



MORAY LOCAL REVIEW BODY

30 AUGUST 2018

SUMMARY OF INFORMATION FOR CASE No LR207

Planning Application - 18/00246/APP – Erect 2 Dwellinghouses within Grounds of Torrieston House, Torrieston, Pluscarden

Ward 5: Heldon and Laich

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 16 April 2018 on the grounds that:

The proposal is contrary to policies IMP1 and H7 for the following reasons:

- (i) The site is part of a large open meadow and would be a 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.

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.

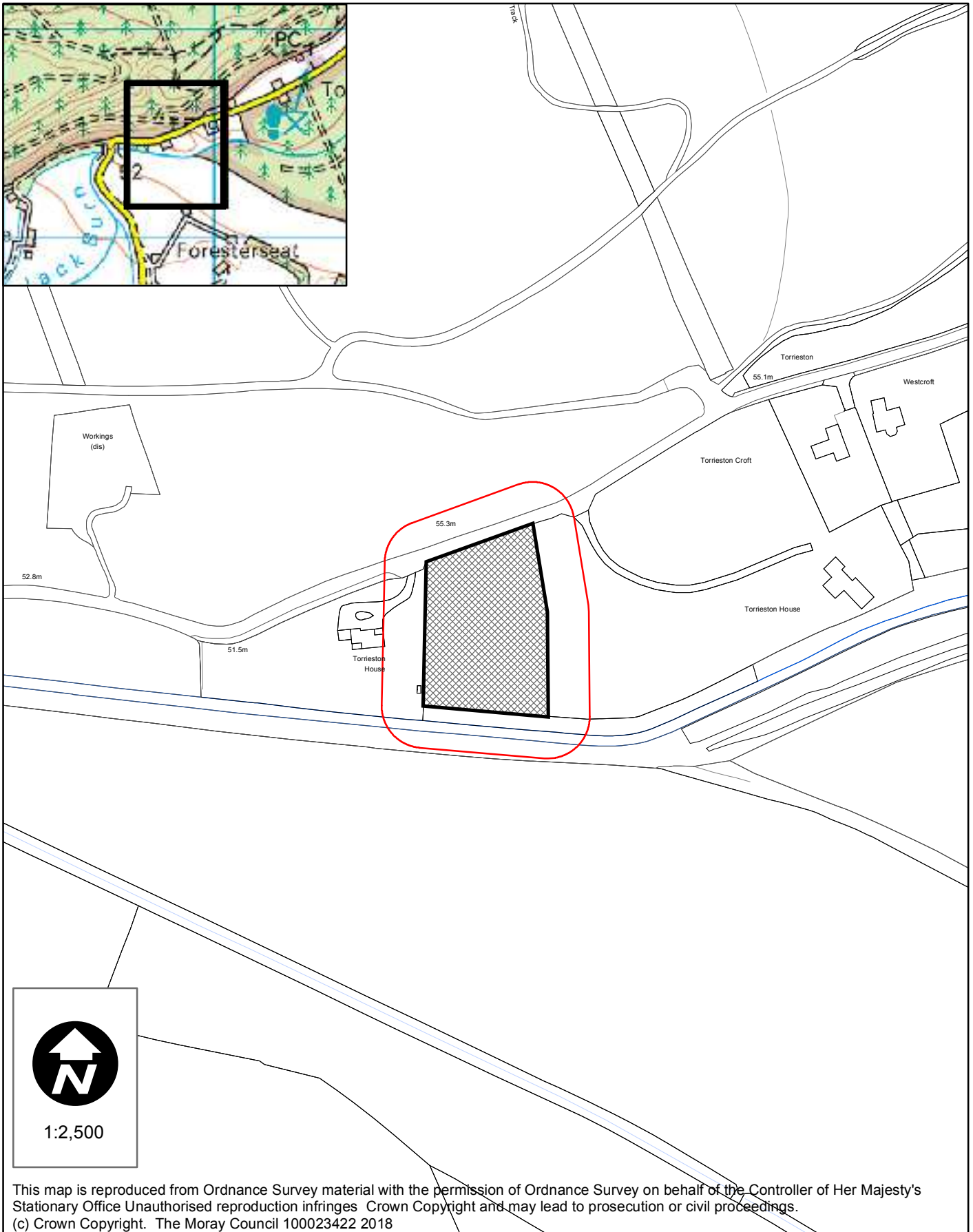
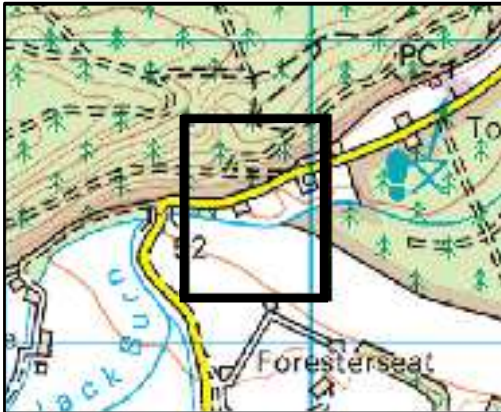
Site Plan for Neighbour Notification purposes only

Town and Country Planning

(Development Management Procedure)(Scotland) Regulations 2008

Planning Application Reference Number:

18/00246/APP



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APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 01343 563 501 Fax: 01343 563 263 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 100084944-001

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)

2 New Houses within Ground of Torrieston House

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:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

858449

Easting

315815

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? * ☐ Yes ☒ 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?

0

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)? *

4

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).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * ☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- ☐ Yes – connecting to public drainage network
☒ No – proposing to make private drainage arrangements
☐ 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? *

- ☒ New/Altered septic tank.
☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- ☒ Discharge to land via soakaway.
☐ Discharge to watercourse(s) (including partial soakaway).
☐ Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Please refer to plan

Do your proposals make provision for sustainable drainage of surface water?? * ☒ Yes ☐ 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.

Are you proposing to connect to the public water supply network? *

- ☒ Yes
☐ No, using a private water supply
☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

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.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☒ Yes ☐ No

If Yes or No, please provide further details: * (Max 500 characters)

Please refer to plans

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☒ Yes ☐ No

How many units do you propose in total? *

2

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

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: Craig Mackay

On behalf of: Ms K Gosling-Crockart

Date: 20/02/2018

☒ 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)

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: 20/02/2018

Payment Details

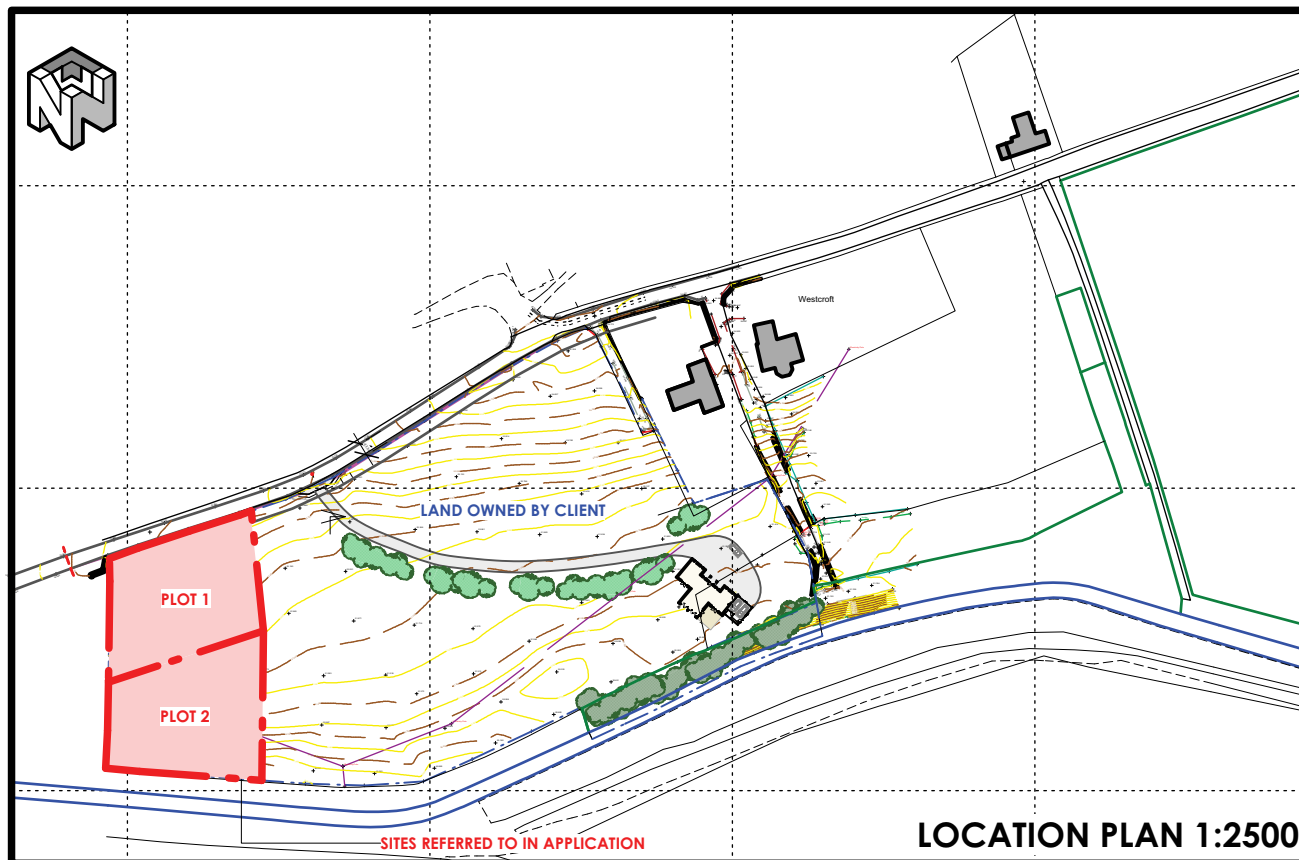
Online payment: 286236

Payment date: 20/02/2018 16:03:16

Created: 20/02/2018 16:03

DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS

CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION



LOCATION PLAN 1:2500



Okos Architectural Ltd Registered in Scotland No. 272963

HEAD OFFICE - MORAY
St Brendans, 69 South Guildry Street, Elgin, IV30 1QN
t 01343 540020

DEVON OFFICE
t 01392 345566

HIGHLANDS
4 Bridge Street, Nairn, Highlands, IV12 4EJ
t 01667 300230

LOSSIEMOUTH OFFICE
Ellel, James Street, IV30 6BX
t 01343 810175

m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

Ms. Gosling-Crockart

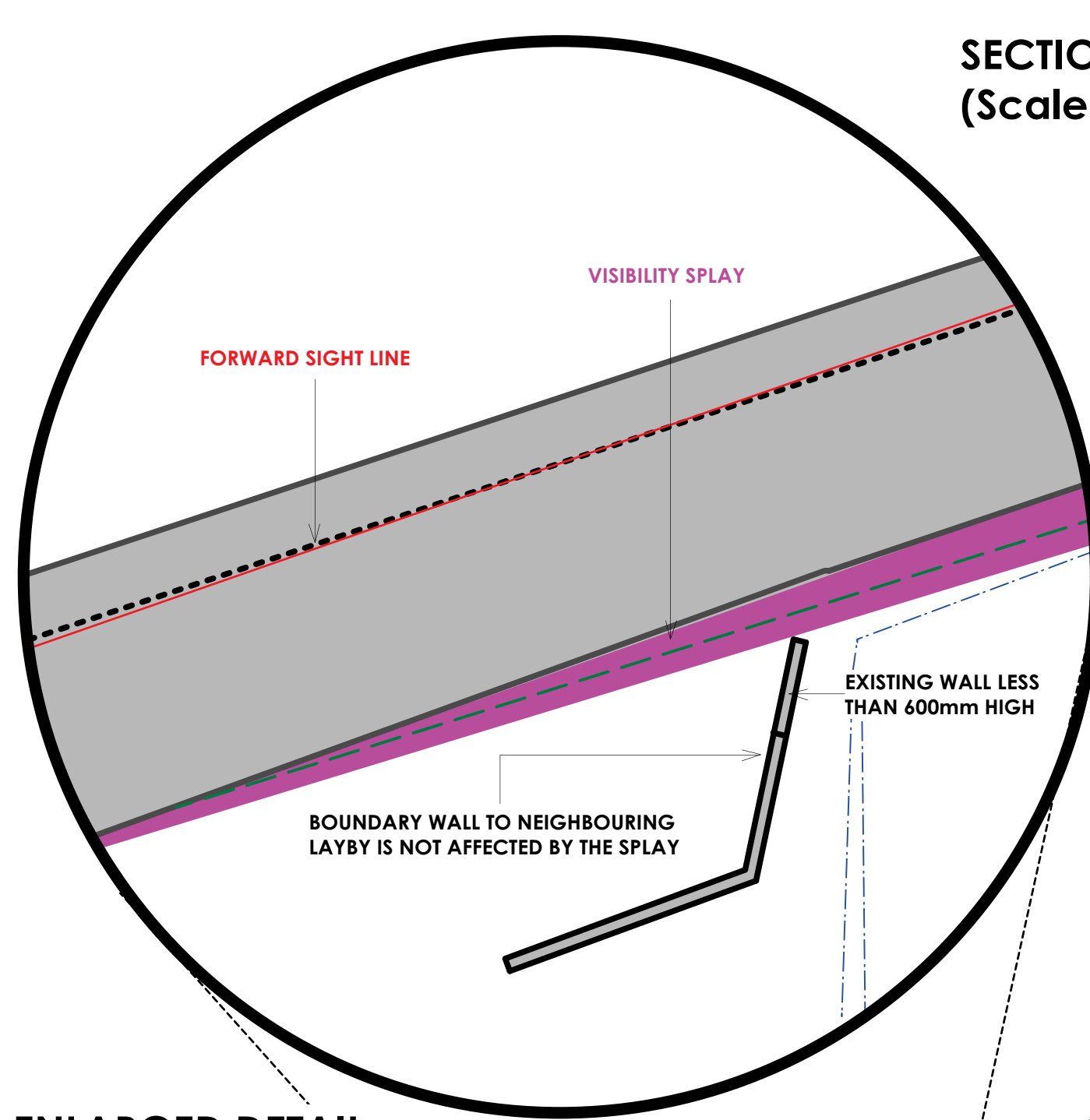
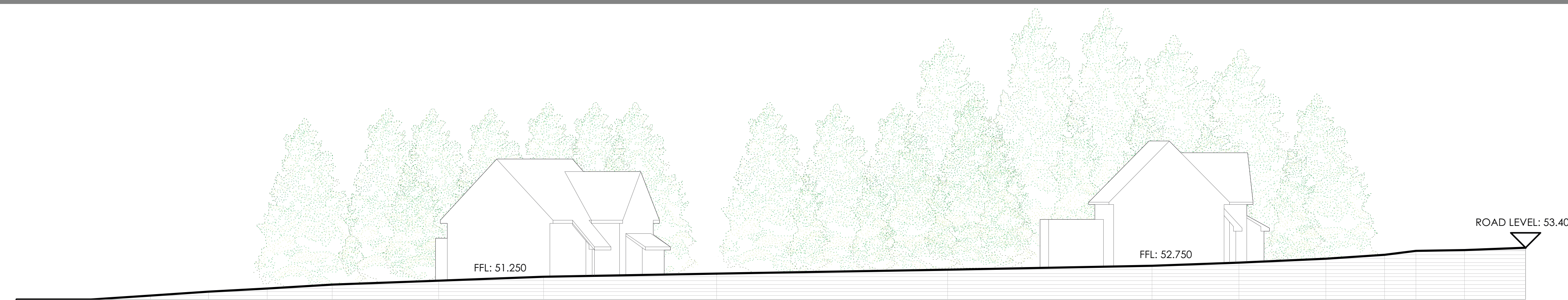
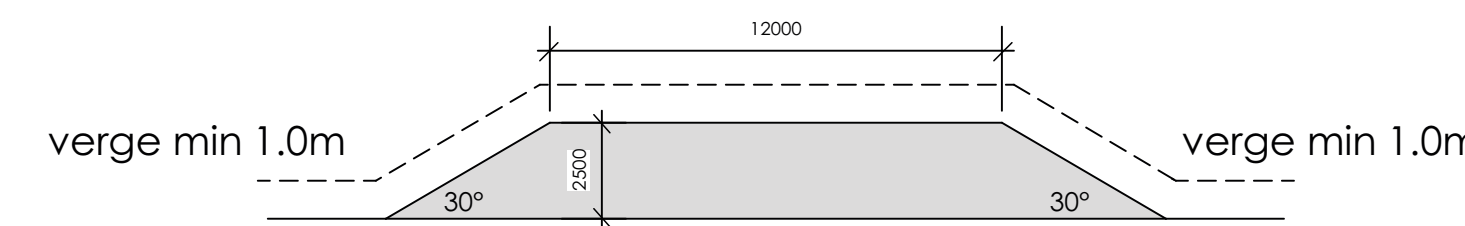
2NO. NEW HOUSES WITHIN GROUNDS OF TORRIESTON
HOUSE, TORRIESTON, PLUSCARDEN

PLANNING PROPOSALS
PROPOSED LOCATION PLAN

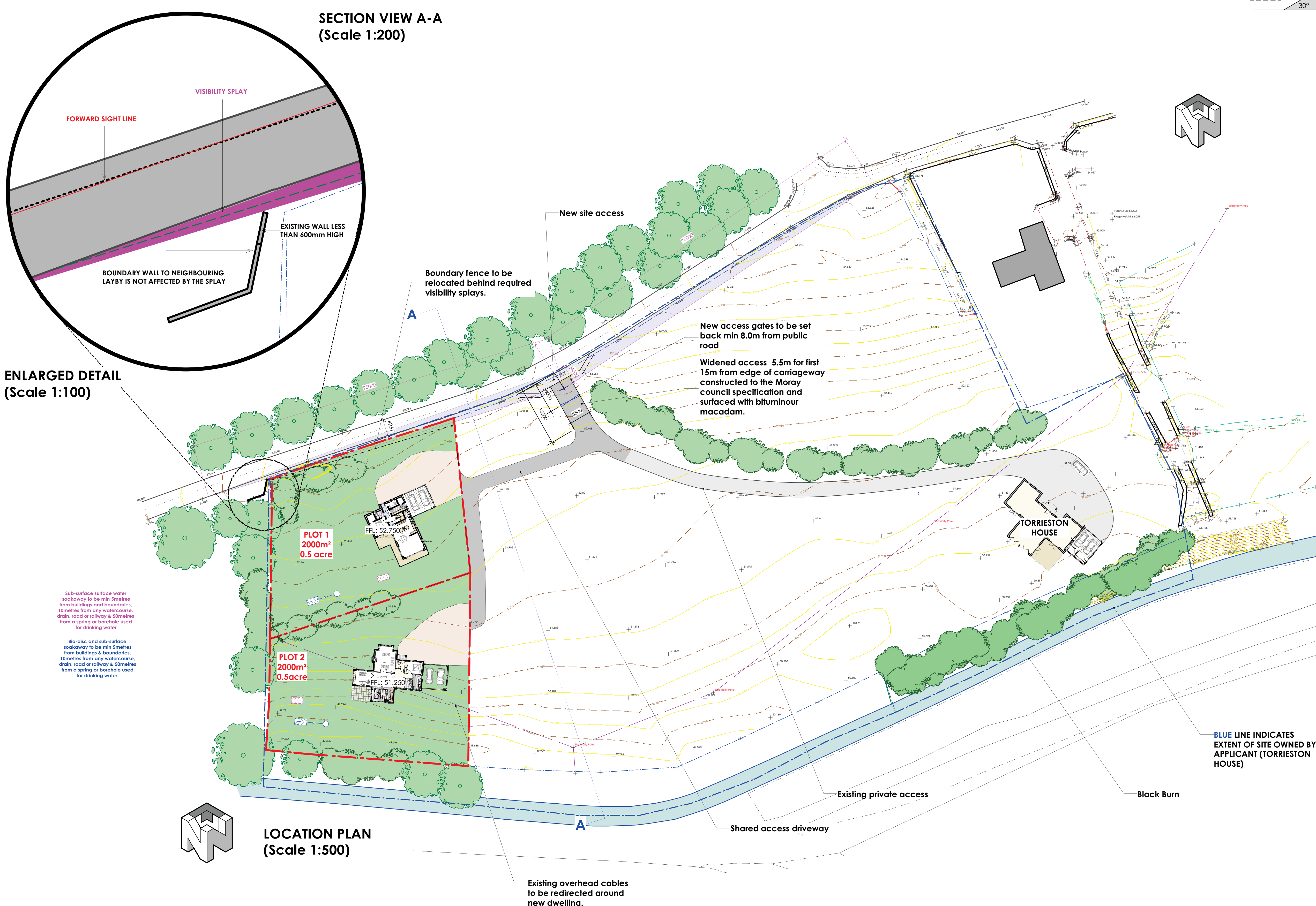
Date:	Amendments:	Rev:
Drawn By:	Date:	Checked By:
A. CARSWELL	30.01.2018	
		Date:

180005.CROCKART.04PP

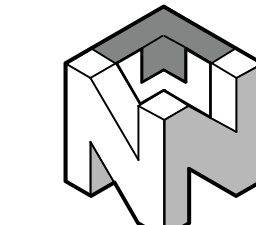
New vehicular access formed onto public road, with a access layby 12.0m long by 2.5m wide with 30 degrees splayed ends to be provided at the edge of the public road to allow visiting and service vehicles to park clear of the public road. The vehicular access will lead off the layby. The layby will be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



ENLARGED DETAIL
(Scale 1:100)



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.



LOCATION PLAN
(Scale 1:500)

cmdesign
architectural consultants

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

HIGHLANDS
4 Bridge Street, Nairn, Highlands, IV12 4EJ
t 01467 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

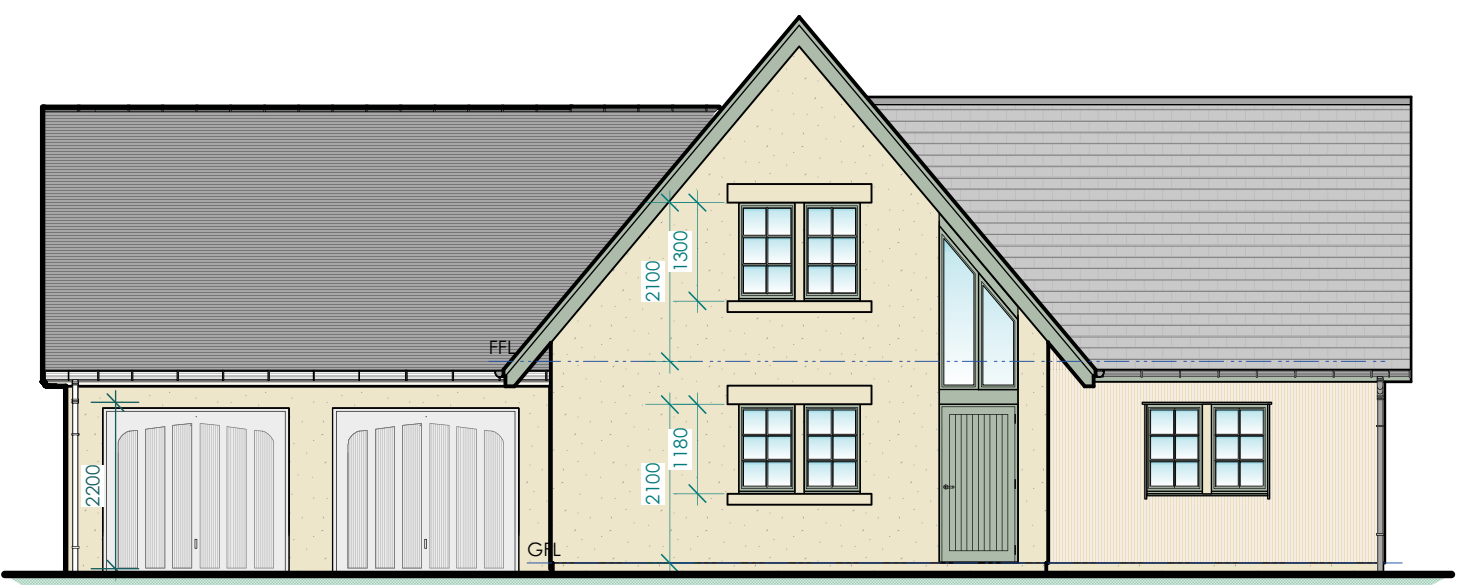
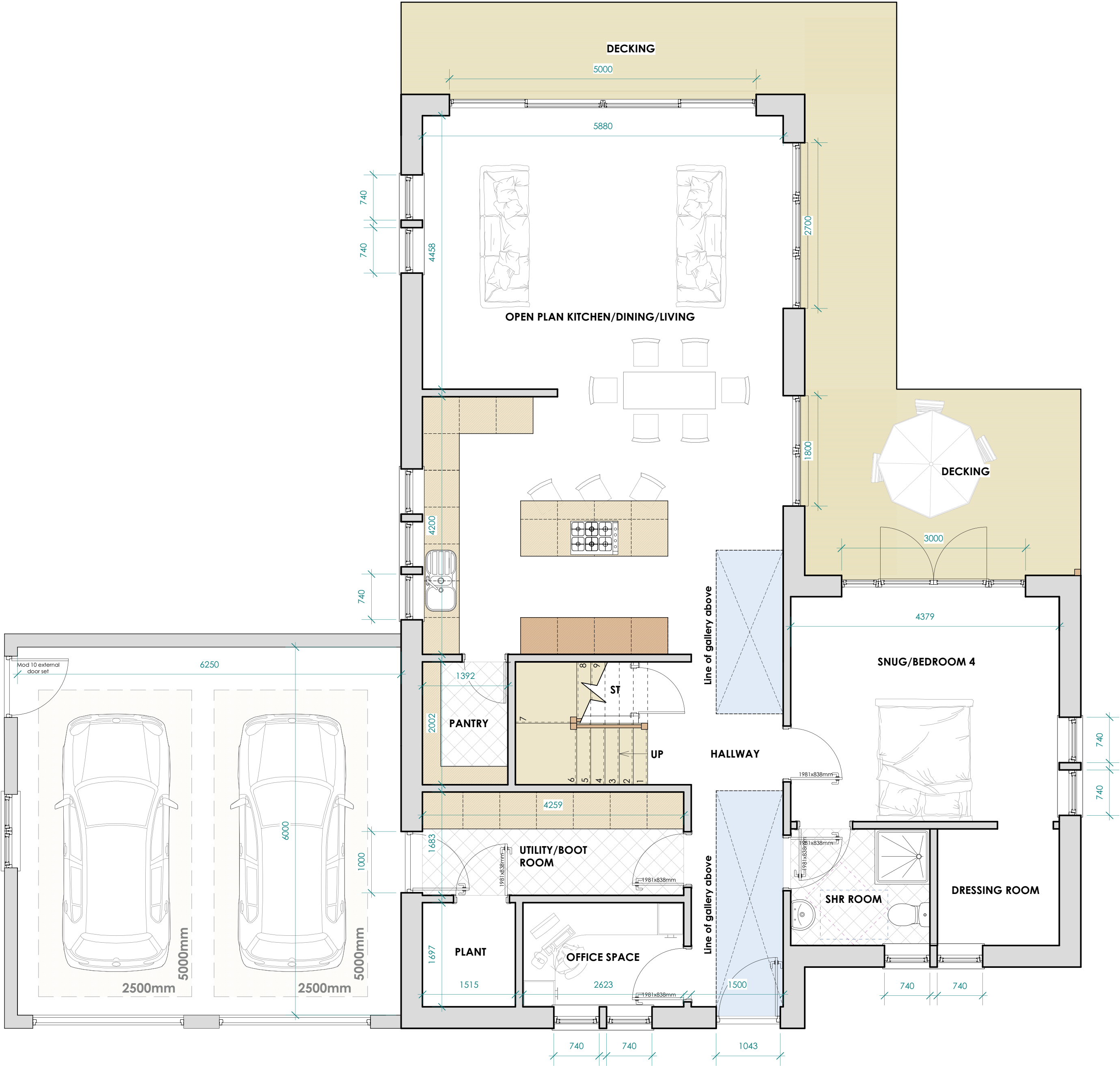
2ND, NEW HOUSES WITHIN GROUNDS OF TORRIESTON HOUSE, TORRIESTON, PLUSCARDEN

PLANNING PROPOSALS
PROPOSED SITE PLAN

Date:	Amendments:	Rev:
20.03.18	Planning point amendments	B
14.03.18	Planning point amendments	A

Drawn By:	Date:	Checked By:	Date:
A. CARSWELL	30.01.2018		

180005.CROCKART.01PP B

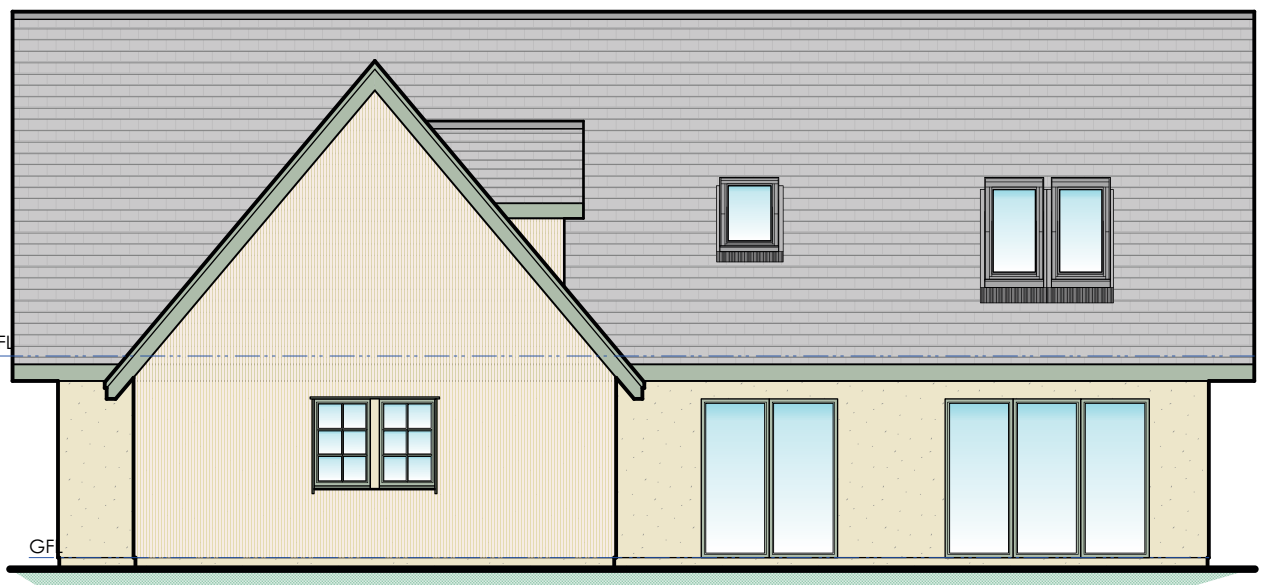


FRONT ELEVATION (Scale 1:100)

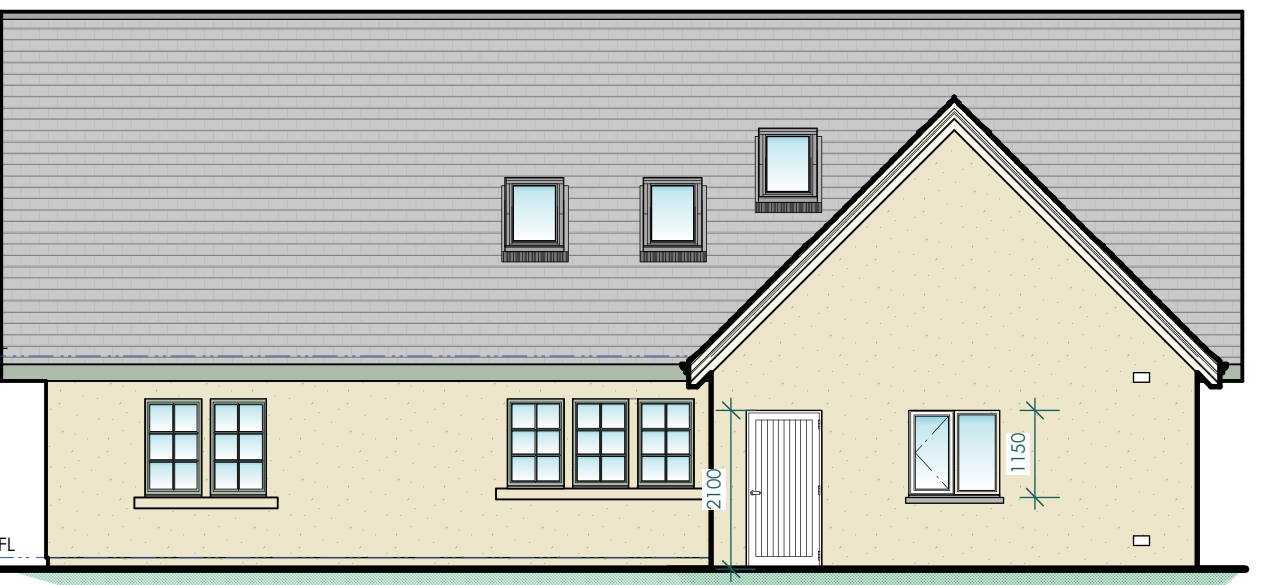


REAR ELEVATION (Scale 1:100)

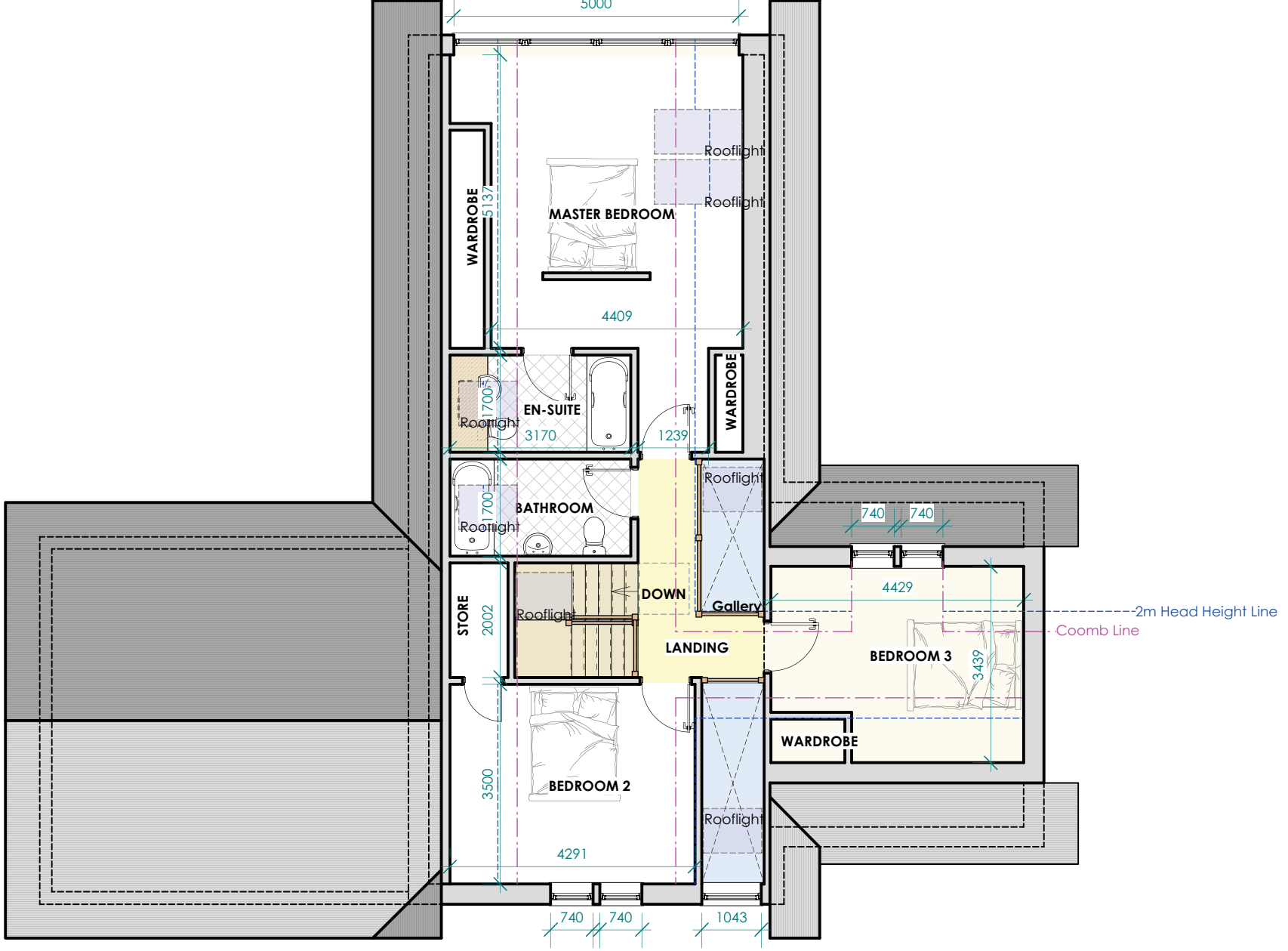
A GABLE WIDTH OF NO MORE THAN 2.5 TIMES THE HEIGHT OF THE WALL FROM GROUND TO EAVES LEVEL
GROUND TO EAVES = 3450mm
SO GABLE CANNOT BE ANY GREATER THAN: 3450mm x 2.5 = 8625mm
ACTUAL GABLE WIDTH = 6580mm



EAST ELEVATION (Scale 1:100)



WEST ELEVATION (Scale 1:100)



FIRST FLOOR PLAN (Scale 1:100)

First Floor Area = 85m²

Finishes

- Roof**
- Slate (Heavy Spanish)
 - Timber fascia, barge board and soffit
 - Aluminium deepflow gutters and downpipes, prefinished colour to clients choice
- Walls, Basecourse & Dormers**
- Cream or off white render
 - Vertical larch cladding
- Windows & Doors**
- Painted timber finish with sandstone precast cills or timber edgings

cmdesign architectural consultants

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

HIGHLANDS
4 Bridge Street, Nairn, Highlands, IV12 4EJ
T 01667 300230

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

DEVON OFFICE
T 01392 345566

m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

Ms. Gosling-Crockart

2NO. NEW HOUSES WITHIN GROUNDS OF TORRIESTON HOUSE, TORRIESTON, PLUSCARDEN

PLANNING PROPOSALS
PLOT 1 FLOOR PLANS AND ELEVATION

Date: Amendments: Rev:

Drawn By: A. CARSWELL Date: 08.02.18 Checked By: Date:

180005.CROCKART.02PP



FRONT ELEVATION
(Scale 1:100)



SIDE ELEVATION
(Scale 1:100)

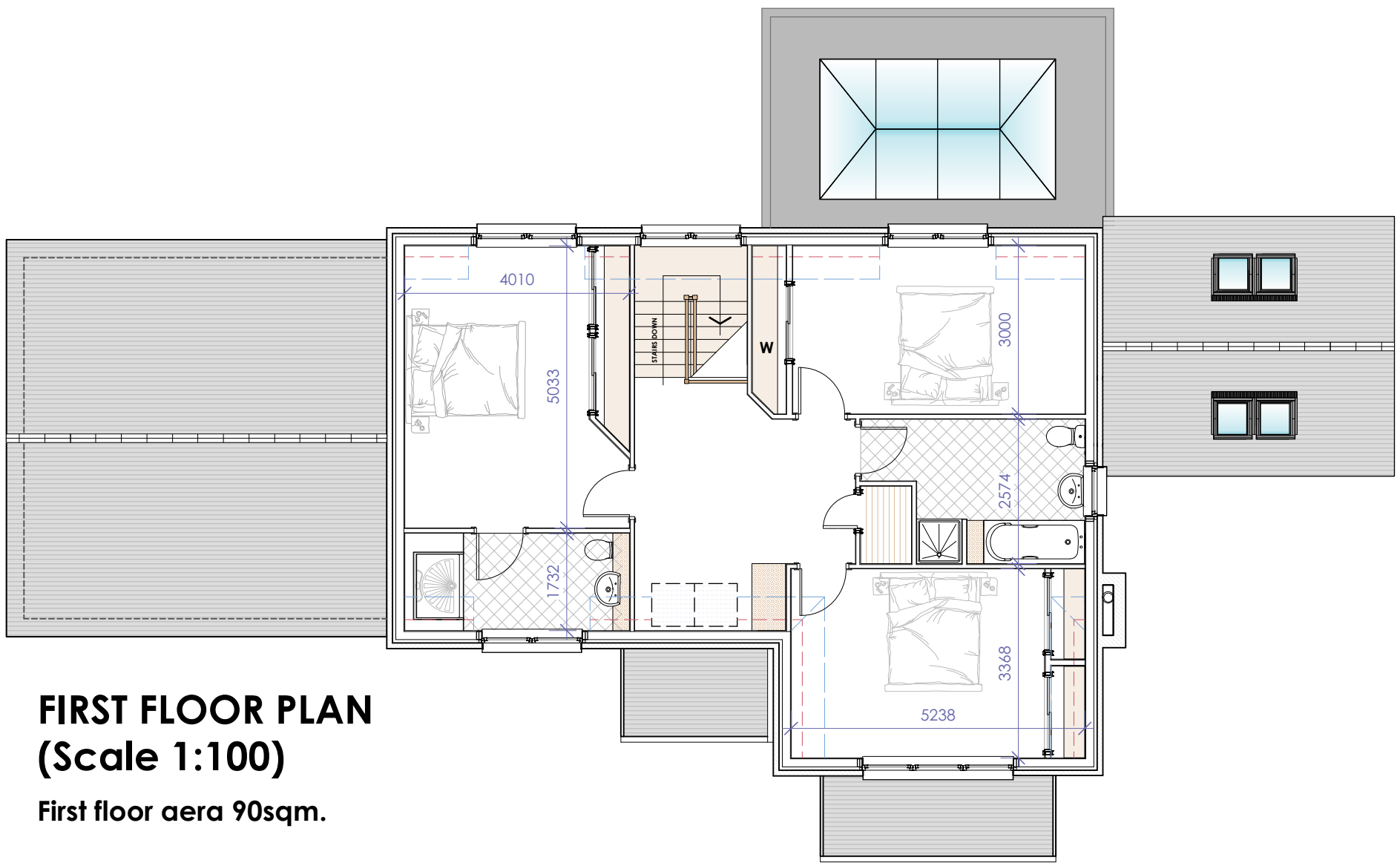


REAR ELEVATION
(Scale 1:100)



SIDE 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 = 4750mm
SO GABLE CANNOT BE ANY GREATER THAN:
4750mm x 2.5 = 11875mm
ACTUAL GABLE WIDTH = 7495mm

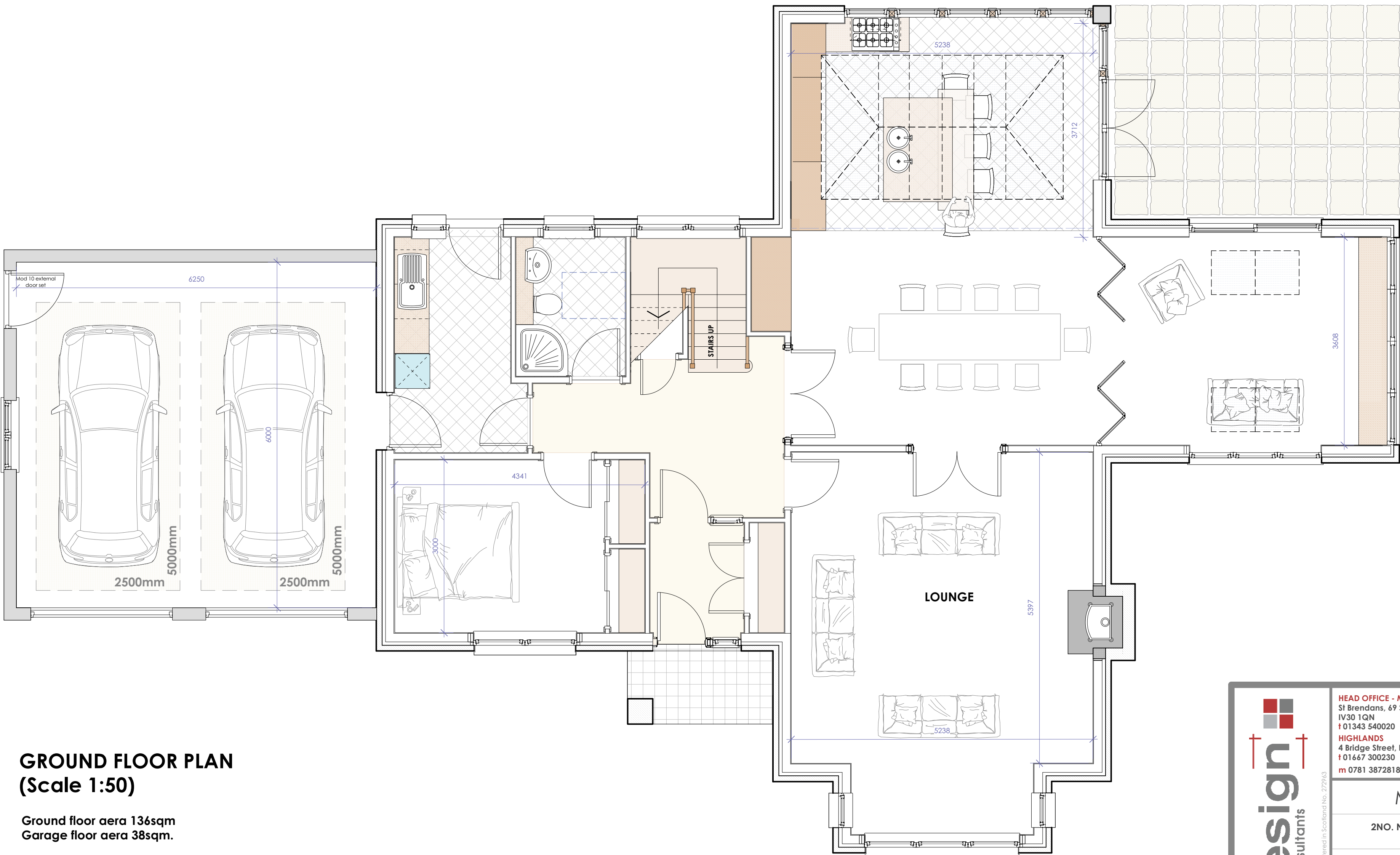


FIRST FLOOR PLAN
(Scale 1:100)

First floor aera 90sqm.

Finishes

- Roof**
- Slate
 - Timber fascia, barge board and soffit
 - Aluminium deepflow gutters and downpipes, prefinished colour to clients choice
- Walls**
- Off white smooth render
 - Grey or sandstone feature stonework cladding & basecourse
 - Vertical larch cladding
- Windows & Doors**
- Painted timber finish with sandstone precast cills or timber edgings



GROUND FLOOR PLAN
(Scale 1:50)

Ground floor aera 136sqm
Garage floor aera 38sqm.

Consultee Comments for Planning Application 18/00246/APP

Application Summary

Application Number: 18/00246/APP

Address: Grounds Of Torriston House Torriston Pluscarden Elgin Moray

Proposal: Erect 2no dwellinghouses within

Case Officer: Maurice Booth

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 Objections

Adrian Muscutt

Consultee Comments for Planning Application 18/00246/APP

Application Summary

Application Number: 18/00246/APP

Address: Grounds Of Torriston House Torriston Pluscarden Elgin Moray

Proposal: Erect 2no dwellinghouses within

Case Officer: Maurice Booth

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

No Objection

Kevin Boyle

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Flood Risk Management

Planning Application Ref. No: 18/00246/APP

Erect 2no dwellinghouses within Grounds Of Torrington House Torrington Pluscarden Elgin 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 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. A Level 1 flood risk statement will be required to confirm 1 in 200yr plus climate change water levels.
2. A drainage impact assessment will be required to ensure adequate SuDS design.

Contact: Stewart Gordon / James Ross
email address: stewart.gordon@moray.gov.uk
Consultee: Moray Flood Risk Management

Date:.....02/03/2018.....
Phone No 01343 563767 / 3771.....

Return response to	consultation.planning@moray.gov.uk
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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://public.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.



2nd March 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

SITE: IV30 Elgin Torrison Grand of Torrison House
PLANNING REF: 18/00246/APP
OUR REF: 757927
PROPOSAL: Erect 2no dwellinghouses within

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

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

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

- **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 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

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.

Yours sincerely

Megan Innes

Technical Analyst

Megan.Innes2@scottishwater.co.uk

Our ref: PCS/157812
Your ref: 18/00246/APP

If telephoning ask for:
Clare Pritchett

8 March 2018

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

By email only to: consultation.planning@moray.gov.uk

Dear Mr Booth

Town and Country Planning (Scotland) Acts
Planning application: 18/00246/APP
Erect 2 dwellinghouses
Grounds Of Torrington House Torrington Pluscarden Elgin

Thank you for your consultation email which SEPA received on 1 March 2018 specifically requesting our advice in connection with flood risk for the above planning application.

Advice for the planning authority

We **object** to this planning application on the grounds of lack of information and that it may place buildings and persons at flood risk contrary to Scottish Planning Policy (SPP) and PAN 69. We will review this objection if the issues detailed in Section 1.1 below are adequately addressed.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

1. Flood Risk

1.1 We **request that additional information** is provided to demonstrate that the development accords with the principles of SPP. In the first instance, we request that it is demonstrated that the site is considerably elevated above the functional floodplain through either:

- North-south cross-sections upstream, downstream and through the site extending across the Black Burn including the channel bed levels and bank levels of the opposite bank (particularly to demonstrate that the ground levels on the southern bank are lower);

Or:

- It may be possible to illustrate there is a considerable embankment/drop from the edge of the development site to the Black Burn (as illustrated for the Torrieston House Site) by providing photographs. These photographs should be taken looking north from the banks of the Black Burn towards the site, with a person holding a metre stick (this should illustrate the height of the banks). Also photographs should be taken from the site looking south towards the opposite bank of the Black Burn. We also recommend photographs looking east and west (illustrating the nature of the Burn to the south of the site), to clearly demonstrate that the southern bank is considerably lower and in a high flow event water would spill from the Burn and occupy land to the south. If it can be shown that the embankment/drop below the site is of a considerable height, then this measurement, plus the change in ground level across the site (Plot 2- ground level of the house and FFL lie 1.634m and 1.884m respectively, above the southern boundary of the proposed site), would demonstrate that the site is sufficiently elevated and lies outwith the functional floodplain and the site would be unlikely to be at medium to high risk of flooding.

- 1.2 However, if this information is insufficient to provide a robust assessment of the risk of flooding to the development then a detailed flood risk assessment may need to be carried out by a suitably qualified professional.
- 1.3 The two houses are sited on Plots 1 and 2 with Plot 1 lying adjacent to the unclassified road between Elgin and Pluscarden. Plot 2 lies to the south of Plot 1, with its southern boundary adjacent to the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding from the Black Burn. The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit [Flood maps | Scottish Environment Protection Agency \(SEPA\)](#).
- 1.4 Scottish Planning Policy (SPP) states (paragraph 255) that “the planning system should promote flood avoidance by safeguarding flood storage and conveying capacity, and locating development away from functional flood plains and medium to high risk areas.” It further defines (glossary) that “For planning purposes the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year”. Built development should not therefore take place on the functional flood plain. SPP goes on to state (paragraph 256) “the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere”.

- 1.5 On the "Proposed Site Plan" drawing it is illustrated that the ground levels fall from the north of Plot 1, southwards through Plot 2, towards the Black Burn. The approximate ground level along the southern boundary of Plot 2 is approximately 49.366mAOD, which would appear to be situated above the Black Burn. The southern edge of Plot 1 has a ground level of approximately 52mAOD, which is 2.634m higher than the very southern edge of Plot 2 which borders the top of the boundary close to the Black Burn. The proposed Plot 1 house is sited on land with a ground level of approximately 52.5mAOD and has a proposed Finished Floor Level (FFL) of 52.750mAOD, which would therefore be 3.134m and 3.384m respectively above the edge of the southern boundary close to the Black Burn. Therefore, with this level data only, it appears unlikely that Plot 1 lies within the functional floodplain of the Black Burn and it is unlikely to be at medium to high risk of flooding.
- 1.6 Plot 2 lies closer to the Black Burn and the house site lies at an approximate level of 51mAOD with a proposed FFL of 51.25mAOD. Therefore the ground level of the house and FFL lies 1.634m and 1.884m respectively above the southern boundary of the proposed site.
- 1.7 Although on the "Proposed Site Plan" drawing, it would appear that a cross-section A-A has been taken through the adjacent field to the east of the site boundary of Plot 1 and Plot 2, the agent has advised by email (Anna Carswell Cmsdesign 7.3.2018) that *"we haven't had the neighbouring field or burn surveyed yet. At this stage we simply wanted to indicate the topography of the site which runs into the burn and that the SEPA flood map show the field to the south flooding"*. It is also stated that "Torrieston house, noted on the proposed site plan as "Existing Dwelling" was subject to planning application no 15/0088/APP. On review of the report of the handling for the previous application it's noted that the comments from SEPA is that the flood risk for this site is a probability of 1 in 200 years". When consulted SEPA had no objection to the proposed development of Torrieston House (SEPA reference PCS/144795, application 16/00020/APP and previously 15/0088/APP) as topographic information was provided which illustrated that the existing ground levels at the site were above 50.0mAOD whereas the height of the bank of the burn was 45.5mAOD. The proposed finished floor level at the house was 50.9mAOD, which was 4.4m above the banks of the burn. We concluded that as the site was adjacent to the indicative flood envelope, was well elevated and we held no additional information to indicate that the site is at flood risk, we had no objection to the proposed development on flood risk grounds.
- 1.8 In the case of this development proposal we have not been provided with such clear evidence that this site is considerably elevated above the Black Burn. Therefore there is insufficient information available for us to assess flood risk and therefore we object to the proposal, specifically to the development of Plot 2.

If you have any queries relating to this letter, please contact me by telephone on 01224 266609 or e-mail at planning.aberdeen@sepa.org.uk.

Yours sincerely

Clare Pritchett
Senior Planning Officer
Planning Service

ECopy to: C M Design Anna Carswell anna@cmdesign.biz Maurice.booth@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](#).

Lissa Rowan

From: Hay, David <David.Hay@forestry.gsi.gov.uk>
Sent: 05 March 2018 09:27
To: Planning Consultation
Cc: Maurice Booth
Subject: 18/00246/APP-Erect 2no dwelling houses within Grounds Of Torrington House

Dear Maurice,

FCS Response to 18/00246/APP-Erect 2no dwelling houses within Grounds Of Torrington House.

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 adversely affected. Therefore, Forestry Commission Scotland (FCS) has no comment 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
www.facebook.com/forestrycommissionscotland
www.twitter.com/fcscotlandnews

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

+++++ The Forestry Commission's computer systems may be monitored and communications carried out on them recorded, to secure the effective operation of the system and for other lawful purposes. +++++

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On leaving the GSI this email was certified virus-free

Comments for Planning Application 18/00246/APP

Application Summary

Application Number: 18/00246/APP

Address: Grounds Of Torrington House Torrington Pluscarden Elgin Moray

Proposal: Erect 2no dwellinghouses within

Case Officer: Maurice Booth

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Drainage
- Loss of privacy (being overlooked)
- Noise
- Over-development of site
- Road access
- Road safety

Comment: We live where we are because we like the privacy and peacefulness of the area. This new proposal [REDACTED] will have a big impact on the peace and tranquillity we enjoy at the moment.

Comments for Planning Application 18/00246/APP

Application Summary

Application Number: 18/00246/APP

Address: Grounds Of Torrington House Torrington Pluscarden Elgin Moray

Proposal: Erect 2no dwellinghouses within

Case Officer: Maurice Booth

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
- Noise
- Over-development of site
- Traffic
- View affected

Comment: We purchased this house [REDACTED] after the Planning Department informed us that under no circumstances no more than 4 Houses would be built on this site due to the conservation of the area. This would not be in keeping with amenity of the area.

As our land borders this planning application We would have expected to have been notified in writing.

Comments for Planning Application 18/00246/APP

Application Summary

Application Number: 18/00246/APP

Address: Grounds Of Torrington House Torrington Pluscarden Elgin Moray

Proposal: Erect 2no dwellinghouses within

Case Officer: Maurice Booth

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Drainage
- Loss of privacy (being overlooked)
- Over-development of site
- View affected

Comment: In consideration of this location and the effects further development would have in wrecking the peace and beauty of a lovely valley I object most strongly to the plan to build more housing in Torrington.

The potential for pollution of the Black burn becomes ever more predictable with each set of septic tank/soakaway units.

Drainage of the lower part of the site is already very poor as will be easily seen by visiting the Torrington House property after rain.

A bad idea all round, please stop it!

Comments for Planning Application 18/00246/APP

Application Summary

Application Number: 18/00246/APP

Address: Grounds Of Torrington House Torrington Pluscarden Elgin Moray

Proposal: Erect 2no dwellinghouses within

Case Officer: Maurice Booth

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Road access
- Road safety
- Traffic

Comment: The access for these two properties would be onto a very narrow road with sight restrictions due to a sharp bend. Over the last few years the speed of much of the traffic has increased to a dangerous level with many near accidents. This part of the country road is not designed for more access at this point.

[REDACTED]
Heldon Community Councillor

REPORT OF HANDLING

Ref No:	18/00246/APP	Officer:	Maurice Booth
Proposal Description/ Address	Erect 2no dwellinghouses within Grounds Of Torrington House Torrington Pluscarden Elgin		
Date:	16/04/18	Typist Initials:	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

Consultee	Date Returned	Summary of Response
Environmental Health Manager	06/03/18	No objection
Contaminated Land	06/03/18	No objection
Transportation Manager	27/03/18	No objection subject to standard conditions and informatives.
Scottish Water	02/03/18	No objection
Planning And Development Obligations	14/03/18	A developer contribution has been identified but this not been pursued since the application is being refused.
Moray Flood Risk Management	02/03/18	No objection subject to conditions on flood and drainage risk statements
Scottish Environment Protection Agency	28/03/18	No objection
Forestry Commission	05/03/18	No objection – no woodland affected by he proposal

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
IMP3: Developer Obligations		
PP3: Placemaking		
H7: New Housing in the Open Countryside	Y	
EP9: Contaminated Land		
IMP1: Developer Requirements	Y	
EP10: Foul Drainage		

T2: Provision of Access		
T5: Parking Standards		
EP2: Recycling Facilities		
E7: AGLV and impacts on wider landscape		
E4: Trees and Development		
ER2: Development in Woodlands		
EP7: Control of Develop in FloodRiskArea		
EP5: Sustainable Urban Drainage Systems		

REPRESENTATIONS

Representations Received	YES	
Total number of representations received FOUR		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the Data Protection Act.		
Summary and Assessment of main issues raised by representations		
Issue: Traffic hazards Comments (PO): Reasonable visibility can be achieved from the site and subject to conditions Transportation have no objections to the proposals.		
Issue: Detrimental impact on valley setting and over-development Comments (PO): See Observations		
Issue: Drainage problems Comments (PO): SEPA have been specifically consulted in this respect and raise no objections. Moray Flood Risk Management do not object subject to conditions.		
Issue: Loss privacy Comments (PO): In relation to the distances, orientation and relationship with the neighbouring house to the west it is not considered that this would be a material issue.		
Issue: Effect on natural environment Comments (PO): No environmental designations are involved in the site and there is no evidence of any species or habitat that would be detrimentally impacted on.		
Issue: Loss of view Comments (PO): This is not a planning issue.		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

History

01/01725/FUL- The proposals for 2 houses are built, and are to the east of the site, across an open field. This consent involved the demolition of a croft at what is now "Torrison 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'.

On this basis the proposal site has no previous house consents, and even had there been any such consent that would have been long ago under quite different policy considerations.

The Site

Western part of a large open meadow area, with a 25m road frontage. Plot 1 is to the front and plot 2 extends to the rear of the meadow area.

There are tall mature conifer trees to the western and southern boundaries

The Proposal

APP for the erection of two houses.

The houses are reasonably compact units, well proportioned and with slate to the roof and render/larch boarding to the walls.

Housing in the Countryside Policy (H7, IMP1)

At a general level policy IMP1 requires that the scale, density and character of new development must be appropriate and integrated in the surrounding area. However, the specific policy for assessing new housing in the countryside is H7. This policy assumes in favour of new houses in the countryside providing all of the four stated criteria are met

Under H7 the specific requirements are:-

- 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)."

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 in which the current proposal sites lie, and there is already evidence of the attractive rural character of the setting being eroded. Reflecting this there has been a refusal for a further house to the east (far side) of the existing housing (reference 10/00115/APP).

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. On this basis the proposals should be refused as specifically breaching H7 (a), (b) and (c).

House Design (H7)

The concern with the proposal is specifically with the principle of any new house on the area, and in itself the overall scale, detailing and finishes of the houses are not such that house design would be a reason for refusal.

Developer Obligations (IMP3)

A Developer Obligation contribution has been identified for healthcare and the applicant has indicated that they would be willing to make this contribution.

As the application is being refused this matter has not been pursued.

Conclusion

For the reasons stated the proposal would be contrary to the specific provisions of policy H7 and should be refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
13/02072/PE	Proposed house on Sites At Torriston Pluscarden Moray			
	Decision	ID/PE Answered	Date Of Decision	27/01/14
02/02365/FUL	Amend house design and erect new dwellinghouse on Pot 2 on Sites At Torriston Pluscarden Elgin Moray			
	Decision	Permitted	Date Of Decision	25/03/03
02/02051/FUL	Erect new dwellinghouse and integral double garage on Plot A on Sites At Torriston Pluscarden Elgin Moray			
	Decision	Permitted	Date Of Decision	16/01/03
00/01100/OUT	Outline to erect new dwellinghouse on Sites At Torriston Pluscarden Elgin Moray			
	Decision	Refuse	Date Of Decision	15/08/00
99/00805/OUT	Outline to erect new dwellinghouse at Sites At Torriston Pluscarden Elgin Moray			
	Decision	Refuse	Date Of Decision	16/09/99

ADVERT

Advert Fee paid?	No		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	No PremisesDeparture from development plan	29/03/18	
PINS	No PremisesDeparture from development plan	29/03/18	

DEVELOPER CONTRIBUTIONS (PGU)

Status	A developer contribution has been identified but this not been pursued since the application is being refused.
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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

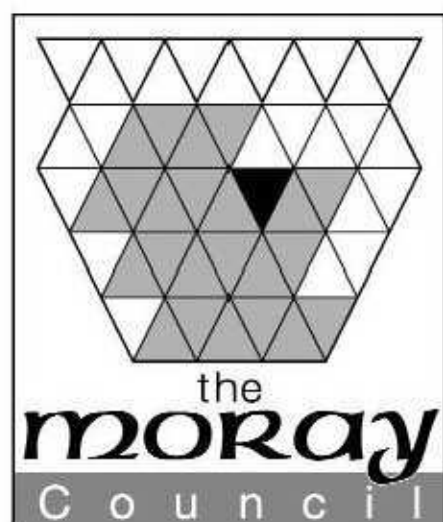
NO

Section 32

Requiring planning authority to consider the imposition of planning conditions

NO

Summary of Direction(s)

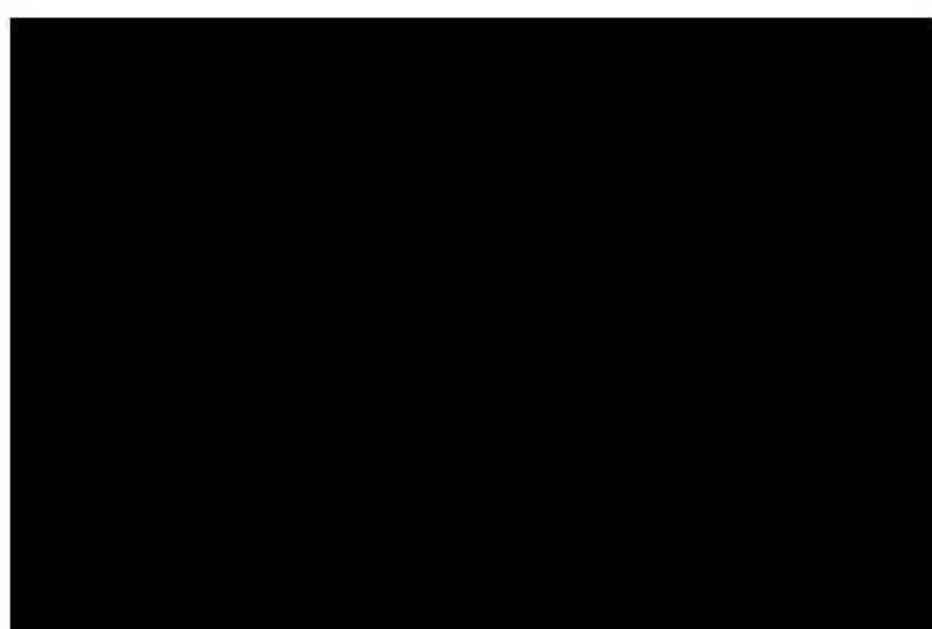


**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

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

TO

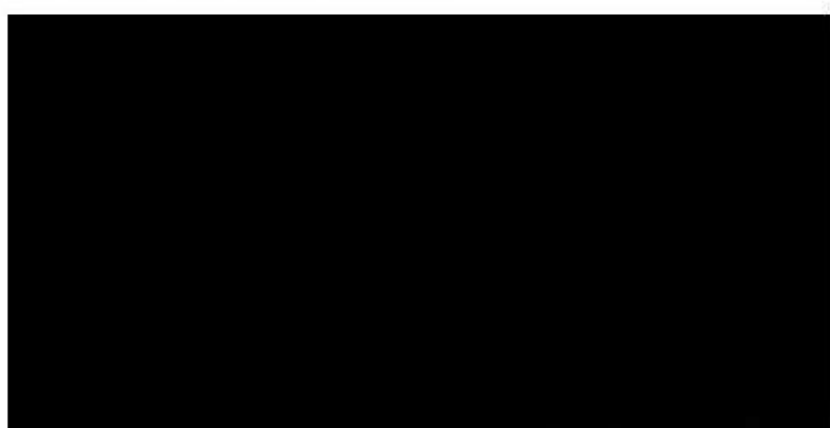


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Erect 2no dwellinghouses within Grounds Of Torrison House Torrison Pluscarden Elgin

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

Date of Notice: **16 April 2018**



HEAD OF DEVELOPMENT SERVICES

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

Ref: 18/00246/APP

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 is contrary to policies IMP1 and H7 for the following reasons :

- (i) 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.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
180005.CROCKART.04PP		Location plan
180005.CROCKART.02PP		Plot 1 - elevations and floor plans
180005.CROCKART.03PP		Plot 2 elevations and floor plans
180005.CROCKART.01PP		Site plan
180005.CROCKART.01PP	B	Proposed site plan

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

N/A

Ref: 18/00246/APP

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

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

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 01343 563 501 Fax: 01343 563 263 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 100113954-001

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

Grounds of Torrieston House, Pluscarden

Northing	<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 2 Dwellinghouses within Grounds of Torrieston House, Torrieston, Pluscarden

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 refer to the attached appeal statement and supporting documents

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)

Appeal Statement, Refusal Documents, Report of Handling, Site Plan, Housetype Plot 1, Housetype Plot 2, Location Plan, Copy of Mains Issue Report

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/00246/APP

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

20/02/2018

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

16/04/2018

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.

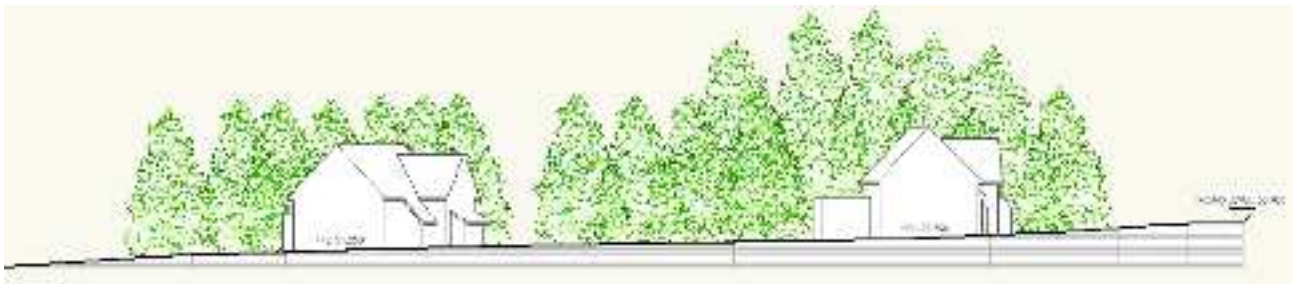
Declaration Name: Mr Craig Mackay

Declaration Date: 04/06/2018

LOCAL REVIEW BOARD

STATEMENT OF APPEAL

*ERECT 2 DWELLINGHOUSES WITHIN GROUNDS OF
TORRISTON HOUSE, PLUSCARDEN, ELGIN*



May 2018

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

t. 01343 540020
w. cmdesign.biz

**4 Bridge Street
Nairn
Highland
IV12 4EJ**

t. 01667 300230
w. cmdesign.biz

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



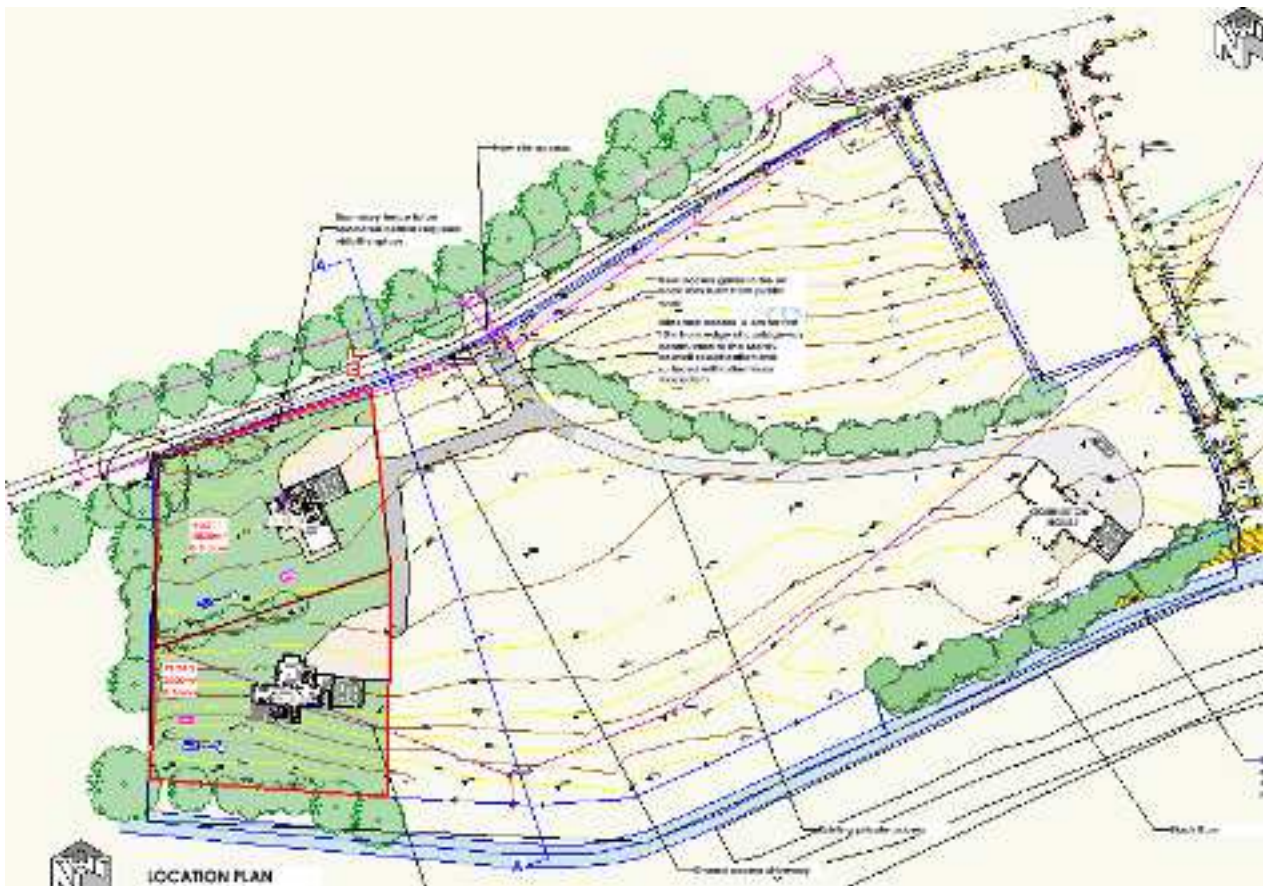
St. Brendans
South Guildry Street
Elgin
Moray
IV30 1QN

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:	18/00246/APP
Application Proposal:	Erect 2no dwellinghouses
Site Address:	within grounds of Torriston House, Pluscarden, Elgin
Appellants:	Ms Karen Gosling-Crockart
Date Application Validated:	26 th February 2018
Council Decision Notice Date:	16 th April 2018
Reason for Refusal:	<p><i>"The proposal is contrary to Policies IMP1 and H7 for the following reasons:</i></p> <p><i>The site is part of a large open meadow and would be a visually intrusive roadside development. It would be a ribbon form of development diminishing the open separation of houses along the public road.</i></p> <p><i>The new houses would not be integrated in the landscape and would contribute to a build up housing such that the open rural character of the Pluscarden valley setting would be diminished"</i></p>
Application Drawings & Supporting Documents:	<ul style="list-style-type: none"> • CMD Doc 001 – Moray Council Refusal Documents • CMD Doc 002 – Case Officer Handling Report • CMD Doc 003 – 180005.CROCKART.01PP (B) – Site Plan • CMD Doc 004 – 180005.CROCKART.02PP – Housetype Plot 1 • CMD Doc 005 – 180005.CROCKART.03PP – Housetype Plot 2 • CMD Doc 006 – 180005.CROCKART.04PP – Location Plan • CMD Doc 007 – Copy of MLPR Main Issues Report for Torriston

Contents	<ol style="list-style-type: none"> 1. Introduction – page 3 2. Background – page 5 3. Statement of Case – page 7 4. Policy Compliance – pages 8 5. Planning Precedent – page 11 6. Conclusion – page 13
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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 2 new houses - upon land formally recommended for development by Council Officers in the current Local Development Plan Review

1.2 Prior to the application referred to in this case being lodged with council, the site in question was put forward for development in the current Local Development Plan by of the “call for sites” process (Council reference LDP2020_BID_TO01)

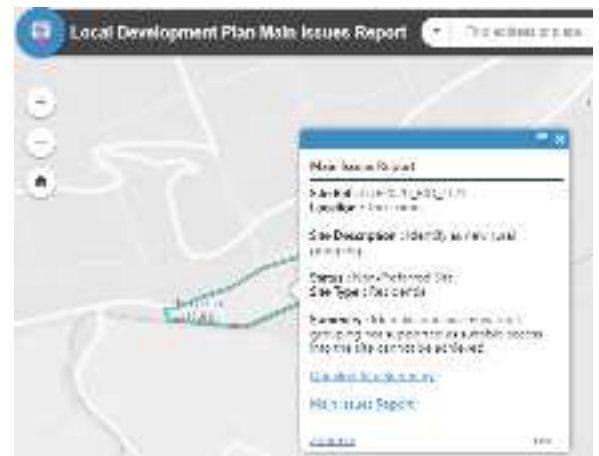
1.3 The submission by council (not by the appellant) for 2-3 new house sites was not carried forward due to rumoured concerns over vehicular access (See Doc No 007).

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 -

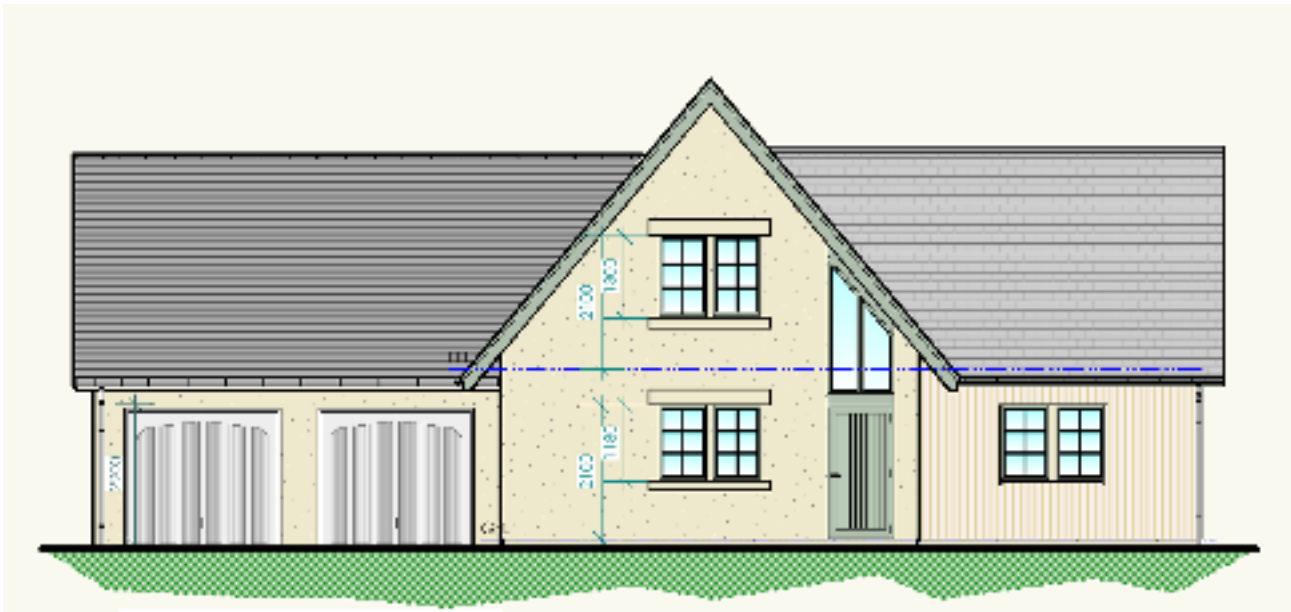
- Certain material considerations exist that might assist this case.
- This application could be deemed to **totally satisfy** the principle Policies that would permit approval under **IMP1 and H7** - see Section 4 – Policy Compliance
- Any issues previously raised with regard to **vehicular access have 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 two houses serves to demonstrate its suitability for future Local Plan Reviews.
- SEPA have **approved** of 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 Only 4 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.



- extract of site plan

2.4 The release of 2 new house sites will release 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, as is the access and visibility splay required.

2.6 The sites are 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

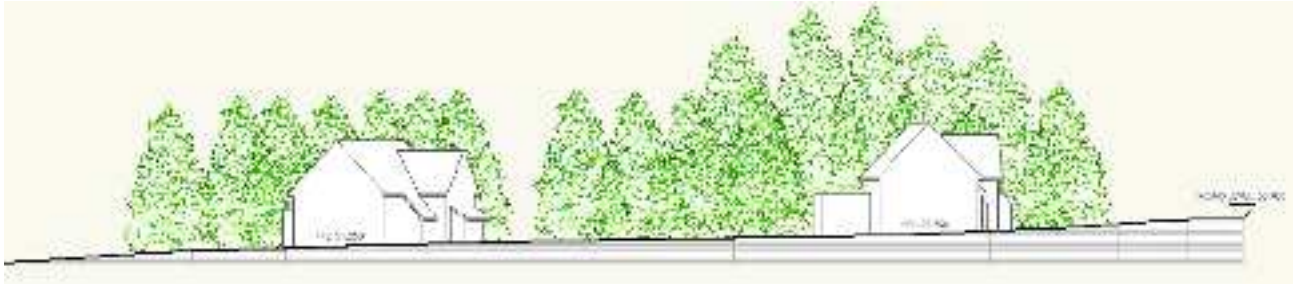


Pic 2 - site view looking south



Pic 3 - site invisible from west

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



wireframe view of site section and slope

2.8 The two proposed sites **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 accommodate 2 small house sites of this type 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.



3.4 It is a fact that there is a need for additional housing in Moray and this was recognised in the MLDP Review documents - see extract below of Main Issues Report – which **seeks 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 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 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 has now been overcome and dismissed by the Roads Department
- The criteria for compliance with Policy H7 exists in this case.
- Other LRB decisions to approve applications under similar circumstances might assist this case.

4. Policy Compliance

4.1 Two Policies are listed by the Case Officer for consideration and the appellant responds to each as follows.

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 the house sites 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 designs 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 of 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 – this particular paragraph does not offer any **significant issues** of non-compliance that would justify refusal

b) **Response** – The 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.

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.



extract of Policy H7

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. **The Pluscarden Valley is not one of them.** In fact, the 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.

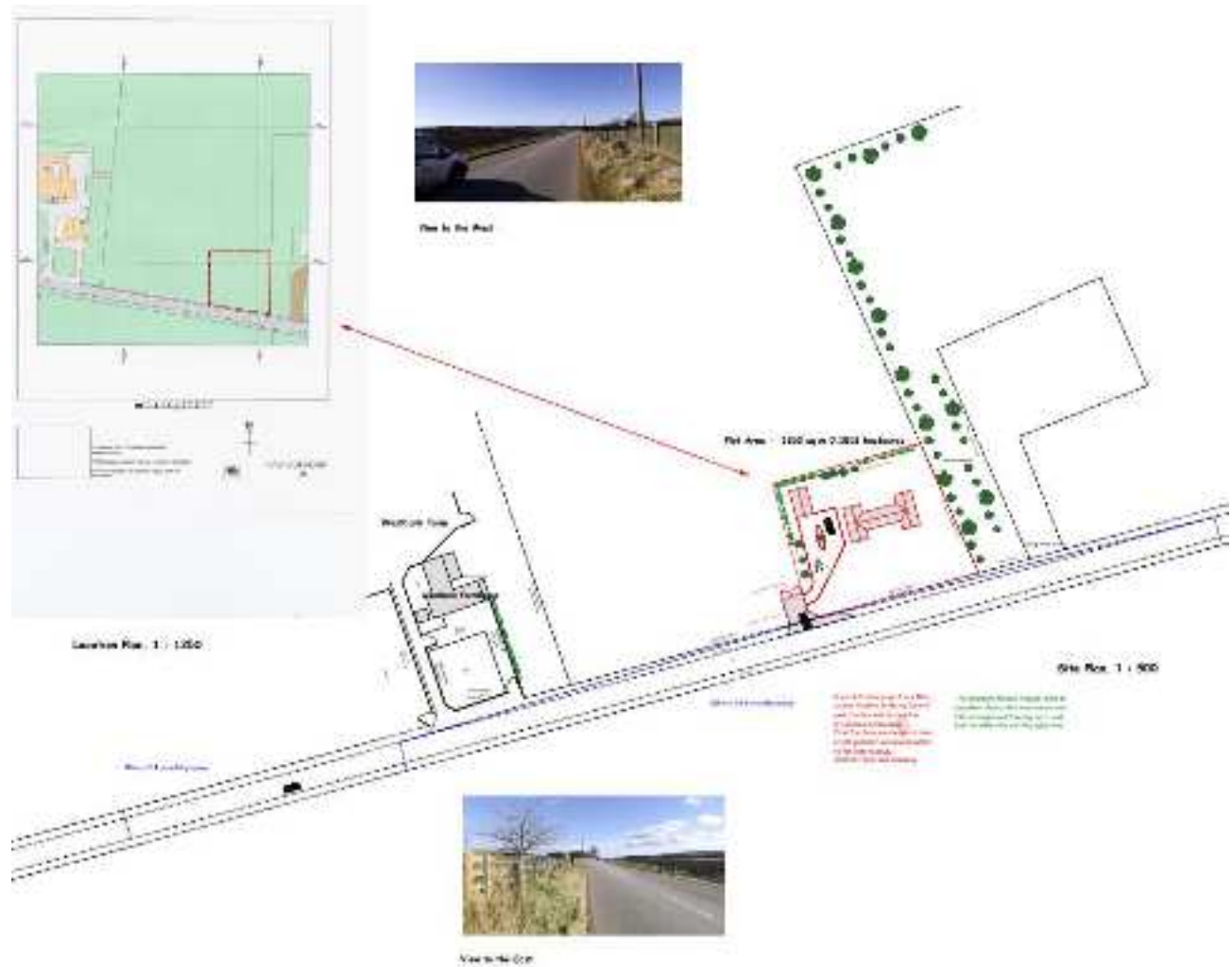
4.7. **H7 Conclusion** – Whilst the concern that an area could be at risk of over development is understood, it can be clearly seen that this proposal complies with each of the paragraphs described above. Whilst 3 out of the 4 criteria could be at risk of different subjective opinions, it should be reiterated 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

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.



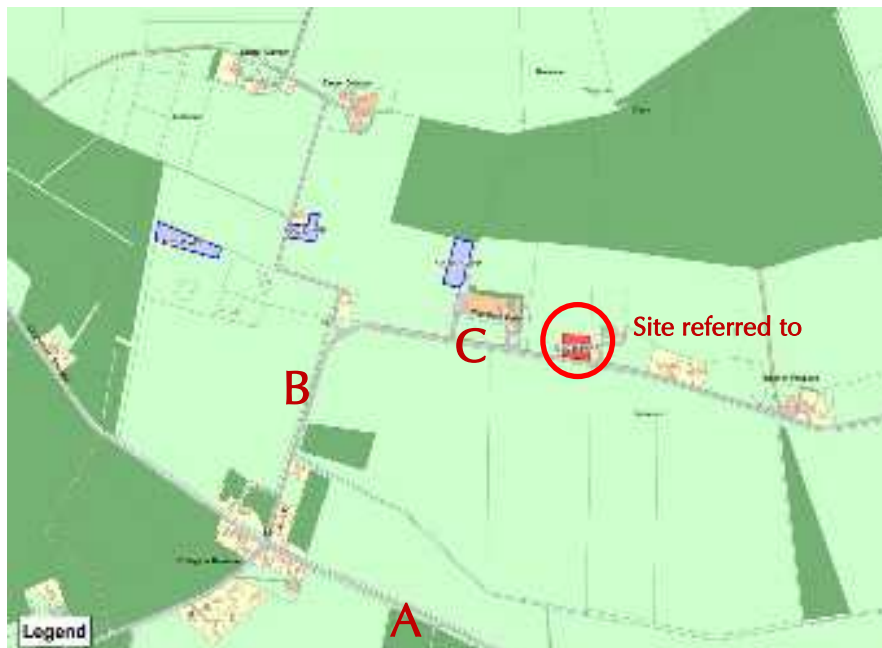
Pic 4 - view from A on map



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 a 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

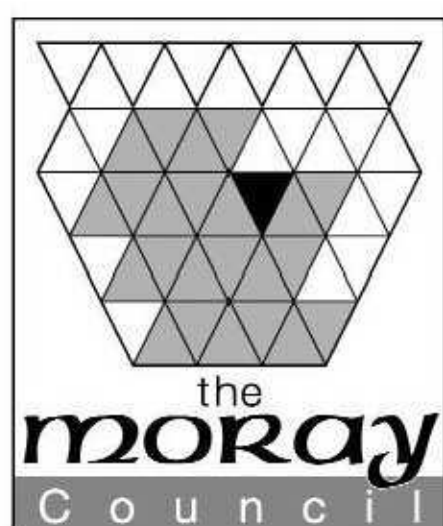
- That the proposals **fully comply** with the umbrella **Policy IMP1** in general terms
- That the proposals **fully comply** with the specific criteria of **Policy H7**.
- That **material considerations** exist that would allow for a departure from Policy, if required.
- That support for the development 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

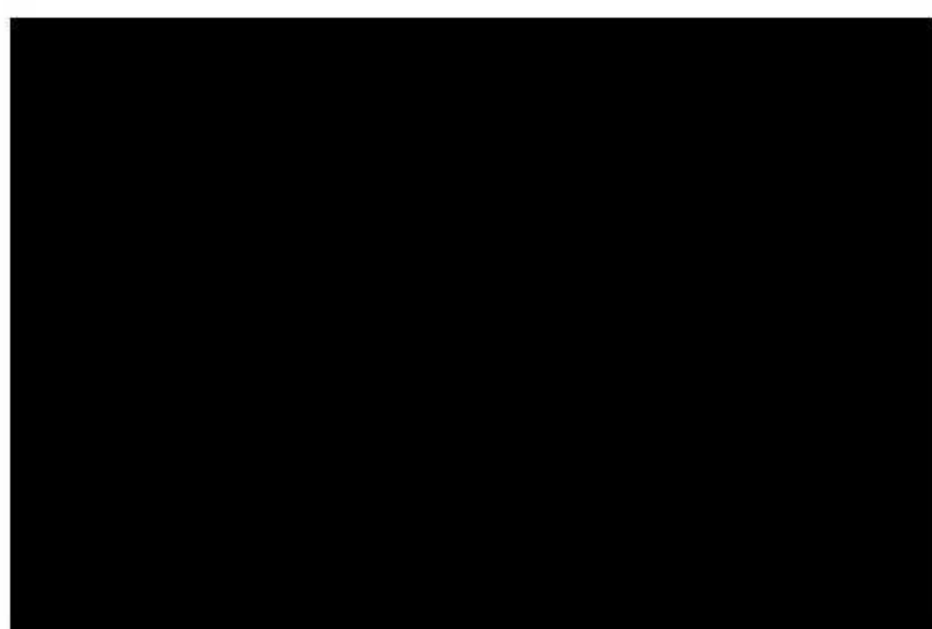


**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

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

TO

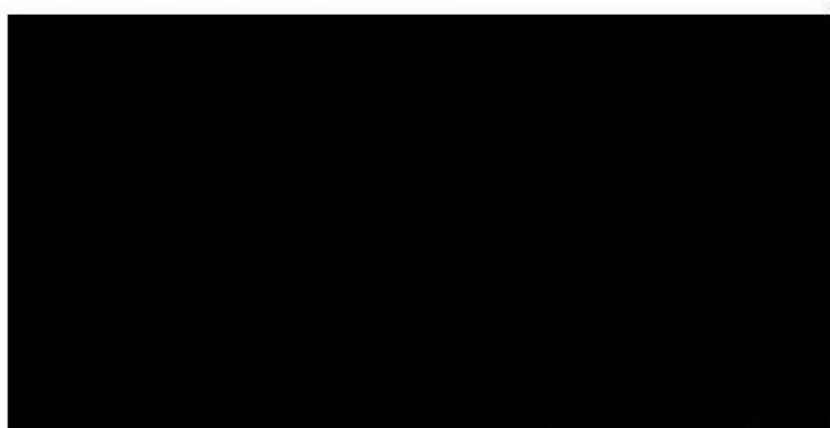


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Erect 2no dwellinghouses within Grounds Of Torrington House Torrington
Pluscarden Elgin**

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

Date of Notice: **16 April 2018**



HEAD OF DEVELOPMENT SERVICES

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

Ref: 18/00246/APP

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 is contrary to policies IMP1 and H7 for the following reasons :

- (i) 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.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
180005.CROCKART.04PP		Location plan
180005.CROCKART.02PP		Plot 1 - elevations and floor plans
180005.CROCKART.03PP		Plot 2 elevations and floor plans
180005.CROCKART.01PP		Site plan
180005.CROCKART.01PP	B	Proposed site plan

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

N/A

Ref: 18/00246/APP

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

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

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

REPORT OF HANDLING

Ref No:	18/00246/APP	Officer:	Maurice Booth
Proposal Description/ Address	Erect 2no dwellinghouses within Grounds Of Torrington House Torrington Pluscarden Elgin		
Date:	16/04/18	Typist Initials:	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

Consultee	Date Returned	Summary of Response
Environmental Health Manager	06/03/18	No objection
Contaminated Land	06/03/18	No objection
Transportation Manager	27/03/18	No objection subject to standard conditions and informatives.
Scottish Water	02/03/18	No objection
Planning And Development Obligations	14/03/18	A developer contribution has been identified but this not been pursued since the application is being refused.
Moray Flood Risk Management	02/03/18	No objection subject to conditions on flood and drainage risk statements
Scottish Environment Protection Agency	28/03/18	No objection
Forestry Commission	05/03/18	No objection – no woodland affected by he proposal

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
IMP3: Developer Obligations		
PP3: Placemaking		
H7: New Housing in the Open Countryside	Y	
EP9: Contaminated Land		
IMP1: Developer Requirements	Y	
EP10: Foul Drainage		

T2: Provision of Access		
T5: Parking Standards		
EP2: Recycling Facilities		
E7: AGLV and impacts on wider landscape		
E4: Trees and Development		
ER2: Development in Woodlands		
EP7: Control of Develop in FloodRiskArea		
EP5: Sustainable Urban Drainage Systems		

REPRESENTATIONS

Representations Received	YES	
Total number of representations received FOUR		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the Data Protection Act.		
Summary and Assessment of main issues raised by representations		
Issue: Traffic hazards Comments (PO): Reasonable visibility can be achieved from the site and subject to conditions Transportation have no objections to the proposals.		
Issue: Detrimental impact on valley setting and over-development Comments (PO): See Observations		
Issue: Drainage problems Comments (PO): SEPA have been specifically consulted in this respect and raise no objections. Moray Flood Risk Management do not object subject to conditions.		
Issue: Loss privacy Comments (PO): In relation to the distances, orientation and relationship with the neighbouring house to the west it is not considered that this would be a material issue.		
Issue: Effect on natural environment Comments (PO): No environmental designations are involved in the site and there is no evidence of any species or habitat that would be detrimentally impacted on.		
Issue: Loss of view Comments (PO): This is not a planning issue.		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

History

01/01725/FUL- The proposals for 2 houses are built, and are to the east of the site, across an open field. This consent involved the demolition of a croft at what is now "Torrison 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'.

On this basis the proposal site has no previous house consents, and even had there been any such consent that would have been long ago under quite different policy considerations.

The Site

Western part of a large open meadow area, with a 25m road frontage. Plot 1 is to the front and plot 2 extends to the rear of the meadow area.

There are tall mature conifer trees to the western and southern boundaries

The Proposal

APP for the erection of two houses.

The houses are reasonably compact units, well proportioned and with slate to the roof and render/larch boarding to the walls.

Housing in the Countryside Policy (H7, IMP1)

At a general level policy IMP1 requires that the scale, density and character of new development must be appropriate and integrated in the surrounding area. However, the specific policy for assessing new housing in the countryside is H7. This policy assumes in favour of new houses in the countryside providing all of the four stated criteria are met

Under H7 the specific requirements are:-

- 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)."

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 in which the current proposal sites lie, and there is already evidence of the attractive rural character of the setting being eroded. Reflecting this there has been a refusal for a further house to the east (far side) of the existing housing (reference 10/00115/APP).

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. On this basis the proposals should be refused as specifically breaching H7 (a), (b) and (c).

House Design (H7)

The concern with the proposal is specifically with the principle of any new house on the area, and in itself the overall scale, detailing and finishes of the houses are not such that house design would be a reason for refusal.

Developer Obligations (IMP3)

A Developer Obligation contribution has been identified for healthcare and the applicant has indicated that they would be willing to make this contribution.

As the application is being refused this matter has not been pursued.

Conclusion

For the reasons stated the proposal would be contrary to the specific provisions of policy H7 and should be refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
13/02072/PE	Proposed house on Sites At Torriston Pluscarden Moray			
	Decision	ID/PE Answered	Date Of Decision	27/01/14
02/02365/FUL	Amend house design and erect new dwellinghouse on Pot 2 on Sites At Torriston Pluscarden Elgin Moray			
	Decision	Permitted	Date Of Decision	25/03/03
02/02051/FUL	Erect new dwellinghouse and integral double garage on Plot A on Sites At Torriston Pluscarden Elgin Moray			
	Decision	Permitted	Date Of Decision	16/01/03
00/01100/OUT	Outline to erect new dwellinghouse on Sites At Torriston Pluscarden Elgin Moray			
	Decision	Refuse	Date Of Decision	15/08/00
99/00805/OUT	Outline to erect new dwellinghouse at Sites At Torriston Pluscarden Elgin Moray			
	Decision	Refuse	Date Of Decision	16/09/99

ADVERT

Advert Fee paid?	No		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	No PremisesDeparture from development plan	29/03/18	
PINS	No PremisesDeparture from development plan	29/03/18	

DEVELOPER CONTRIBUTIONS (PGU)

Status	A developer contribution has been identified but this not been pursued since the application is being refused.
--------	--

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
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Summary of terms of agreement:

Location where terms or summary of terms can be inspected:
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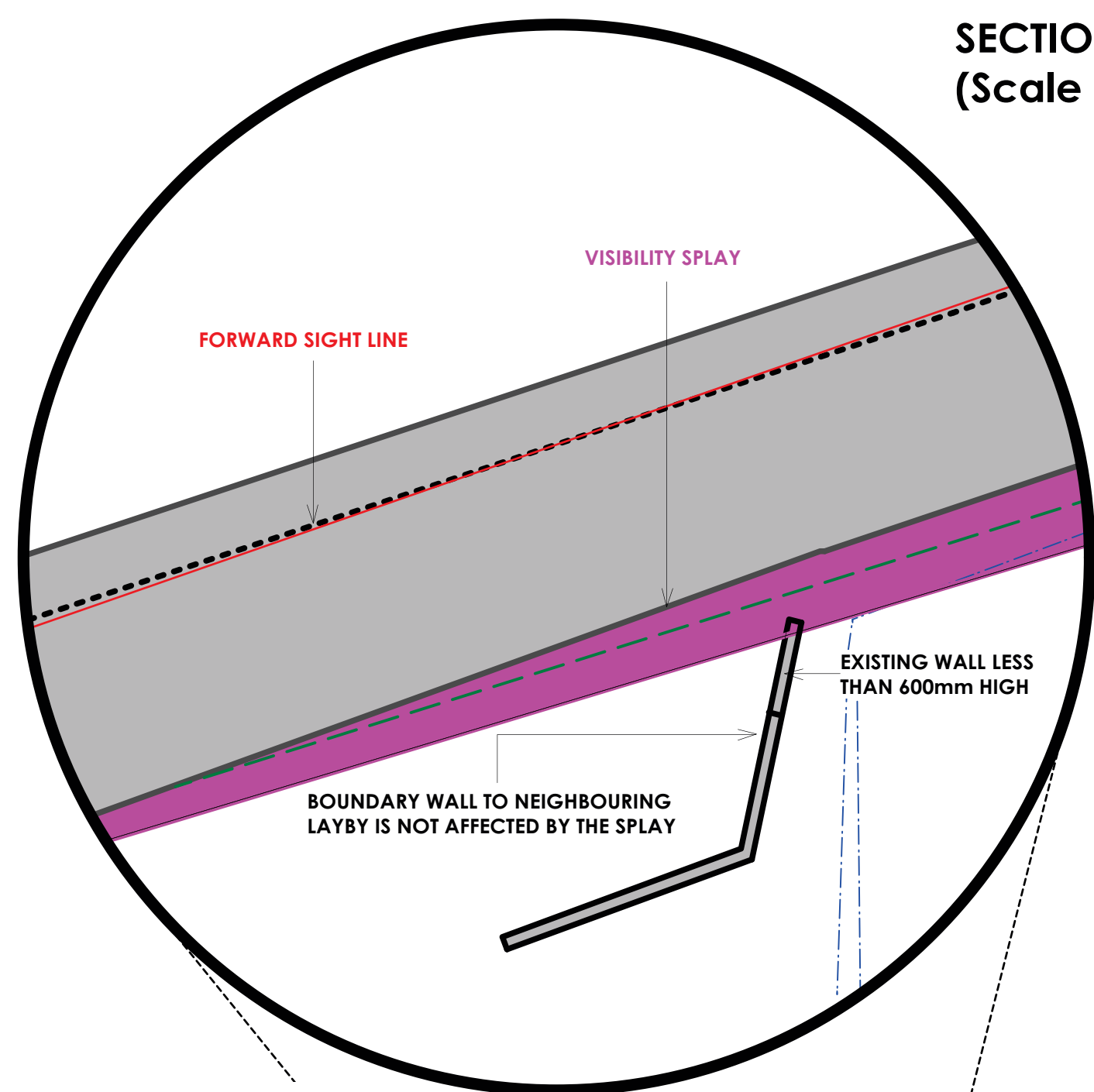
DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)

Section 30	Relating to EIA		NO
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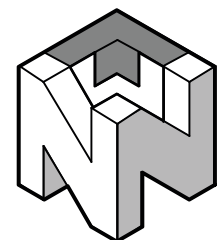
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
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Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
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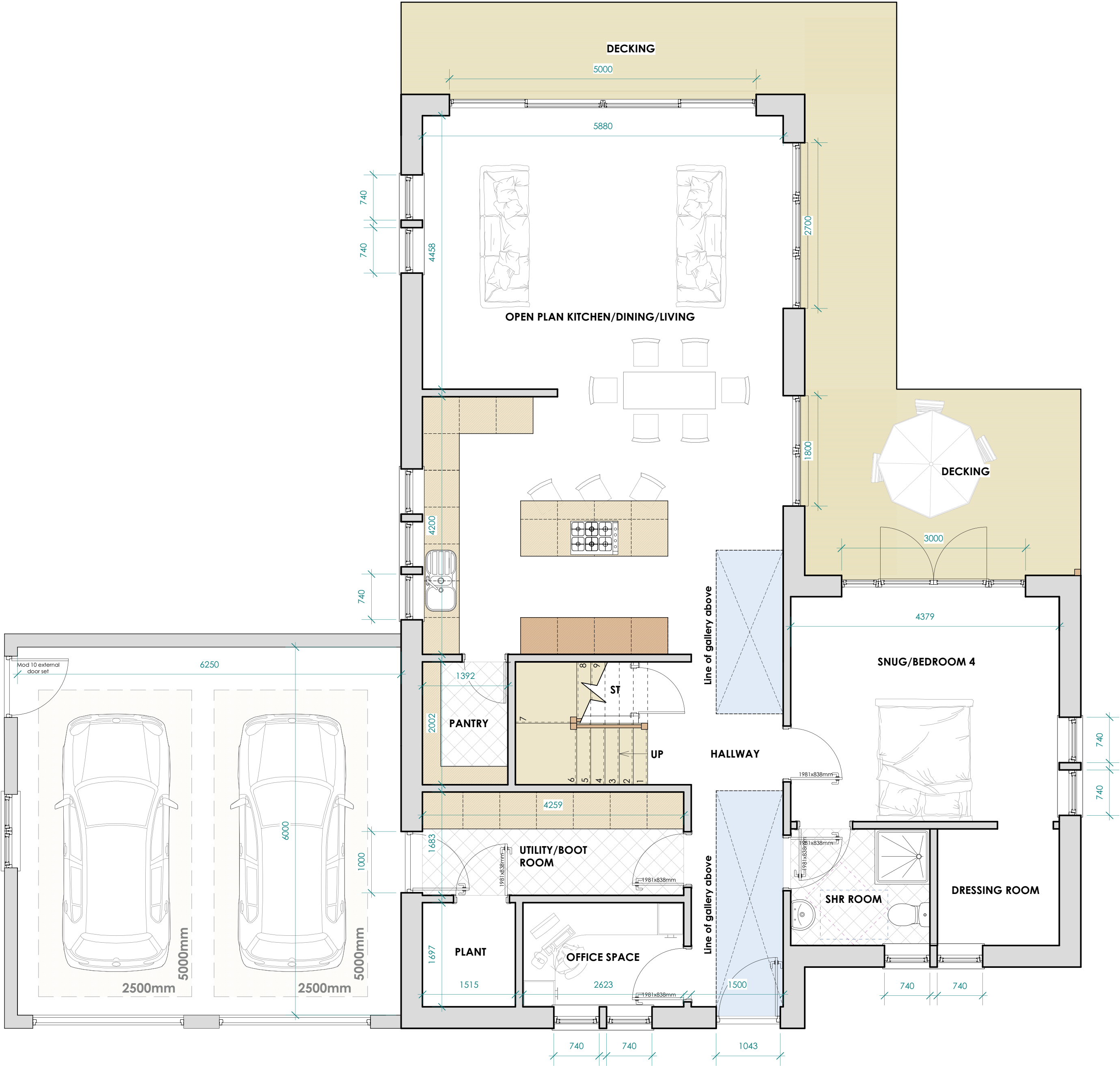
Summary of Direction(s)



ENLARGED DETAIL
(Scale 1:100)

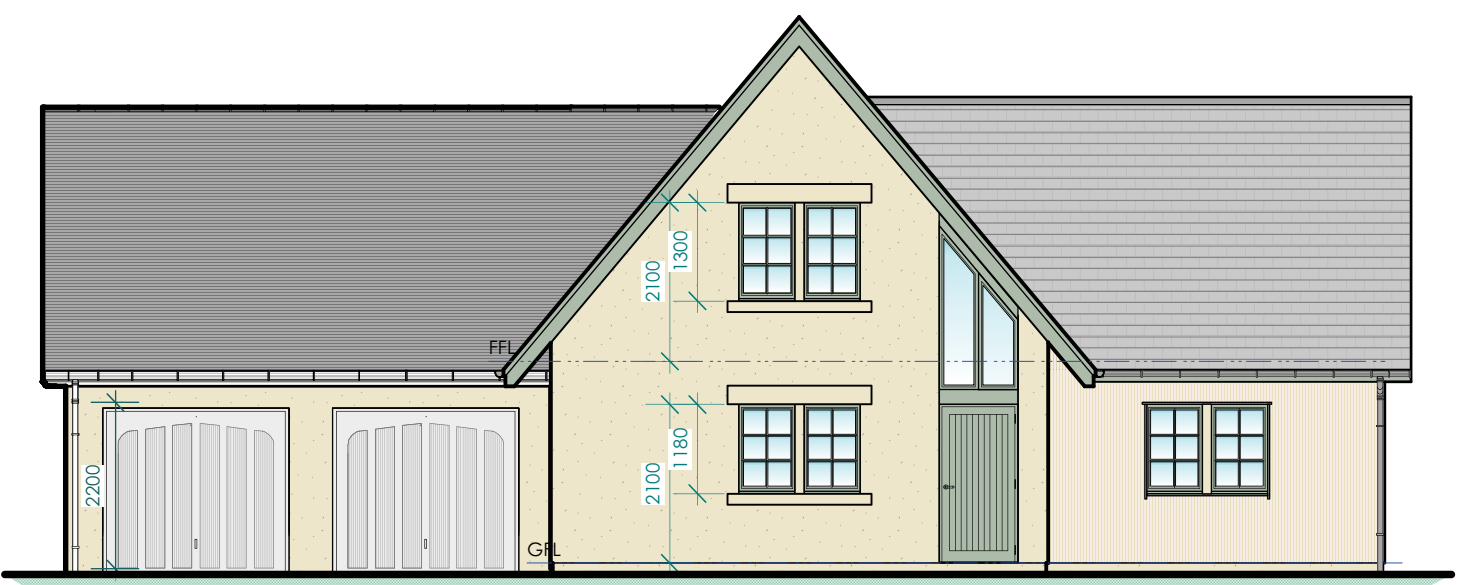


LOCATION PLAN
(Scale 1:500)



GROUND FLOOR PLAN
(Scale 1:50)

Ground Floor Area = 110m²
Garage Floor Area = 38m²



FRONT ELEVATION
(Scale 1:100)

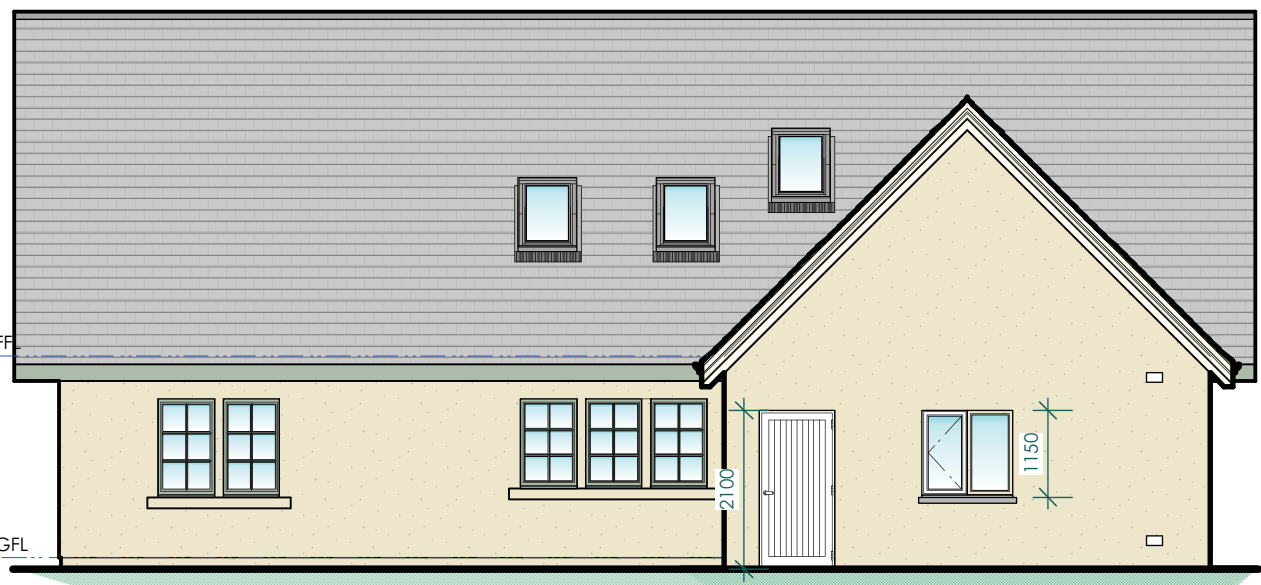


REAR ELEVATION
(Scale 1:100)

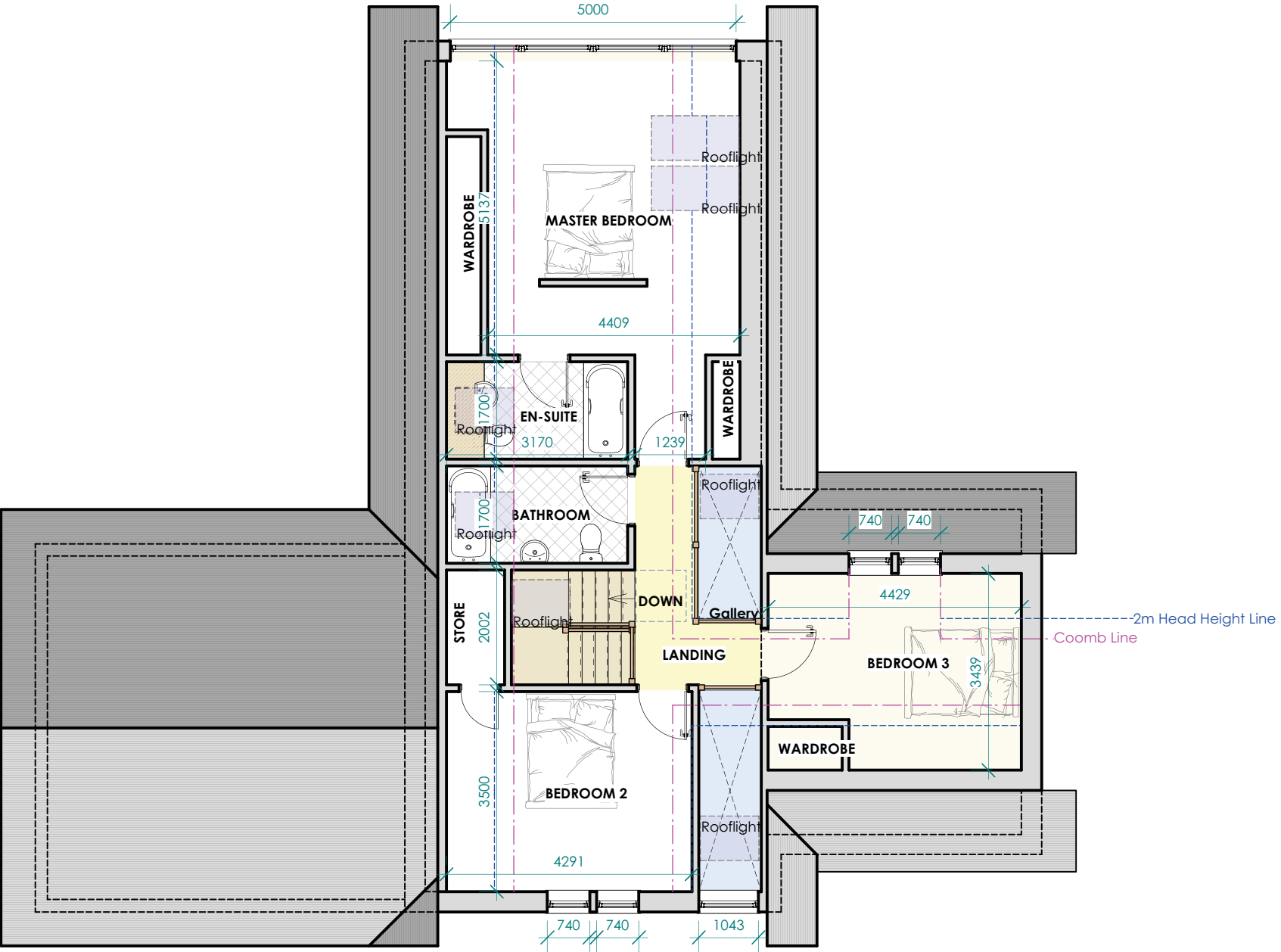
A GABLE WIDTH OF NO MORE THAN 2.5 TIMES THE HEIGHT OF THE WALL FROM GROUND TO EAVES LEVEL
GROUND TO EAVES = 3450mm
SO GABLE CANNOT BE ANY GREATER THAN:
3450mm x 2.5 = 8625mm
ACTUAL GABLE WIDTH = 6580mm



EAST ELEVATION
(Scale 1:100)



WEST ELEVATION
(Scale 1:100)



FIRST FLOOR PLAN
(Scale 1:100)

First Floor Area = 85m²

Finishes

- Roof**
- Slate (Heavy Spanish)
 - Timber fascia, barge board and soffit
 - Aluminium deepflow gutters and downpipes, prefinished colour to clients choice
- Walls, Basecourse & Dormers**
- Cream or off white render
 - Vertical larch cladding
- Windows & Doors**
- Painted timber finish with sandstone precast cills or timber edgings



cmdesign
architectural consultants

HEAD OFFICE - MORAY
St Brendans, 69 South Gullydr Street, Elgin,
IV30 1GN
t 01343 540020

HIGHLANDS
4 Bridge Street, Nairn, Highlands, IV12 4EJ
t 01667 300230

LOSSIEMOUTH OFFICE
Ellet, James Street, Moray,
IV30 6BX
t 01343 810175

DEVON OFFICE
t 01392 345566

m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

Ms. Gosling-Crockart

2NO. NEW HOUSES WITHIN GROUNDS OF TORRIESTON HOUSE, TORRIESTON, PLUSCARDEN

PLANNING PROPOSALS
PLOT 1 FLOOR PLANS AND ELEVATION

Date: Amendments: Rev:

Drawn By: A. CARSWELL Date: 08.02.18 Checked By: Date:

180005.CROCKART.02PP

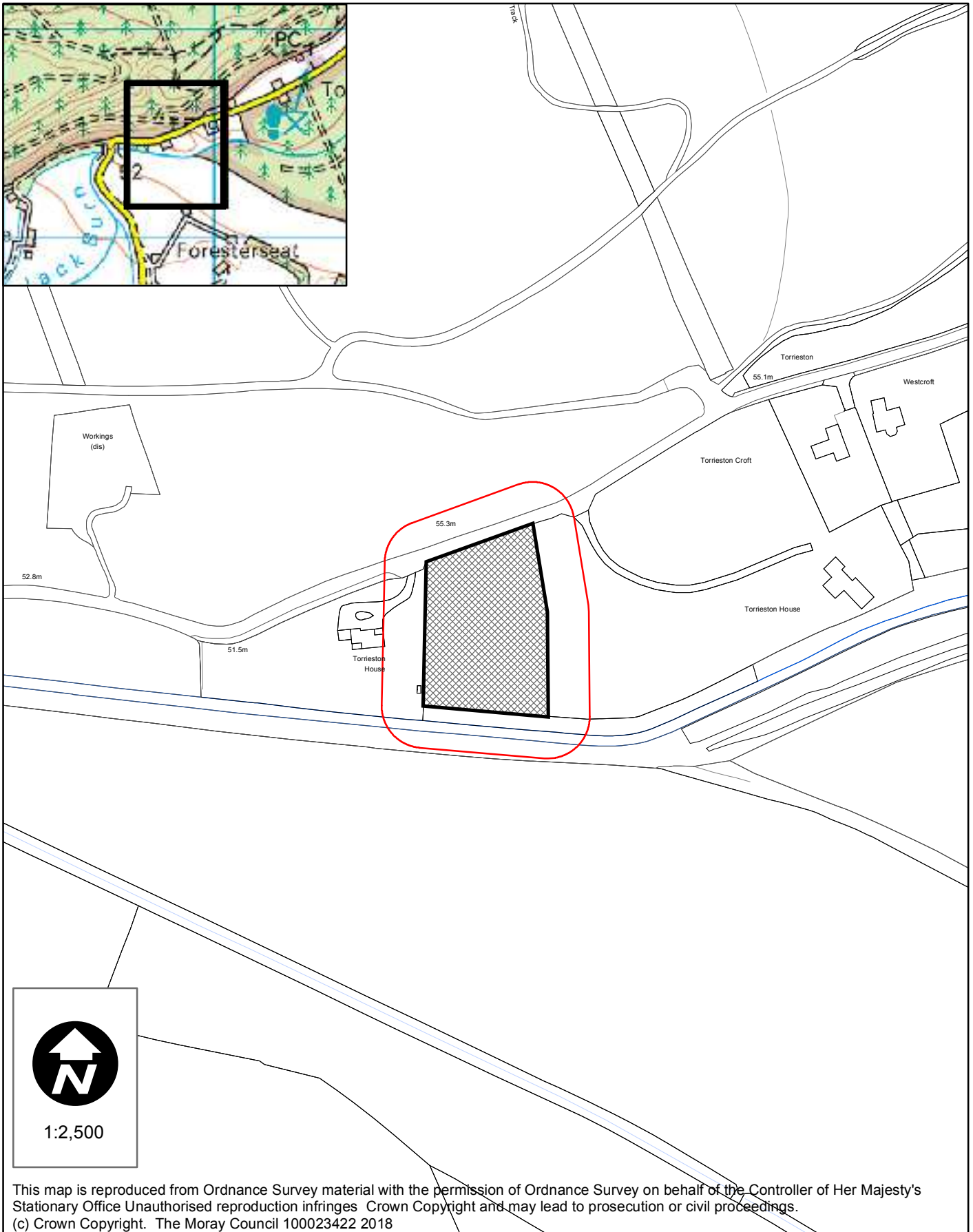
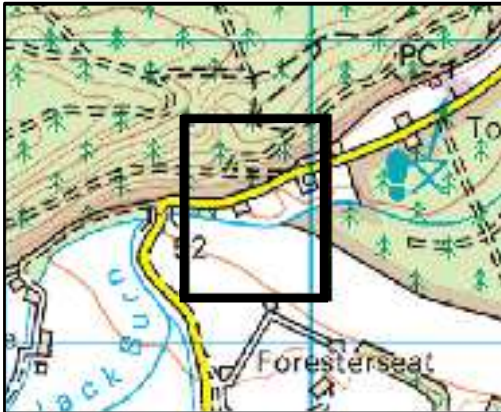
Site Plan for Neighbour Notification purposes only

Town and Country Planning

(Development Management Procedure)(Scotland) Regulations 2008

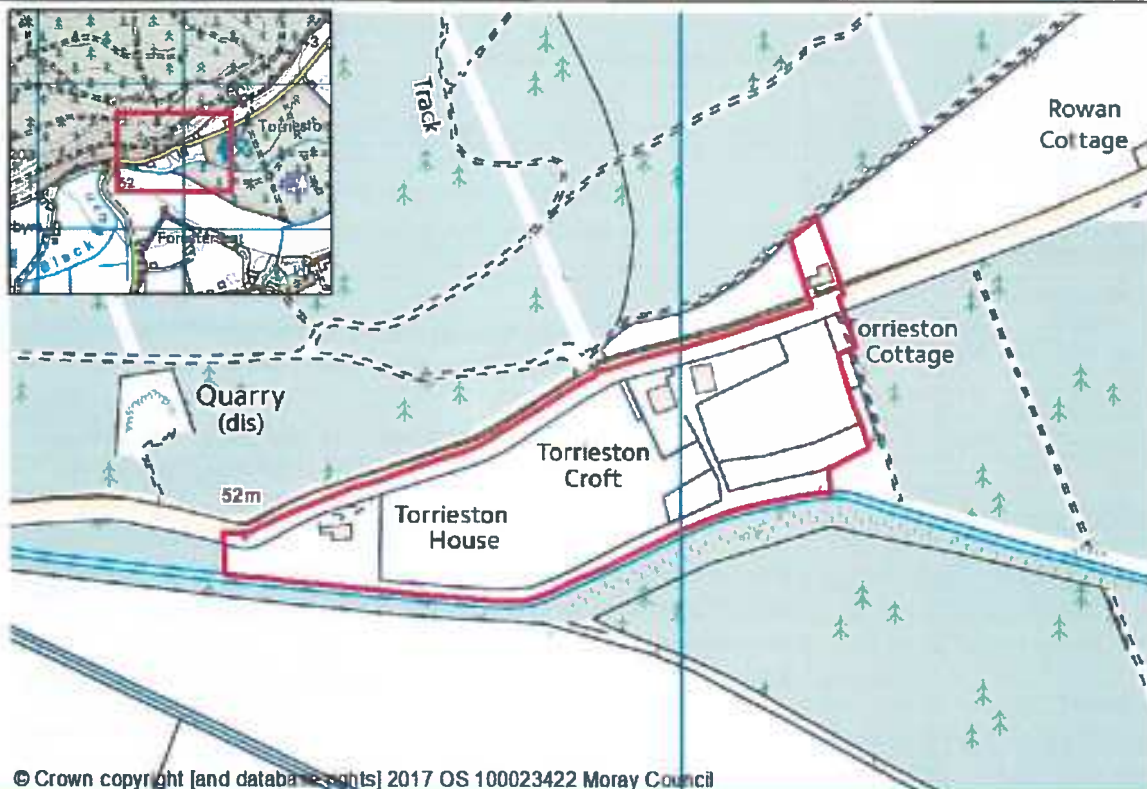
Planning Application Reference Number:

18/00246/APP



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Site Reference	LDP2020_BID_TO01
Settlement	Torrieston
Site Address	Torrieston, Near Elgin
Owner Developer	Officer identified
Site Description	Area of land next to a small cluster of houses
Bid Summary	Residential
Greenfield/ Brownfield	Greenfield
Current Zoning	None
Planning History	None



Strategic Environmental Assessment	
SEA Scoping In/Out	Out
Overall SEA Conclusion	Scope out, despite impact on landscape the bid is not supported.
Effective Sites	
Market Interest / Developer commitment	
Site Constraints:	
Transportation Requirements	<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>
Flooding	<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>
Contaminated Land	
Landscape Requirements	
Advanced Planting	
Site Conditions	<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>
Other Abnormal Costs (e.g. Gas Pipeline)	
Identified Assessment Requirements	Flood Risk Assessment
Summary / Conclusion	The proposal is not support on transportation grounds.
Planning Assessment	
Planning Conclusion	<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>
Recommendation	Not supported



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

Lissa Rowan

From: Planning-Comments
Sent: 14 June 2018 09:32
To: Lissa Rowan
Subject: 18/00246/APP Grounds Of Torrleston House, Torrleston, Pluscarden, Elgin

Hi Lisa

Please see comment below re the above application which is with the Local Review Body.

Thanks

Lorraine

From: [REDACTED]
Sent: 14 June 2018 8:42 AM
To: planning
Subject: Re: Saved search results and Tracked Applications have been updated

I have read the appeal submitted by the architect and would like to make the following comments.
I am very surprised the roads department find no problem with the extra vehicles using the access drive on to what has become a very busy and fast road. With the access near a blind corner and the speed cars are travelling at it would be an accident waiting to happen.
The appeal claims no visual impact. From the west I would agree but coming from the other direction as soon as you round the corner it is right in your face and no way of hiding or muting the visual effect.

On 6 Jun 2018 10:34 am, planning@moray.gov.uk wrote:

The following results have been updated recently:

Tracked Applications

Erect 2no dwellinghouses within - Grounds Of Torrleston House Torrleston Pluscarden Elgin Moray

Ref. No: 18/00246/APP | Status: Local Review Requested | Case Type: Planning Application

Lissa Rowan

From: [REDACTED]
Sent: 18 June 2018 15:28
To: Lissa Rowan
Subject: Planning Application - 18/00246/APP

Erect 2 Dwelling-houses within Grounds of Torrieston House, Torrieston Pluscarden

As an interested party to the above application I wish to make further representations for the refusal of this planning application.

The reasons for the original refusal have not altered. They read as follows The proposal is 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".

The 2 proposed houses will be one of the first viewings as vehicles enter the Pluscarden valley from the Elgin direction and not "seen for an instant" as stated by the applicant.

The needs of Moray are for "affordable housing" which this development would not fulfil.

In the original planning application it was stated that the site would be used to house horses and for stabling with no mention of housing.

The access issues are still disputed. The access road is narrow with sharp bends, verges which are breaking up and speeding traffic frequently including large tractors with trailers and lorries moving livestock.

The planned extensive landscaping should not form part of the appellants application .

Indeed the applicant has not complied with the conditions to allow planning of Torrieston House i.e to plant beech hedging and native trees in the garden ground (lands condition 7).

[REDACTED]

Sent from my iPad

18 JUN 2018

14/6/18

The Clerk

M LRB

Myra Council

Council Offices

High Street

Elgin

IV30 1BX

Your Ref: LR/LR 207 - Notice of Review
Planning Application 18/00246/APP
Erect 2 Dwelling Houses within grounds
of Tomieston House, Plescarden.

With reference to above I wish to
highlight the following:

1) To confirm that the existing houses

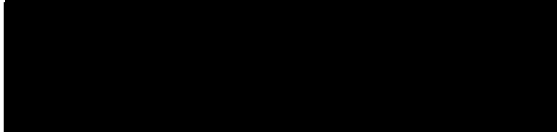
etc in an open setting and building
of 2 houses would have an impact on
neighbouring houses.

- 2) Unmanageable land?
All plots have the same land and
have managed to landscape same.
- 3) Example of House @ Roseisle?
No comparison the topography is
completely different.
- 4) Torrieston Pleascaden is an area of
historic & outstanding beauty &
wildlife, and very much appreciated
by residents of Moray for recreation,
walking, running, cycling and
approved charity runs etc.
- 5) Torrieston House is situated within
one site with planning for four
houses (4 plots).

The Plot East of Torrington House is of
similar size.

If this Planning application is allowed
it will encourage "Ribbon Development".

Yours faithfully,

A large black rectangular box redacting the signature.A small black rectangular box redacting the signature.

Lissa Rowan

From: [REDACTED]
Sent: 13 June 2018 13:50
To: Lissa Rowan
Subject: Further to our conversation.

May I address the following concerns to the MLRB. I must be missing something in the documents so if I may I will list the following.

Ref.18/00246/APP

Technical problems.

Schools.

Transport. Lack of adequate public transport.

Traffic volume on the Pluscarden road is already a dangerous burden at times of day.

Amenities and services very limited.

Sewage and surface runoff will increase causing the burn to be at greater flood risk.

Management of risk that might be related to contractors in case building is approved. E.g. diesel or other oil spillage. The

Black burn does supply water to Milntown distillery just a couple of miles downstream and the only drainage of this valley is the burn.

It is clear that the plan to build housing in the valley is being pushed as hard as possible. The proposed homes will not represent

easily affordable assets; each occupying half an acre. These large units with two car garages ,etc , cannot be defined as housing to fulfil the current gross needs.

It is also clear that if this bid to obtain permission to build is approved, then the prospect for the valley is bleak as it will certainly be

stuffed with lots of large highly profitable homes - not simply 'ribbon development' but eventually, complete development of the valley as

another village with the attendant ruination of much good agricultural land, just what Moray is based on.

My apologies if some of this communication falls outside the essential definition of material that can be considered in an appeal.

[REDACTED]