

**19/01090/APP**  
**20th September 2019**

**Erect 9 dwellinghouses on Site At Barnhill  
Farm Pluscarden Moray for Mr Ken Bowlt**

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**Comments:**

- The appointed officer considers, following the consultation process, that the application raises matters of wider community interest and /or planning significance.
- The proposal has been advertised for neighbour notification purposes.

**Procedure:**

- Completion of a Section 75 Legal Agreement required prior to the issue of Consent to cover developer obligations and affordable housing contribution.

**Recommendation    Grant Planning permission – subject to the following**

**Conditions/Reasons**

1. Notwithstanding the submitted details, no development shall commence until a consolidated landscaping plan has been submitted to, and approved in writing by, the Council, as Planning Authority. Details of the scheme shall include:
  - (i) All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
  - (i) The location and design, including materials, of any existing or proposed walls, fences, hedgerows and gates to be erected within the site; and
  - (iii) All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and the planting densities.
  - (iv) All trees inclusive of the 15 Oak and 25 Rowan trees are to be a minimum of 1.5m in height at the time of planting.

Thereafter, all landscaping works shall be carried out in accordance with the approved scheme.

**Reason** - In order that further and final consideration can be given to the landscaping provision for the site.

2. No development shall commence until details of the timescales and maintenance arrangements for all proposed landscaping and open space have

been submitted to and approved in writing by the Planning Authority. Thereafter the development shall not proceed except in accordance with the approved details.

**Reason:** In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

3. The development shall be carried out in accordance with the Tree Survey (report and schedule inclusive of tree protection measures). No trees within the application site, other than those which are specifically identified for removal on the approved plans, shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

**Reason:** In order to ensure the protection of retained trees which are important amenity asset.

4. Unless otherwise agreed in writing by the Planning Authority, all foul and surface water drainage proposals shall be carried out in accordance with the submitted Drainage Assessment and Flood Statement by Gary Mackintosh and submitted in support of the application. Thereafter the approved details shall be implemented in full prior to the first occupation of any part of the development.

**Reason:** To ensure that surface water drainage is provided timeously and complies with the principles of SuDS; in order to protect the water environment

5. No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

**Reason:** To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.

6. Unless otherwise agreed in writing by the Planning Authority, the development must be carried out in accordance with the recommendations of the submitted Ecological Assessment: Protected Species, Walk-Over & Phase 1 Survey Report by M.D. Canham.

**Reason:** In the interest of ecological conservation.

7. No development shall commence until:

- i) a detailed drawing (scale 1:500) showing the location and design of three passing places on the C3E Elgin – Pluscarden 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
- ii) thereafter the passing places 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 places).

**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 public road

8. No development shall commence until:

- i) a detailed drawing (scale 1:500 which shall also include details to demonstrate control of the land ) showing the visibility splay 4.5 metres by 90 metres to the north-east of the site access and 4.5 metres by 120 metres to the south-west of the site access, with all boundaries set back to a position behind the required visibility splay, and a schedule of maintenance for the splay area shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
- ii) 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 0.26 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

**Reason:** To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

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

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

10. The width of the vehicular access shall be 5.5 metres and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. A refuse storage area and turning facility for refuse collection vehicles shall be provided as part of the access arrangements to The Moray Council specification and surfaced with bituminous macadam. The access, refuse storage area and turning facility shall be provided prior to the completion or first occupation of the first dwelling, whichever is sooner.

**Reason:** To ensure acceptable infrastructure at the development access and to provide facilities for the storage and collection of refuse generated by the development.

11. Parking provision shall be as follows:
- 2 car parking spaces per dwelling with up to three bedrooms; and
  - 3 car parking spaces per dwelling with four or more bedrooms.

The car parking spaces shall be provided within each plot prior to the occupation or completion of each dwelling, 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 an acceptable development in terms of parking provision and amenity of the area.

### **Reason(s) for Decision**

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

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

### **List of Informatives:**

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

A Building Warrant will be required for the proposals. Should you require further assistance please contact the Building Standards Duty Officer between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail [buildingstandards@moray.gov.uk](mailto:buildingstandards@moray.gov.uk)

Any amended house design applications shall be of one and a half storey design with a ridge height which must not exceed 6.75m and be finished in natural slate for the roofs and pale cream render with larch for the walls. This will ensure that the development harmonises with the appearance and character of the surrounding area.

THE TRANSPORTATION MANAGER has commented that:-

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

Before commencing development the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads for the passing places. An application for Technical Approval is required for the development access and refuse collection and turning facility. The applicant will be required to provide technical information, including drawings and drainage calculations. Advice on this matter can be obtained from the Moray Council web site or by emailing [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)

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)

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.

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

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

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

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 their operations on the road or extension to the road.

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

<b>Reference No. Version No.</b>	<b>Title/Description</b>
	Appendix I location - tree survey
1979	Tree retention and removals
1979	Tree survey
1979-PR-HOUSE B	House type A - Elevations and floor plans
1979-PR-HOUSE B	House type B - elevations and floor plans
1979-PR-GARAGES&CARPORTS	Garage and carport details
1979	Visibility splay
903	Access detail
1979 A	Overall site plan
1979	Location plan
1979-PR-HOUSE C	House type C - elevations and floor plans
1979-PR-HOUSE D	House type D - elevations and floor plans
900 A	Passing place proposal



## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**  
**19/01090/APP**

**Site Address:**  
Site At Barnhill Farm  
Pluscarden

**Applicant Name:**  
Mr Ken Bowlt

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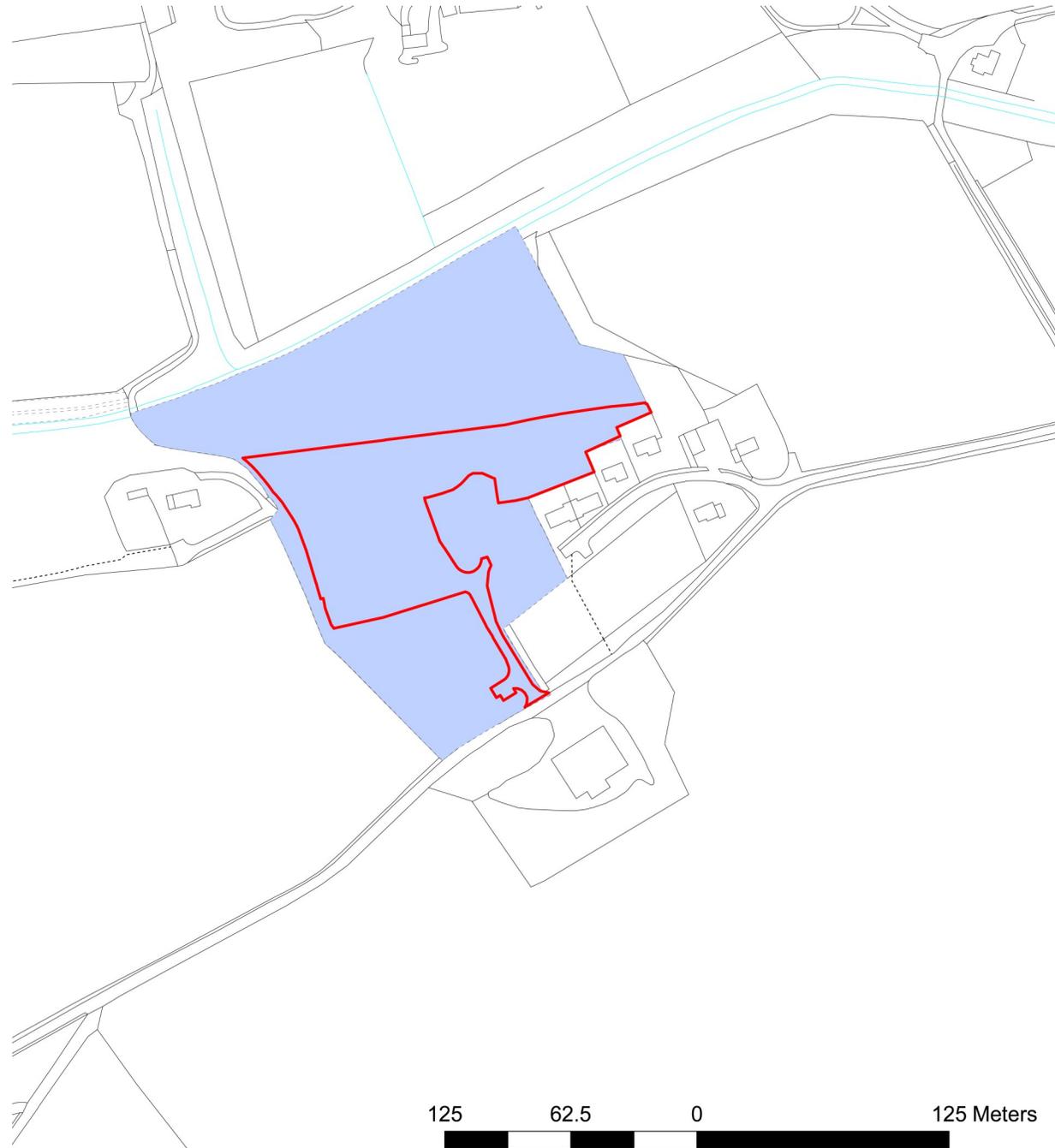
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## Location Plan



# Site Location



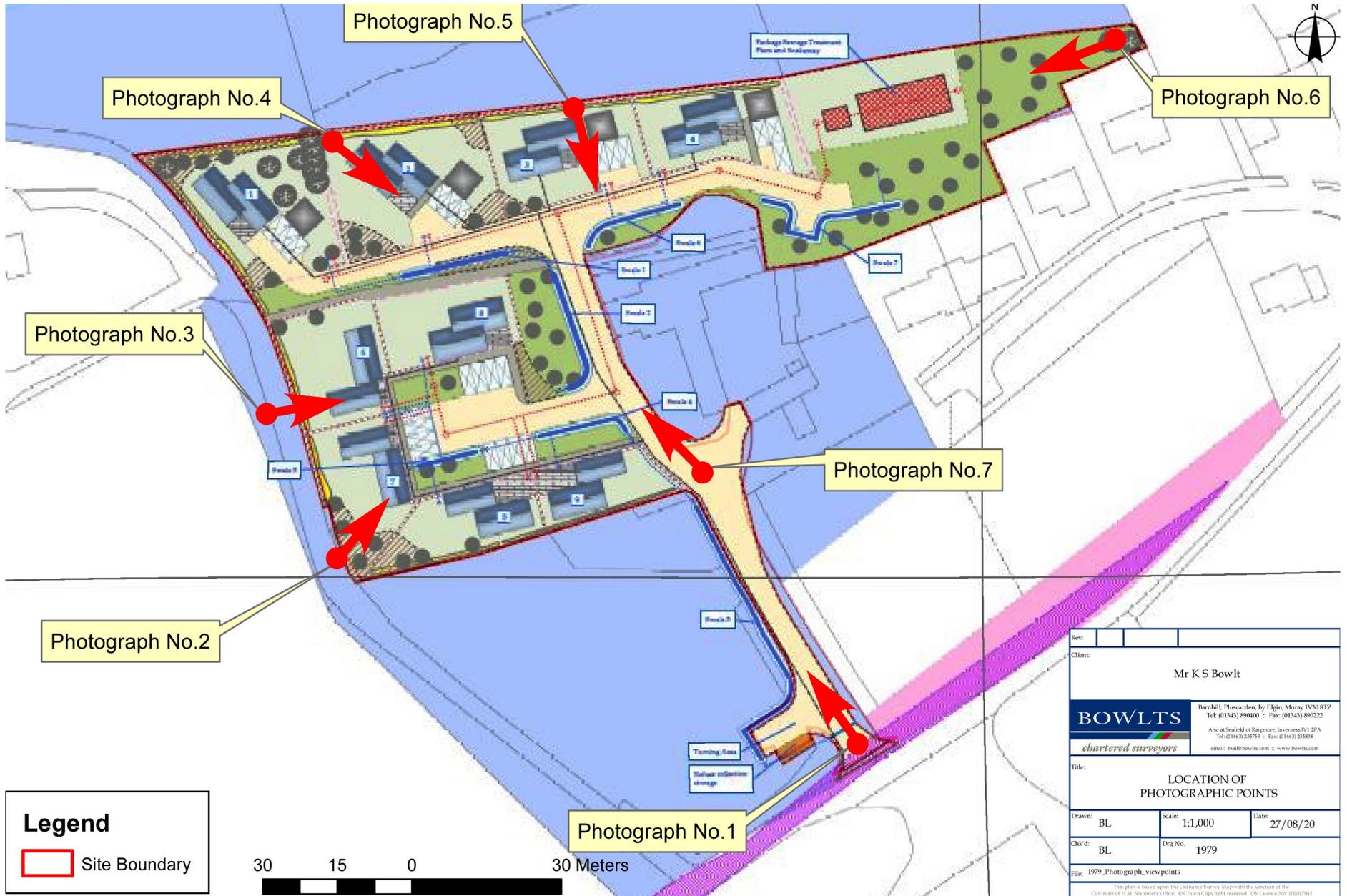
# Site plan



# Site plan



# Photo location plan



**Legend**

Site Boundary

Rev:			
Client:	Mr K S Bowlt		
 <i>chartered surveyors</i>	Barnhill, Phacardon, by Elgin, Moray IV30 5TZ Tel: (01343) 890400 :: Fax: (01343) 890222 Also at Seaford of Rognone, Inverness IV1 2PA Tel: (01463) 235753 :: Fax: (01463) 235858 email: mail@bowlts.com :: www.bowlts.com		
	Title: LOCATION OF PHOTOGRAPHIC POINTS		
Drawn: BL	Scale: 1:1,000	Date: 27/08/20	
Chk'd: BL	Dwg No: 1979		
File: 1979_Photo_graph_view_points			
<small>This plan is based upon the Ordnance Survey Map with the sanction of the Controller of H.M. Stationery Office. © Crown Copyright reserved. OS Licence No: 100017903</small>			

**Photo 1**



**Photo 2**



**Photo 3**



**Photo 4**



**Photo 5**



**Photo 6**



**Photo 7**



## PLANNING APPLICATION: 19/01090/APP

*In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications*

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### **THE PROPOSAL**

- This application seeks planning permission for nine houses, associated access, parking and drainage (foul and surface water). Open space and landscaping is integrated throughout the development.
- The houses are shown in a liner fashion along the northern boundary of the site. The houses in the south west part of the site are set out to reflect a steading/court yard layout incorporating covered car parking.
- A single packaged sewage treatment plant and associated soakaway are located at the north eastern corner of the development set within an area of landscaped open space.
- Four house types are proposed as part of the development; the house types are:  
House Type A: 3 Bedroom, one and a half storey design, height to ridge line 6.6m.  
House Type B: 3 Bedroom, one and a half storey design, height to ridge line 6.6m.  
House Type C: 2 bedroom, single storey design, height to ridge line 5.5m  
House Type D: 4 Bedroom, one and a half storey design, height to ridge 6.5m.
- The houses will be finished in a combination of pale cream render and larch cladding for the walls. Roof coverings are natural slate with stone skew tables and there are to be timber framed windows and doors.
- The existing access from the public road is to be altered and extend to serve the development. The site access will be un-adopted and a refuse collection point and turning area will be provided.
- Plots 1-4 will have on plot Larch garages and metal roofing with a footprint of approximately 5.75m x 6.00m and a height of 4.9m. Parking for Plots (the steading/court yard element) will be via car ports which will measure approximately 10.75m x 6.00m and will have a height of approximately 3.2m. The car ports will also be finished in Larch and metal roofing.
- Pedestrian access through the site is to be maintained by the retention of the existing access onto the lane adjacent to the west of the site.
- The foul drainage for the new properties is to a single treatment plant and soakaway to be located to the north east area of the development. The existing and proposed access track within the site is to be graded to crossfall, discharging to a roadside swale with infiltration beneath. The surface water from the individual plots is to be directed to the roadside swales.
- The houses will be connected to the public mains water supply.
- A total of 10 trees will be removed from the site. 11 trees will be removed offsite: 4 as part of the visibility splay requirements, 7 from the north east boundary.
- As part of the landscaping arrangement for the site it is proposed that 15 new Oak trees and 25 Rowan will be planted along with 250 native shrubs which will be incorporated into the development.
- Existing stone dyke walls will be retained as part of the scheme.

- The existing standing ruined gable will be removed from the site.
- The application has been supported by a Design and Access Statement, Ecological Assessment: Protected Species, Walk-Over & Phase 1 Survey Report, Tree Survey (report and schedule inclusive of tree protection measures), Drainage Assessment and Flood Statement, Landscaping and Biodiversity Report, Supporting Statement from the Applicant address the public representations and a speed survey results (east and west).
- The proposal has been screened against the EIA regulations and the EIA screening opinion has identified that it is not EIA development.

## **THE SITE**

- The site extends to approximately 9,392 sq m and is located within the Rural Grouping Settlement boundary of Pluscarden.
- The site is “white-land” within the rural grouping settlement boundary.
- The Rural Grouping of Pluscarden is located within the Pluscarden Valley Special Landscape Character Area.
- The site is located to the north and west of the existing steadings at Barnhill Farm. The existing houses within the Pluscarden Rural Grouping Boundary are located to the south and east of the site.
- The site is predominately open grass land which has previously been used for grazing land for sheep and horses.
- There is a small ruin to the west of the buildings at Barnhill Farm.
- There are existing stone dyke walls on the site.
- There is a scattering of trees on the site; most of the trees are located at the north west corner.
- Established woodland which forms part of the National Forestry Inventory is located to the north of the site and this woodland is defined as “Mixed Mainly Conifer Woodland”.
- Beyond this area woodland lies the Black Burn located approximately 65m from the site.
- Pluscarden Abbey lies to the north of the site beyond the Black Burn over 200m from the site boundary. The Pluscarden Abbey is a Category A Listed Building. The precinct walls are a Scheduled Monument. The Abbey Grounds are designated Gardens and Designed Landscape which incorporates mature established Broadleaved Woodland along the southern and western boundaries of the Abbey. This Broadleaved Woodland also falls within the National Forest Inventory.
- There is an existing residential property to the west of the site separated from the site by an access lane.

## **HISTORY**

**17/01483/PE** - Erect 15no dwellinghouses at Barnhill Pluscarden Elgin – Response issued on 23 October 2017.

## **POLICY - SEE APPENDIX**

## **ADVERTISEMENTS**

Advertised as a departure from the development plan 2015 and for neighbour notification purposes.

## **CONSULTATIONS**

### **Strategic Planning & Delivery –**

Summary of key points raised:

- The site is classed as “white land” in the Moray Local Development Plan and there is no existing use on the site;
- The site is regarded as a windfall site. It will contribute to the housing land supply and Scottish Planning Policies (SPP) requirements to provide a range of attractive sites;
- The proposal is well designed and integrated into an existing rural grouping with no detrimental visual impact on the surrounding area;
- The layout will have no impact on the setting of Pluscarden Abbey. HES have not objected;
- Compensatory planting will be provided on site which exceeds the small number of trees that will be lost;
- The layout provides significant areas of open space with a seating area in the centre of the development;
- Adequate servicing and infrastructure can be provided; and
- The accompanying Quality Audit shows that the proposal has complied with Placemaking requirements and scored 11 “Greens” and 1 “Amber”.
- Any amenity issues have been dealt with through the application process.

**Developer Obligations** - Obligations of £24,768.00 is sought towards health care requirements. This will be controlled by legal agreement.

**Transportation Manager** - No objection to the proposal subject to conditions requiring: visibility splay and access specification, provision of passing places, information for electric charging infrastructure and parking requirements for each plot.

**Housing Strategy and Policy Manager** - No objection. Affordable housing contribution is to be met by a Commuted payment towards 2.25 Affordable Housing units). This will be controlled by legal agreement.

**Aberdeenshire Council Archaeology Service** – No objection subject to a condition recommending a photographic survey.

**Contaminated Land** – No objection

**Environmental Health Manager** - No objections

**Heldon Community Council** – No response

### **Historic Environment Scotland:**

- Pluscarden Abbey is a well-known nationally-important heritage grouping comprised of the A-listed abbey buildings and their scheduled precinct wall, contained within policies that feature in the Inventory of Gardens and Designed Landscapes in Scotland.
- The development site in this application abuts the southern boundary of the Inventory landscape but there is no other direct physical impact on the heritage assets.
- The site is located in close proximity to the Abbey and will impact on its distinctively remote and natural setting which is important to the understanding and appreciation of its ancient context.
- The visual impacts of this development therefore need to be given careful consideration.
- In considering the visual impacts on the setting of the Abbey, the key consideration is likely to be whether the new housing will impact on key views to the historic site.
- The Abbey is well known as an historic landmark in the flat floor of the Pluscarden valley. Although the Abbey's tower has been screened by older trees in more recent years, the buildings can still be glimpsed in long views across the valley when approaching from the west and east.
- The development site itself does not appear to be intervisible with the abbey complex.
- Although there is a belt of mature deciduous trees along the southern boundary of the designed landscape, a more recent conifer plantation now screens the settlement from the Abbey.
- A plantation of this type is likely to be relatively short-lived, however, and therefore consideration should be given to the long-term planning of the planting in the shelter-belt behind.

**Moray Access Manager** – No objection

**Moray Flood Risk Management** – No objection

**Scottish Environment Protection Agency** – Response notes that the proposal has been revised to a single waste water drainage system and confirmation is given that this meets the recommendations in the SEPA Standing Advice for Planning Authorities and Developers.

**Scottish Natural Heritage** - Response confirms that there are no designated sites that will be impacted by this proposal and therefore have no comment to make.

**Scottish Water** - No objection. Scottish Water is unable to confirm capacity for water supply from Glenlatterach Water Treatment Works and recommends that applicant submit a Pre-Development Enquiry to allow Scottish Water to appraise the proposal. Scottish Water also confirms that there is no public waste water infrastructure within the vicinity of the site and therefore advises that applicant investigate private treatment options.

### **OBJECTIONS-REPRESENTATIONS**

NOTE: Following the determination of this application, name and address details will be/have been removed (i.e. redacted) in accordance with the General Data Protection Regulations (paragraph 3 of Minute, Planning & Regulatory Services Committee 16 September 2014).

[REDACTED]

[REDACTED]

101 Public representations received

100 - Objections

## 1 - Representation

Below is a summary of representations received, all representations have been read, noted and taken into consideration where material to the determination process, whether summarised below or not. Unless otherwise specifically stated, no assumption has been made that previous objections have been withdrawn following submission of the amended, reduced scheme.

### **Objection issues raised:-**

**Issue:** Detrimental impact on the setting of Pluscarden Abbey which is a Category A listed building and associated grounds. The Abbey and its historic features are nationally significant historic and cultural assets and as such there should be input from national government on this application. It is wrong to put a housing estate in front of this national historic feature.

**Comment (PO):** The site is separated from the Abbey and associated historic features by established mature forest plantation which forms part of the National Forest Inventory. It is also noted that as part of the Abbey's Gardens and Designed Landscape the Abbey and its grounds are set within an area of tall mature established Broadleaf trees. There is no direct physical impact on the Abbey or associated historic features. There is no intervisibility between the site and the Abbey. Whilst it is recognised that the development will bring built form closer to the Abbey, the site is "white land" within the Pluscarden Rural Grouping settlement boundary where opportunity for expansion of the rural grouping has been identified through the Settlement Statement in the MLDP 2020 for the Pluscarden Rural Grouping. It also noted that the development itself has been reduced in numbers from the twelve units originally proposed to nine units. The units which have been removed from the scheme are those which would have been sited more closely towards the Abbey.

Historic Environment Scotland (HES), the Scottish Government's advisory body on Scotland's Historic Environment has been consulted on the application. HES raised no objection to the proposal. Advisory comments have been provided HES and are considered as part of the planning assessment of this application.

The development is not considered to comprise the setting of the Abbey and related historic assets.

**Issue:** The development will impact on the peace, tranquillity and way of life of Pluscarden Abbey which is historic monastery dating back to 1230 and is visited by people from all over the world for these characteristics. Noise from the existing houses at Abbeylands already carries to the monastery and the additional houses proposed will have a further detrimental impact.

**Comment (PO):** Whilst it is recognised that the development will bring built form closer to the Abbey than the existing houses in Pluscarden, the site is "white land" within the Pluscarden Rural Grouping settlement boundary where opportunity for expansion of the rural grouping has been identified through the Settlement Statement in the MLDP 2020 for the Pluscarden Rural Grouping. It also noted that the development itself has been reduced in numbers from the twelve units originally proposed to nine units. The units which have been removed from the scheme are those which would have been sited more closely towards the Abbey. The reduction in house numbers and related revised layout

will help ensure that the development is of a more appropriate size, scale, density and overall layout for the site and the surrounding area, including the Pluscarden Rural Grouping and the Abbey to the north. An increased number of houses within the defined rural grouping settlement boundary of Pluscarden is not considered to comprise the religious and cultural way of life present at the Abbey which is set within its own private grounds.

**Issue:** The development is contrary to the development plan. The proposal appears to be contrary to the 2020 Local Plan because the area specified within the plan for new housing is to the west of the steading, which is included in the proposal. However, the area to the north and east of the standing is also included in the proposal, but is not included in the 2020 Plan. The proposal also appears to be contrary to the 2020 Local Plan because it does not include the redevelopment of the steading, but only a new housing development.

**Comments (PO):** Whilst it is recognised that the settlement text refers to land to the west of the steading. The land to the west of the steading as well as to the north and east of the steading falls within white land in the Pluscarden Rural Grouping. This means that the site is undesignated land within the settlement boundary where development can be considered subject to all relevant policy requirements.

Again whilst the settlement text refers to redevelopment of the steading it also allows provision for new housing development. On this basis the development is not considered to depart from the settlement statement for the Pluscarden rural Grouping.

**Issue:** Impact of the development on the Special Landscape Area. Pluscarden Valley was a designated as an AGLV (Area of Great Landscape Value) up until 2017. In 2018, under new terminology it was designated as a Special Landscape Area. Allowing the development of twelve houses as an insensitive housing estate in this area and in such close proximity to Pluscarden Abbey is completely contradictory to the Special Landscape Area Designation.

Many contributors refer to and quote the Moray Local Landscape Designation Review which was conducted in 2018, highlighting that the review noted the need to protect the characteristics of the Pluscarden Valley from the accumulation of individual new (and often overly large) individual houses sited in the countryside which could adversely affect the secluded character of this valley and potentially also the setting to the Abbey.

It is also highlighted by the contributors that: This proposal would not accord with Policy EP3 in the 2020 Development Plan as it would prejudice the special qualities of the Pluscarden Valley SLA, particularly affecting the sense of seclusion that can be experienced in this seemingly 'hidden' valley and the setting to the Abbey.

Some contributors have also referenced the "Pluscarden Conservation Area" and the Pluscarden Area of Special Control.

**Comment (PO):** The "Pluscarden Conservation Area" does not exist and the Pluscarden Area of Special Control was a designation under the previous local plan MLDP 2015 and the policy which supported this designation Policy BE6 did not apply to the to the Pluscarden Rural Grouping Settlement Boundary.

The Moray Local Landscape Designation Review was an assessment which informed the

development of the MLDP 2020 and specifically the Special Landscape Area and Landscape Character designations and overarching Policy (Policy EP3). The Moray Local Landscape Designation Review document does not hold any material weight as a standalone document as this was an assessment document which informed the development of the MLDP 2020. The MLDP 2020 is now the adopted Local Development Plan.

However, for the avoidance of doubt one of the key points in the Management Guidance within the Landscape Review was that new housing should be associated with the existing settlement (although not close to the existing intrusive housing estate located close to the Abbey) to avoid the cumulative effects of dispersed individual houses, that is indeed what this application proposes.

The site is located in the Pluscarden Rural Grouping Settlement boundary. The Rural Grouping of Pluscarden is located within the Pluscarden Valley Special Landscape Area. The overarching Policy for the SLA designations is Policy EP3, part a) of Policy EP3 states that the policy only applies to proposals in rural areas outwith defined settlement and rural grouping boundaries. In this case the application site is located within the designated rural grouping settlement boundary and as such Policy EP3 does not apply.

**Issue:** Increased number of houses will change the character of the area and will change the area around the Abbey into a settlement. The plans submitted for the proposed development are completely out of keeping for a small rural community. The number of houses proposed is excessive in the extreme. Adding twelve houses to an area where there are only currently eight could create an urban settlement within a rural area.

**Comment (PO):** The site is located in the Pluscarden Rural Grouping Settlement boundary. Rural Groupings form part of the settlement hierarchy of the development plan. Under the terms of the Rural Housing Policy of the MLDP 2020, a specific rural development housing hierarchy is identified, whereby new rural housing is directed to Rural Groupings that will accommodate the majority of rural housing development. Under the terms of the MLDP 2020 some Rural Groupings including Pluscarden have identified development opportunities to meet demand for rural housing within these areas in order to prevent the proliferation of additional individual house sites in the countryside. Of note the number of houses has been reduced in number from twelve to nine.

**Issue:** The number of houses proposed is excessive in the extreme. Adding twelve houses to an area where there are only currently eight could create an urban settlement within a rural area.

**Comment (PO):** As part of the application process which has included an assessment of the application under the Quality Audit the site layout has been amended and the number of units has been reduced from twelve to nine. This means that the development is now a similar density to the rest of the Pluscarden Rural Grouping and as such concerns related to overdevelopment have been addressed through the application process and resultant reduction in numbers.

**Issue:** A development of this size would require street lighting and there is concern that this would cause light pollution this would cause in Pluscarden. Pluscarden currently benefits from dark skys which should be protected.

**Comment (PO):** There is no street lighting proposed or required for the development.

**Issue:** The current proposal has been designed sympathetically to the style of Pluscarden Abbey. Will there be a requirement that any final approved style of house would match the proposed designs, particularly if the development is sold as individual plots?

**Comment (PO):** The design of the houses reflect the requirements of the Settlement Text for the Pluscarden Rural Grouping which identifies that proposals must reflect the traditional styles and scale of the existing buildings at Barnhill. The layout must seek to include a steading/courtyard layout particularly on the south west portion of the site. Buildings must have slate roofs and have a maximum height of 1 ½ storeys. It is also advised that white render is not an appropriate finish. The development proposal reflects these requirements. If the application site as a whole or as individual plots any amendments to the design would need to accord with the policy requirements as set out in the MLDP. Informative information will be added to the decision notice on the design requirements.

**Issue:** The development will result in neighbouring amenity impact for the existing houses in terms of privacy, overlooking and overbearing impact, including the houses the houses at Abbeylands Road.

**Comment (PO):** As part of the revised site layout and reduction in numbers of the proposal, the proposed houses which would have been site at the back of the of existing properties numbers 4 and 5 Abbeylands Roads have been removed. It is proposed that this area will now be used for the packaged treatment plant for the development and landscaping including the planting of trees. This means that the scope for neighbouring amenity impact at this north eastern element of the development has been removed.

The neighbouring property to the west is separated from the site by an access lane which is considered sufficient separation to ensure there is no significant detrimental amenity impact.

**Issue:** access issues: the road is a quiet country road and will struggle to accommodate more traffic. The road is too narrow for two vehicles to pass in many places. The access to the road is close to a bend and further traffic movements will make this area more dangerous.

**Comment (PO):** The Transportation Section has assessed the proposal and raised no objection to the proposal subject to the recommendation for conditions which will ensure access upgrading and the provision of additional passing places. Subject to compliance with these conditions the proposal meets Transportation Standards.

**Issue:** There are no pavements and there will be a greater need for Moray Council to construct pavements to keep children and all walkers safe.

**Comment (PO):** The road in the development will be un-adopted. The design and layout of the proposal will encourage slow vehicle speeds. A path has been included top the north of plots 6 and 8, this is a natural desire line and maintains access through the site and maintains a connection from the development site to the surrounding countryside.

**Issue:** The road passing through Pluscarden has been removed from the council gritting route so I do not believe that the infrastructure is in place to support this development.

**Comment (PO):** Road gritting is not a requirement for future development.

**Issue:** The Abbey actively encouraging more traffic by building a new car park very close to the proposed development this will make the road pretty unbearable for local people.

**Comment (PO):** Each application is judged on its own merits against the requirements of the development plan. The Transportation Section has assessed the proposal and identified appropriate transportation mitigation measures to ensure safe access to the site.

**Issue:** The proposed development deletes the ancient pilgrim way path. This is a right of way. This lane has for many years been used for dog walking access.

**Comment (PO):** There are no recorded Core Paths or rights of way on the site or in the vicinity of the site. The Council's Access Manager has raised no objection to the proposal. As part of the site layout a path has been included top the north of plots 6 and 8, this is a natural desire line and maintains access through the site and maintains a connection from the development site to the surrounding countryside.

**Issue:** This is a speculative housing development comprising large expensive privately owned dwellings. The development is for the profit of the applicant and for which there is no market demand. There are thousands of houses being built in Forres and Elgin. Any housing in this location should be reserved for special rural need housing such as forestry or agriculture, or for affordable housing.

**Comment (PO):** There is no planning policy requirement to demonstrate market demand for housing. The site is located within the Pluscarden Rural Grouping Settlement boundary. The settlement text for this rural grouping identifies an opportunity for additional housing to meet housing demand in this part of the countryside.

Whether the houses are expensive is a matter of subjectivity and speculation and not a basis on which to determine the planning merits of the proposal. Ultimately market forces determine the affordability of property. The fact the houses are being built in other locations does not preclude an application for housing at this location.

The Scottish Government advises against the use of the occupancy restrictions for specific professions and it is noted here that through planning policy requirements the applicant has been required to make a contribution towards affordable housing provision.

**Issue:** Concerns about disruption caused by the construction of the development. There will be construction noise construction traffic and disruption, and this could be replicated many times over if the sites are sold on individually. It is also queried if there will be a timeframe for the houses being built?

**Comment (PO):** It is acknowledged that construction can bring disturbance, however, this is not a valid reason to refuse a planning application. It will be incumbent upon any contractor to conduct their construction activities in line with best practice requirements.

**Issue:** The site is a haven for wildlife and this proposal will be detrimental to the wildlife on the site.

**Comment (PO):** The site is not subject to any environmental/wildlife designation. The application has been supported by a Phase 1 Habitat Survey which identifies that the site

is largely grazing land and that there are no specially protected species using the site. There is potential for breeding bird disturbance during their breeding season (April-August) and work that could disturb, damage or destroy the nest sites should be avoided at this time. It also identifies that there is low potential for bat use in the ruin and recommends appropriate action. A condition will be applied to ensure that the development is carried out in accordance with the recommendations of Phase 1 Habitat Survey. On this basis the proposal is not considered to result in any adverse wildlife impacts.

**Issue:** Concern about the removal of the ruin from the site which the contributors assert is the remnants of the oldest building in the area and was believed to be a former bakery.

**Comment (PO):** The application has been assessed by Aberdeenshire Archaeological Services. The consultation response advises that part of the site affects part of archaeology site NJ15NW0039 a fermtoun dating to the 19th Century. The archaeologist notes that proposals will impact on the ruin of one of the buildings of the fermtoun, which survives as a stone-built gable in poor condition. It is also confirmed that there are no documentary records to indicate that the building was a bakery or that it is any older than any other building in the fermtoun. It is likely that that the building is of comparable age to the existing buildings at Barnhill Farm.

Aberdeenshire Archaeological Services has recommended a condition requiring a photographic survey of the structure prior to its removal from the site in order to record this historical feature. Subject to provision of the photographic survey the removal of this ruin from the site is considered acceptable and the photographic survey will provide an appropriate historical record of the ruin.

**Issue:** Concerns raised about drainage and flood risk because water run off and drainage will ultimately end up in the Black Burn and increase the risk of flooding further downstream and potentially the new Abbey car park.

The River Board covering the Lossie District which includes the Black Burn runs close to the proposed development. The Black Burn is an important tributary to the Lossie and The River Board has not been consulted The Black Burn was historically an important spawning area for salmon and seatrout, but due to pollution and obstruction this had ceased many years ago. Recently the River Board has committed time and funds to removing the obstructions and observing the state of the Black Burn, and as a direct result seatrout have been seen this year in the upper reaches of the burn. Anything which might now affect the water quality in this area should be avoided.

**Comment (PO):** The application has been supported by a Drainage Assessment and Flood Statement which provides details of the drainage design for the development. Foul drainage from the site will be dealt with by a single package sewage treatment plant to soakaway and the use of swales with infiltration for surface water. Moray Flood Risk Management and SEPA have raised no objection to the proposal and as such the proposal is considered acceptable in drainage and flood risk terms.

**Issue:** There are no local services and the development will impact on Milnorduff where the school is already at capacity, so any children would have to be accommodated elsewhere. There will also be increased demand for the village hall.

**Comment (PO):** The application has been assessed for developer obligations in line with

the Council's Supplementary Guidance on Developer Obligations. In this case contributions are required in relation to local health care provision. The applicant has agreed to meet the obligation and payment will be secured by a Section 75 Legal Agreement.

**Issue:** neighbour notification: the Council has to erect or attach copies of the application to various trees and points around the area of the application, this did not happen.

**Comment (PO):** Neighbour Notification has been carried out by the Council in accordance with the regulations. Neighbour Notification was served on all properties with an address within 20m of the application site boundary (red line) and the application was advertised to account for land with no address falling within the 20m buffer.

## **OBSERVATIONS**

### **Background**

As amended, this application proposes nine residential units within the designated Rural Grouping Settlement Boundary of Pluscarden. The application was initially for twelve houses. However following discussions with the applicant, several revisions to the design were made to alleviate concerns regarding the design, layout and density of the site as proposed in the original application submission. Following these discussions the site layout was amended and the number of units was reduced from twelve to nine.

At the initial registration of the application, the application was advertised as a potential departure against Policies H5, E9 and the Pluscarden Rural Grouping Designation because it was unclear if the all the site area fell within the prescribed Rural Grouping Boundary. This has since been clarified in the application process and it is confirmed that site within the Rural Grouping Boundary.

### **Principle of Development: Special Landscape Area (SLA's) (Policy EP3)**

SLAs have been identified to protect and enhance the special character and qualities of Moray's most valued landscapes as well as promoting a greater understanding of them. The overarching policy for this designation is Policy EP3. The Rural Grouping of Pluscarden is located within an SLA.

However, part a) of Policy EP3 states that the policy only applies to proposals in rural areas outwith defined settlement and rural grouping boundaries. In this case the application site is located within the designated rural grouping settlement boundary and as such Policy EP3 does not apply.

### **Principle of Development: Rural Housing DP4, Part B Rural Groupings and Pluscarden Rural Grouping Settlement Text**

Under the terms of the Rural Housing Policy of the MLDP 2020, a rural development housing hierarchy is identified, whereby new rural housing is directed to Rural Groupings that will accommodate the majority of rural housing development, followed by re-use and replacement of traditional stone and slate buildings in the countryside and lastly to the open countryside. This rural development hierarchy has been introduced to direct demand for rural housing to appropriate locations. Identified rural groupings create a

sustainable network of rural groupings across Moray. Some Rural Groupings including Pluscarden have identified development opportunities to meet demand for housing within these localities.

All proposals for new houses in Rural Groupings must be of a traditional design or a contemporary interpretation incorporating traditional form, proportion and symmetry. Proposals must meet the design criteria for the Rural Housing Policy as well as any requirements set out in the supporting rural grouping settlement text. Proposal must also meet the terms of DP1 – Development Principles and other relevant policies.

The Settlement Text which supports the Pluscarden Rural Grouping identifies that: opportunity exists for the renovation of the existing steadings at Barnhill Farm. An area to the west of the steading has been included within the boundary, to provide land to meet demand for new housing.

Development will depend on the suitability of ground conditions for soakaways or the installation of an appropriate system to a watercourse with sufficient dilution.

Proposals must reflect the traditional styles and scale of the existing buildings at Barnhill. The layout must seek to include a steading/courtyard layout particularly on the south west portion of the site. Buildings must have slate roofs and have a maximum height of 1 ½ storeys. White render is not an appropriate material finish.

In this instance: The site is located in the Pluscarden Rural Grouping Settlement boundary and encompasses land to the west of the existing steadings at Barnhill Farm as well as land to the north and east. All of which falls within white land within the Pluscarden Rural Grouping Settlement boundary.

The application has been supported by a suitable Drainage Assessment and Flood Risk Statement which has been accepted by Moray Flood Risk Management and SEPA.

As amended, the design and layout of the proposal means that the layout of the scheme includes a steading/courtyard layout at the south west portion of the development and the proposed house designs reflect traditional styles and scale with a maximum height of one and a half storey. The material finishes for the dwellings are to be natural slate roofs and a combination of pale cream render and larch cladding for the walls with timber windows and doors.

### **Placemaking, Siting and Design (PP1, PP3, DP4, DP1 and Pluscarden Rural Grouping Settlement Text)**

Housing developments of ten units or more are subject to the Quality Audit (QA) process. The QA approach examines the key criteria considered to contribute to place-making principles. The QA under the MLDP 2015 examined 12 criteria i.e. connections, public transport, safer environment, car parking, legibility/street hierarchy, character and identity, housing mix, access to facilities and amenities, natural features, open space, biodiversity, and landscaping.

Following design revisions to the design and layout of the scheme, the application submission was originally assessed against MLDP 2015 Policy PP3 and Placemaking and Quality Audit (QA) was undertaken and agreed. The results are detailed in the table below:

<b>DESIGN PRINCIPLE</b>	<b>AUDIT</b>
<b>Connections</b>	Amber
<b>Public Transport</b>	Green
<b>Safer Environment</b>	Green
<b>Car Parking</b>	Green
<b>Legibility/Street Hierarchy</b>	Green
<b>Character &amp; Identity</b>	Green
<b>Housing Mix</b>	Green
<b>Access to facilities and amenities</b>	Green
<b>Natural Features</b>	Green
<b>Open Space</b>	Green
<b>Biodiversity</b>	Green
<b>Landscaping</b>	Green

As shown by the summary table and related scores the QA demonstrated that the proposal was well designed and complied with Policy PP3 with eleven categories scoring “Green” and one “Amber”.

As the proposal is under 10 units, no Placemaking Statement or revised QA is required under the MLDP 2020, although the proposal must still be assessed against PP1 to ensure that the highest standards of design are met.

Through the application process the number of units was reduced from twelve to nine. This means that the development as now proposed is of a comparable density to the existing dwellings within the Rural Grouping. Furthermore, the reduction in house numbers has allowed for a site layout which is well designed and reflects the settlement text of the MLDP 2020 incorporating a steading/courtyard layout with house designs which are traditional in appearance.

The house types proposed are well designed and display traditional architectural features such as slate roofs, chimneys, and windows with a vertical emphasis. Efforts have also been made to reduce the overall massing of the building with the height restricted to one and a half storey.

The retention of the existing stone dykes, integrated into the development is welcomed and will help provide character to the development.

The plot sizes can comfortably accommodate the house designs proposed and whilst it is noted that parking will be located to the front of plots 5, 6, 7, 8 and 9 in seeking to reflect a steading/courtyard layout this is unavoidable. However, the visual impact of the parking will be reduced by the use of covered parking finished in appropriate materials. The use of landscaping will also help soften the overall impact of the parking. These factors combined mean that the parking will not be a dominant feature at this location.

The development site is small and falls within the existing Rural Grouping Boundary, the street layout is appropriate to the rural location, the development reflects the density found in the existing rural grouping settlement and importantly connections through the site into the surrounding countryside have been retained.

The design and layout of the scheme also incorporates functional open space and landscaping drawn from native species. These factors will ensure that the development will be sensitively integrated into the existing Rural Grouping.

Overall, the development represents a high standard of design for a small rural housing development and incorporates the principles of good placemaking, a requirement which underpins the MLDP 2020.

### **Privacy, Overlooking and Amenity (PP1, PP3 and DP1)**

The development has been design such that each plot will have private garden space of a size which is appropriate to the house type proposed. The separation distances and orientation of the dwellings within the plots will ensure an appropriate level of residential amenity within the development.

The revised layout and reduced numbers of units proposed has significantly reduced the scope for detrimental neighbouring amenity impacts, noting that landscaping will be used to provide a buffer between the development and the of existing properties numbers at number 4 and 5 Abbeylands Roads. To the west the neighbouring property is separated from the site by an access lane which is considered sufficient separation to ensure there is no significant detrimental amenity impact.

The development has been sited and designed in a manner that is sympathetic to the amenity of the area and accords with Policies PP1, PP3 and DP1.

### **Impact of the Development on the Surrounding Area PP1, PP3 and DP1**

The site is located within an existing rural grouping which contains a small cluster of traditional steading like buildings and more modern suburban 20th century buildings. Mature woodland to the north of the site (part of the National Forest Inventory) provides a backdrop to the Rural Grouping and development site. This woodland (and the Black Burn) provides physical and visual separation from the site and Pluscarden Abbey.

The Abbey Grounds are designated Gardens and Designed Landscape which incorporates mature established Broadleaved Woodland along the southern and western boundaries of the Abbey grounds, these trees also fall within the National Forest Inventory. These physical features mean that there is no direct visual connection or inter visibility between the Abbey and the development site.

In terms of wider landscape impacts from the Pluscarden Valley. From the west, due to the winding nature of the road and existing forestry, the new development will only become visible from a short distance before the development with the visual presence coinciding with the Pluscarden roadside sign which gives a visual cue about the presence of built form in the landscape. The physical and visual impact of the development will be further minimised because the development will be seen in the context of the existing houses within the Rural Grouping and also because the development is of a scale and density which is appropriate to the rural location.

When viewed from the south, on the other side of the valley the development site will be read in the context of and integrate into the existing rural grouping. The development and the rest of the rural grouping has the backdrop of the mature established trees. This combined with the restricted height and traditional design and style of the house types in the development will ensure that the proposal will sit comfortably alongside the existing houses and will integrate into the setting as part of the existing Rural Grouping and will not be visually intrusive in the wider landscape.

From the east: the development site is not visible, the first visible properties within the Rural Grouping from this direction are the existing 20th century houses and when the development does become apparent will read as part of a logical extension of the Rural Grouping.

On this basis the proposal is considered an acceptable development which will integrate well into its setting as part of the existing Rural Grouping and will not result in any significant or adverse landscape impacts.

### **Impact on Trees (EP7)**

The application is supported by a Tree Survey (report and schedule inclusive of tree protection measures). A total of 46 trees have been surveyed as part of the Tree Survey. A total of 10 trees will be removed from the site and 11 trees will be removed offsite: 4 as part of the visibility splay requirements, 7 from the north east boundary. The tree report states that several of these trees are in poor condition.

As part of the landscaping arrangement for the site, it is proposed that 15 new Oak trees and 25 Rowan will be planted along with 250 native shrubs which will be incorporated into the development; this exceeds compensatory requirements because the proposed replanting will not only compensate for the loss of these trees but will result in more trees being on the site than currently exists.

The trees to be planted are from native species and are appropriate to the rural location and will add to the attractiveness of the development. The application has been supported by appropriate tree protection measures for trees which are to be retained and for those trees which bound the site. The proposal is therefore acceptable in relation to Policy EP7.

### **Landscaping, Open Space and Biodiversity (E2 and E5)**

The proposal allows for approximately 21% open space within the development, the open space will be planted as part of the landscape scheme. Opportunities for seating have been incorporated into the proposal allowing the landscaped open space to become a pleasant usable feature within the development.

The application has been supported by a Landscape and Biodiversity Report. The planting of native trees, shrubs, boundary hedges and blue/green networks (to be sown with wildflower seeds) will create an attractive development appropriate to the rural setting but also promote and enhance biodiversity across the site. The proposal is therefore acceptable in relation to Policies E2 and E5.

## **Impact on the Historic Environment (EP8, EP10 and EP11)**

The Pluscarden Abbey is a Category A Listed Building. The precinct walls are a Scheduled Monument. The Abbey Grounds are designated Gardens and Designed Landscape. Historic Environment Scotland has been consulted as part of the application and raised no objection to the proposal but has advised consideration must be given to the visual impact of the development in the context of the setting of these nationally important historic assets.

The boundary of the Abbey Grounds is located approximately 80m to the north of the site and is physically separated from the site by mature woodland (National Forest Inventory) and the Black Burn. The southern and western boundaries of the Abbey are planted with mature established Broadleaved Woodland along the southern and western boundaries; these trees also fall within the National Forest Inventory. These physical features mean that there is no direct visual connection or inter visibility between the Abbey and the development site as such the proposal will have no detrimental impact on the Abbey or its setting.

Furthermore during the application process the site layout was amended and the number of units was reduced from twelve to nine with the plots at the north eastern corner of the site removed.

Part of the site around Barnhill Farm is part of the archaeology site NJ15NW0039 – a farmtoun dating to the 19th Century. There is a small ruin within the site boundary to the west of the buildings at Barnhill Farm which remains on the site as a gable in unstable condition. There are also 18th-19th Century drystone stone dykes on the site. The stone dykes will be retained bringing a character element to the development. However, the ruin is unstable and at risk of collapse and is to be removed as part of the proposal. Aberdeenshire Archaeological Services has recommended a condition requiring a photographic survey of the structure prior to its removal from the site in order to record this historical feature. Subject to provision of the photographic survey the removal of this ruin from the site is considered acceptable and the photographic survey will provide an appropriate historical record of the ruin.

Taking account of these factors the proposal is acceptable in relation to Policies EP8, EP10 and EP11.

## **Protected Species (EP1)**

The application is supported by an *Ecological Assessment: Protected Species, Walk-Over & Phase 1 Survey Report*. The survey identifies the following key points:

- That there are no specially protected species using the site.
- There is potential for breeding bird disturbance during their breeding season (April-August) and work that could disturb, damage or destroy the nest sites should be avoided at this time.
- There is low potential for bat use in the stone gable end of the ruin, but, this wall is considered dangerous and could potentially collapse. It is therefore recommended that the wall is dismantled by hand within an endoscopic examination of the wall immediately prior to this work taking place and a licensed bat worker should be present while the wall is dismantled. As a precaution this would only take place after the end of the bat hibernation period (end of March).

A condition is recommended to ensure that the development is carried out in accordance with the Ecological Assessment. Subject to compliance with condition the proposal is acceptable in relation to the requirements of Policy EP1.

### **Access and Parking (DP1)**

The Transportation Section has assessed the proposal and raised no objection to the proposal subject to the recommendation for conditions which will ensure access upgrading and the provision of additional passing places. Subject to compliance with these conditions the proposal meets Transportation Standards.

### **Drainage and Flood Risk (DP1, EP12 and EP13)**

The application has been supported by a Drainage Assessment and Flood Statement which provides details of the drainage design for the development. Drainage from the site will be dealt with by a single package sewage treatment plant to soakaway for foul drainage these features will be located at the north east corner of the site and will be set within landscaping. Swales with infiltration will be used to manage surface water incorporating a blue/green network into the development.

Moray Flood Risk Management and SEPA have raised no objection to the proposal and as such the proposal is considered acceptable in drainage and flood risk terms and complies with Policies DP1, EP12 and EP13.

### **Accessible and affordable Housing (DP2)**

The proposal as amended is for nine units therefore the requirement for accessible housing does not apply. The affordable housing contribution is to be met by a commuted payment towards 2.25 Affordable Housing units as agreed by the Housing Strategy Manager. The proposal is acceptable in relation to Policy DP2.

### **Developer Obligations (PP1)**

The development has been assessed for developer obligations. An obligation of £24,768.00 is sought towards health care facilities. The applicant has agreed to pay these and it is recommended that this is controlled by means of a S.75 legal agreement.

### **Conclusion and Recommendation**

The proposal is a small well design rural housing development to be located on white land within the Pluscarden Rural Grouping Settlement Boundary. The site layout and density is appropriate to the rural location and the restricted houses sizes will help to ensure that the development sits well in the landscape setting. The site can be adequately serviced and will not adversely impact the surrounding area in terms of amenity or environmental impact. The proposal accords with the Local Development Plan and it is recommended that planning permission is granted subject to conditions.

**REASON(S) FOR DECISION**

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

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

**Author/Contact  
Officer:**

Shona Strachan  
Planning Officer

**Ext:** 01343 563303

**Beverly Smith  
Development Management & Building Standards Manager**