of houses might become unacceptable. These indicators are as follows:

- *The number of new houses overwhelms the presence of older buildings, such that the new houses are the predominant components of the landscape and the traditional settlement pattern is not easy to perceive.*
- *The incidence and inter-visibility of new houses result in these being a major characteristic of the landscape. There is a prominence of new houses from key viewpoints such as roads, adopted core paths or long distance paths and existing settlements.*
- *There are sequential visual effects of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site. The proposal contributes to ribbon development between existing/consented houses contrary to the traditional dispersed settlement pattern.*

3.6 Considering each in turn the appellant contends the following: The first indicator refers to the number of new houses 'overwhelming' the presence of older buildings and the traditional settlement pattern being lost. Considering this Indicator in relation to the overall Supplementary Guidance, the document specifically refers to the build-up of houses within the last 10 years and highlights various 'hotspots' of build up of properties and uses a 'traffic light' system to identify areas where unacceptable build up has occurred and thus protecting these areas against further development.

3.7 The Review site is not located in any of the 'hotspots' and the traffic light system shows that 5-12houses is considered green (an acceptable build up), 13-31 houses is amber



(unacceptable build up being established) and 32-44 houses is red (detrimental build up).

- 3.8 In this instance in the last 17 years only 3 other houses have been approved (2002, 2007 & 2015). The ones approved in 2002 and 2007 have now been built and as these were approved and built over 10 years ago and under different Local Plan Policies, these are considered to be outwith the spirit of the Supplementary Guidance document, as the Document specifically refers to '...The rate of growth of new housing in the countryside in the last 10 years has been significant in Moray...' (Page 1 Introduction)
- 3.9 Corollary, only one single house has been approved in the immediate vicinity within the last 10 years and this property has yet to be built. The appellant therefore asserts that this area doesn't even register on the Council 'traffic light' system controlling detrimental build up.
- 3.10 Therefore, the appellant believes the traditional character has not been overwhelmed, nor has a concentrated development created a suburban cul-de-sac, both of which are specifically defined in the guidance. As such, this proposal satisfies Indicator 1.
- 3.11 Moving onto the second, this indicator highlights damage houses being visible from 'Key Viewpoints' including roads, long distance footpaths and other settlements could create. As the site is removed from any major or more local roads and is instead access via a private road, the site is not prominent in this regard.
- 3.12 As mentioned previously, the Speyside Way runs to the south of the site this long-distance footpath is a major tourist path within Moray and follows (at this location) a former rail line. This path sits lower than the appeal site (on the 110m contour) and is tree lined with mature species along its length, this wooded nature, coupled with the site sitting higher than the path, adequately screens the site from occasional view, thereby the appellant asserts the site is not overly prominent.





- 3.13 Furthermore, given the site location, it would not be visible from any other settlements and therefore, taking all the above into consideration, the appellant again believes his proposal satisfies Indicator 2.
- 3.14 Finally, with regards to Indicator 3, as previously noted the site is removed from any public roads and is instead accessed via a private road. Given this the house would not be viewed by road users. Nor would the development create ribbon development.
- 3.15 Consequently, this proposal also does not contravene the final indicator.
- 3.16 As the above has demonstrated that the development will not result in a residential build-up and the traditional residential character of the locale has not suffered detrimentally, the appellant asserts that this Review complies with the strands 1-3 of policy 'Policy H7 (New Housing in the Open Countryside).
- 3.17 The remaining strand of this policy states that the site should have 50% of its boundaries defined with long established boundaries, including, stone dykes and woodlands. In this instance, the eastern boundary is defined by the residential curtilage of Ashgrove Cottage, whilst the northern boundary by a long-established access roadway. Consequentially, the application site therefore deemed to comply with this final strand.
- 3.18 In concluding, as policy H7 '**...assumes in favour...**' of all housing developments in this locale and as the above has demonstrated that the detailed siting criteria has been fulfilled, the appellant asserts that this proposal is acceptable in this regard and looks forward to this being accepted by the Review Board.
- 3.19 Finally, in terms of the design and detailed house siting on site, as these would be subject to a 'reserved matters application', my client would be content to acceptable any conditions the Board felt necessary in this regard.



#### **4.0 CONCLUSION**

- 4.1 In concluding, based on all the above and the enclosed documents, the appellant believes that their proposal represents an acceptable form of development and, as such, respectfully asks the Review Body to uphold this Review.

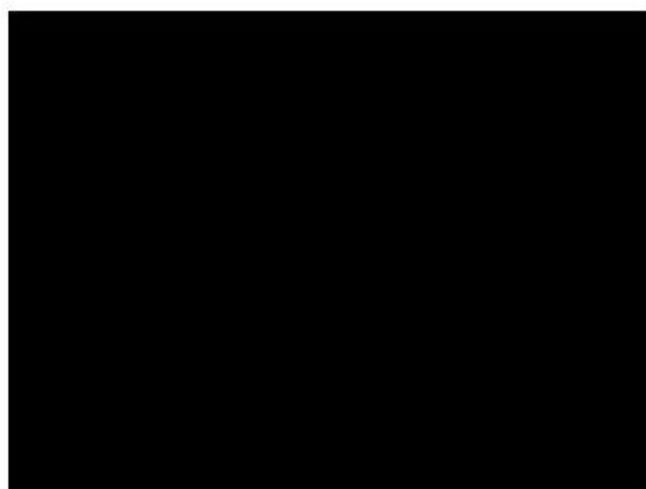


MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended

REFUSAL OF PLANNING PERMISSION

[Speyside Glenlivet]  
Planning Permission in Principle

TO



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:-

**Proposed single dwelling house and garage on Site Within Grounds Of Hillwood Carron Aberlour Moray**

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

Date of Notice: 22 January 2019



**HEAD OF DEVELOPMENT SERVICES**

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

**IMPORTANT**  
**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

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

The proposal would be contrary to policies PP1, E7, H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside (2017) for the following reasons:

The approval of a further house within this small grouping would not only overwhelm the adjacent traditional cottage (Ashgrove Cottage), but also erode the character of the countryside as the proposal would result in a high density form of development more akin to a suburban cul-de-sac than this countryside location, which is designated for its Great Landscape Value. In addition to this the Speyside Way runs in close proximity to the south of the site and as such the development would result in an erosion of the character of the countryside from this vantage point.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

Reference	Version	Title
LP1/1		
RW1/1		Site plan

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

N/A

**DETAILS OF MATTERS SPECIFIED IN CONDITIONS**

Approval, consent or agreement has been GRANTED for the following matter(s): -

The matter(s) was/were specified in conditions imposed on the earlier grant of planning permission: -

N/A

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

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

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

<b>Ref No:</b>	18/01495/PPP	<b>Officer:</b>	Iain T Drummond
<b>Proposal Description/ Address</b>	Proposed single dwelling house and garage on Site Within Grounds Of Hillwood Carron Aberlour Moray		
<b>Date:</b>	22/01/19	<b>Typist Initials:</b>	FJA

### RECOMMENDATION

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

### CONSULTATIONS

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Environmental Health Manager	05/12/18	No objections
Contaminated Land	05/12/18	No objections
Transportation Manager	05/12/18	No objections subject to conditions and informatives
Scottish Water	04/12/18	No objections
Planning And Development Obligations	30/11/18	Contribution sought towards

### DEVELOPMENT PLAN POLICY

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
PP1: Sustainable Economic Growth	Y	
H7: New Housing in the Open Countryside	Y	
E7: AGLV and impacts on wider landscape	Y	
EP5: Sustainable Urban Drainage Systems	N	
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
T2: Provision of Access	N	
T5: Parking Standards	N	
IMP1: Developer Requirements	N	
IMP3: Developer Obligations	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received – ten separate representations from one party		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p><b>Issue:</b> The application form refers to the site as scrub land however it is agricultural land.</p> <p><b>Comments (PO):</b> Local Development Plan policy allows for change of use of agricultural land for residential purposes, where proposals are compliant with Local Development Plan policy in all other regards, however, as outlined in the observations section of this report, this application is not considered to comply with policy and is recommended for refusal on this basis.</p>		
<p><b>Issue:</b> This is the fifth house proposed in this location. Houses 1 and 2 are built. House 3 refused. House 4 looking to renew application. Now house 5 by the same applicant as House 4 and next door. The open ground aspect of the landscape is destroyed by both houses 4 and 5. Why does the applicant need 2 houses? This can only be for the purpose of selling the sites.</p> <p><b>Comments (PO):</b> Applications for new houses in the countryside must be considered in accordance with Local development Plan policy, where, need or eventual ownership of sites is not a material planning consideration. The build-up of development in this locality is considered in the observations section of this report where it is concluded that the proposal will result in an unacceptable impact on the character of the surrounding area.</p>		
<p><b>Issue:</b> The proposal, when considered in conjunction with neighbouring existing houses and approved plot, will result in a cul de sac layout, which is not compliant with Local development Plan policy for rural development.</p> <p><b>Comments (PO):</b> The application is being refused on this basis as outlined in the observations section of this report.</p>		
<p><b>Issue:</b> Adverse impact on privacy levels</p> <p><b>Comments (PO):</b> As this application is in principle there are no detailed design of the proposed house under consideration, however, it is potentially possible to accommodate a house on this site without resulting in an unacceptable privacy impact on the neighbouring houses and as such this issue does not form a reason for refusal of this application.</p>		
<p><b>Issue:</b> The existing access road is substandard to support the proposed house or neighbouring approved house site.</p> <p><b>Comments (PO):</b> The transportation service has confirmed that they have no objection to the approval of the application. The access serving the site is a private road and therefore its condition and any repairs required following development is a private legal matter to be resolved between the parties who are responsible for the maintenance of the road and is not a material planning consideration that can be taken into account in the determination of this application.</p>		
<p><b>Issue:</b> There is a history of refused planning application within the area surrounding the site.</p> <p><b>Comments (PO):</b> Each planning application must be considered on its own merits and in accordance with the Local development Plan policy at that time and no precedent should be taken from nearby recent decisions.</p>		
<p><b>Issue:</b> In the guidance for the LDP it refers to the 'value of the Moray countryside being of the utmost importance'. The proposed site along with neighbouring houses and approved site 'contributes to the gradual erosion' (taken from the guidance) of the countryside. Today 11 years on, the orientation and position of house 2 would be questionable under today's guidelines.</p> <p>From the guidance:</p> <p>A proposal that contributes to a build-up of development that is considered to undermine the rural character of the locality will not be acceptable. Where a considerable level of development has taken place, another dwelling may adversely impact on the distinctive rural qualities of the area (e.g. open appearance or ambience).</p>		



This applies to the proposed development when considered in conjunction with the neighbouring housing and approved house site.

From the extract for Policy H7 of the guidance for the LDP:

'It does not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications; and,'

This application significantly impacts the rural character of the area.

Three house applications adding to the two recently built in the open countryside (house 4 - 18/01410/APP) is in the middle of the field and this application would demonstrate a growth of 300% in a very small land area.

**Comments (PO):** As outlined in the observations section of this report, the build-up, density and dominance of development in this locality is the reason that this application is being recommended for refusal.

**Issue:** From the extract for Policy H7 of the guidance for the LDP:

It reflects the traditional pattern of settlement in the locality and is sensitively integrated with the surrounding landform using natural backdrops, particularly where the site is clearly visible in the landscape. Obtrusive development (i.e. on a skyline, artificially elevated ground or in open settings such as the central area of a field) will not be acceptable;

This application is not:

- sensitively integrated

and does not:

- use natural backdrops

The site is:

- clearly visible from the road out from the village

- an obtrusive development.

**Comments (PO):** Although unacceptable in cumulative terms when considered in conjunction with the neighbouring houses and approved plot, individually, the proposed house is not considered to represent obtrusive development, in that it would be generally viewed against a mature wooded natural backdrop and although it would be visible in the landscape it is not considered to constitute obtrusive development when assessed in isolation.

**Issue:** From the extract for Policy H7 of the guidance for the LDP:

'It does not detract from the character or setting of existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development;'

This application for house 5 substantially detracts from the character of existing buildings. The nearest building (less than one metre from the proposed boundary) is a one bedroom single storey cottage in stone and slate built in 1864.

**Comments (PO):** As outlined in the observations section of this report the application is being refused on the basis of the dominant impact on the adjacent traditional cottage.

**Issue:** From the extract for Policy H7 of the guidance for the LDP:

'At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, watercourses, woodlands, tracks and roadways).' The boundary between Ashgrove Cottage and the sheds in the application could not be considered a long established boundary. For this application 0% of the site boundaries are long established.

**Comments (PO):** The curtilage of the adjacent existing houses is sufficient to provide 50% boundary enclosure as specified by policy and therefore the proposal is considered compliant in this regard

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

### The Proposal

This application seeks planning permission in principle for the erection of a dwellinghouse on a site at Hillwood, Carron.

## **The Site**

The site lies to the south west of Hillwood and immediately to the east of Ashgrove Cottage. Planning permission has recently been renewed for the erection of a house immediately to the east of the site 18/01410/APP, this permission was a renewal of a previous consent granted in 15/02012/APP.

The site comprises an area of agricultural field, which along with the surrounding landscape is designated within the Moray Local Development Plan as an Area of Great landscape Value (AGLV). The Speyside way also runs to the south of the site.

## **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 2015 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below.

### **Siting and Impact upon Landscape Character**

**(MLDP 2015 Policies PP1, E7, H7 and IMP1, Supplementary Guidance: 'Housing in the Countryside' MLDP 2015, Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside 2017)**

Policy E7: The site lies within an area of the countryside designated in the Local Development Plan for its Great Landscape Value, where there is a presumption against development which would have an adverse effect on the character of the surrounding area and where the highest standard of siting is required.

Policy H7: New Housing in Open Countryside of the Moray Local Development Plan 2015 contains the necessary criteria for assessing new rural housing in the countryside; these include the requirement that new sites

- a) should reflect the traditional settlement pattern of the locality and integrate sensitively with the surrounding landform (i.e. not be obtrusive),
- b) not detract from the character or setting of existing buildings, or their surrounding area,
- c) not contribute to a build-up of development which changes the character of the area (with particular attention being given to proposals where there has been a significant growth in the number of house applications) and
- d) have at least 50% established boundaries.

The policy also contains site-specific criteria requiring at least 25% of plot areas to be planted with trees and design criteria to ensure a satisfactory form of traditional design.

Policy IMP1: Development Requirements seeks compatibility in terms of scale, density and character and requires new development to integrate into the surrounding landscape. Policy PP1 advocates sustainable economic growth that protects the natural and built environment.

Associated Supplementary Guidance 'Housing in the Countryside' (Moray Local Development Plan 2015) provides relevant advice (pages 13 to 14) in relation to the issue of cumulative build-up of housing which is pertinent to the current application. This states inter alia that, "...A proposal that contributes to a build-up of development that is considered to undermine the rural character of the locality will not be acceptable. Where a considerable level of development has taken place, another dwelling may adversely impact on the distinctive rural qualities of the area (e.g. open appearance or ambience). For example, successive applications for houses in the corner of fields within a dispersed pattern of settlement may be considered to detrimentally alter the character of the locality. Whilst this may reflect the dispersed pattern of settlement the volume of new houses may impact on the open appearance and tranquil qualities of the rural area."

A further guidance note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside was approved by the Planning and Regulatory Services Committee on the 15 August 2017, which identifies hotspots where cumulative build up is prevalent and outlines indicators where

build-up may be present out with these specific hot spots.

In this case the site is bounded to the north by two relatively modern houses and a traditional cottage to the west and an approved house site to the east. The adjacent house plot was originally determined prior to the council's adoption of guidance for the consideration of build up of new housing development in the countryside and the consents subsequent renewal took into account that there was already an extant planning permission granted on the site which could have been implemented. In this case however, there is no such previous planning permission in place.

The proposed site does not lie within any specific build up hot spot, however, there are three existing houses (2 of which are relatively modern) and a further house plot all of which bound this site and as such the build-up of development in this locality is a key consideration of this application.

There are 7 cumulative build-up indicators identified within the guidance which should be used when sites do not lie within the specific hot spots. These are as follows,

### **siting indicators**

- The number of new houses overwhelms the presence of older buildings, such that the new houses are the predominant components of the landscape and the traditional settlement pattern is not easy to perceive.
- The incidence and inter-visibility of new houses result in these being a major characteristic of the landscape. There is a prominence of new houses from key viewpoints such as roads, adopted core paths or long distance paths and existing settlements.
- There are sequential visual effects of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site. The proposal contributes to ribbon development between existing/consented houses contrary to the traditional dispersed settlement pattern.

### **design indicators**

- In order to serve numerous new house plots in any given area, commonly suburban style features are required, such as accesses built to adoptable standards (rather than gravel tracks) and large bin storage areas at the end of tracks. These features erode the rural character of an area.
- The larger scale of new houses contrasts to generally smaller size of older building, cottages and farms results in the development being out of keeping and incongruous within the rural setting.
- There are numerous incidences of open prominent elevations that are visible in the landscape and are orientated for views and in contrast to traditional settlement pattern.
- A new architectural design is prevalent which has overwhelmed the older vernacular style.

With regard to the above indicators the two adjacent relatively modern houses and further approved house plot together result in a relatively dominant impact on the existing traditional Ashgrove Cottage. The approval of a further house within this small grouping would not only overwhelm the adjacent traditional cottage, but also erode the character of the countryside as the proposal would result in a high density form of development more akin to a suburban cul-de-sac than this countryside location, which is designated for its Great Landscape Value. In addition to this the Speyside Way runs in close proximity to the south of the site and as such the development would result in an erosion of the character of the countryside from this vantage point.

For the avoidance of doubt the design indicators are not applicable as this application is in principle and therefore the detailed design of the house is not being considered at this stage.

Given these impacts, the proposal is considered to constitute an inappropriately located site which fails to satisfy the siting criteria of policies PP1, E7, H7, IMP1 and associated Supplementary Planning Guidance 'Housing in the Countryside' 2015 and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside 2017.

Although the proposal is potentially capable of satisfying policy criteria in relation to boundary treatment, 25% tree planting and house design, these aspects do not override the main policy objection concerning an unacceptable build-up of housing and its associated impact upon the rural character of this particular location.

#### **Access/Parking (T2 and T5)**

Following consultation the Transportation Section has raised no objection to the proposal subject to conditions and informatives.

#### **Water Supply and Drainage (EP4, EP10 and IMP1)**

Proposed drainage arrangements comprising private septic tank/soakaway and surface water soakaway would satisfy policy EP10 and IMP1. Final details would be addressed under the Building Regulations and had the application been recommended for approval, informative advice in this regard would have been attached to the decision notice.

Scottish water has no objection to the use of the proposed water supply.

#### **Developer Obligations (IMP3)**

An assessment has been carried out and a contribution has been identified towards healthcare, which the applicant has agreed to pay in the event of approval being given.

#### **Recommendation**

The proposed development is unacceptable in this location, fails to comply with development plan policy and is recommended for refusal.

### **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

#### **HISTORY**

Reference No.	Description			
	Decision		Date Of Decision	

#### **ADVERT**

Advert Fee paid?	N/A		
Local Newspaper	Reason for Advert	Date of expiry	

#### **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?		NO
--	--	----

Summary of main issues raised in each statement/assessment/report
---

Document Name:
----------------

Main Issues:
--------------

**S.75 AGREEMENT**

Application subject to S.75 Agreement		NO
---------------------------------------	--	----

Summary of terms of agreement:
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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
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Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
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Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
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Summary of Direction(s)
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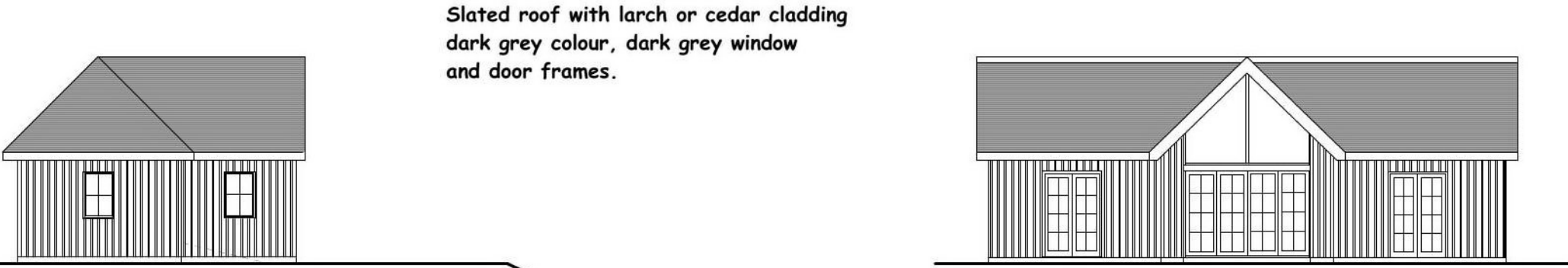
No works to commence on site until Planning and or Building Warrant Approvals are received. Contractors must visit the site and check site dimensions, roof pitches etc and familiarise themselves prior to ordering and manufacturing components and materials. Do not scale the drawings. These are not Construction Drawings.

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

**REFUSED**

22 January 2019

Development Management  
Environmental Services  
The Moray Council



INDICTATIVE ELEVATIONS OF POSSIBLE HOUSE STYLE



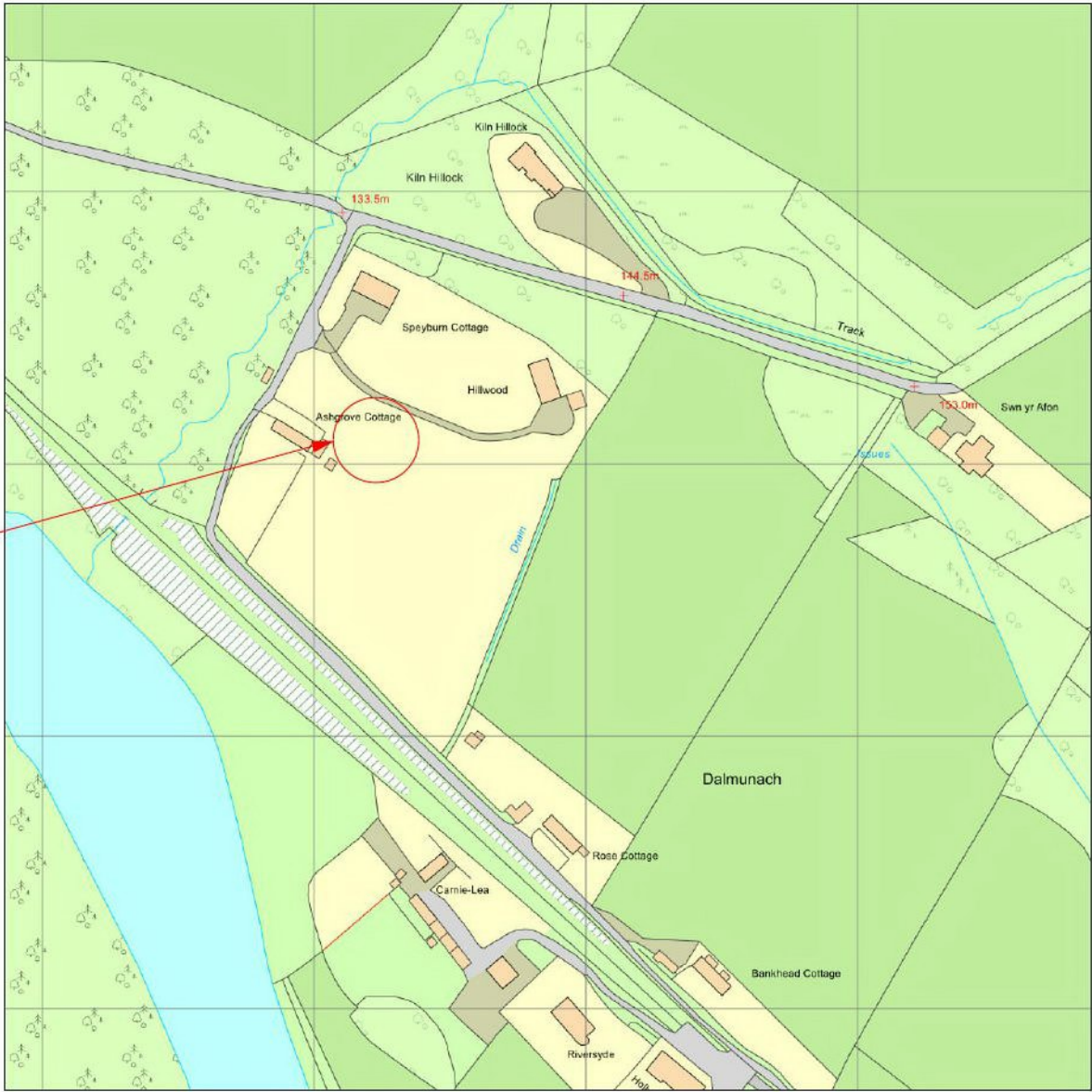
Photograph of plot looking South



Photograph of access track looking West



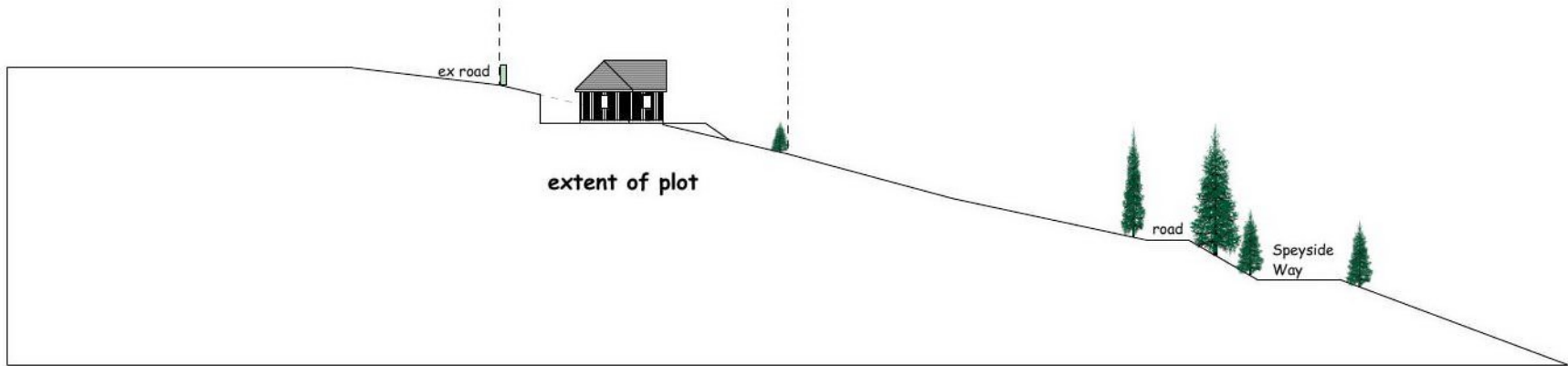
SITE PLAN 1:1000



LOCATION PLAN 1:10,000



Photograph of Hillwood access track looking West with plot access



CROSS SECTION AT PLOT

Proposed PPP for house plot  
at Hillwood, Carron AB38 7QP

October 2018  
Drwg. RW1/1 scale. as noted  
Rev :

**IH Designs ( Moray)**  
12 Councillors Walk, Forres IV36 1HA  
Tel : 01309 674368  
Email : [ian54holmes@hotmail.co.uk](mailto:ian54holmes@hotmail.co.uk)  
Web : [www.ihdesignsmoray.co.uk](http://www.ihdesignsmoray.co.uk)









## **APPENDIX 3**

# **FURTHER REPRESENTATIONS FROM INTERESTED PARTIES**



## Response to HHL Scotland's Local Review Body Statement of Case

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Proposed single dwelling house and garage on site within the grounds of Hillwood, Carron Aberlour, Moray.

Council Planning Ref: 18/01495/PPP

Response from: [REDACTED]

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### Response Notes

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#### 1.4

The proposed development is not in line with Speyburn Cottage, Ashgrove Cottage, Hillwood or the proposed but not yet built House number 4 by the Appellant.

---

#### 1.5

This is factually incorrect. Immediately behind the proposed Appeal site is the exclusive access track to Hillwood, then a large area of garden ground, then a poly tunnel, then a tree lined track and then the wooded area.

Neither the track, the garden, the poly tunnel or the top track represent a heavily wooded backdrop anywhere close to the back of the Appeal site.

---

#### 1.7

This is factually incorrect. HHL Scotland claims that the representation from one property has been 'dealt with' in this Statement of Case. There were ten comments presented, not all have been addressed.

---

#### 2.0

The proposed development is set slightly higher than Ashgrove Cottage ensuring that with the houses already built, Speyburn Cottage and Hillwood and the planned house number 4 (also by the Appellant), the four houses will form the desired Watt family 'cul de sac' - contrary to traditional settlement patterns in the locale and Moray.

## 2.2

The width and dirt surface of the track places restrictions on the size and type of vehicle able to access the proposed development. Such use of the track for the development may render the track no longer safe and secure for other track users.

---

## 2.3

Factually incorrect. Five houses applied for, two now built, one refused, one to be built (by the Appellant) and this one refused but being appealed.

---

## 2.4

Omission of popular walk along the opposite bank of the River Spey from which the Appeal site would be very evident, intrusive, and detrimental to the viewed landscape, substantially reducing 'the Great Landscape Value' (GLV) of this area of Moray.

---

## 3.4

The Appointed Officer is correct in regard to, along with the current new builds, the planned property, this appeal site development and the site yet to be developed, will be detrimental to the rural area.

---

## 3.5

I agree with the Statement of Case on all three bullet points in this item.

- Yes, Ashgrove Cottage will be overwhelmed by the new developments.
- Yes, there will be a prominence of new builds from key viewpoints - paths , tracks, the approach, existing settlements especially when heading out towards the Appeal site from the village of Carron and from the distillery cottages, the croft and others.
- Yes, there would be a significant visual impact when travelling along the roads. The Appeal site and the planned build (also by the Appellant) creates a 'cul de sac' development of new builds. There are no circumstances under which this can be considered acceptable and is in every way contrary to the traditional dispersed settlement pattern.

### 3.6

To highlight areas of unacceptable build up once the these builds are complete is too late. This defeats the objective of the planning process and therefore cannot in itself be used as a reason for allowing more builds until such a hotspot is evident. Mistakes must be learnt from the past to ensure 'the Great Landscape Value' of Moray and our rural environment is protected.

---

### 3.7

Taking into account the two new houses above Hillwood, planned but not built house number 4, the planning granted on a site next to Rose Cottage below. This would be 7 new houses between Ashgrove Cottage and Rose Cottage (both around 155 years old) within 11 years, not including two refusals.

---

### 3.8

Factually incorrect, this refers to new builds within the field owned by the Watt family only (please see 3.7)

---

### 3.9

If existing builds are not to be taken into account this makes a mockery of the whole planning system.

It also highlights that HHL Scotland's Statement of Case is fundamentally flawed.

On the one hand they ask that Speyburn Cottage and Hillwood do not exist for the purposes of this Appeal and on the other, in order to meet indicator 4 referring to 50% long established boundaries, this would not be met unless these builds and their exclusive access track are taken into consideration.

---

### 3.10

Indicator 1 asks that the proposal reflect the traditional settlement pattern of the locale - by claiming that other builds are not to be taken into consideration and must be ignored in reference to the 'locale' does not mean that this indicator has been met. HHL Scotland have simply chosen to ignore Speyburn Cottage and Hillwood because they are eleven years old. As Ashgrove cottage is 155 years old then presumably it can also be ignored and need not be taken into consideration supporting their case that it is not overwhelmed as in HHL Scotland's temporary view of the locale nothing else exists except the Appeal site. There is no basis in this approach on which the Appeal can be justified.

---

### 3.11

The classification of a road, in being public or private, or in HHL Scotland terms 'major or more local' does not alter the view given or the visibility from that road to and for anyone on that road.

The road coming out from the village of Carron is used by many modes of transport including horses, cyclists, walkers as it connects them from Laggan, Carron, and the Speyside Way up through into Knockando and beyond.

HHL Scotland is fundamentally wrong in its assumption that as the Appeal site is 'removed from any major or more local roads, the site is not prominent in this regard'.

---

### 3.12

As mentioned the response to 2.4, The River Spey has well known walks along both banks - a point overlooked by HHL Scotland. The path on the far side is not only used by the fishermen but is very popular with many walkers and cyclists heading through to Ballindalloch. The Appeal site is very prominent from the opposite bank and would appear, very obviously, detrimental to the setting of the existing buildings.

---

### 3.13

This is factually incorrect. The Appeal site is visible from all settlements from a point in the approach just past the distillery cottages.

---

### 3.14

Again as mentioned in 3.11, the classification of the road does not determine the amount of road users or impact the view from the road itself.

---

### 3.15

There is no basis to HHL Scotland's proposal that the Appeal site does not contravene the final indicator.

---

### 3.16

Responses 3.5 to 3.15 above have highlighted HHL Scotlands lack of knowledge and understanding of the local area, the use made of the surroundings and the immediate vicinity of the Appeal site.

### 3.17

Factually incorrect. Only a small proportion of the Eastern boundary is bordered with Ashgrove Cottage, estimated 6 - 8m - no accurate plan is available.

The other boundaries that make up the 50% are the not so 'long' established boundaries of newly planted woodland in front of Speyburn Cottage and the track built providing exclusive access to Hillwood.

---

### 3.18

The necessity of the close proximity to Ashgrove Cottage (closer than to any other of the builds in the recent development -within 11 years as opposed to 155 years), one of the key issues relating to the Appeal site has not been addressed in HLL Scotland's Statement of Case.

---

### 4.1

[REDACTED], I would like to state that, in my opinion, the proposal of the Appeal site does not represent an acceptable form of development, and whilst I thank the Review Body for considering this response to HHL Scotland's Statement of Case, I do not ask anything of the Review Body, and I will, of course respect their decision.







## MORAY LOCAL REVIEW BODY

27 JUNE 2019

### SUMMARY OF INFORMATION FOR CASE No LR224

**Planning Application 18/01478/APP – Erect single storey dwellinghouse within grounds of Torrieston House, Pluscarden**

#### **Ward 5: Heldon and Laich**

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 21 January 2019 on the grounds that:

The proposal is contrary to policies PP3, H7, IMP1 and E7 of the Moray Local Development Plan 2015 (MLDP) and the associated Supplementary Guidance: Housing in the Countryside for the following reason:

The site is part of a large open meadow and would be visually obtrusive roadside development. It would be a ribbon form of development diminishing the open separation of houses along the public road. The new house would not be integrated in the landscape and cumulatively, the introduction of an additional dwelling would contribute to the build-up of development within the surrounding area and thereby it would detract from, and be detrimental to, the character, appearance and amenity of the surrounding rural area and the open rural character of the Pluscarden valley setting would be undesirably compromised.

Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

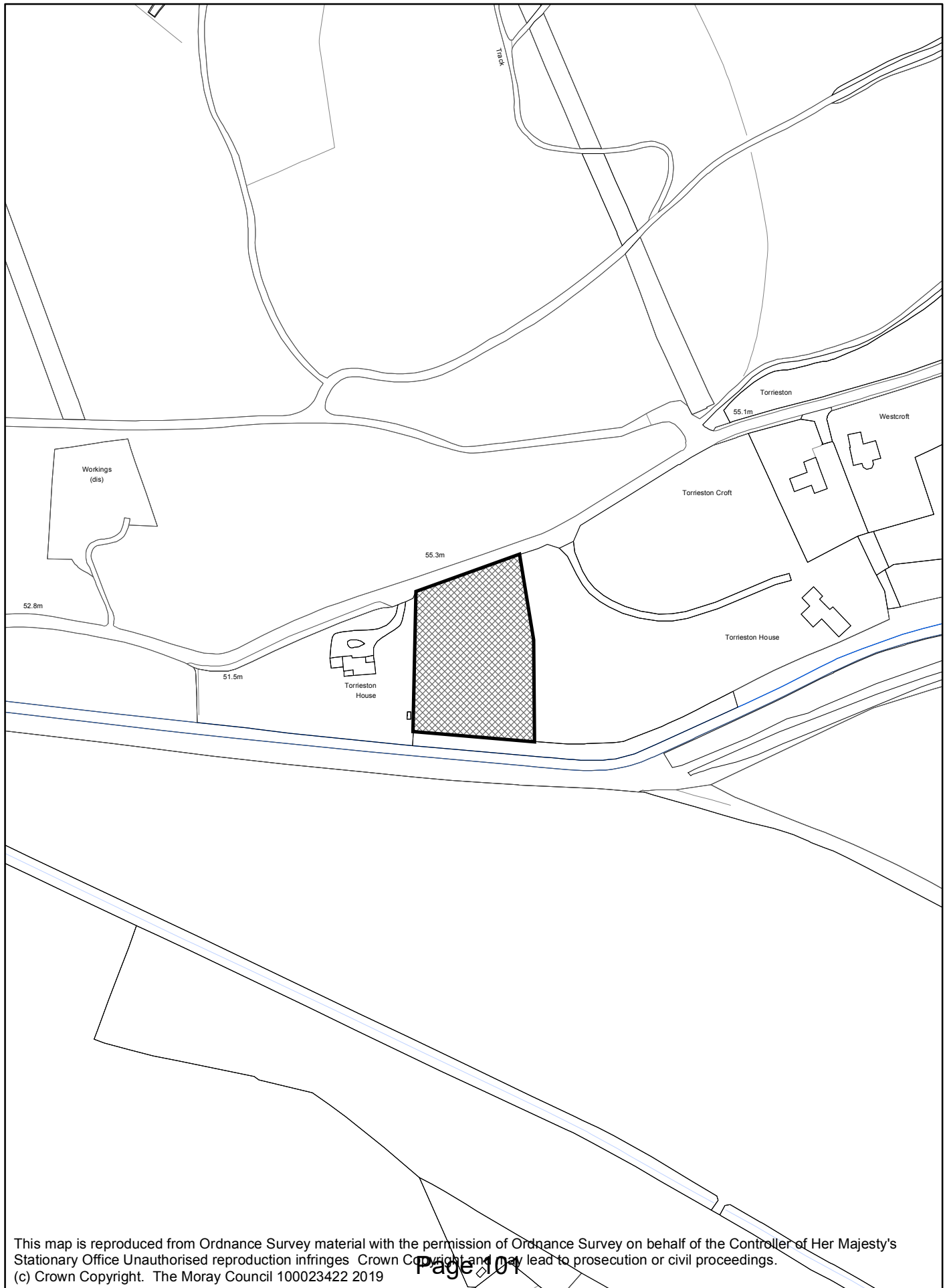
Further Representations received in response to the Notice of Review are attached as **Appendix 3**.

The Applicant's response to Further Representations is attached as **Appendix 4**





# Location plan for Planning Application Reference Number : 18/01478/APP







## **APPENDIX 1**

# **DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER**







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 100142653-001

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)

New single storey house within grounds of Torrieston House (Previously Refused Application Ref: 18/00246/APP)

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:	CM Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Craig	Building Name:	St Brendans
Last Name: *	Mackay	Building Number:	69
Telephone Number: *	01343540020	Address 1 (Street): *	South Guildry Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Elgin
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV30 1QN
Email Address: *	office@cmdesign.biz		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Torrieston House
First Name: *	K	Building Number:	
Last Name: *	Gosling-Crockart	Address 1 (Street): *	Pluscarden
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Elgin
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV30 8TZ
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Moray Council

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

Address 1:

TORRIESTON HOUSE

Address 2:

PLUSCARDEN

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ELGIN

Post Code:

IV30 8TZ

Please identify/describe the location of the site or sites

Northing

858466

Easting

316009

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

4000.00

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)

Garden Ground

## 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? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.	
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	<div style="border: 1px solid black; padding: 2px; width: 100px;">0</div>
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	<div style="border: 1px solid black; padding: 2px; width: 100px;">2</div>
Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *	
<input type="checkbox"/> Yes – connecting to public drainage network <input checked="" type="checkbox"/> No – proposing to make private drainage arrangements <input type="checkbox"/> Not Applicable – only arrangements for water supply required	
As you have indicated that you are proposing to make private drainage arrangements, please provide further details. What private arrangements are you proposing? *	
<input checked="" type="checkbox"/> New/Altered septic tank. <input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed). <input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).	
What private arrangements are you proposing for the New/Altered septic tank? *	
<input checked="" type="checkbox"/> Discharge to land via soakaway. <input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway). <input type="checkbox"/> Discharge to coastal waters.	
Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *	
<div style="border: 1px solid black; padding: 5px;">Please refer to plan</div>	
Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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.	

<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<h2 style="margin-top: 0;">Assessment of Flood Risk</h2> <p>Is the site within an area of known risk of flooding? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</span></p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</span></p>
<h2 style="margin-top: 0;">Trees</h2> <p>Are there any trees on or adjacent to the application site? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>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.</p>
<h2 style="margin-top: 0;">Waste Storage and Collection</h2> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes or No, please provide further details: * (Max 500 characters)</p> <div style="border: 1px solid black; height: 50px; margin-top: 5px; padding: 5px;">Please refer to plans</div>
<h2 style="margin-top: 0;">Residential Units Including Conversion</h2> <p>Does your proposal include new or additional houses and/or flats? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>How many units do you propose in total? * <span style="float: right; border: 1px solid black; padding: 2px 10px;">1</span></p> <p>Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.</p>
<h2 style="margin-top: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2> <p>Does your proposal alter or create non-residential floorspace? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>
<h2 style="margin-top: 0;">Schedule 3 Development</h2> <p>Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</span></p> <p>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.</p> <p>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.</p>

## 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: Craig Mackay

On behalf of: Ms K Gosling-Crockart

Date: 06/11/2018

☒ 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 Craig Mackay

Declaration Date: 19/11/2018



FRONT ELEVATION  
(Scale 1:100)



SIDE ELEVATION  
(Scale 1:100)



REAR ELEVATION  
(Scale 1:100)

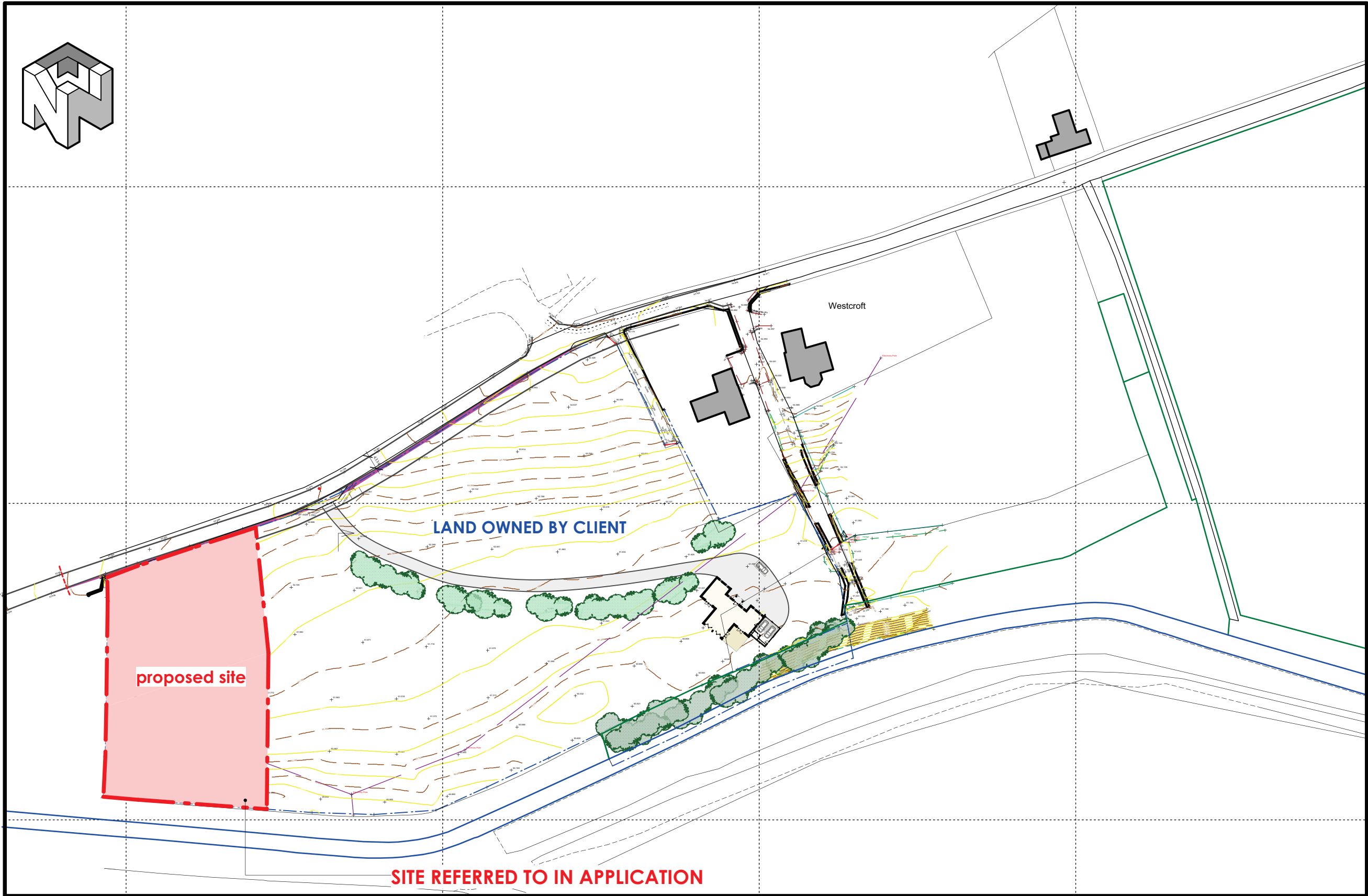
A GABLE WIDTH OF NO MORE THAN 2.5 TIMES THE HEIGHT OF THE WALL FROM GROUND TO EAVES LEVEL  
GROUND TO EAVES = 2858mm  
SO GABLE CANNOT BE ANY GREATER THAN:  
2858mm x 2.5 = 7145mm  
ACTUAL GABLE WIDTH = 6887mm



SIDE ELEVATION  
(Scale 1:100)



FLOOR PLAN  
(Scale 1:100) Total floor area: 285sqm

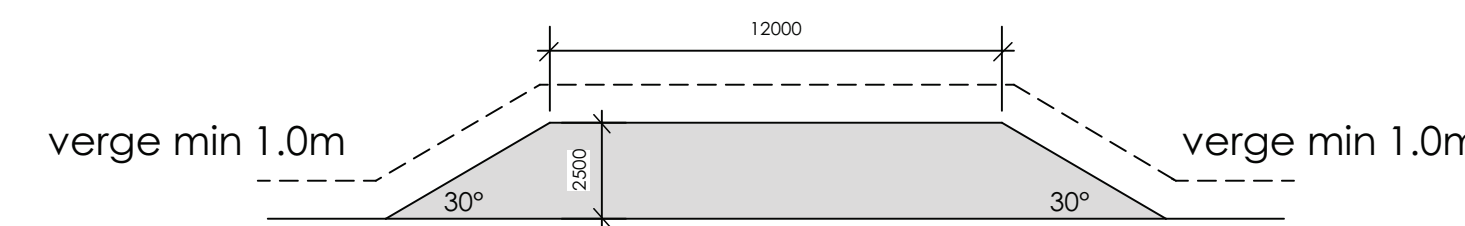


LOCATION PLAN  
(Scale 1:1250)





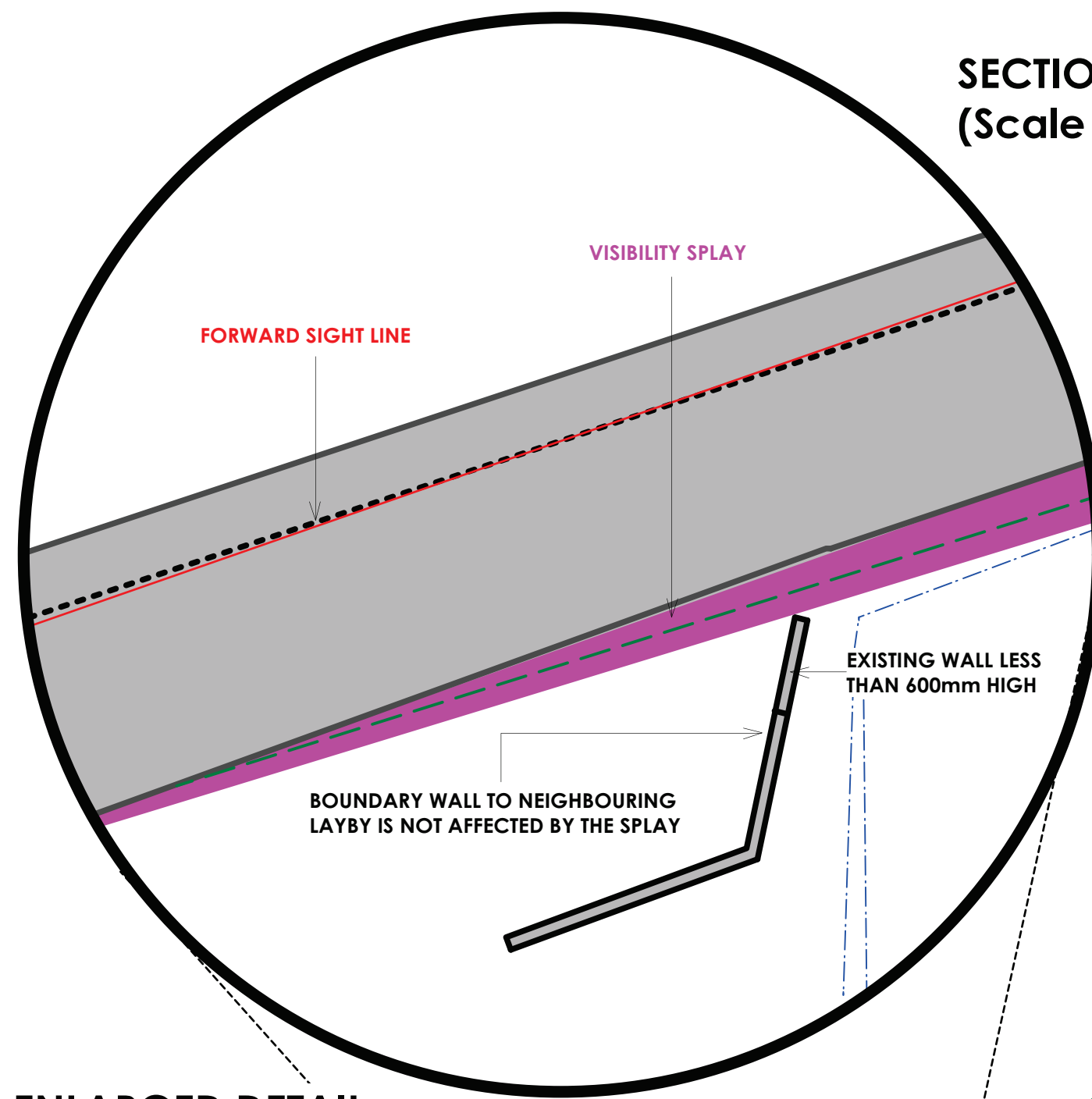
New vehicular access formed onto public road, with a access layby 12.0m long by 2.5m wide with 30 degrees splayed ends to be provided at the edge of the public road to allow visiting and service vehicles to park clear of the public road. The vehicular access will lead off the layby. The layby will be constructed to the Council specification and be surfaced in bitmac.



FFL: 51.250

ROAD LEVEL: 53.400

SECTION VIEW A-A  
(Scale 1:200)



ENLARGED DETAIL  
(Scale 1:100)



LOCATION PLAN  
(Scale 1:500)

BLUE LINE INDICATES  
EXTENT OF SITE OWNED BY  
APPLICANT (TORRIESTON  
HOUSE)

Sub-surface surface water soakaway to be min 5metres from buildings & boundaries, 10metres from any watercourse, drain, road or railway & 50metres from a spring or borehole used for drinking water

Bio-disc and sub-surface soakaway to be min 5metres from buildings & boundaries, 10metres from any watercourse, drain, road or railway & 50metres from a spring or borehole used for drinking water.

**HEAD OFFICE - MORAY**  
St Brendans, 69 South Guildry Street, Elgin,  
IV30 1GN  
T 01343 540020

**HIGHLANDS**  
4 Bridge Street, Nairn, Highlands, IV12 4EJ  
T 01667 300230  
M 0781 3872818 W cmdesign.biz E office@cmdesign.biz

**LOSSIEMOUTH OFFICE**  
Ellie, James Street, Moray,  
IV30 6BX  
T 01343 810175

**DEVON OFFICE**  
T 01392 345566

Ms. Gosling-Crockart

NEW SINGLE STOREY WITHIN GROUNDS OF TORRIESTON HOUSE, TORRIESTON, PLUSCARDEN

PLANNING PROPOSALS  
PROPOSED SITE PLAN

Date:	Amendments:	Rev:

Drawn By:	Date:	Checked By:	Date:
A. CARSWELL	02.11.2018		

180005.CROCKART.05PP





**From:** DeveloperObligations  
**Sent:** Fri, 30 Nov 2018 09:33:49 +0000  
**To:** Emma Mitchell  
**Cc:** DC-General Enquiries  
**Subject:** 18/01478/APP Erect single storey dwellinghouse on Sites at Torrington, Pluscarden, Elgin  
**Attachments:** 18-01478-APP Erect single storey dwellinghouse on Site at Torrington, Pluscarden, Elgin.pdf

Hi

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

Regards  
Hilda

Find us on   
[Moray Council Planning](#)

**Hilda Puskas**  
Developer Obligations Officer  
Development Plans  
[hilda.puskas@moray.gov.uk](mailto:hilda.puskas@moray.gov.uk)  
01343 563265

**moray**  
council





# Developer Obligations: ASSESSMENT REPORT



**moray**  
council

**Date:** 30/11/2018

**Reference:** 18/01478/APP

**Description:** Erect single storey dwellinghouse on Site at Torrington, Pluscarden, Elgin

**Applicant:** Ms K Gosling-Crockart

**Agent:** C M Design

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

The LDP and SG can be found at [http://www.moray.gov.uk/moray\\_standard/page\\_100443.html](http://www.moray.gov.uk/moray_standard/page_100443.html)

## Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare ( <i>Contribution towards extension to Maryhill Medical Practice and 5 Additional Dental Chairs</i> )	
Sports and Recreation	Nil
<b>Total Developer Obligations</b>	

## Breakdown of Calculation

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

1 x 4-bed= 1.2 SRUE

This assessment is therefore based on 1.2 SRUE.

## Developer Obligations Discount for Small Scale Development

A discount of 80% will be applied to the contribution for single unit developments to reflect their small scale nature.



**Moray Council DEVELOPER OBLIGATIONS**



## INFRASTRUCTURE

### Education

#### Primary Education

Pupils generated by this development are zoned to Mosstowie Primary School. The school is currently operating at 93% functional capacity. Contributions are sought to mitigate the impact of a development when the functional capacity of a school is at, or above 90%. However, given that Mosstowie Primary School roll is expected to fall from 2021 onwards and the low development rate within the catchment area, Education Services has confirmed that no contribution towards mitigation is necessary in this instance.

**Contribution towards Primary Education = Nil**

#### Secondary Education

Pupils generated by this development are zoned to Elgin High School. The school is currently operating at 68% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

**Contribution towards Secondary Education = Nil**

### Transport

The Moray Council Transportation Services has confirmed that no developer obligations will be sought for this proposal.

**Contributions towards Transport = Nil**

### Healthcare

Healthcare Facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities. The recommended number of patients is 1500 per General Practitioner (GP) and floorspace requirement per GP is 271m<sup>2</sup>.

Healthcare infrastructure requirements have been calculated with NHS Grampian on the basis of national standards and specifications for healthcare facilities and estimating the likely number of new patients generated by the development (based on the average household size of 2.17 persons -Census 2011).

Maryhill Practice is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Maryhill Practice is working beyond design capacity and existing space will be required to be extended and that 5 Additional Dental Chairs will be required.

Contributions are calculated based on a proportional contribution of [REDACTED] per SRUE for the healthcentre and additional dental chairs each.

[REDACTED]

[REDACTED]

**Contribution towards Healthcare= [REDACTED]**

### Sports and Recreational Facilities

*Sports and Recreation Facilities*





Existing sports provision within Elgin is considered to be adequate to serve the needs of the residents anticipated to be generated by this development. Therefore, in this instance, no contribution will be required.

**Contribution for Sports and Recreation  
Facilities = Nil**



## TERMS OF ASSESSMENT

This assessment report is valid for a period of 6 months from the date of issue.

Please note that any subsequent planning applications for this site may require a re-assessment to be undertaken on the basis of the policies and rates pertaining at that time.

## PAYMENT OF CONTRIBUTIONS

Remittance of financial obligations can be undertaken either through the provision of an upfront payment or by entering into a Section 75 agreement. The provision of an upfront payment will allow a planning consent to be issued promptly. However, where the amount of developer contributions are such that an upfront payment may be considered prohibitive a Section 75 will likely be required. The payment of contributions may be tied into the completion of houses through a Section 75 Agreement or equivalent, to facilitate the delivery of development. Please note that Applicants are liable for both the legal costs of their own Legal Agent fees and Council's legal fees and outlays in the preparation of the document. These costs should be taken into account when considering the options.

## INDEXATION

Developer obligations towards Moray Council infrastructure are index linked to the General Building Cost Price Index (BCPI) as published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors (RICS) from Q3, 2017 and obligations towards NHS Grampian infrastructure are index linked to All in Tender

Price Index (TPI) as published by the Royal Institute of Chartered Surveyors (RICS) from Q2, 2017.



## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	5th December 2018
<b>Planning Authority Reference</b>	18/01478/APP
<b>Nature of Proposal (Description)</b>	Erect single storey dwellinghouse on
<b>Site</b>	Sites At Torriston Pluscarden Elgin Moray
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133057690
<b>Proposal Location Easting</b>	315831
<b>Proposal Location Northing</b>	858437
<b>Area of application site (Ha)</b>	4000 m <sup>2</sup>
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=PIHCV8BGKRM00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=PIHCV8BGKRM00</a>
<b>Previous Application</b>	18/00246/APP
<b>Date of Consultation</b>	21st November 2018
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Ms K Gosling-Crockart
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Torriston House Pluscarden Elgin Scotland IV30 8TZ
<b>Agent Name</b>	C M Design
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Emma Mitchell
<b>Case Officer Phone number</b>	01343 563326
<b>Case Officer email address</b>	emma.mitchell@moray.gov.uk
<b>PA Response To</b>	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](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](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-

## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Environmental Health Manager

**Planning Application Ref. No:** 18/01478/APP

**Erect single storey dwellinghouse on Sites At Torrington Pluscarden Elgin Moray for Ms K Gosling-Crockart**

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

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

**Reason(s) for objection**

**Condition(s)**

**Further comment(s) to be passed to applicant**

**Further information required to consider the application**

**Contact:** Kevin Boyle  
**email address:**  
**Consultee:**

**Date:** 12/12/2018  
**Phone No** .....

<b>Return response to</b>	<b>consultation.planning@moray.gov.uk</b>
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**From:** Hay, David  
**Sent:** Fri, 30 Nov 2018 12:49:10 +0000  
**To:** Emma Mitchell  
**Subject:** [GCSX] 18/01478/APP - Erect a dwelling house within Grounds Of Torrleston House - Previously 18/00246/APP

Dear Emma,

**FCS Response to 18/01478/APP-Erect 1no dwelling houses within Grounds Of Torrleston House.**

Thank-you for the opportunity to consult on the above planning application.

Although the development proposal is bordered by woodland to the south, the development site itself is not woodland and no woodland contiguous with the development proposal is likely to be adversely affected. Therefore, FCS advice regarding development contiguous with woodland would apply and this is articulated in the Moray Development Plan - Trees in Development - Supplementary Guidance (Aug 2008).

With the exception of the above advice Forestry Commission Scotland (FCS) has no additional comments to make at this time.

If you require clarification or additional information please do not hesitate to contact me.

Kind regards

**David Hay** BSc(Hons) MICFor | Woodland Officer (Moray) | **Forestry Commission Scotland** | Grants and Regulations | Grampian Conservancy | Huntly | Aberdeenshire | AB54 4SJ  
Office 0300 067 6210 | Direct Dial: 0300 067 6281 | Mob: 07733308259

[www.forestry.gov.uk/scotland](http://www.forestry.gov.uk/scotland)  
[www.facebook.com/forestrycommissionscotland](https://www.facebook.com/forestrycommissionscotland)  
[www.twitter.com/fcscotlandnews](https://www.twitter.com/fcscotlandnews)

Forestry Commission Scotland is the Scottish Government's forestry advisor and regulator.





# **Consultee Comments for Planning Application 18/01478/APP**

## **Application Summary**

Application Number: 18/01478/APP

Address: Sites At Torrison Pluscarden Elgin Moray

Proposal: Erect single storey dwellinghouse on

Case Officer: Emma Mitchell

## **Consultee Details**

Name: Mr CL Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

## **Comments**

No comments.

Adrian Muscutt



## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	5th December 2018
<b>Planning Authority Reference</b>	18/01478/APP
<b>Nature of Proposal (Description)</b>	Erect single storey dwellinghouse on
<b>Site</b>	Sites At Torriston Pluscarden Elgin Moray
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133057690
<b>Proposal Location Easting</b>	315831
<b>Proposal Location Northing</b>	858437
<b>Area of application site (Ha)</b>	4000 m <sup>2</sup>
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=PIHCV8BGKRM00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=PIHCV8BGKRM00</a>
<b>Previous Application</b>	18/00246/APP
<b>Date of Consultation</b>	21st November 2018
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Ms K Gosling-Crockart
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Torrieston House Pluscarden Elgin Scotland IV30 8TZ
<b>Agent Name</b>	C M Design
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Emma Mitchell
<b>Case Officer Phone number</b>	01343 563326
<b>Case Officer email address</b>	emma.mitchell@moray.gov.uk
<b>PA Response To</b>	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](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](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-

## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Moray Flood Risk Management

**Planning Application Ref. No:** 18/01478/APP

**Erect single storey dwellinghouse on Sites at Torrington Pluscarden Elgin Moray for Ms K Gosling-Crockart**

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

- |   | <b>Please</b>                        |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <b>x</b><br><input type="checkbox"/> |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal            | <input checked="" 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"/>             |

**Contact:** Leigh Moreton

**email address:** leigh.moreton@moray.gov.uk

**Consultee:**

**Date:** 14/01/2019

**Phone No:** 01343 563773 (3773)

<b>Return response to</b>	<b>consultation.planning@moray.gov.uk</b>
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23<sup>rd</sup> November 2018

Moray Council  
Council Office High Street  
Elgin  
IV30 9BX



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

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

Dear Local Planner

**IV30 Elgin Torrison Site At**  
**PLANNING APPLICATION NUMBER: 18/01478/APP**  
**OUR REFERENCE: 769762**  
**PROPOSAL: Erect single storey dwellinghouse**

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

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

#### **Water**

- This proposed development will be fed from Glenlatterach Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link  
[www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application)

#### **Foul**

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal**



**connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.**

### **Surface Water**

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

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

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### **General notes:**

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

### **Next Steps:**

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can

be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk)

Yours sincerely

**Angela Allison**

Angela.Allison@scottishwater.co.uk

Our ref: PCS/162452  
Your ref: 18/01478/APP

If telephoning ask for:  
Jessica Fraser

29 November 2018

Emma Mitchell  
The Moray Council  
Development Services  
Environmental Services Dept.  
Council Office, High Street  
Elgin  
IV30 1BX

By email only to: [consultation.planning@moray.gov.uk](mailto:consultation.planning@moray.gov.uk)

Dear Ms Mitchell

**Town and Country Planning (Scotland) Acts**  
**Planning application: 18/01478/APP**  
**Erect single storey dwellinghouse on**  
**Sites At Torriston Pluscarden Elgin Moray**

Thank you for your consultation email which SEPA received on 21 November 2018 specifically requesting our advice on flood risk. We note that we responded to a previous application on this site (your ref: 18/00246/APP) in our letters referenced PCS/157812 (8 March 2018) and PCS/158150 (28 March 2018).

In relation to this current application, we have considered the information available to us and we have **no objection** on flood risk grounds. Please note the advice provided below.

**1. Flood risk**

- 1.1 The proposed single house, as shown on the site plan (ref: 180005.crockard.05PP (02.11.2018)), has a ground level of approximately 51mAOD with a proposed Finished Floor Level (FFL) of 51.25mAOD.
- 1.2 A topographic survey was carried out in support of the previous planning application at this site. Two cross-sections BL1 and BL2 were taken through the Plot and another two cross-sections BL3 and BL4 were taken through the adjacent land to the east of the Plot. These north-south sections cross the Black Burn and the land on the southern bank.
- 1.3 Cross-sections BL1 and BL2 show that the ground level falls in a southerly direction. At cross-section BL1 the top of the Burn bank rises slightly to a level of approximately 50.853mAOD which is shown to be a steep bank, 4.294m above the Black Burn channel bed (level of 46.559mAOD). The southern bank of the channel rises more gradually to a level of 49.609mAOD which is 1.244m lower than the northern bank. Therefore in a high

flow event with out-of-bank flow, water would spill out over the southern bank inundating land away from this proposed development site.

- 1.4 Although cross-sections BL2, BL3 and BL3 display that there is not such a steep drop in the northern bank of the watercourse, they all demonstrate that the southern bank is lower and therefore any out-of-bank flow during a flood would also flow in a southerly direction away from the proposed development site.
- 1.5 Therefore this topographic information demonstrates that the proposed house is considerably elevated above the Black Burn and that in times of flood, out-of-banks flows would spill out onto the land on the southern bank of the Burn and away from the proposed development. Therefore it would seem unlikely that this site would be a medium to high risk of flooding and so we have **no objection** to this development on flood risk grounds.

## 2. Other planning matters

- 2.1 For all other matters we provide [standing advice](#) applicable to this type of local development.

## 3. Regulatory advice for the applicant

- 3.1 Discharges to ground or the water environment from private waste water treatment systems require authorisation from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) (as amended).
- 3.2 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: 28 Perimeter Road, Pinefield, Elgin, IV30 6AF, Tel: 01343 547663.

If you have any queries relating to this letter, please contact me by telephone on 01224 266698 or e-mail at [planning.aberdeen@sepa.org.uk](mailto:planning.aberdeen@sepa.org.uk).

Yours sincerely

Jessica Fraser  
Planning Officer  
Planning Service

ECopy to: [office@cmdesign.biz](mailto:office@cmdesign.biz) and [emma.mitchell@moray.gov.uk](mailto:emma.mitchell@moray.gov.uk)

### *Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*

## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	5th December 2018
<b>Planning Authority Reference</b>	18/01478/APP
<b>Nature of Proposal (Description)</b>	Erect single storey dwellinghouse on
<b>Site</b>	Sites At Torriston Pluscarden Elgin Moray
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133057690
<b>Proposal Location Easting</b>	315831
<b>Proposal Location Northing</b>	858437
<b>Area of application site (Ha)</b>	4000 m <sup>2</sup>
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=PIHCV8BGKRM00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=PIHCV8BGKRM00</a>
<b>Previous Application</b>	18/00246/APP
<b>Date of Consultation</b>	21st November 2018
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Ms K Gosling-Crockart
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Torriston House Pluscarden Elgin Scotland IV30 8TZ
<b>Agent Name</b>	C M Design
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Emma Mitchell
<b>Case Officer Phone number</b>	01343 563326
<b>Case Officer email address</b>	emma.mitchell@moray.gov.uk
<b>PA Response To</b>	consultation.planning@moray.gov.uk

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Please respond using the attached form:-



## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Transportation Manager

**Planning Application Ref. No: 18/01478/APP**

**Erect single storey dwellinghouse on Sites At Torrington Pluscarden Elgin Moray for Ms K Gosling-Crockart**

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

#### Condition(s)

1. Notwithstanding the submitted details no development shall commence until:

- i) a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 4.5 metres by 95 metres in both directions, with all boundaries set back to a position behind the required visibility splay, and a schedule of maintenance for the splay area has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
- ii) thereafter the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
- iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

Reason: To enable drivers of vehicles 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.

2. Prior to the occupation of the first dwellinghouse, the first 15m of the access track, measured from the edge of the public carriageway, shall be constructed to the Moray Council specification and surfaced with bituminous macadam. The width of the vehicular access shall be minimum 5.5 metres for the first 10.0 metres measured from the edge of the public carriageway, and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. Access gates should be located at a position set back a minimum distance of 8.0m from the edge of the public road.

Reason: To ensure acceptable infrastructure at the development access.

3. Prior to the occupation of the first dwellinghouse, an access lay-by 12.0m long by 2.5m wide with 30 degrees splayed ends shall be provided at the edge of the public road. The vehicular

access should lead off the lay-by. The lay-by must be constructed in accordance with the Moray Council specification and surfaced with bituminous macadam.

Reason: To enable visiting service vehicles to park clear of the public road in the interests of road safety.

7. Three car parking spaces shall be provided within each site prior to the occupation or completion of each individual dwellinghouse, 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.

8. No water shall be permitted to drain or loose material be carried onto the public footway/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.

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

Reason: To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road

**Further comment(s) to be passed to applicant**

The formation of the required visibility splays will require the relocation of the existing access, and the setting back of existing boundary fences.

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

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing [roadspermits@moray.gov.uk](mailto:roadspermits@moray.gov.uk)

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.

**Contact:LL**  
**email address:transport.develop@moray.gov.uk**  
**Consultee: Transportation**

**Date 23.11.18**

<b>Return response to</b>	<b>consultation.planning@moray.gov.uk</b>
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26 November 2018

Our ref: HCC/plan/T2

Moray Council

Development Management

Environmental Services

Council Offices

High Street

Elgin

IV30 1BX

Dear Sirs

**Planning reference 18/01478/APP- Planning application erect single storey dwellinghouse on site at Torrieston, Pluscarden, Elgin**

In terms of the above planning application, Heldon CC hereby provide a planning representation against this application on the following:-

**Background**

The original application (planning reference 18/00246/APP) all be it for 2 dwellings were refused on the basis *"the site is part of a large open meadow and would be visually intrusive roadside development. It would be a ribbon form of development diminishing the open separation of houses along the public road. The new house would not be integrated in the landscape and would contribute to a build-up of housing such that the open character of the Pluscarden valley setting would be diminished"*

Within the officer handling report it notes *"There are already a number of new houses west of the meadow area in which the current proposal sites lie, and there is already evidence of the attractive rural character of the setting being eroded"*.

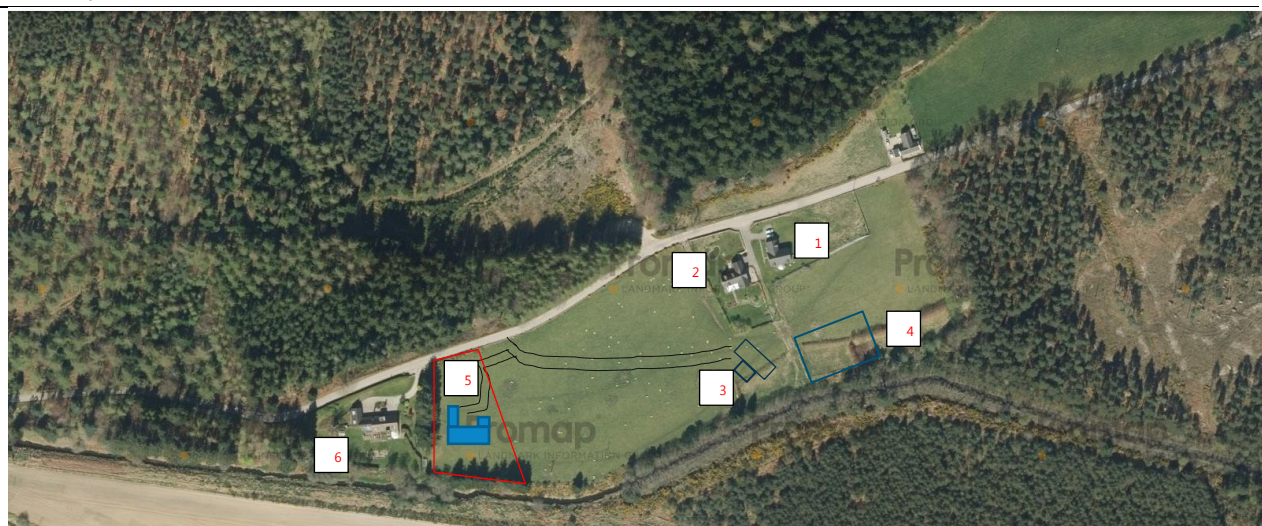
It continues *" The current proposals represent obtrusive roadside development. Combined with the new and established housing in the vicinity ribbon development would be involved. A significant build-up of housing is represented by the proposals and the attractive qualities of this Pluscarden valley road would be detrimentally impacted on"*



The applicant appealed the earlier application via the Local review Body which upheld the original decision by the appointed officer to refuse. The councillors on the LRB visited the site agreed with the grounds for refusal

Turning to the current application (planning reference 18/01478/APP)

- Planning policy H7 item B states " *it does not detract from the character or setting of existing buildings or their surrounding area when added to an existing groupings or create inappropriate ribbon development*"
- planning policy H7 item C States " *it does not contribute to a build up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house application* "
- Currently there are 4 houses (Westcroft, Torrieston croft, Torrieston House & Torrieston ).
- There is also an extant planning consent for a site at the hedges ( reference 16/01833/app).
- These 5 houses and a further 1 would remove the rural nature of this area and constitute an unacceptable build up.
- Policy H7 is quite specific in terms of not to detract from the character or setting of the surrounding area ( item B ) and 6 houses in one area will change the character of this rural area and have significant impact on the natural qualities of the area within the Pluscarden valley which is designed as an "Area of Great Landscape value (AGLV)



1. Westcroft
2. Torrieston Croft
3. Torrieston House
4. The hedges ( consented only)
5. Proposed planning application (18/01478)
- Torrieston





- Housing in the Countryside supplementary guidance has a few points to note

page 14 *"a proposal that contributes to a build-up of development that is considered to undermine the rural character of the locality will not be acceptable. Where a considerable level of development has taken place, another dwelling may adversely impact on the distinctive rural qualities of the area."*

Page 26 *"the cumulative impact of an additional houses(s) to an existing cluster and the surrounding area will be taken into consideration."*

Page 26 *"Ribbon development will not be acceptable where it results in an accumulation of houses along a road or landscape feature."*

These provisions within the guidance provides adequate reasons for a refusal on this application on the grounds that the application is not in compliant and creates build-up through cumulative impact.

- The supporting statement on page 3 suggest *"a topography that drops away from the main road, thus diminishing any views of new house to approaching vehicles from the East"*.  
The main point is that ALL vehicles approaching from the east (Elgin) will see the house structure as this is direct view due to the angle of the road. Therefore this will impinge in the view of the valley as this will catch your eye directly and will therefore create an impediment of the landscape and produce the build up on the ribbon development.
- The supporting statement makes comment under page 4 of the visibility which is further covered by the Transportation Departments consultee response, though as we represent this community, we do not agree with this statement and make the following comments:-
  - While we do not support the applicant visibility splay of 4.5 x 95m, which would be suffice for a single plot, though 2 units from the same junction will increase the traffic accessing / exiting and would not be sufficient in our opinion.
  - A recent application upon the C3E, same road (reference 18/00040/APP north west of Burnside, Pluscarden) required under condition a visibility splay of 4.5 x 215 and suggest that this should be applied.
  - the point of access is on a bend, with the road width only circa 4.2m wide and we are concerned that this could provide a safety issues on traffic in & out if a reduced visibility was proposed.



- Supporting statement from the applicant under page 4 in terms of Policy E7 Areas of Great Landscape Value. The Pluscarden valley is part of the AGLV and this states that *"new development should be designed to reflect the landscape characteristics and special qualities "* and continues to state *"Proposals which are likely to result in a significant adverse impact on the landscape will not be supported."*  
As stated above we believe that any form of development will impact on the Countryside landscape and have a significant impact on the AGLV
- Moray Council Main Issue Report 2018 ( reference LDP2020\_BID\_T001) reviewed this area to include as a rural grouping & concluded that this would not be supported.
  - *"impact on landscape the bid is not supported"*
  - *" transportation - bid not supported - visibility splays are restricted and require third party land. Road widening to 5.5m to enable two way movement.*
  - *The level of the road is also falling at that location which further limits sight lines"*
- The main point this report by Planning & Facilitation for the LDP 2020 states **"impact on landscape the bid is not supported"**
- Within the final document it states *"suitable access into the site cannot be achieved"*

On this basis and points noted above Heldon CC seek that this application is refused on grounds that it is not in accordance with Policy H7 and transportation safety issues.

Sent of behalf of Heldon CC

Yours sincerely

Jim Mountford

Chair

# Comments for Planning Application 18/01478/APP

## Application Summary

Application Number: 18/01478/APP

Address: Sites At Torriston Pluscarden Elgin Moray

Proposal: Erect single storey dwellinghouse on

Case Officer: Emma Mitchell

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Over-development of site

Comment: Dear Sir/Madam

I wish to object to the above application on the grounds of visual impact and potential ribbon development. The existing permission for Torrieston House was a departure from the previously proposed grouping of houses by extending it into the previous agricultural field. A further application earlier in 2018 sought to further develop the site with two additional dwellings. The amendment to a single house adjacent to a long established dwelling and less than 130 metres from the boundary of Torrieston House which in turn is only 40 metres from two existing dwellings constitutes ribbon development. The supporting statement also maintains that the visual impact will be minimal. The dwelling will be in the forefront of view as vehicles round the corner from the East looking directly at the site. The background of trees is believed not to be in the owners occupation and historically these are cut back to ground level every 15-20 years to maintain the drainage channel of the Black Burn, the site itself is completely devoid of trees adding to its visual impact.



Received by e-mail

Planning Reference 18/01478/APP- Planning application for House on site at Torrleston, Pluscarden by Elgin.

Dear Sirs,

We wish to comment on this Application,

A recent application for two Houses on this site was refused because it would be visually intrusive to the scenic value of the Pluscarden Valley.

The houses adjacent to this site and further site at the Hedges ref 16/01833/app.

And this application ref 18/01478 will destroy the rural nature of this area ,

Also will cause a build up of further developments, which is not acceptable, as it will alter the character of rural life in an outstanding area of Beauty.

We think this application should be refused again, which we have pointed out in our comments above .

We agree with the Moray Council on the grounds they refused it on the previous Applications .

Yours sincerely

[Redacted Signature]



Received by e-mail

Dear Sirs

I wish to object to the above Planning Application for the following reasons:

### 1 TRAFFIC AND ACCESS PROBLEMS

I have lived in Torrieston for about 25 years and what used to be a quiet country road has turned out to be very busy and often quite dangerous. The volume and size of the vehicles using the road has increased dramatically. I feel the road is now no longer fit for purpose. I have a reasonable site line on to the road from my house but great care is needed as the volume and speed of traffic is worrying. The site line going on to the road from the proposed new build is even more restricted coming west from Elgin.

### 2 IMPACT ON THE BUILT ENVIRONMENT

I note from the plans, screening will be used to try and mask the building from the road. However, coming round the bend from Elgin - going west - the house will be clearly visible and no amount of screening will restrict the visual impact.

### 3 RESIDENTIAL AMENITY

This building application will have an enormous impact on the space, peace and tranquillity we now enjoy. The applicant is a property developer and it seems wrong that she should be allowed to build in an open field space and destroy the surrounding environment.

I hope you take my comments into consideration.

Yours faithfully

[REDACTED]

[REDACTED]





Received by e-mail

Dear Sirs

I write in objection to the above planning application.

The original application for 2 houses on this site was refused on the grounds of "intrusive roadside development." It was not supported by SEPA or the transport department. I refer to the Refusal of Planning Application on 16th April 2018 which states " To the west there is a wall and hedge within the grounds of Torrieston House which restricts the visibility splay. The level of the road is also falling at that location which further limits sight. The proposal is not supported on transport grounds. Transport have objected to the proposal as the necessary visibility splays cannot be achieved."

Although some remedial work has been undertaken the road levels are still very poor and are falling away at one side. Added to which there is a wall on the opposite side of the road; the combination of these two factors means that traffic is forced into the centre of the road before negotiating a very tight bend. There has been a very significant increase in traffic through the glen in recent times. This is a rural farming community and the road is used by very large tractors, lorries carrying livestock, log lorries, school buses, coaches accessing the abbey, oil tankers, cyclists and people going to businesses in Pluscarden. The road is used as a "rat run" to avoid the main route to Forres.

There is also consent for another house (the hedges) on a nearby site, which makes this an area already well developed with five houses. Another property would have a cumulative impact on the surrounding area.

This application is for a very large property which would be the first view of traffic entering the Pluscarden valley and spoil the rural character of this area.

During its construction I would have real concerns for the impact on red squirrels, pine martins and badgers which are regularly seen in this area.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]



Received by e-mail

Dear Sir/Madam

I am writing in objection to the planning application for the erection of a large dwelling house at Torrleston, Pluscarden.

The following are my concerns in respect of this application.

The Pluscarden Glen with its Abbey dating back to 1230 is recognised as a major historic visitor destination in Moray and plays a significant role in the Moray Council's, Moray's Great Places programme. New developments in this area have an adverse effect on the natural beauty and amenity of the area.

The proposed development will create the potential for a ribbon development in an area of natural beauty which also embraces the Forestry Commission Scotland walks at Torrleston and Monaghty. The condition and route of the road in the area from the Torrleston car park to Pluscarden hall has a number of dangerous stages particularly in the area of this proposed development. It would appear that access to the road from an increasing number of dwelling houses will result in the potential for traffic incidents in the area.

In my view this development is insensitive to the area, will contribute to potential problems with traffic and reduce the great asset the natural landscape of this historic glen provides.

Yours sincerely

[Redacted signature block]



Received by e-mail

I wish to raise an objection to the above planning application. I note that it follows a separate application made earlier in 2018 (18/00246/APP) to erect 2 houses on the same site which was refused. That decision was upheld at the Local Review Body on 30 August 2018.

My objection is made on the following grounds:

### **1. Transport and road safety**

The application claims that there are no access issues at the site. In fact the Copy of the Main Issues Report appended to the first application states that the application is not supported due to visibility splays being restricted. Further, the "Rural Groupings" Report included in the Moray Local Development Plan 2020 concludes that further development on the site is "not supported as a suitable access into the site cannot be achieved".

Notwithstanding the restricted visibility splay which is unchanged and remains an issue as with the previous application, the road through Pluscarden which passes this property is increasingly busy and is heavily used by forestry and other HGVs, tractors and large farm machinery and coaches going to and from Pluscarden Abbey. For traffic travelling along the road, the access point is on a blind bend and is within a short distance of two concealed entrances, one to a private residence and one to a parking area used extensively by walkers and cyclists for access to Monaghty woods. The road is narrow and on one side there is an old retaining wall with heavy undergrowth and on the other there is a distinct edge and drop off to the side of the surfaced road. Both these factors force oncoming traffic towards the centre of the road which makes the bend particularly dangerous. Additional traffic joining the road at this point, or traffic turning into the entrance off the road would exacerbate the problem.

### **2. Visually intrusive development**

The original application was refused as contrary to policies IMP1 and H7 for the following reasons: "The site is part of a large open meadow and would be visually intrusive roadside development. It would be a ribbon form of development diminishing the open separation of houses along the public road. The new house would not be integrated in the landscape and would contribute to a build-up of housing such that the open rural character of the Pluscarden valley setting would be diminished"

I believe that this objection stands with respect to the new application and that any development on this site would change the rural character of the area. When travelling from Elgin the location is in the foreground of the first view the traveller has of the Pluscarden valley. Wherever it is located on the site the proposed development would necessarily be a prominent feature in that landscape and would unavoidably diminish the rural character of the setting. The planned property is a large bungalow and would significantly contribute to a build up of housing in the immediate vicinity.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]





Received by e-mail

Subject : Planning Application 18/01487/APP

I object to the above planning application on the following grounds.

#### ACCESS AND ROAD SAFETY

This stretch of road has become noticeably busier recently and is used by more and more large vehicles such as timber lorries, agricultural vehicles and school buses. Several near misses have occurred. The width of the road is less than 4.5 m and as such two vehicles cannot pass safely. This is compounded by the current access being on a bend which restricts full vision of oncoming vehicles. Any further traffic movements onto such a narrow stretch would be dangerous. When approaching from the east (Elgin) drivers do not get a full view of the current exit until after the apex of the bend. The proposed building would then immediately catch the drivers eye-line, possibly slowing reaction time and leaving only 50-60 metres (max) to avoid vehicles exiting.

#### VISUAL IMPACT

The building of a bungalow of the size proposed would have a huge visual impact as you travel west from Elgin. Also, contrary to the content in the supporting statement, by moving the dwelling to the rear of the site it becomes more visible from the unclassified road (Pluscarden to Manbeen) and also the farm road which connects Wester Foresterseat to Easter Foresterseat stealing's and the properties between. This would impact on the view looking west towards the abbey.

#### OVER DEVELOPMENT OF THE SITE

I note in the supporting document "there is always a demand for housing in and around Elgin." Research tells me that it is affordable housing that is needed. I cannot comprehend how a large bungalow with a double garage in an acre of ground is in any way shape or form "affordable" housing. Any further development would seem to be ribbon development and would be visually intrusive in such a rural area.

#### DRAINAGE

While the site may not have flooded, the north bank of the burn suffered damage and erosion in the floods of 2002 and again in flash flooding (August 2014).

The footprint of such a large building could affect the natural drainage of this meadow which was once maintained and grazed. The water runoff from such a

large area may lead to instability of the bank of the burn. Soakaways could compound the problem, concentrating water in such close proximity to the burn.

#### NATURAL ENVIRONMENT

The proposed site was once well kept for agricultural use, mainly sheep grazing. The area and the surrounding area of the Torrieston woods and the Black Burn is prime habitat for many birds and mammals. This particular area is a well known haven for:

Red squirrels

Pine martins

Voles

Shrews

Bats

Otters (have been sighted on the Black Burn) Badgers (sett within 500 metres of proposed site, with badger runs adjacent to the burn) Some of these species are RED LISTED and in decline and highly protected.

Any further loss of habitat or disturbance would not help the population of these mammals.

Works to remove weirs on the Black Burn was carried out a few years ago to encourage migratory fish (sea trout) to return upstream to spawn. As the proposed site is so close to the burn it would almost certainly affect the integrity and purity of the burn.

#### SUMMARY

The proposed development would have a large negative visual impact, would cause more danger on the inadequate road and be ecologically and environmentally disastrous to the local area.

As such I strongly oppose the application.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

# Comments for Planning Application 18/01478/APP

## Application Summary

Application Number: 18/01478/APP

Address: Sites At Torryston Pluscarden Elgin Moray

Proposal: Erect single storey dwellinghouse on

Case Officer: Emma Mitchell

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Drainage
- Road access
- View affected

Comment: I wish to object to this proposed construction on the grounds that it will spoil the rural landscape, cause a hazard to road traffic, building and engineering work will cause pollution of the Black burn and thence interfere with salmon spawning down to the River Lossie. Ribbon development along the Pluscarden road

Is unwanted and utterly undesirable.

I could go on but further comment on this subject is surely not needful. Thankyou.

[REDACTED].



## **REPORT OF HANDLING**

<b>Ref No:</b>	18/01478/APP	<b>Officer:</b>	Emma Mitchell
<b>Proposal Description/ Address</b>	Erect single storey dwellinghouse on Sites At Torrington Pluscarden Elgin Moray		
<b>Date:</b>	21/01/19	<b>Typist Initials:</b>	FJA

### **RECOMMENDATION**

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

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Planning And Development Obligations	30/11/18	Contribution sought
Environmental Health Manager	12/12/18	No objection
Contaminated Land	27/11/18	No objection
Transportation Manager	23/11/18	No objection subject to conditions and informatives
Scottish Water	23/11/18	No objection
Moray Flood Risk Management	14/01/19	No objection
Scottish Environment Protection Agency	29/11/18	No objection
Forestry Commission	30/11/18	No objection

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
PP3: Placemaking	Y	
H7: New Housing in the Open Countryside	Y	
E4: Trees and Development	N	
E7: AGLV and impacts on wider landscape	Y	
EP5: Sustainable Urban Drainage Systems	N	
EP9: Contaminated Land	N	
ER2: Development in Woodlands	N	
T2: Provision of Access	N	
T5: Parking Standards	N	

IMP1: Developer Requirements	Y	
IMP3: Developer Obligations	N	
EP7: Control of Develop in FloodRiskArea	N	

## REPRESENTATIONS

Representations Received

YES

Total number of representations received 10

Names/Addresses of parties submitting representations

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

Summary and Assessment of main issues raised by representations

### Issue: Road Safety

- The original application on the site was not supported by Transportation and they objected to the proposal as the necessary visibility splays could not be achieved.
- Road levels are poor and are falling away at one side, added to which there is wall on the opposite side of the road; the combination of these two factors means that traffic is forced into the centre of the road before negotiating a very tight bend.
- There has been a very significant increase in traffic through the glen in recent times. This is a rural farming community and the road is used by very large tractors, lorries carrying livestock, log lorries, school buses, coaches accessing the abbey, oil tankers, cyclists and people going to businesses in Pluscarden. The road is used as a "rat run" to avoid the main route to Forres.
- For traffic travelling along the road, the access point is on a blind bend and is within a short distance of two concealed entrances, one to a private residence and one to a parking area used extensively by walkers and cyclists for access to Monaghty woods. The road is narrow (less than 4.5m) and on one side there is an old retaining wall with heavy undergrowth and on the other there is a distinct edge and drop off to the side of the surfaced road. Both these factors force oncoming traffic towards the centre of the road which makes the bend particularly dangerous. Additional traffic joining the road at this point or traffic turning into the entrance off the road would exacerbate the problem.
- There have been several near misses on the public road.
- Two vehicles cannot pass each other safely on the public road.
- When approaching from the east (Elgin) drivers do not get a full view of the current exit until after the apex of the bend. The proposed building would then immediately catch the driver's eye-line, possibly slowing reaction time and leaving only 50-60 metres (max) to avoid vehicles exiting.
- The existing road is no longer fit for purpose.
- The site line is restricted for the proposal especially coming west from Elgin.

### Comments (PO)

- With regards to planning application 18/00246/APP (the previous planning application on the site) Transportation were consulted on the proposal and their original consultation response requested further information to be submitted. The required information was submitted and as such Transportation did not object to the proposal subject to conditions and informatives being attached to the consent if it were to be permitted.
- Transportation have been consulted on the proposal and have no objection subject to conditions and informatives being attached to the consent if it were to be permitted. Therefore a safe access can be provided with the required visibility splays and sight lines.

### **Build Up**

- Another property within this area would have a cumulative impact on the surrounding area.
- Currently there are 4 houses (Westcroft, Torrieston Croft, Torrieston House & Torrieston).
- There is also an extant planning consent for a site at the hedges (reference 16/01833/app). These 5 houses and a further 1 would remove the rural nature of this area and constitute an unacceptable build up.
- All vehicles approaching from the east (Elgin) will see the house structure as this is direct view due to the angle of the road. Therefore this will impinge in the view of the valley as this will catch your eye directly and will therefore create an impediment of the landscape and produce the build-up on the ribbon development.

### **Comments (PO)**

- See observations section.

### **Siting**

- Wherever it is located on the site the proposed development would necessarily be a prominent feature in that landscape and would unavoidably diminish the rural character of the setting.
- Policy H7 is quite specific in terms of not to detract from the character or setting of the surrounding area (item B) and 6 houses in one area will change the character of this rural area and have significant impact on the natural qualities of the area within the Pluscarden valley which is designated as an "Area of Great Landscape value (AGLV).
- Believe that any form of development will impact on the Countryside landscape and have a significant impact on the AGLV which is contrary to policy E7.
- It will cause ribbon development along the Pluscarden road.
- Provision within the Housing in the Countryside supplementary guidance provides adequate reasons for refusal on this application on the grounds that it is not compliant and creates build-up through cumulative impact.
- This building application will have an enormous impact on the space, peace and tranquillity neighbouring properties now enjoy. it will destroy the rural nature of the area.
- The Pluscarden Glen with its Abbey dating back to 1230 is recognised as a major historic visitor destination in Moray and plays a significant role in the Moray Council's, Moray's Great Places programme. New developments in this area have an adverse effect on the natural beauty and amenity of the area.
- The proposed development will create the potential for a ribbon development in an area of natural beauty which also embraces the Forestry Commission Scotland walks at Torrieston and Mornaughty.
- It will reduce the great asset the natural landscape of this historic glen provides.

### **Comments (PO)**

- See observations section.

### **Design**

- The application is for a very large property which would be the first view of traffic entering the Pluscarden valley and spoil the rural character of this area.

### **Comments (PO)**

- The design of the proposal is acceptable under policies H7 and IMP1 of the Moray Local Plan.

### **Comments (PO)**

- See observation section.

### **Previous Application on the site (18/00246/APP)**

- Reasons given for previous application refusal on the site still stand.



### **Comments (PO)**

- See observations section.

### **Views**

- When travelling from Elgin the location is in the foreground of the first view the traveller has of the Pluscarden valley.
- Contrary to the content in the supporting statement, by moving the dwelling to the rear of the site it becomes more visible from the unclassified road (Pluscarden to Manbeen) and also the farm road which connects Wester Foresterseat to Easter Foresterseat stealing's and the properties between. This would impact on the view looking west towards the abbey.
- Comments (PO)
- See observations section.
- Please note views are not a material planning consideration.

### **Drainage**

- The site may not have flooded but the north bank of the burn suffered damage and erosion in the floods of 2002 and again in flash flooding (August 2014).
- The footprint of such a large building could affect the natural drainage of this meadow which was once maintained and grazed. The water runoff from such a large area may lead to instability of the bank of the burn. Soakaways could compound the problem, concentrating water in such close proximity to the burn.

### **Comments (PO)**

- SEPA and Moray Flood Risk Management (MFRM) were consulted on the proposal and have no objections.
- A DIA was submitted. This was assessed by MFRM who were satisfied with it. If consent were to be permitted the DIA would be stamped as part of the approval.

### **Wildlife**

- If the proposal were to be permitted, there are concerns for wildlife including red squirrels, pine martens, otters, bats, shrews and voles and badgers, which are regularly seen in the area, during construction.
- Further loss of these animals' habitat or disturbance would not help their populations.
- Works to remove weirs on the Black Burn was carried out a few years ago to encourage migratory fish (sea trout and salmon) to return upstream to spawn. As the proposed site is so close to the burn it would almost certainly affect the integrity and purity of the burn.

### **Comments (PO)**

- Some of the animals mentioned are European Protected Species therefore are protected by the law under the Habitats Regulations 1994.
- It is unlikely given the small nature of the proposal that if it were to be permitted it would have a negative impact on existing wildlife within the area and the nearby burn.

### **Other**

- Moray Council Main Issue Report 2018 (reference LDP2020\_BID\_T001) reviewed this area to include as a rural grouping & concluded that this would not be supported. Due to its "impact on landscape the bid is not supported" and " transportation - bid not supported - visibility splays are restricted and require third party land. Road widening to 5.5m to enable two way movement. The level of the road is also falling at that location which further limits sight lines" The main point in this report by Planning & Facilitation for the LDP 2020 states "impact on landscape the bid is not supported". Within the final document it states "suitable access into the site cannot be achieved".
- Building and engineering work will cause pollution of the Black burn.
- The applicant is a property developer and it seems wrong that she should be allowed to build

in an open field space and destroy the surrounding environment.

#### **Comments (PO)**

- The current application is not being supported due its impact on the landscape. Transportation do not object to the proposal subject to conditions and informatives being attached to the planning consent.
- It is speculation that the building and engineering works would cause pollution to the burn.
- Who the applicant is, is not a material planning consideration.

### **OBSERVATIONS – ASSESSMENT OF PROPOSAL**

#### **Proposal**

- Planning permission is sought for the erection of a single storey dwelling with attached garage at Torrieston House, Pluscarden.
- The total floor area of the dwelling is 285 sqm in size (including the double garage).
- External materials include off white smooth render finish with slate/slate effect tile roof finish. The proposal has large glazed gable on the rear elevation.
- Access to the site is taken from the existing access to Torrieston House from the public road.
- Private drainage arrangements with a new septic tank are proposed. It is intended that the proposal is served by the public water supply.

#### **Site Characteristics**

- The site is located within a large meadow and is within an Area of Great Landscape Value (AGLV).
- The site is located approx. 2.7 km south west of Miltonduff.
- The site is approx. 4000 sqm in size.
- The proposed site access is located circa. 30m to the east of the site at the existing access to Torrieston House. A new track is proposed from the access.
- Tall mature conifer trees are located on the western and southern boundaries.
- The proposal is set within a western part of a large open meadow. The eastern boundary is undefined.
- The public road is located along the northern boundary.

#### **Site and Surrounding Areas History**

01/01725/FUL- The proposals for 2 houses are built, and are to the east of the site, across an open meadow. This consent involved the demolition of a croft at what is now "Torrieston Croft" (western-most house) and "West Croft" (eastern-most).

02/02365/FUL has been mis-plotted in Uniform - at the time that application was permitted the house on Plot "A" (02/02051, site now identified as "West Croft" on the OS base map) had been completed. 02/02365/FUL was for a revised house type, understood to refer to this being a revision of 01/01725/FUL which was the original full consent for 2 houses - besides these there are no other previous applications that could have been 'revised'.

09/00133/OUT - The proposal is for a single dwelling which is now built (Torrieston House), it is located to the east of the site, south of Torrieston Croft. Subsequent planning applications were submitted to renew (12/01848/APP) and revise the design and site boundaries of the proposal (15/00888/APP and 16/0020/APP).

16/01833/APP - Proposal for a dwelling approved, it is located east of Torrieston House.

18/00246/APP - A proposal for 2 dwellings on current proposal site was refused (16th April 2018). The decision was appealed to the Local Review Body however the decision was upheld in August 2018.

### **Policy**

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 2015 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below.

### **Siting and Design (H7, IMP1, PP3 and the associated Supplementary Guidance: Housing in the Countryside)**

Policy H7: New Housing in the Open Countryside of the Moray Local Development Plan 2015 contains the necessary siting and design criteria for assessing new housing proposals in the countryside. This aims to allow new housing in the open countryside provided it can be easily absorbed into the landscape, and for new development to be low impact and to reflect the character of the surrounding area. Policy IMP1 Developer Requirements requires new development proposals to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area and to be comply with set criterion (detailed within policy). These include amongst others the requirement for new development to be of a scale and character appropriate to its setting and for development to integrate into the landscape. Policy PP3 states that developments should maintain and enhance the natural landscape features and the distinctive character of the area.

The proposal site is part of a large open meadow in an extensively forested area. Across the meadow there are distant views of the attractive Pluscarden valley. There are already a number of new houses west of the meadow area (detailed above) in which the current proposal sites lie, which have already contributed to the rural character of the setting being eroded.

The proposal represents an obtrusive roadside development. It is noted that planting is proposed along the roadside which would provide screening to the proposal. With the site being part of an open meadow overlooking Pluscarden Valley, screening along the roadside would change the open rural character of this area and therefore is not supported. The proposal combined with the new and established housing in the vicinity, would represent ribbon development along the roadside. A significant build-up of housing is represented by the proposal when pooled with the neighbouring dwellings thereby it would detract from, and be detrimental to, the character, appearance and amenity of the surrounding rural area and the open rural character of the Pluscarden valley setting would be undesirably compromised. On this basis the proposals is contrary to policies H7, IMP1 and PP3.

The design of the proposal is acceptable in terms of both roof pitch and gable width and in terms of the external material finishes in terms of policy H7.

### **Areas of Great Landscape Value (AGLV) (E7)**

The aim of policy E7 is to protect areas of strategically important landscapes from inappropriate development. Development proposals which have an significant adverse upon an Area of Great Landscape (AGLV) will not be supported unless they incorporate the highest standards of siting and design and will not have significant adverse effect on the landscape character of the area.

The proposal is located within the Pluscarden Area of Great Landscape Value. The proposal will have a significant adverse effect on the landscape character of the area as it will be viewed from the public road whilst looking south over Pluscarden valley. The proposal does not demonstrate high standards of siting as it will detrimentally change the rural character of the area. The proposal therefore does not comply with policy E7 and is an inappropriate form of development for the site.

### **Access and Parking (T2 and T5)**

Policy T2 requires that new development proposals are designed to provide the highest level of access and for end users. Under policy T5 proposals must conform with the Council's current policy on Parking Standards.

The Transportation Manager was consulted on the proposal and does not object subject to conditions and informatives being attached to the consent.

### **Drainage and Water (EP5 and EP10)**

Policy EP5 requires that surface water from development should be dealt with in sustainable manner that has a neutral effect on the risk of flooding or which reduces the risk of flooding. Policy EP10 aims to achieve the satisfactory disposal of sewage.

Further information regarding the drainage for the proposal was sought in the form of a Drainage Impact Assessment. The assessment was required to demonstrate that the post-development runoff rate does not exceed the pre-development runoff rate or increase flood risk through discharge to a receiving watercourse. The DIA was also required to demonstrate that the surface water drainage system adopts Sustainable urban Drainage System (SuDS) principles and specifications in accordance with current legislation and guidelines, such as CIRIA C697 - The SuDS Manual.

A DIA was submitted and Moray Flood Risk Management have no objections to it. Therefore if the proposal was to be permitted the DIA would be stamped as part of the consent.

In relation to policy EP10 and in the absence of any public foul drainage system being available, a septic tank and soakaway arrangement is proposed within the site. The acceptability of this non-mains drainage arrangement will also be determined as part of Building Standards requirements.

### **Control of Development within Flood Risk Areas (EP7)**

Policy EP7: Control of Development in Flood Risk Areas states that new development should not take place if it would be at significant risk of flooding from any source or would materially increase the risk of flooding elsewhere. Where impacts are identified they should be satisfactorily mitigated without passing on the flood risk elsewhere.

The southern boundary of the development is subject to Fluvial and Pluvial Flood Risk for 1:200 year events, according to SEPA Flood Maps.

Moray Flood Risk Management were consulted on the proposal and requested a Level 1 Flood Risk Assessment however on liaising with SEPA the requirement for this was removed. SEPA had further topographic information that demonstrated that the proposed house is considerably elevated above the Black Burn and that in times of flood, out of-banks flows would spill onto the land on the southern bank of the Burn and away from the proposed development making it unlikely that the site would be a medium to high risk of flooding.

With regards to flooding SEPA and MFRM have no objection to the proposal.

### **Developer Obligations (IMP3)**

As from 14 October 2016, the Council has adopted Supplementary Guidance on developer obligations as a material consideration in the determination of planning applications. The proposal has been subject to an assessment for developer obligations.

If the application were to be permitted a contribution £619.20 towards healthcare would be sought prior to consent being issued.

### **Recommendation**

Refuse.

**OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

**HISTORY**

Reference No.	Description			
18/00246/APP	Erect 2no dwellinghouses within Grounds Of Torrington House Torrington Pluscarden Elgin Moray			
	Decision	Refuse	Date Of Decision	16/04/18

**ADVERT**

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development planNo Premises	20/12/18	
PINS	Departure from development planNo Premises	20/12/18	

**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	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Supporting Statement	
Main Issues:	Information supporting the proposal	
Document Name:	Drainage Impact Assessment	
Main Issues:	Information on drainage	

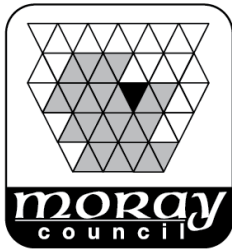
**S.75 AGREEMENT**

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

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







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

**REFUSAL OF PLANNING PERMISSION**

**[Heldon And Laich]  
Application for Planning Permission**

TO     Ms K Gosling-Crockart  
         c/o C M Design  
         St Brendans  
         69 South Guildry Street  
         Elgin  
         Moray  
         IV30 1QN

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

**Erect single storey dwellinghouse on Sites At Torrington Pluscarden Elgin Moray**

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

Date of Notice:                      **21 January 2019**



**HEAD OF DEVELOPMENT SERVICES**

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

**IMPORTANT**  
**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

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

The proposal is contrary to policies PP3, H7, IMP1 and E7 of the Moray Local Development Plan 2015 (MLDP) and the associated Supplementary Guidance: Housing in the Countryside for the following reason:

The site is part of a large open meadow and would be visually obtrusive roadside development. It would be a ribbon form of development diminishing the open separation of houses along the public road. The new house would not be integrated in the landscape and cumulatively, the introduction of an additional dwelling would contribute to the build-up of development within the surrounding area and thereby it would detract from, and be detrimental to, the character, appearance and amenity of the surrounding rural area and the open rural character of the Pluscarden valley setting would be undesirably compromised.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

Reference	Version	Title
180005.CROCKART.06PP		
180005.CROCKART.05PP		Site plan

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

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





## **APPENDIX 2**

# **NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS**





The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: [development.control@moray.gov.uk](mailto: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 100161823-001

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.

## 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:	CM Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Craig	Building Name:	St Brendans
Last Name: *	Mackay	Building Number:	69
Telephone Number: *	01343540020	Address 1 (Street): *	South Guildry Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Elgin
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV30 1QN
Email Address: *	office@cmdesign.biz		

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

☒ Individual ☐ Organisation/Corporate entity



## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Torrieston House"/>
First Name: *	<input type="text" value="K"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Gosling-Crockart"/>	Address 1 (Street): * <input type="text" value="Pluscarden"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Elgin"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="IV30 8TZ"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

## Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Site within grounds of Torrieston House, Pluscarden

Northings	<input type="text" value="858449"/>	Easting	<input type="text" value="315815"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Erect single storey dwellinghouse within grounds of Torrieston House, Pluscarden - See attached Statement of case

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See attached Statement of Case

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

CMDesign - Notice of Review - Statement of Case Doc001 - Refusal Notice Doc002 - Handling Report Doc003 - 18005.Crockart.05PP Doc004 - 18005.Crockart.06PP Doc005 - Copy of main issues report

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/01478/APP

What date was the application submitted to the planning authority? \*

20/11/2018

What date was the decision issued by the planning authority? \*

21/01/2018

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Craig Mackay

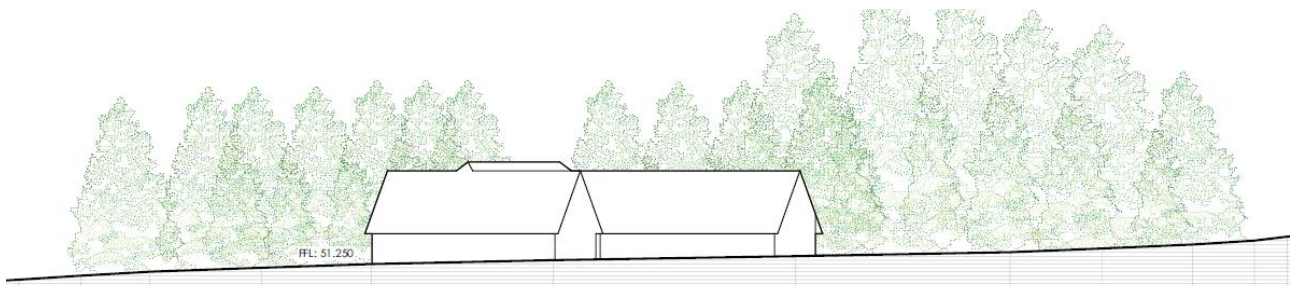
Declaration Date: 21/04/2019



**LOCAL REVIEW BOARD**

**STATEMENT OF APPEAL**

*ERECT SINGLE STOREY DWELLING WITHIN GROUNDS OF  
TORRISTON HOUSE, PLUSCARDEN, ELGIN*



**April 2019**

**St. Brendans  
South Guildry Street  
Elgin  
Moray  
IV30 1QN**

**t.** 01343 540020  
**w.** cmdesign.biz

**4 Bridge Street  
Nairn  
Highland  
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**t.** 01667 300230  
**w.** cmdesign.biz

planning**consultancy** • architectural**design** • project**management**



St. Brendans  
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Moray  
IV30 1QN

planning**consultancy** • architectural**design** • project**management**

t. 01343 540020 f. 01343 556470  
e. office@cmdesign.biz

Our Reference:	180005.CROCKART
Local Authority:	The Moray Council
Planning Application Ref:	18/01478/APP
Application Proposal:	Erect single storey dwellinghouse
Site Address:	within grounds of Torriston House, Pluscarden, Elgin
Appellants:	Ms Karen Gosling-Crockart
Date Application Validated:	20 November 2018
Council Decision Notice Date:	21 January 2019
Reason for Refusal:	<p><i>"The proposal is contrary to policies PP3, H7 IMP1 and E7 of the Moray Local Development Plan 2015 (MDLP) and the associated Guidance: Housing in the Countryside for the following reason:</i></p> <p><i>The site is part of a large open meadow and would be visually obtrusive roadside development. It would be a ribbon form of development diminishing the open separation of houses along the public road. The new house would be integrated in the landscape and cumulatively, the introduction of an additional dwelling would contribute to the build up of development with the surrounding area and thereby it would detract from and be detrimental to the character appearance and amenity of the surrounding rural area and the open rural character of the Pluscarden Vally esetting would be undesirably compromised."</i></p>
<b>Application Drawings &amp; Supporting Documents:</b>	<ul style="list-style-type: none"> <li>• CMD Doc 001 – Moray Council Refusal Documents</li> <li>• CMD Doc 002 – Case Officer Handling Report</li> <li>• CMD Doc 003 – 180005.CROCKART.05PP</li> <li>• CMD Doc 004 – 180005.CROCKART.06PP</li> <li>• CMD Doc 005 – Copy of MLPR Main Issues Report for Torrieston</li> </ul>

<b>Contents</b>	<ol style="list-style-type: none"> <li>1. Introduction – page 3</li> <li>2. Background – page 5</li> <li>3. Statement of Case – page 8</li> <li>4. Policy Compliance – pages 9</li> <li>5. Planning Precedent – page 13</li> <li>6. Conclusion – page 16</li> </ol>



## 1. Introduction

1.1 The following Statement of Case, submitted by **CM Design Town Planning & Architectural Consultants**, has been prepared to support a Local Review Board submission relating to :

**Erect a single dwelling house - upon land formally recommended for large scale development by Council Officers in the current Local Development Plan Review**

1.2 It is important to note that the **application site** referred to in this case was put forward for development in the current Local Development Plan by of the “call for sites” process (Council reference LDP2020\_BID\_TO01)

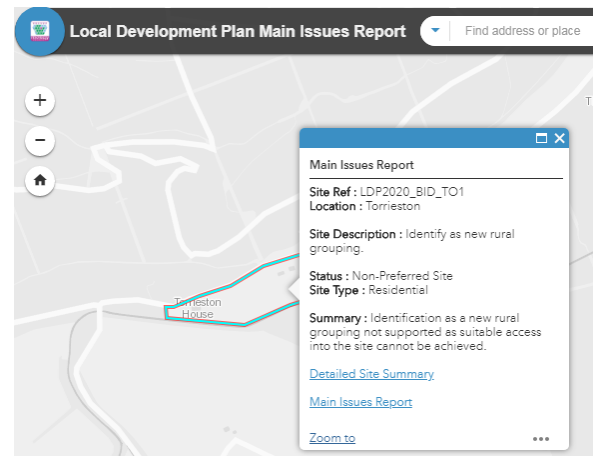
1.3 The submission by council (not by the appellant) for 2-3 new house sites was **not carried forward** due to rumoured concerns over vehicular access (See Doc No 007).

1.4 **We can confirm that there are no access issues at this site.**

1.5 In the midst of this Review statement, the appellant wishes to demonstrate that -

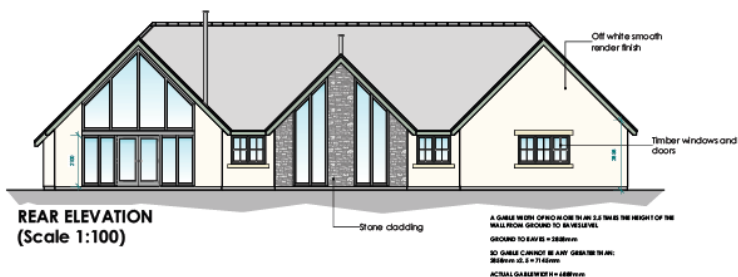
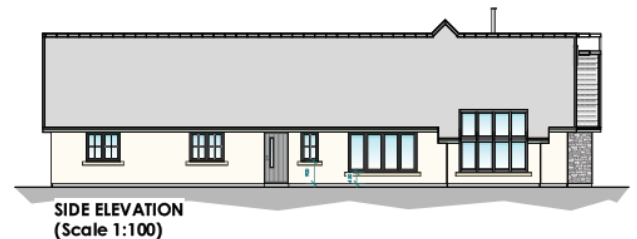
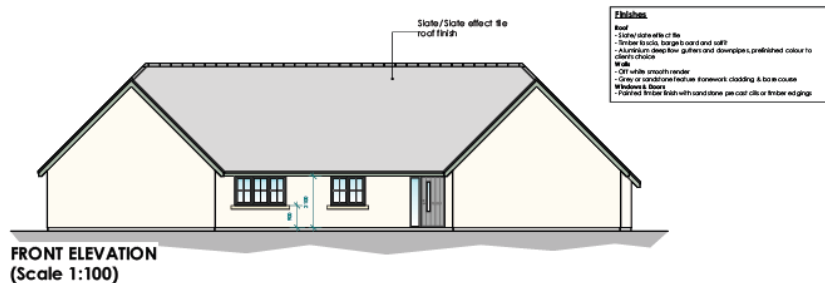
- Certain material considerations exist that might assist this case.
- This application could be deemed to **totally satisfy** the principle Policies that would permit approval under **IMP1 and H7** - see Section 4 – Policy Compliance
- Any issues previously raised with regard to **vehicular access have been dismissed**
- Whilst the site remains suitable for wholesale development as a rural grouping (as suggested by council in the MLDR process) this application for only a single house serves to demonstrate its suitability for future Local Plan Reviews.
- SEPA have **approved** the proposals in terms of flood management.
- The Transportation Department have **no objection** to the proposals.
- Previous LRB cases have supported development of this type – See Section on Planning Precedent.

1.6 Several written representations were received in the midst of the application process and generally related to; traffic hazard (dismissed), Impact on rural setting, drainage issues (dismissed), loss of privacy (dismissed), natural environment (dismissed), Loss of view (dismissed).



1.7 Whilst the worth and principle of precedent is understood, this report will also look at similar applications for sites that have been approved with significantly less merit in terms of setting, screening and backdrop.

1.8 This application represents an opportunity to contribute to Morays' need for more housing, in an area that has already been deemed to be appropriate by the Moray Local Development Plan Review process and in an area that is popular and likely to be developed quickly.

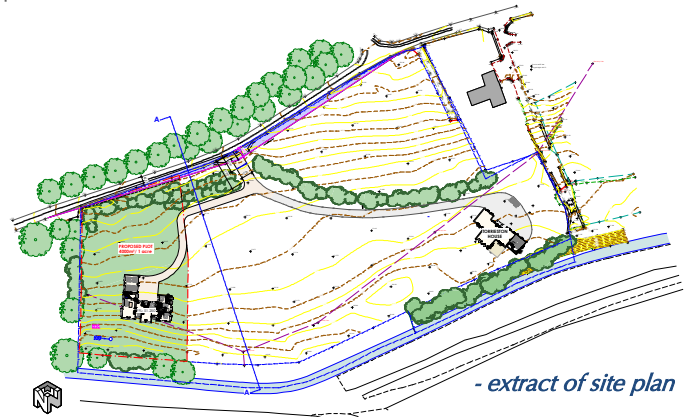


## 2. Background.

2.1 The appellant owns the parcel of land at Torrieston House which itself extends to circa 2.3ha.

2.2 The wider cluster of 3 houses at Torrieston occupies a similar size of land to the East and all within significant treeline on all sides.

2.3 The appellant is a business woman and local designer who wishes to develop and landscape the land at Torrieston in a tasteful and attractive way that will add value to the journey through Pluscarden Valley.



2.4 The release of the new house site will grant the required capital required to realise the vision for the extensive landscaping and management of what is, at the moment, an non-landscaped and unmanageable area of garden ground.

2.5 The access road shown on the site plan above is already established in principal and has been partially formed on site.

2.6 The site is afforded considerable backdrop by the trees to the West, South and North and can be screened further if required.



*Pic 1 - site view approach from East*



*Pic 2 - site view looking south*



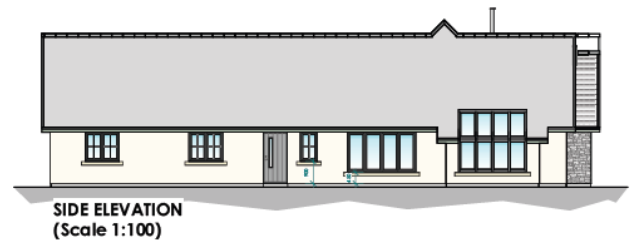
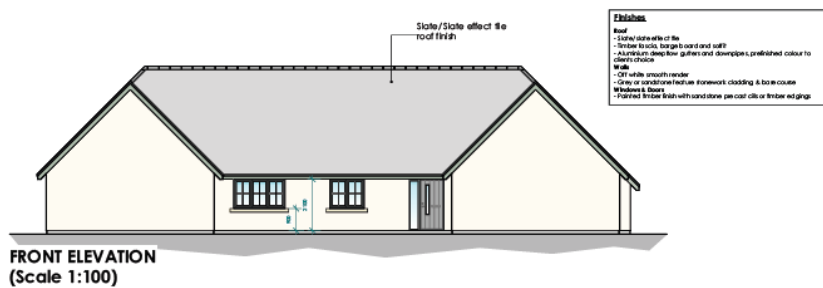
*Pic 3 - site invisible from west*

2.7 The topography of the site allows for the new house to sit below the only vehicular route that passes the site. (see pic below).



2.8 The proposed site **might only be seen for an instant** by traffic approaching from the East and cannot be seen from any other pedestrian or vehicular vantage point.

2.9 The site is of a scale that can easily reflect the settlement pattern of the area and enjoys several landscape features that further assist the suitability for development of this scale.



### 3. Statement of Case

3.1 Section 25 of the Town and Country Planning (Scotland) 1997 Act (as amended) requires that planning applications be determined in accordance with the development plan **unless material considerations require otherwise**.

3.2 Moreover, it should be recognised that the **principle** of the current local development plan is to **guide** development decisions across Moray but **not to preclude** focussed and local decision making which better informs localised development at any given point in time.

3.3 The current Development plan requires that – “*In determining planning applications, the Council will apply appropriate weight to all of the issues and material considerations before reaching a decision*” - **There are material considerations** in this case that might allow for full compliance to be agreed or at least a departure from Policy to be permitted.

#### 2. Vision for Moray

- 2.1 Sustainable economic development is a key objective for both the Scottish Government and Moray Council. The economic and employment benefits of business and industrial growth should be a material consideration in any development proposals.
- 2.2 The Vision for Moray is strongly based on that of the Moray Economic Strategy.
- 2.3 It seeks to have:
- A growing population, which retains more of its younger people and attracts new residents to the area.
  - A broad business base with stable, well paid employment; a focus on high quality jobs in engineering; science and technology; growth of established tourism, food, drink sectors.
  - Sufficient housing land to meet the Housing Need and Demand Assessment, that will facilitate the provision of affordable housing, and to ensure high quality residential developments.

3.4 It is a fact that there is a need for additional housing in Moray and this was recognised in the recent Moray Local Development Plan process - see extract below of Main Issues Report – which **originally sought to use the site at Torrieston** to serve that housing need.

Planning Assessment	
Planning Conclusion	The bid proposes development on a site where there is an existing cluster of houses. The surrounding area has been identified as an area where there is a high demand for housing in the open countryside. As part of reviewing the rural housing policy, opportunities for development in existing groupings and clusters have been looked at to offer potential development opportunities.

*extract of Main Issues Report re Torrieston*

3.5 The opportunity within the MLDP Review process, to address the access issue that hindered the councils' own submission has now passed (this has since been resolved) but we contend that the original submission by council in respect of Torrieston should be considered to be a **significant material consideration** in this case

3.6 The appellant believes several other material considerations exist that might allow a Local Review Board to support this application or a departure from Policy in this unique case.

- The application site was suggested for development and a housing designation by Moray Council in the MLDP process
- The issue that hindered its progress in that process (access) has now been overcome and dismissed by the Roads Department
- Other LRB decisions to approve applications under similar circumstances might assist this case.

## 4. Policy Compliance

4.1 Three principal Policies are listed by the Case Officer for consideration and the appellant responds to each as follows. IMP1, H7 and E7

4.2. **Policy IMP1** – is a collective summary of the intent of other more specific Policies such as H7, described later in this report. The appellant **can comply with each and every one** of the policy criteria, as follows.

In looking at each sub-paragraph of this policy in detail, the appellant would like to respond as follows

- a) **Scale, density and character** – Notwithstanding that fact that the councils' own MLDP submission suggested developing the entire parcel of land, this application proposes to tuck a single house site into the west end of the site, along a substantial tree line and following the downward slope of the site.
- b) **Landscape integration** – The house design (single storey) seek to reflect the scale and style of traditional and contemporary houses that exist in the area and proposed landscaping will serve to integrate the sites further still.
- c) **Access** – It has been proven and the transport department have accepted and approved that the site can be safely accessed.
- d) **Water and drainage** – SEPA have approved the proposals
- e) **Renewable energy** – Current Building Standards will inevitably require a significant degree of low carbon/zero carbon technologies to enable compliance.
- f) **Open Space** – whilst there will not be a requirement on a small scale development like this, to provide open spaces, there will be plenty available by default and by virtue of the design intentions of the appellant for the entire site.
- g) **Landscape maintenance** – the site is currently a large and unwieldy garden ground which is unmanageable by the appellant. Developing a mere two sites will release the required capital to enable a programme of planting, maintenance and landscaping that will benefit Pluscarden Valley.
- h) **Conservation** – the land in question is of no agricultural merit and will be enhanced by development of this type.
- i) **Flooding** – the risk of flooding has been dismissed and approved by the Local Flood Management team
- j) **Pollution** – again this issue has been dismissed by SEPA who approve of the proposals. The detailed management of foul water will be addressed within any inevitable Building Warrant application.
- k) **Contamination** – this has been dismissed in the midst of the initial Planning Application
- l) **Agricultural purposes** – this proposal does not threaten or sterilise any workable reserves of mineral of prime agricultural land



m) **Waste management** – this will be dealt with in the midst of any Building Warrant Process

4.3. **Conclusion** – It can be seen from taking each of the paragraphs of IMP1, that this application can be seen to comply in general terms. It is therefore perhaps more interesting to examine the application's merits against the remaining grounds for refusal - **Policy H7**

4.4 **Policy H7** – is the specific Policy for assessing new housing in the countryside. This policy “..assumes in favour..” of new houses in the countryside providing all of the four stated criteria are met.

4.5 The four areas of criteria can be read on the adjacent extract of Policy.

4.6 The appellants proposal could be seen to comply fully with each paragraph detailed in the extract of H7 as seen on the attached pic and as follows -

**a) Response** - The pattern of settlement around Moray and more specifically on the Pluscarden Valley is very similar to what is being proposed. Small groupings of houses in one's and two's, nestled into treelines and often within large unmanageable rural garden grounds.

This site is NOT clearly visible in the landscape (as warned against in this paragraph) and can only be seen for a few hundred yards by drivers approaching from the East and is significantly screened from the North, West and South.

The sites are the exact opposite of everything that this paragraph warns against (ie the sites are not elevated, not on the skyline, not in an open setting etc)

**Summary** – Contrary to many other rural sites that have secured approval (even under Appeal) the house upon this application site could NOT be seen from almost any angle other than the few moments of any approach. This particular paragraph does not offer any **significant issues** of non-compliance that would justify refusal

**b) Response** – The gap between the application site and the surrounding houses is such that these proposals certainly do not represent any form of **ribbon development** and, whilst the application could possibly be justified as an “acceptable expansion of an existing housing group”, the sites actually rest on their own merit as an acceptable development of a portion of a very large garden ground without any impact upon existing properties or the character of the area.

#### **Policy H7** New Housing in the Open Countryside

This policy assumes in favour of an application for a new house in the open countryside provided all of the following requirements are met:

##### **Siting**

- a) It reflects the traditional pattern of settlement in the locality and is sensitively integrated with the surrounding landform using natural backdrops, particularly where the site is clearly visible in the landscape. Obtrusive development (i.e. on a skyline, artificially elevated ground or in open settings such as the central area of a field) will not be acceptable;
- b) It does not detract from the character or setting of existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development;
- c) It does not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications; and,
- d) At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways).

##### **Justification**

The Plan aims to allow housing in the open countryside that can be easily absorbed into the landscape. New development should be low impact and reflect the character of the surrounding area in terms of the traditional pattern of settlement and the scale and design of housing. The introduction of suburban layouts and house styles and the incremental build up of new houses have the potential to alter the rural character and detrimentally impact on the area's high quality rural environment.

Proposals that add to an existing grouping, such as an established re-use or rehabilitation scheme, will be more satisfactorily integrated where they connect through built form, layout and landscape features. Development that adds to an existing suburban layout should be avoided. Infill development along a road or landscape feature may be appropriate where this does not detract from the character or setting of existing houses. Innovative modern design and energy efficiency measures are encouraged to promote sustainable development.

*extract of Policy H7*

The proposals leave sufficient land between neighbouring houses to negate the risk or appearance of ribbon development and furthermore, the 2 house arrangement carries the development into the garden ground rather than extending development along the carriageway.

**Summary** – this paragraph seeks to avoid unacceptable “build up” or “ribbon development” of which this proposal is neither. The garden ground at Torrieston House is significant and the development can co-exist with neighbouring houses without any impact upon these households whatsoever.

**c) Response** – Current Planning Policy in Moray has designated several areas of the county as being at risk of over development. Councils’ own suggestion that the entire site at Torrieston should be designated for housing in the emerging Local Plan would further demonstrate that there is capacity and demand for new houses in this area.

**Summary** – this paragraph guards against the character of an area being irreversibly changed by the continual addition of new housing. Again the, fact that council have suggested that Torrieston could contribute to the need for more housing in Moray within the next Local Plan, demonstrates the fact this site is entirely suitable for development as proposed.

**d) Response** – The sites enjoy the stated criteria of 50% of its boundaries being established. These boundaries are not merely fence lines but significant and mature treelines that provide screening and context.

**Summary** – This particular paragraph is very clear and not subject to opinion. The need for 50% boundaries are a matter of fact and this site complies fully.

4.7. **H7 Conclusion** – Whilst the concern that an area could be at risk of over development is understood, it can be clearly seen that this proposal complies with each of the paragraphs described above. Whilst 3 out of the 4 criteria could be at risk of different subjective opinions, it should be reiterated that Moray Council actually suggested that this land be developed in the current Local Plan review process, demonstrating its suitability and capacity.

**This application can therefore be deemed to satisfy Policy H7 in every way**

4.8. **Policy E7** – The aim of this policy to protect areas of strategically important landscapes from inappropriate development in Areas of Great Landscape Value (AGLV)

4.9 Policy E7 does not prohibit development but suggests that development in an AGLV must be of the highest standard in terms of siting and design and must not have an adverse effect on the landscape character of the area.



4.10 The Planning Case officer suggests conflict with this policy by the fact that the proposed house can be viewed from the public road whilst looking south over the Puscarden Valley. This might indeed sound quite significantly damning if it were not for the fact that the wonderful tree line backdrop to this site actually prevents a view over the valley and provides context for the application site.

4.11 The Planning Case officer suggests also that the proposals would “detrimentally change the rural character of the area”. It is difficult to understand how a single house site, which can only be seen for a few moments of any approach in a single direction, within a clearing already occupied by several houses, could be considered to have such an impact on the character of the wider areas.

4.12 Conclusion – The aim of policy E7 is clear and worthy of protecting a n area from urbanisation but this single house site, nestled into the sloping ground form, in front of a substantial tree line and only visible for a moment by passing vehicles, could not be considered to have the level of impact being suggested in the refusal notice.

## 5. Planning Precedent

5.1 Whilst it is fully understood that each application must be examined on its own merits, there are Planning Applications and LRB cases which might offer examples of similar circumstances that might contribute helpfully in this case.

5.2 One such case is LR184 of 2017 (Planning Application Ref No – 17/00358/APP) for a new house East of Westbank Farmhouse, Roseisle – as seen below.



5.3 This case refers to an application for development in the corner of an open agricultural field (not garden ground as in the appellants case) was also initially refused under **Policies IMP1 and H7**.

5.4 The site itself can be seen from all directions and from across vast portions of open farmland as can be seen from the following photographs.



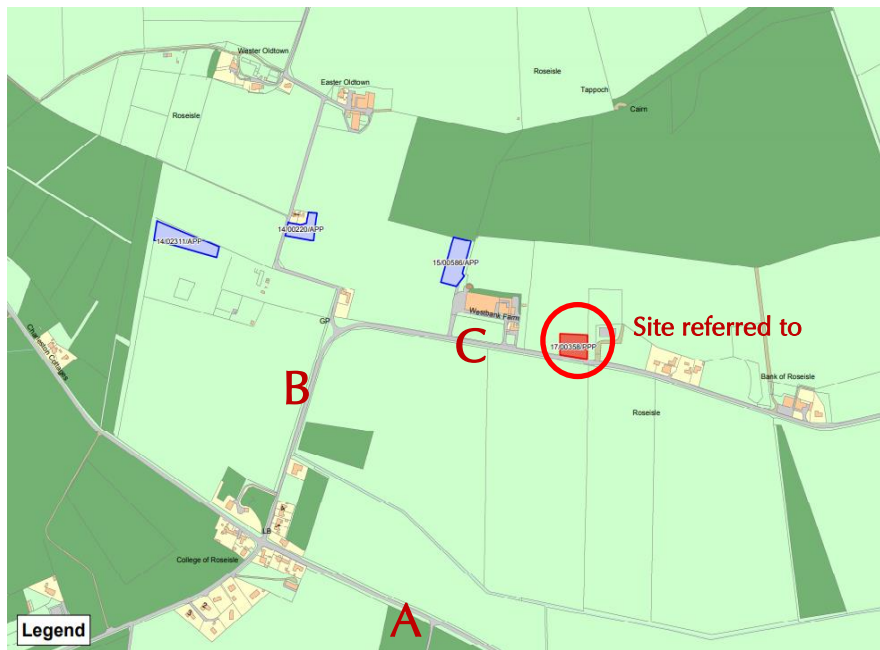
*Pic 4 - view from A on map*



*Pic 5 - view from B on map*



*Pic 6 - view from C on map*



5.5 It is not the intention of this Supporting Statement to in any way criticise the decision to approve this new house at Roseisle **but would suggest that the circumstances of the case offer some similarities** in which perhaps, our appellants case could be seen in an even greater light.

5.6 If it were deemed appropriate to approve the development in Roseisle, when it **did not** enjoy a significant backdrop of trees, suffered an elevated site and could be seen for many, many miles around, then it is hoped that the appellants application could be supported for reasons of similar merit.

5.7 The appellants site **cannot be seen** from anywhere apart from the 100m or so approach road, the sites sit lower than road and the houses will be dwarfed by the significant treeline to the rear and sides.

5.8 In summary, the appellants' application offers more mitigating circumstances and material considerations than the above historical case and could, in all fairness, be granted similar benefit.

## 6. CONCLUSION

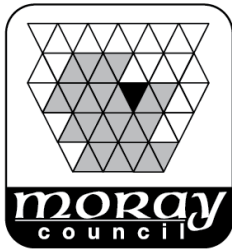
6.1 This statement of case has demonstrated

- That the proposals could be considered to **fully comply** with the umbrella **Policy IMP1** in general terms
- That the proposals could be considered to **fully comply** with the specific criteria of **Policy H7**.
- The proposed **SINGLE** house site would not change the character of the landscape and this complies with **Policy E7**
- That **material considerations** (ie similar appeals being upheld) do exist that would allow for a departure from Policy, if required.
- That support for the development of Torrieston for housing was demonstrated within the current Moray Local Plan Review and that the issues that hindered its progress in that process have been dismissed.
- That there is an opportunity to contribute to the overall housing needs of Moray and offer that opportunity in an area that is popular and has capacity to be developed quickly.
- That the issues raised by the written representations have been dismissed.
- That previous LRB cases offer helpful insight and support for this particular case.

6.2 It is respectfully requested that consideration be given to **upholding this Review**

**C.J.S Mackay**  
**Principle Designer & Planning Consultant**  
**CM Design**





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

**REFUSAL OF PLANNING PERMISSION**

**[Heldon And Laich]  
Application for Planning Permission**

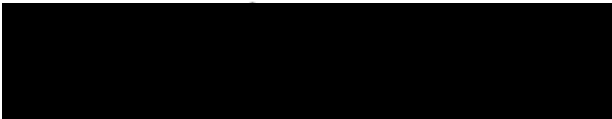
TO      Ms K Gosling-Crockart  
         c/o C M Design  
         St Brendans  
         69 South Guildry Street  
         Elgin  
         Moray  
         IV30 1QN

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

**Erect single storey dwellinghouse on Sites At Torrington Pluscarden Elgin Moray**

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

Date of Notice:                      **21 January 2019**



**HEAD OF DEVELOPMENT SERVICES**

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

**IMPORTANT**  
**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

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

The proposal is contrary to policies PP3, H7, IMP1 and E7 of the Moray Local Development Plan 2015 (MLDP) and the associated Supplementary Guidance: Housing in the Countryside for the following reason:

The site is part of a large open meadow and would be visually obtrusive roadside development. It would be a ribbon form of development diminishing the open separation of houses along the public road. The new house would not be integrated in the landscape and cumulatively, the introduction of an additional dwelling would contribute to the build-up of development within the surrounding area and thereby it would detract from, and be detrimental to, the character, appearance and amenity of the surrounding rural area and the open rural character of the Pluscarden valley setting would be undesirably compromised.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

Reference	Version	Title
180005.CROCKART.06PP		
180005.CROCKART.05PP		Site plan

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

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





## **REPORT OF HANDLING**

<b>Ref No:</b>	18/01478/APP	<b>Officer:</b>	Emma Mitchell
<b>Proposal Description/ Address</b>	Erect single storey dwellinghouse on Sites At Torrington Pluscarden Elgin Moray		
<b>Date:</b>	21/01/19	<b>Typist Initials:</b>	FJA

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

<b>CONSULTATIONS</b>		
<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Planning And Development Obligations	30/11/18	Contribution sought
Environmental Health Manager	12/12/18	No objection
Contaminated Land	27/11/18	No objection
Transportation Manager	23/11/18	No objection subject to conditions and informatives
Scottish Water	23/11/18	No objection
Moray Flood Risk Management	14/01/19	No objection
Scottish Environment Protection Agency	29/11/18	No objection
Forestry Commission	30/11/18	No objection

<b>DEVELOPMENT PLAN POLICY</b>		
<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
PP3: Placemaking	Y	
H7: New Housing in the Open Countryside	Y	
E4: Trees and Development	N	
E7: AGLV and impacts on wider landscape	Y	
EP5: Sustainable Urban Drainage Systems	N	
EP9: Contaminated Land	N	
ER2: Development in Woodlands	N	
T2: Provision of Access	N	
T5: Parking Standards	N	

IMP1: Developer Requirements	Y	
IMP3: Developer Obligations	N	
EP7: Control of Develop in FloodRiskArea	N	

## REPRESENTATIONS

Representations Received

YES

Total number of representations received 10

Names/Addresses of parties submitting representations

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

Summary and Assessment of main issues raised by representations

### Issue: Road Safety

- The original application on the site was not supported by Transportation and they objected to the proposal as the necessary visibility splays could not be achieved.
- Road levels are poor and are falling away at one side, added to which there is wall on the opposite side of the road; the combination of these two factors means that traffic is forced into the centre of the road before negotiating a very tight bend.
- There has been a very significant increase in traffic through the glen in recent times. This is a rural farming community and the road is used by very large tractors, lorries carrying livestock, log lorries, school buses, coaches accessing the abbey, oil tankers, cyclists and people going to businesses in Pluscarden. The road is used as a "rat run" to avoid the main route to Forres.
- For traffic travelling along the road, the access point is on a blind bend and is within a short distance of two concealed entrances, one to a private residence and one to a parking area used extensively by walkers and cyclists for access to Monaghty woods. The road is narrow (less than 4.5m) and on one side there is an old retaining wall with heavy undergrowth and on the other there is a distinct edge and drop off to the side of the surfaced road. Both these factors force oncoming traffic towards the centre of the road which makes the bend particularly dangerous. Additional traffic joining the road at this point or traffic turning into the entrance off the road would exacerbate the problem.
- There have been several near misses on the public road.
- Two vehicles cannot pass each other safely on the public road.
- When approaching from the east (Elgin) drivers do not get a full view of the current exit until after the apex of the bend. The proposed building would then immediately catch the driver's eye-line, possibly slowing reaction time and leaving only 50-60 metres (max) to avoid vehicles exiting.
- The existing road is no longer fit for purpose.
- The site line is restricted for the proposal especially coming west from Elgin.

### Comments (PO)

- With regards to planning application 18/00246/APP (the previous planning application on the site) Transportation were consulted on the proposal and their original consultation response requested further information to be submitted. The required information was submitted and as such Transportation did not object to the proposal subject to conditions and informatives being attached to the consent if it were to be permitted.
- Transportation have been consulted on the proposal and have no objection subject to conditions and informatives being attached to the consent if it were to be permitted. Therefore a safe access can be provided with the required visibility splays and sight lines.

### **Build Up**

- Another property within this area would have a cumulative impact on the surrounding area.
- Currently there are 4 houses (Westcroft, Torrieston Croft, Torrieston House & Torrieston).
- There is also an extant planning consent for a site at the hedges (reference 16/01833/app). These 5 houses and a further 1 would remove the rural nature of this area and constitute an unacceptable build up.
- All vehicles approaching from the east (Elgin) will see the house structure as this is direct view due to the angle of the road. Therefore this will impinge in the view of the valley as this will catch your eye directly and will therefore create an impediment of the landscape and produce the build-up on the ribbon development.

### **Comments (PO)**

- See observations section.

### **Siting**

- Wherever it is located on the site the proposed development would necessarily be a prominent feature in that landscape and would unavoidably diminish the rural character of the setting.
- Policy H7 is quite specific in terms of not to detract from the character or setting of the surrounding area (item B) and 6 houses in one area will change the character of this rural area and have significant impact on the natural qualities of the area within the Pluscarden valley which is designated as an "Area of Great Landscape value (AGLV).
- Believe that any form of development will impact on the Countryside landscape and have a significant impact on the AGLV which is contrary to policy E7.
- It will cause ribbon development along the Pluscarden road.
- Provision within the Housing in the Countryside supplementary guidance provides adequate reasons for refusal on this application on the grounds that it is not compliant and creates build-up through cumulative impact.
- This building application will have an enormous impact on the space, peace and tranquillity neighbouring properties now enjoy. it will destroy the rural nature of the area.
- The Pluscarden Glen with its Abbey dating back to 1230 is recognised as a major historic visitor destination in Moray and plays a significant role in the Moray Council's, Moray's Great Places programme. New developments in this area have an adverse effect on the natural beauty and amenity of the area.
- The proposed development will create the potential for a ribbon development in an area of natural beauty which also embraces the Forestry Commission Scotland walks at Torrieston and Mornaughty.
- It will reduce the great asset the natural landscape of this historic glen provides.

### **Comments (PO)**

- See observations section.

### **Design**

- The application is for a very large property which would be the first view of traffic entering the Pluscarden valley and spoil the rural character of this area.

### **Comments (PO)**

- The design of the proposal is acceptable under policies H7 and IMP1 of the Moray Local Plan.

### **Comments (PO)**

- See observation section.

### **Previous Application on the site (18/00246/APP)**

- Reasons given for previous application refusal on the site still stand.

**Comments (PO)**

- See observations section.

**Views**

- When travelling from Elgin the location is in the foreground of the first view the traveller has of the Pluscarden valley.
- Contrary to the content in the supporting statement, by moving the dwelling to the rear of the site it becomes more visible from the unclassified road (Pluscarden to Manbeen) and also the farm road which connects Wester Foresterseat to Easter Foresterseat stealing's and the properties between. This would impact on the view looking west towards the abbey.
- Comments (PO)
- See observations section.
- Please note views are not a material planning consideration.

**Drainage**

- The site may not have flooded but the north bank of the burn suffered damage and erosion in the floods of 2002 and again in flash flooding (August 2014).
- The footprint of such a large building could affect the natural drainage of this meadow which was once maintained and grazed. The water runoff from such a large area may lead to instability of the bank of the burn. Soakaways could compound the problem, concentrating water in such close proximity to the burn.

**Comments (PO)**

- SEPA and Moray Flood Risk Management (MFRM) were consulted on the proposal and have no objections.
- A DIA was submitted. This was assessed by MFRM who were satisfied with it. If consent were to be permitted the DIA would be stamped as part of the approval.

**Wildlife**

- If the proposal were to be permitted, there are concerns for wildlife including red squirrels, pine martens, otters, bats, shrews and voles and badgers, which are regularly seen in the area, during construction.
- Further loss of these animals' habitat or disturbance would not help their populations.
- Works to remove weirs on the Black Burn was carried out a few years ago to encourage migratory fish (sea trout and salmon) to return upstream to spawn. As the proposed site is so close to the burn it would almost certainly affect the integrity and purity of the burn.

**Comments (PO)**

- Some of the animals mentioned are European Protected Species therefore are protected by the law under the Habitats Regulations 1994.
- It is unlikely given the small nature of the proposal that if it were to be permitted it would have a negative impact on existing wildlife within the area and the nearby burn.

**Other**

- Moray Council Main Issue Report 2018 (reference LDP2020\_BID\_T001) reviewed this area to include as a rural grouping & concluded that this would not be supported. Due to its "impact on landscape the bid is not supported" and " transportation - bid not supported - visibility splays are restricted and require third party land. Road widening to 5.5m to enable two way movement. The level of the road is also falling at that location which further limits sight lines" The main point in this report by Planning & Facilitation for the LDP 2020 states "impact on landscape the bid is not supported". Within the final document it states "suitable access into the site cannot be achieved".
- Building and engineering work will cause pollution of the Black burn.
- The applicant is a property developer and it seems wrong that she should be allowed to build

in an open field space and destroy the surrounding environment.

#### **Comments (PO)**

- The current application is not being supported due its impact on the landscape. Transportation do not object to the proposal subject to conditions and informatives being attached to the planning consent.
- It is speculation that the building and engineering works would cause pollution to the burn.
- Who the applicant is, is not a material planning consideration.

### **OBSERVATIONS – ASSESSMENT OF PROPOSAL**

#### **Proposal**

- Planning permission is sought for the erection of a single storey dwelling with attached garage at Torrieston House, Pluscarden.
- The total floor area of the dwelling is 285 sqm in size (including the double garage).
- External materials include off white smooth render finish with slate/slate effect tile roof finish. The proposal has large glazed gable on the rear elevation.
- Access to the site is taken from the existing access to Torrieston House from the public road.
- Private drainage arrangements with a new septic tank are proposed. It is intended that the proposal is served by the public water supply.

#### **Site Characteristics**

- The site is located within a large meadow and is within an Area of Great Landscape Value (AGLV).
- The site is located approx. 2.7 km south west of Miltonduff.
- The site is approx. 4000 sqm in size.
- The proposed site access is located circa. 30m to the east of the site at the existing access to Torrieston House. A new track is proposed from the access.
- Tall mature conifer trees are located on the western and southern boundaries.
- The proposal is set within a western part of a large open meadow. The eastern boundary is undefined.
- The public road is located along the northern boundary.

#### **Site and Surrounding Areas History**

01/01725/FUL- The proposals for 2 houses are built, and are to the east of the site, across an open meadow. This consent involved the demolition of a croft at what is now "Torrieston Croft" (western-most house) and "West Croft" (eastern-most).

02/02365/FUL has been mis-plotted in Uniform - at the time that application was permitted the house on Plot "A" (02/02051, site now identified as "West Croft" on the OS base map) had been completed. 02/02365/FUL was for a revised house type, understood to refer to this being a revision of 01/01725/FUL which was the original full consent for 2 houses - besides these there are no other previous applications that could have been 'revised'.

09/00133/OUT - The proposal is for a single dwelling which is now built (Torrieston House), it is located to the east of the site, south of Torrieston Croft. Subsequent planning applications were submitted to renew (12/01848/APP) and revise the design and site boundaries of the proposal (15/00888/APP and 16/0020/APP).

16/01833/APP - Proposal for a dwelling approved, it is located east of Torrieston House.

18/00246/APP - A proposal for 2 dwellings on current proposal site was refused (16th April 2018). The decision was appealed to the Local Review Body however the decision was upheld in August 2018.

### **Policy**

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 2015 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below.

### **Siting and Design (H7, IMP1, PP3 and the associated Supplementary Guidance: Housing in the Countryside)**

Policy H7: New Housing in the Open Countryside of the Moray Local Development Plan 2015 contains the necessary siting and design criteria for assessing new housing proposals in the countryside. This aims to allow new housing in the open countryside provided it can be easily absorbed into the landscape, and for new development to be low impact and to reflect the character of the surrounding area. Policy IMP1 Developer Requirements requires new development proposals to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area and to be comply with set criterion (detailed within policy). These include amongst others the requirement for new development to be of a scale and character appropriate to its setting and for development to integrate into the landscape. Policy PP3 states that developments should maintain and enhance the natural landscape features and the distinctive character of the area.

The proposal site is part of a large open meadow in an extensively forested area. Across the meadow there are distant views of the attractive Pluscarden valley. There are already a number of new houses west of the meadow area (detailed above) in which the current proposal sites lie, which have already contributed to the rural character of the setting being eroded.

The proposal represents an obtrusive roadside development. It is noted that planting is proposed along the roadside which would provide screening to the proposal. With the site being part of an open meadow overlooking Pluscarden Valley, screening along the roadside would change the open rural character of this area and therefore is not supported. The proposal combined with the new and established housing in the vicinity, would represent ribbon development along the roadside. A significant build-up of housing is represented by the proposal when pooled with the neighbouring dwellings thereby it would detract from, and be detrimental to, the character, appearance and amenity of the surrounding rural area and the open rural character of the Pluscarden valley setting would be undesirably compromised. On this basis the proposals is contrary to policies H7, IMP1 and PP3.

The design of the proposal is acceptable in terms of both roof pitch and gable width and in terms of the external material finishes in terms of policy H7.

### **Areas of Great Landscape Value (AGLV) (E7)**

The aim of policy E7 is to protect areas of strategically important landscapes from inappropriate development. Development proposals which have an significant adverse upon an Area of Great Landscape (AGLV) will not be supported unless they incorporate the highest standards of siting and design and will not have significant adverse effect on the landscape character of the area.

The proposal is located within the Pluscarden Area of Great Landscape Value. The proposal will have a significant adverse effect on the landscape character of the area as it will be viewed from the public road whilst looking south over Pluscarden valley. The proposal does not demonstrate high standards of siting as it will detrimentally change the rural character of the area. The proposal therefore does not comply with policy E7 and is an inappropriate form of development for the site.

### **Access and Parking (T2 and T5)**

Policy T2 requires that new development proposals are designed to provide the highest level of access and for end users. Under policy T5 proposals must conform with the Council's current policy on Parking Standards.

The Transportation Manager was consulted on the proposal and does not object subject to conditions and informatives being attached to the consent.

### **Drainage and Water (EP5 and EP10)**

Policy EP5 requires that surface water from development should be dealt with in sustainable manner that has a neutral effect on the risk of flooding or which reduces the risk of flooding. Policy EP10 aims to achieve the satisfactory disposal of sewage.

Further information regarding the drainage for the proposal was sought in the form of a Drainage Impact Assessment. The assessment was required to demonstrate that the post-development runoff rate does not exceed the pre-development runoff rate or increase flood risk through discharge to a receiving watercourse. The DIA was also required to demonstrate that the surface water drainage system adopts Sustainable urban Drainage System (SuDS) principles and specifications in accordance with current legislation and guidelines, such as CIRIA C697 - The SuDS Manual.

A DIA was submitted and Moray Flood Risk Management have no objections to it. Therefore if the proposal was to be permitted the DIA would be stamped as part of the consent.

In relation to policy EP10 and in the absence of any public foul drainage system being available, a septic tank and soakaway arrangement is proposed within the site. The acceptability of this non-mains drainage arrangement will also be determined as part of Building Standards requirements.

### **Control of Development within Flood Risk Areas (EP7)**

Policy EP7: Control of Development in Flood Risk Areas states that new development should not take place if it would be at significant risk of flooding from any source or would materially increase the risk of flooding elsewhere. Where impacts are identified they should be satisfactorily mitigated without passing on the flood risk elsewhere.

The southern boundary of the development is subject to Fluvial and Pluvial Flood Risk for 1:200 year events, according to SEPA Flood Maps.

Moray Flood Risk Management were consulted on the proposal and requested a Level 1 Flood Risk Assessment however on liaising with SEPA the requirement for this was removed. SEPA had further topographic information that demonstrated that the proposed house is considerably elevated above the Black Burn and that in times of flood, out of-banks flows would spill onto the land on the southern bank of the Burn and away from the proposed development making it unlikely that the site would be a medium to high risk of flooding.

With regards to flooding SEPA and MFRM have no objection to the proposal.

### **Developer Obligations (IMP3)**

As from 14 October 2016, the Council has adopted Supplementary Guidance on developer obligations as a material consideration in the determination of planning applications. The proposal has been subject to an assessment for developer obligations.

If the application were to be permitted a contribution £619.20 towards healthcare would be sought prior to consent being issued.

### **Recommendation**

Refuse.



**OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

**HISTORY**

Reference No.	Description			
18/00246/APP	Erect 2no dwellinghouses within Grounds Of Torrington House Torrington Pluscarden Elgin Moray			
	<b>Decision</b>	Refuse	<b>Date Of Decision</b>	16/04/18

**ADVERT**

<b>Advert Fee paid?</b>	<b>Yes</b>		
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>	
Northern Scot	Departure from development planNo Premises	20/12/18	
PINS	Departure from development planNo Premises	20/12/18	

**DEVELOPER CONTRIBUTIONS (PGU)**

<b>Status</b>	<b>CONT SOUGHT</b>
---------------	--------------------

**DOCUMENTS, ASSESSMENTS etc. \***

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

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Supporting Statement	
Main Issues:	Information supporting the proposal	
Document Name:	Drainage Impact Assessment	
Main Issues:	Information on drainage	

**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)			





FRONT ELEVATION  
(Scale 1:100)



SIDE ELEVATION  
(Scale 1:100)



REAR ELEVATION  
(Scale 1:100)

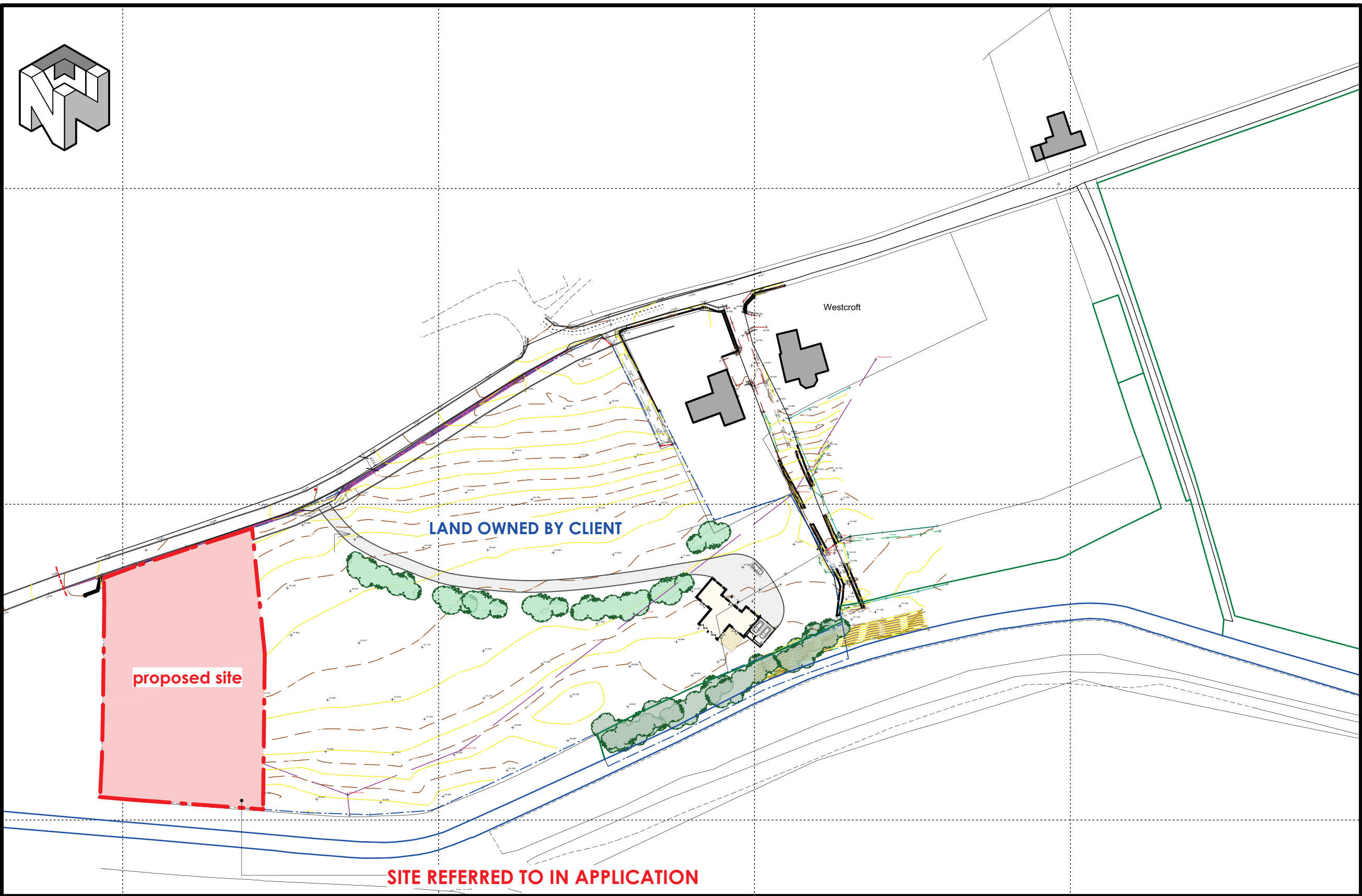


SIDE ELEVATION  
(Scale 1:100)



FLOOR PLAN  
(Scale 1:100)

Total floor area: 285sqm

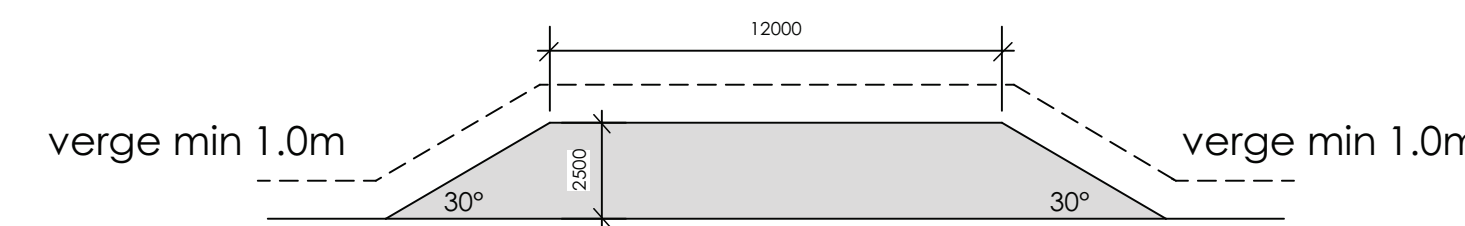


LOCATION PLAN  
(Scale 1:1250)





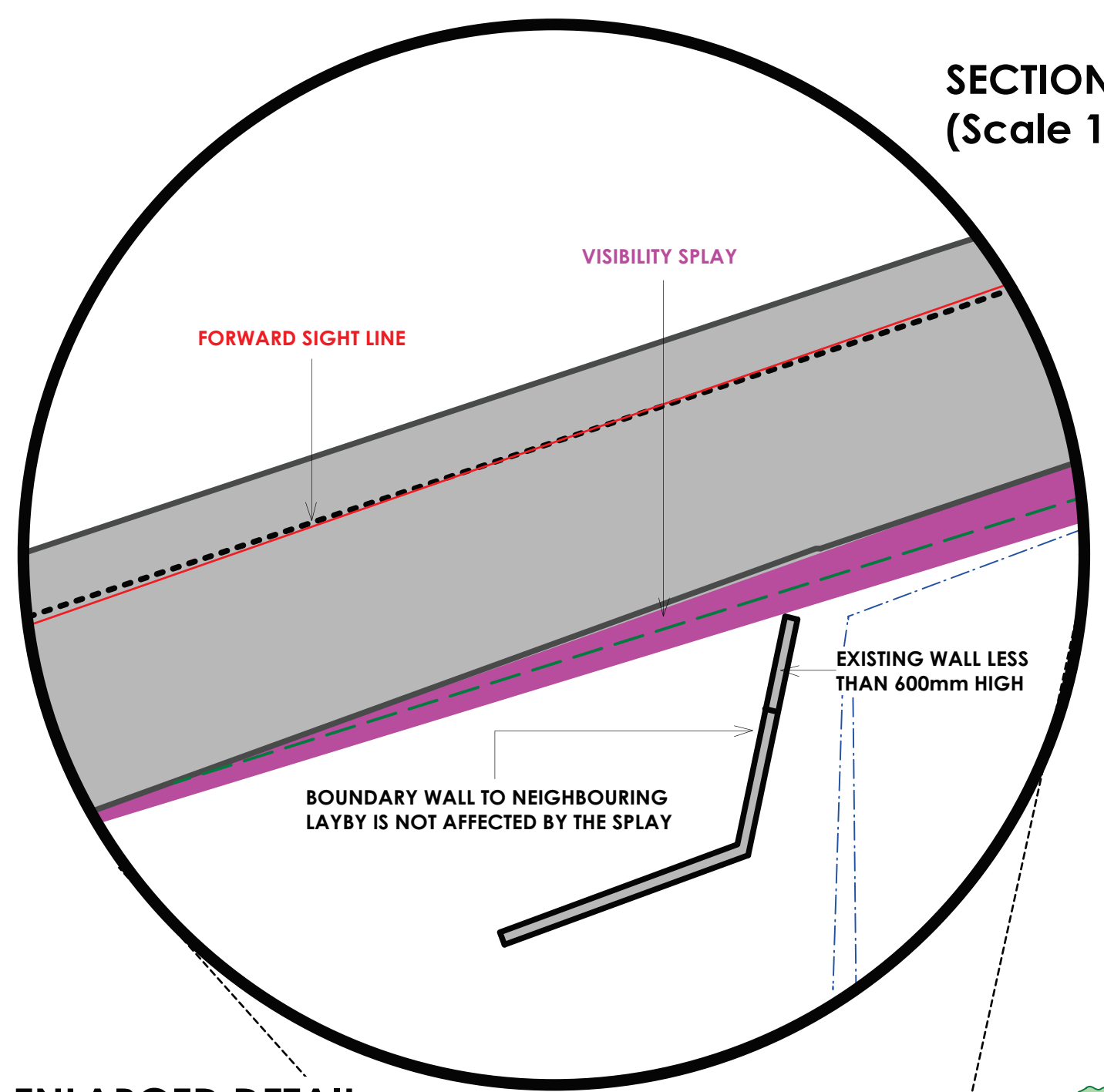
New vehicular access formed onto public road, with a access layby 12.0m long by 2.5m wide with 30 degrees splayed ends to be provided at the edge of the public road to allow visiting and service vehicles to park clear of the public road. The vehicular access will lead off the layby. The layby will be constructed to the Council specification and be surfaced in bitmac.



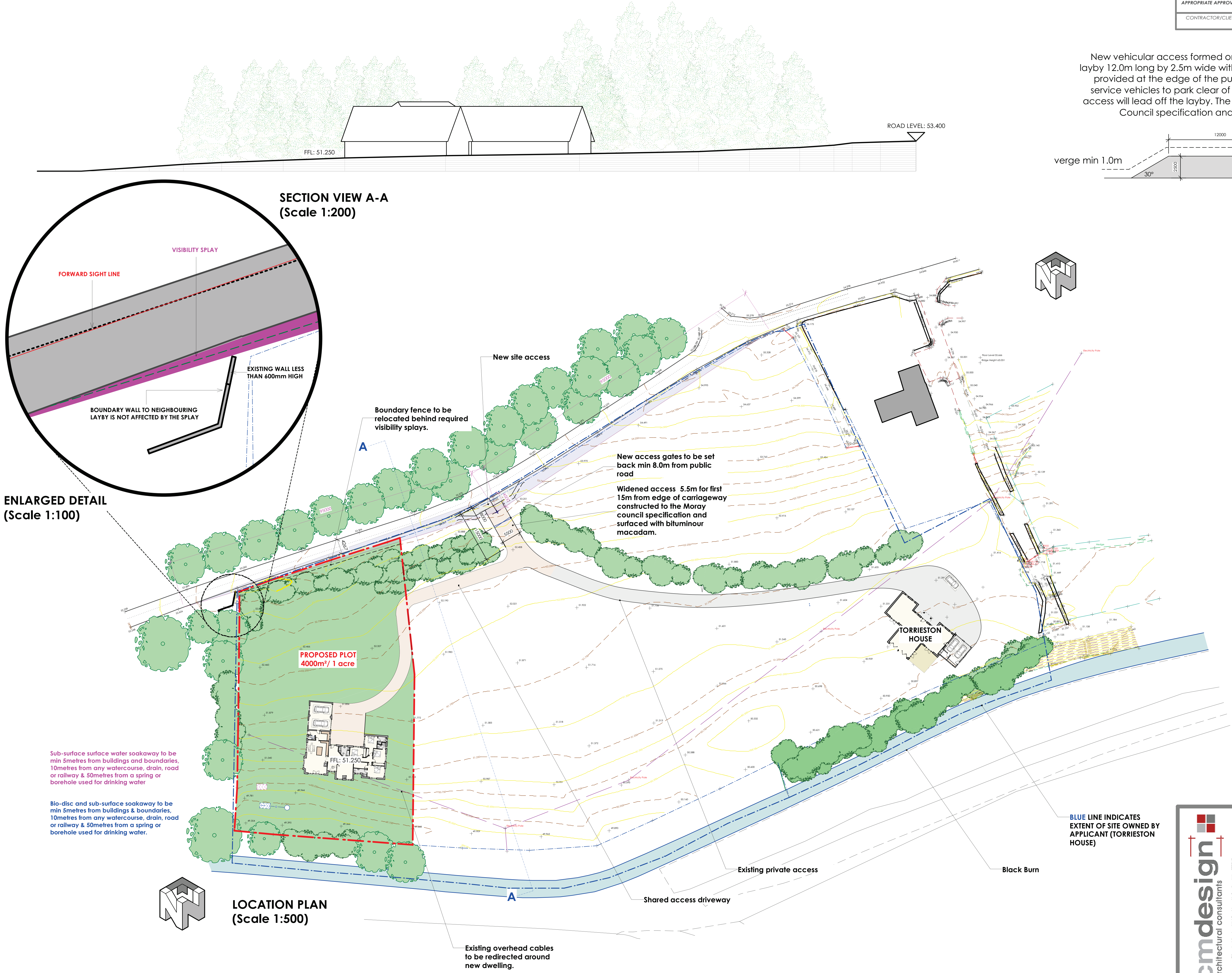
FFL: 51.250

ROAD LEVEL: 53.400

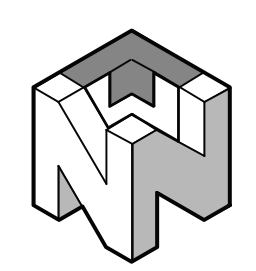
SECTION VIEW A-A  
(Scale 1:200)



ENLARGED DETAIL  
(Scale 1:100)



LOCATION PLAN  
(Scale 1:500)



BLUE LINE INDICATES  
EXTENT OF SITE OWNED BY  
APPLICANT (TORRIESTON  
HOUSE)

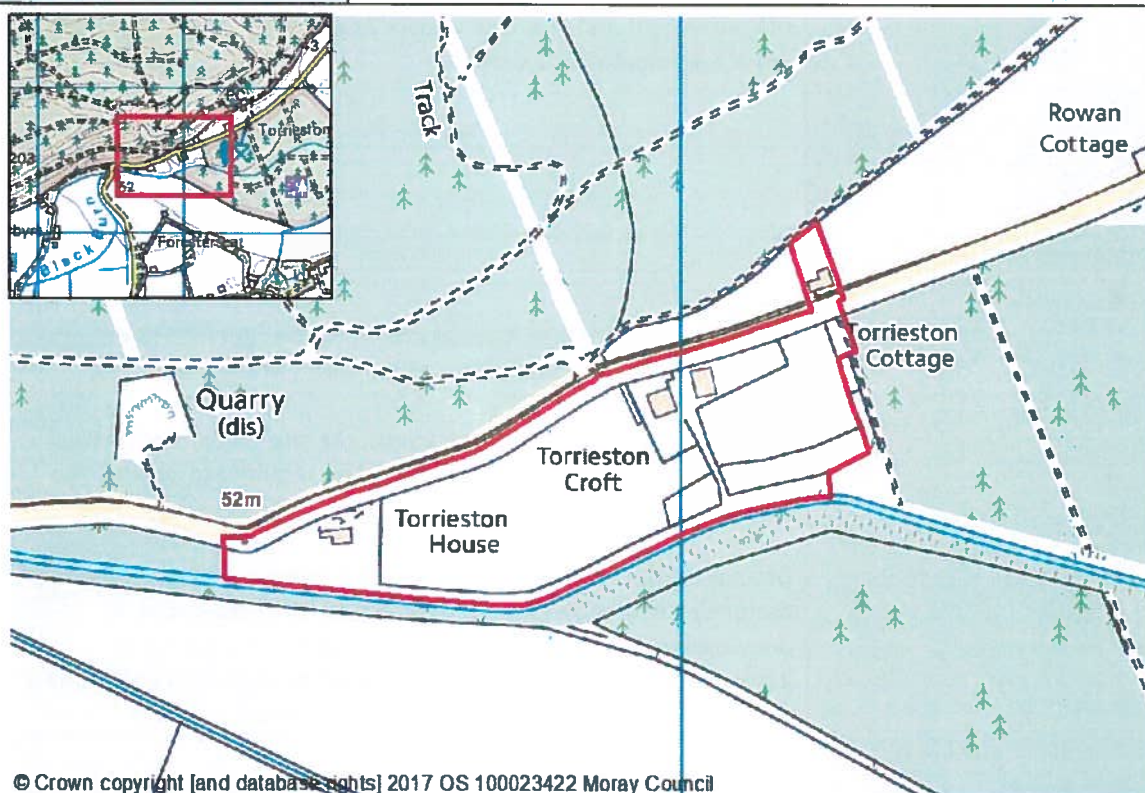


<b>HEAD OFFICE - MORAY</b> 51 Brendans, 67 South Guildry Street, Elgin, IV30 1GN T 01343 540020		<b>LOSSIEMOUTH OFFICE</b> Ellie, James Street, Moray, IV30 6BX T 01343 810175	
<b>HIGHLANDS</b> 4 Bridge Street, Nairn, Highlands, IV12 4EJ T 01667 300230		<b>DEVON OFFICE</b> T 01392 345566	
m 0781 3872818 w cmdesign.biz e office@cmdesign.biz			
Ms. Gosling-Crockart			
NEW SINGLE STOREY WITHIN GROUNDS OF TORRIESTON HOUSE, TORRIESTON, PLUSCARDEN			
PLANNING PROPOSALS PROPOSED SITE PLAN			
Date:	Amendments:	Rev:	
Drawn By:	Date:	Checked By:	Date:
A. CARSWELL	02.11.2018		
180005.CROCKART.05PP			





<b>Site Reference</b>	LDP2020_BID_TO01
<b>Settlement</b>	Torrieston
<b>Site Address</b>	Torrieston, Near Elgin
<b>Owner Developer</b>	Officer identified
<b>Site Description</b>	Area of land next to a small cluster of houses
<b>Bid Summary</b>	Residential
<b>Greenfield/ Brownfield</b>	Greenfield
<b>Current Zoning</b>	None
<b>Planning History</b>	None



<b>Strategic Environmental Assessment</b>	
<b>SEA Scoping In/Out</b>	Out
<b>Overall SEA Conclusion</b>	Scope out, despite impact on landscape the bid is not supported.
<b>Effective Sites</b>	
<b>Market Interest / Developer commitment</b>	
<b>Site Constraints:</b>	
<b>Transportation Requirements</b>	<p>Not supported – visibility splays are restricted and require third party land.</p> <p>Development is for three sites each for 2 – 3 dwellings, served by a new access which has been formed onto C3E Elgin-Pluscarden Road.</p>



	<p>New access has been formed to serve single plot with visibility splays of 2.4m x 90m in both directions. However additional plots will require visibility splays at access of 4.5m x 90m and widening of the access to 5.5m to enable two-way movements.</p> <p>To the west there is a wall and hedge within the garden ground of 'Torrison House' which restrict the visibility splay. The level of the road is also falling at that location which further limits sightlines.</p>
<b>Flooding</b>	<p><u>Flood Team</u></p> <p>The site is at risk from fluvial flood risk at the south from the Black Burn and some small areas of surface water flooding. A Level 1 flood risk statement and drainage impact assessment will be required to ensure adequate SuDS design.</p>
<b>Contaminated Land</b>	
<b>Landscape Requirements</b>	
<b>Advanced Planting</b>	
<b>Site Conditions</b>	<p><u>SEPA</u></p> <p>Flood risk: A Flood Risk Assessment would be required to determine the flood risk of the Black Burn to the south of the site.</p> <p>Protection of the water environment: the site is adjacent to Black Burn, so adequate buffer strips would be required to protect the watercourse from development.</p> <p>Drainage: Foul drainage may limit development. Disposal to land is the preferred option and porosity should be investigated. A developer requirement for a compliant site investigation in accordance with Section 3.9 of the Domestic Technical handbook is submitted in support of any planning submission.</p>
<b>Other Abnormal Costs (e.g. Gas Pipeline)</b>	
<b>Identified Assessment Requirements</b>	Flood Risk Assessment
<b>Summary / Conclusion</b>	The proposal is not support on transportation grounds.
<b>Planning Assessment</b>	
<b>Planning Conclusion</b>	<p>The bid proposes development on a site where there is an existing cluster of houses. The surrounding area has been identified as an area where there is a high demand for housing in the open countryside. As part of reviewing the rural housing policy, opportunities for development in existing groupings and clusters have been looked at to offer potential development opportunities.</p> <p>Transportation have objected to the proposal as the necessary visibility splays cannot be achieved</p>
<b>Recommendation</b>	Not supported



## **APPENDIX 3**

# **FURTHER REPRESENTATIONS FROM INTERESTED PARTIES**



**From:** [REDACTED]  
**Sent:** 07 May 2019 22:37  
**To:** Lissa Rowan  
**Subject:** Planning Application 18/01478/APP Your ref:LR/LR224

- > Erect single storey dwelling house within the grounds of Torrieston House, Pluscarden
- >
- > I wish to object again to this application.
- > Nothing has materially altered following the original refusal.
- >
- > This is still a very dangerous area of road and with the anticipated increase of coaches visiting Pluscarden Abbey will become even more so.
- >
- > Extensive hedge planting has taken place along the roadside contrary to planning stating "With the site being part of an open meadow overlooking Pluscarden Valley, screening along the roadside would change the open rural character of this area and therefore is not supported".
- > This planting will ultimately totally obscure the exit view of the neighbouring property.
- >
- > Landscaping, what was a grazing meadow would seem contrary to the current recommendation to leave areas wild for the natural environment.
- >
- > Not all the tree shown on the plan exist.
- >
- > The statement that the property will "only be visible for an instant on entering the Pluscarden valley" is not true. The house would be seen from a track and road south of the area.
- >
- > There is confusion over the number of houses with the appellant sometimes referring to 2 houses??
- >
- > The appellant being a business woman has no relevance to a planning application.
- >
- > This appeal should be rejected as nothing has changed from the original refusal notice.
- >

[REDACTED]

Please acknowledge receipt  
> Sent from my iPad



**From:** [REDACTED]  
**Sent:** 07 May 2019 23:16  
**To:** Lissa Rowan  
**Subject:** Fwd: Planning application 18/01478/APP

Reference: LR/LR224

Subject : Planning application 18/01478/APP

Erect single storey dwelling house within grounds of Torrieston House, Pluscarden

I have studied and read the statement of appeal submitted by CM Designs on behalf of the appellant, Ms Karen Gosling-Crockart.

It is obvious that nothing has significantly changed from the original proposal which was refused on several issues. This appeal should be refused once and for all.

I will, however, comment on some misleading statements and facts.

1.4 It is well known that the access is dangerous as it exits on a bend on a very narrow stretch of road. It has recently been made more dangerous by stones being placed on the road verge.

Hedging has been planted very close to the fence line (which is not on any plan), and in time will impair motorists vision on this narrow stretch of road and will completely block the view of a neighbouring exit.

2.3. The fact that the appellant is a business woman and designer is completely irrelevant to a planning application.

2.4. That the appellant does not have funds to do what she wants is irrelevant.

2.5. Why has work been undertaken on site when planning has been refused (twice)?

4.2b. The design does not reflect scale and style of existing houses.

4.2d. It was noted that the drainage/soakaway test was carried out during the driest winter period on record and not in the position malarkey on the plan.

4.2h. The land has mainly been used for grazing and will be ruined by any development.

No independent environmental has been carried out and yet it is known that "red listed species frequent this meadow and the burn. It is illegal to disturb or destroy their habitat.

4.6a. This is an incorrect statement and was commented upon in a previous objection.

4.6b. This is ribbon development.

4.6d. 50% of the boundaries are not mature tree lines and the tract of the site plan shows trees that do not exist on the site.

5.7. Incorrect. It can be clearly seen from other roads and areas as shown in a previous objection.

This site was a lovely, quiet pastoral meadow when purchased, but since then has sadly been neglected. It was quite obviously a speculative buy in the hope that planning could be obtained.

Any building on this area would be over development, ribbon development and would pose a further threat to the quiet nature of the area, further danger exiting onto an increasingly busy road, a serious threat to diminishing species of wildlife and another serious blot on the rural landscape.

The original reasons for refusal have not changed at all and this appeal should immediately be rejected.

[REDACTED]



- 8 MAY 2019

5/5/19

Desk of the MLRB  
Moray Council  
Begin

Notes of Review

Planning application 18/01478/APP

Tornieston House, Plescarden

Dear Sirs

I wish to make further representation  
regarding Statement of Appeal.

- 1) This document of appeal reiterates all  
previous Planning Applications for  
this site
- 2) The original Planning for this site  
4 plots 1 House in each plot.
- 3) The large plot ~~Page 201~~ site Tornieston  
House, approx 5 acres, is due for



development. If this statement of appeal is passed it could cause Ribbon Development in a conservation area of natural beauty and abundance of wild life, loved by many families in Moray & beyond for Recreation.

- 4) landscape Maintenance - The appellant (Business Woman & local Designer) purchased this Plot with planning for 1 House and approx 7 acres of brack-land.

Yours Sincerely



\_\_\_\_\_

**Lissa Rowan**

---

**From:** [REDACTED]  
**Sent:** 09 May 2019 10:20  
**To:** Lissa Rowan  
**Subject:** Planning Application

Planning Reference 18/01478/APP- Planning application for House on site at Torrleston, Pluscarden by Elgin.

Dear Sirs,  
We wish to comment on this Application,

A recent application for two Houses on this site was refused because it would be visually intrusive to the scenic value of the Pluscarden Valley.

The houses adjacent to this site and a further site at the Hedges ref 16/01833/app.  
And this application ref 18/01478 will destroy the rural nature of this area ,  
It will cause a build up of further developments, which is not acceptable, as it will alter the character of rural life in an outstanding area of Beauty.

We think this application should be refused again, as we have pointed out in our comments above .  
We agree with the Moray Council on the grounds they refused it on in the previous application.

Yours sincerely  
[REDACTED]

Sent from Samsung tablet.



**From:** [REDACTED]  
**Sent:** 08 May 2019 20:33  
**To:** Lissa Rowan  
**Subject:** Planning Application 18/01478/APP

Dear Lissa

Please find below my further comments on the above planning application following the Notice of Review. I would be grateful if you could confirm receipt.

Kind regards  
[REDACTED]

**PLANNING APPLICATION 18/01478/APP: ERECT SINGLE STOREY DWELLINGHOUSE ON SITES AT TORRISTON PLUSCARDEN ELGIN MORAY**

I previously objected to the above planning application on 26 November 2018. I am informed that this application, having been refused, is the subject of an appeal. My original objection was on the grounds of Transport and Road Safety Issues and Visually Intrusive Development. I understand that my objection will be considered during the review process and therefore do not intend to repeat it in detail except to say that in my opinion there has been no change in the circumstances surrounding this application and the grounds for objection that I put forward at the time remain.

I would like to raise the following additional comments on the appellant's Statement of Appeal:

- The appellant contends that the current Local Development Plan adopted by the Council should be disregarded and that there are no access issues at the site. In fact it remains the case that there are stringent conditions on access requirements requested by the Transportation Department including the need to provide greater visibility splays, widening access and moving the fence line backwards. It is noted that visibility splays are further limited by an adjacent property and the topography of the road at this point. The appellant has recently planted hedging along the existing fence line and trees in the corner next to the adjacent property and by the sides of the entrance, all of which at maturity would further limit visibility. As I mentioned in my original objection the road through Pluscarden (and particularly at this point where there are blind bends and concealed entrances) is becoming increasingly hazardous. The road further up the Glen has recently been widened to accommodate a greater number of forestry lorries and a larger car park at Pluscarden Abbey is currently being planned to cater for an anticipated increase in visitor numbers and coaches. The road is ill equipped to cope with the current and anticipated future levels of traffic and cannot support further access requirements at this site.
- The appellant refers throughout the document interchangeably to site and sites (plural). On several occasions she also refers to houses in the plural. The previous planning application which was indeed for two properties was rejected by the planning department and at appeal and the current application purports to be for a single site and property only. This pluralisation may well be the result of errors in the Appeal Document. However, given the fact that the appellant seeks throughout to overturn the decision in the current Moray Local Plan Review that the site is unsuitable for development, and the references in the document to "the site remains suitable for wholesale development as a rural grouping", "developing a mere two sites" and "an area that is popular and has capacity to be developed quickly", the point of principal that development in this location would be detrimental to the rural character of the surrounding area has a crucial impact on the future of the larger site as a whole.
- The appellant refers several times to the "unmanageable garden ground" and states that income is needed from the release of the plot to generate capital for landscaping. The proposed site is on a field adjacent to the original plot of Torrieston House and was not "of no agricultural merit" but was grazed by sheep. The requirements for maintenance of the adjacent field area and its requisite funding would have been evident on acquisition of the site and are not relevant to the current discussion.
- The appellant contends a number of times that the site is "only seen for an instant" when approaching from the East. This carries the implication that it should be acceptable that the proposal does not comply with

planning guidelines because in her opinion it is soon driven past anyway. (This is not in fact the case and contrary to her further statement the plot is also highly visible in the view of the valley when walking or cycling on the path through Torrieston Woods).

- The appellant states with regard to policies H7 and E7 "This site is NOT clearly visible in the landscape". It most certainly is. The site is immediately in the foreground of the first view of the Pluscarden Valley coming from Elgin and has a high degree of impact. The land rises in the South behind the line of trees and is not screened by them (and surely "the wonderful tree line backdrop" is in itself admission that building in front of it detracts from the rural setting?). The recent construction of Torrieston House and the existing planning for a house on the Hedges site means that any further development on this plot would constitute a detrimental build up of housing at the location.



Sent from [Mail](#) for Windows 10

[REDACTED]

---

6 May 2019

Lissa Rowan  
Committee Services Officer  
Legal and Democratic Services  
Moray Council Offices  
ELGIN  
IV30 1BX

TMC  
Mailroom  
09 MAY 2019

Dear Ms Rowan

PLANNING APPLICATION 18/01478/APP

*Re the above: Following my previous objections, I have one further comment to add. There has recently been a hedge planted along the roadside. In 10 years, I imagine this might help to soften the impact of a house - should it be 3 feet high. A more pressing and immediate effect of the hedge, however, is that it will completely eliminate our sight-line going from our drive on to the main road. This must have been obvious to the person responsible for planting the hedge and could have been avoided by cutting the corner. I can only assume there was some intent.*

A the best

[REDACTED]

[REDACTED]





09 May 2019

Our ref: HCC/plan/T1

Moray Council

Development Management

Environmental Services

Council Offices

High Street

Elgin

IV30 1BX

Dear Sirs

**Planning reference 18/01478/APP- Planning application in Grounds of Torrieston House, Torrieston, Pluscarden, Elgin**

In terms of the Planning Departments refusal of this application and the subject appeal to the Local Review Body by the applicant, Heldon CC wish to continue their objection to this application and fully support the refusal grounds of being contrary to policy PP3, E7, IMP1 & H7.

**Background**

The planning officer within the handling report notes

***"The proposal represents an obtrusive roadside development. It is noted that planting is proposed along the roadside which would provide screening to the proposal. With the site being part of an open meadow overlooking Pluscarden Valley, screening along the roadside would **change the open rural character of this area** and therefore **is not supported**. The proposal combined with the new and established housing in the vicinity, would represent ribbon development along the roadside. **A significant build-up of housing** is represented by the proposal when pooled with the neighbouring dwellings thereby it would detract from, and **be detrimental to, the character, appearance and amenity of the surrounding rural area** and the open rural character of the **Pluscarden valley setting would be undesirably compromised**. On this basis the proposals is contrary to policies H7, IMP1 and PP3."***





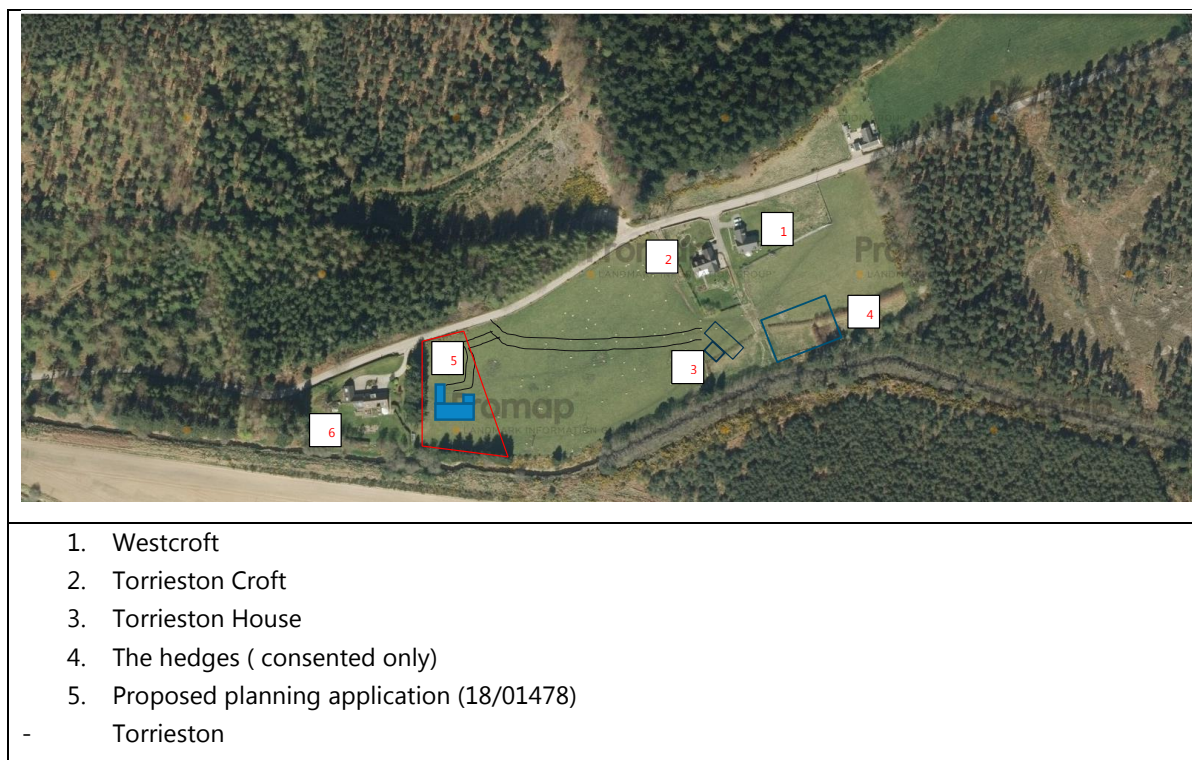
The original application (planning reference 18/00246/APP) all be it for 2 dwellings were refused on the basis "the site is part of a large open meadow and would be **visually intrusive roadside development**. It would be a ribbon form of development diminishing the open separation of houses along the public road. The new house would **not be integrated in the landscape** and would **contribute to a build-up of housing** such that the open character of the **Pluscarden valley setting would be diminished**"

#### Statement for agreement of refusal

- Planning policy H7 item B states " it does not detract from the character or setting of existing buildings or their surrounding area when added to an existing groupings or create inappropriate ribbon development"
- planning policy H7 item C States " it does not contribute to a build up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house application "
- Currently there are 4 houses ( Torrieston house, Torrieston croft, Westcroft & Torrieston ).
- There is also an extant planning consent for a site at the hedges ( reference 16/01833/app).
- These 5 houses and a further 1 would remove the rural nature of this area and constitute an unacceptable build up.
- Policy H7 is quite specific in terms of not to detract from the character or setting of the surrounding area ( item B ) and 6 houses in one area will change the character of this rural area and have significant impact on the natural qualities of the area within the Pluscarden valley which is designed as an "Area of Great Landscape value (AGLV)
- The Officer handling report provides clear commentary in that "*The proposal will have a **significant adverse effect on the landscape character of the area** as it will be viewed from the public road whilst looking south over Pluscarden valley. **The proposal does not demonstrate high standards of siting as it will detrimentally change the rural character of the area.** The proposal therefore does not comply with policy E7 and is an inappropriate form of development for the site*"



map extract indicating current houses, consented application and proposed site



- Housing in the Countryside supplementary guidance has a few points to note

page 14 *"a proposal that contributes to a build-up of development that is considered to undermine the rural character of the locality will not be acceptable. Where a considerable level of development has taken place, another dwelling may adversely impact on the distinctive rural qualities of the area."*

Page 26 *"the cumulative impact of an additional houses(s) to an existing cluster and the surrounding area will be taken into consideration."*

Page 26 *"Ribbon development will not be acceptable where it results in an accumulation of houses along a road or landscape feature."*

These provisions within the guidance provides adequate reasons for a refusal on this application on the grounds that the application is not in compliant and creates build-up through cumulative impact.



- Supporting statement from the applicant under page 6 point 2.8 notes "might only be seen for an instant" this is not a material reason, it is either seen or not and driving West this will be viewed from the C3E and still provides a build up of development.
- Supporting statement from the applicant under page 7 point 3.2 – 3.6 provides extracts from the Moray Council Main Issue Report 2018 ( reference LDP2020\_BID\_T001) reviewed this area to include as a rural grouping & concluded that this would not be supported.
  - There are a few points to note that it states which is excluded from the applicant report
  - *"impact on landscape the bid is not supported"*
  - *" transportation - bid not supported - visibility splays are restricted and require third party land. Road widening to 5.5m to enable two way movement.*
  - *The level of the road is also falling at that location which further limits sight lines"*
- The main point this report by Planning for the LDP 2020 states **"impact on landscape the bid is not supported"**

During the evaluation stage with a summary of representations, within the Council web portal there is a further note in relation to this site

#### **Scottish Natural Heritage 001027**

Woodland listed in the Ancient Woodland Inventory (AWI) and the Scottish Semi-natural Woodland Inventory adjoins the southern and eastern boundaries of the proposed allocation site. SNH recommend that the designation text highlights the woodland interests and that proposals must demonstrate that development does not impact on the woodland.

- Supporting statement from the applicant under page 10 point 4.6 c)
  - Applicant point C relates to Moray Council document which was prepared relating landscape and visual impacts associated within cumulative build up of area for new houses in open countryside. This is not a report which states everywhere else is acceptable and refers to specific areas which is out with this report coverage.
- Supporting statement from the applicant under page 12 point 5.1 – 5.8 is complete different set of circumstances and in no way similar circumstances to this application, and does not provide any form of justification.



- As we represent this community who utilise this section of the road on a daily basis and understand the mechanics of the road, although we are not Transportation experts we are knowledgeable of the area in question. We do not agree with statement upon page 3 item 1.3 "*rumoured concerns over vehicular access*" Transportation position and make the following comments:-
  - While we do not support the applicant visibility splay of 4.5 x 95m, which would be suffice for a single plot, though 2 units from the same junction will increase the traffic accessing / exiting and would not be sufficient in our opinion.
  - A recent application upon the C3E, same road ( reference 18/00040/APP north west of Burnside, Pluscarden) required under condition a visibility splay of 4.5 x 215 and do not understand why a smaller visibility is required at this junction.
  - the point of access is on a bend, with the road width only circa 4.2m wide and we are concerned that this could provide a safety issues on traffic in & out if a reduced visibility was proposed.
  - This section of road is curtailed with the wall to the inside against the trees which provides safety issues with cars moving closer to the centre section and certainly has issues for oncoming traffic.

On this basis and points noted above Heldon CC seek that this application is refused on grounds that it is not in accordance with Policy H7,PP3, IMP1, E7 and transportation safety issues.

Sent of behalf of Heldon CC

Yours sincerely

██████████

██████



## Applicants Submission

1.8 This application represents an opportunity to contribute to Morays' need for more housing, in an area that has already been deemed to be appropriate by the Moray Local Development Plan Review process and in an area that is popular and likely to be developed quickly.

One of the reasons for refusal is the potential effect of ribbon development. Development on all the land to the South and West is already restricted as the area has special scenic significance therefore the only scope for FURTHER development and which is likely to be "developed quickly" is the applicants own land. Planning permission and appeal both upheld refusal for two dwelling houses on this site yet the applicant is suggesting that this application is only a precursor to further applications.

2. Background. 2.1 The appellant owns the parcel of land at Torrieston House which itself extends to circa 2.3ha.

And for which planning was granted on the statement that the remaining land was to be used for horse grazing NOT further development.

2.2 The wider cluster of 3 houses at Torrieston occupies a similar size of land to the East and all within significant treeline on all sides.

Not screening any of them from the public road.

2.3 The appellant is a business woman and local designer who wishes to develop and landscape the land at Torrieston in a tasteful and attractive way that will add value to the journey through Pluscarden Valley.

This is not a planning issue and is identical to the statement given in the previous unsuccessful application for two houses on the site. The land remains an agricultural parcel in keeping with the surrounding land use and would not be "enhanced" by landscaping

2.4 The release of the new house site will grant the required capital required to realise the vision for the extensive landscaping and management of what is, at the moment, an non-landscaped and unmanageable area of garden ground.

It is the current applicant who has deliberately made the area "unmanged and garden ground" prior to the building of Torrirston House the land was a well managed agricultural field.

2.5 The access road shown on the site plan above is already established in principal and has been partially formed on site.

The access is already a potential visibility hazard exacerbated by the recent planting of a roadside hedge which when established will further restrict visibility.

2.6 The site is afforded considerable backdrop by the trees to the West, South and North and can be screened further if required.

The site is the corner of an open field which is in direct line of site of the public road.

2.7 The topography of the site allows for the new house to sit below the only vehicular route that passes the site. (see pic below).

Even the applicants own drawings show that only the foundation of the proposed house is “below the road” the vast majority of the building is fully visible.



## **APPENDIX 4**

# **APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS**





Monday, 27 May 2019

**Our Ref: 180005/GOSLING-CROCKART/AM**

Your Ref: LR/LR224

**Mrs Lisa Rowan**

Clerk of the Moray Local Review Body  
Moray Council  
High Street  
Elgin  
IV30 1BX

**PLANNING APPEAL - PROPOSED DWELLING WITHIN THE GROUNDS  
OF TORRIESTON HOUSE, PLUSCARDEN**

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**Dear Lisa**

Thank you for your letter of 13 May 2019, enclosing 8 written representations for our consideration.

The representations, as expected, clearly resist the prospect of any new houses within the proximity of their Pluscarden Valley homes and whilst this concern might attract some empathy, most of the issues raised (such as road safety etc) have all been resolved and approved within the original Planning Application Process.

The merits of this development continue to be the matter of a particularly **subjective** debate, despite Moray Council actually presenting the land at Torrieston House as being suitable for development in the recent MLDPR "call for sites" process.

That particular submission by Moray Council officers was initially hindered by suspected issues relating to road safety and access, which have all now been suitably resolved and approved in the midst of the current application by the appellant.

It is important to note that the several objection raised with regard to access and road safety should be dismissed as this aspect of the application has been approved in full by the Local Authority Transportation team.

The remaining objections focus heavily on the suitability of the site for development and we continue to remind all parties that this site was a suggested site for development by Moray Council in the current Local Development Plan.

We continue to suggest that all the requirements of Policy in respect of new housing in the countryside are met within this application (ie back drop, siting, location, settlement pattern etc) and that the site cannot be seen to any significant degree and for any significant length of time when passing the site by car etc.



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### Summary

We do not see any significant new or unique material matter being raised by any of these representations that have not already been covered by the current reason for refusal.

The site continues to enjoy features which satisfy Planning Policy and notwithstanding the significant material matter offered by Councils' own initial hopes to see this field designated for housing in the forthcoming Local Plan.

I trust this response, on behalf of the appellant, is considered appropriate and helpful in this case and we look forward to the findings of the Board in due course.

Sincerely yours,

**C.J.S MACKAY**  
**PRINCIPAL DESIGNER & PLANNING CONSULTANT**  
**CM DESIGN**

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