



## Birnie Side, Wardend, Birnie

### Notice of Review Statement

(planning ref - 15 / 00373 / APP)

proposed erection of  
dwelling-house with detached  
garage

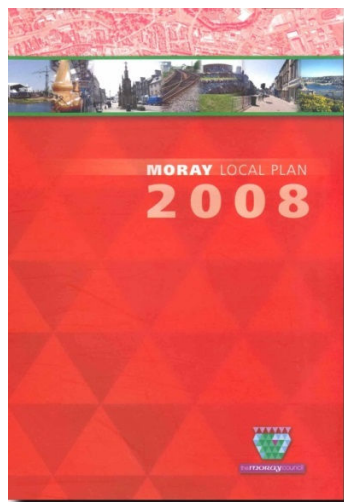


**BIRNIE SIDE, WARDEND, BY BIRNIE, ELGIN, MORAY**

**REFUSED PLANNING APPLICATION (ref - 15 / 00373 / APP)**

**STATEMENT OF REVIEW**

**July 2015**



*The Moray Council's refusal notice dated 22<sup>nd</sup> May 2015 has been based on policies H8 and IMP1 of the Moray Local Plan 2008 and Supplementary Planning Guidance "Housing in the Countryside" (January 2012) and states the following :*

**The introduction of a further house plot into this locality would result in an unacceptable cumulative build-up of housing that would be detrimental to the rural character of the area. Whilst currently screened by trees the cumulative impact of these proposals would alter the appearance of the area through associated activity i.e. increased traffic movements, refuse bin collections etc which in turn would erode its rural character. Given these factors, the proposal is considered to constitute an inappropriately located site which fails to satisfy the siting criteria of policies H8 and IMP1 and associated Supplementary Planning Guidance 'Housing in the Countryside'.**

Contrary to the above notice we believe the proposed dwelling-house adheres fully to the Moray Local Plan (2008) policies H8 and IMP1 as well as the supplementary planning guidance. We are keen to articulate our reasons why we feel that this application should be supported for approval. Please see below. –

*In regard to the Moray Council refusal notice and as stated above The Moray council argue that the "introduction of a further house plot into this (woodland) would result in an unacceptable build-up of housing that would be detrimental to the rural character of the area. Whilst currently screened by trees the cumulative impact of these proposals would alter the appearance of the area through associated activity i.e. increased traffic movements, refuse bin collections etc which in turn would erode its rural character."*

We take on board the Moray Council's view in regard to the number of dwellings which have now been consented in this area however we firmly believe that this additional proposal would not cause any feeling of detriment and to all intents and purposes would be hidden from view. We also feel the dwelling-house would enhance the landscape.

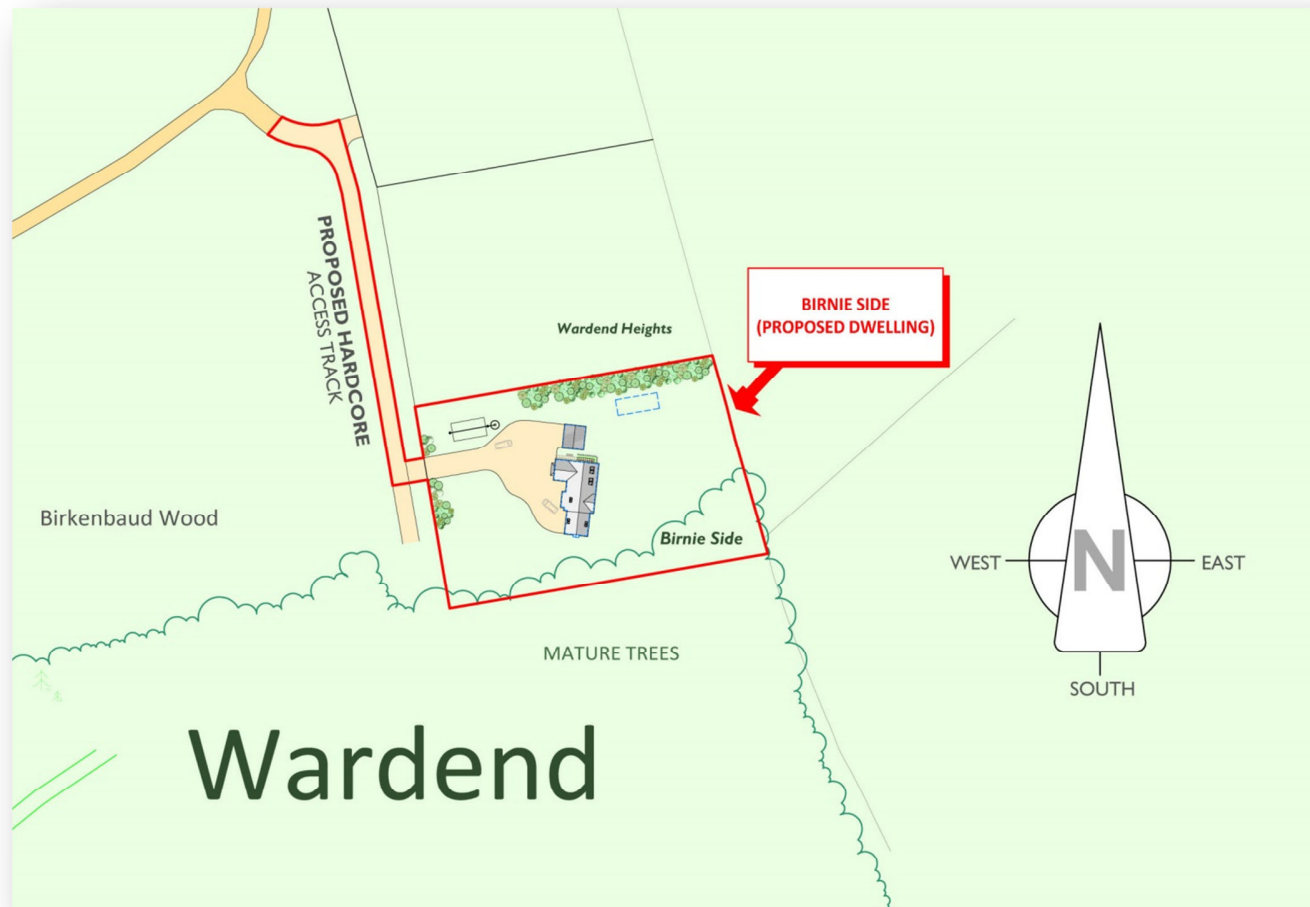
The plot is located adjacent to two previous planning consents (Wardend Heights and Upper Birkenbaud). The entire curtilage of these three dwelling-houses would have mature tree growth to the south and west and are located over 200 metres from any other development. We believe these factors will encourage a feeling of seclusion.

Concerning increased traffic movement a good quality, wide access track exists at the moment within this wooded area (which would be extended slightly to accommodate this dwelling if it were to be consented). In our opinion it is very unlikely another dwelling will noticeably increase the flow of traffic or cause any problems.

With each rural planning application we submit it is a matter of utmost importance to ensure every site design is of an adequate size and spacing to enhance an area, without creating any sense of overcrowding or any feeling of detriment.

With this in mind, our plots predominantly measure at least half an acre (2023 sqm) in area and, if possible, we endeavour to utilize existing tree foliage to help integrate a new build within it's landscape setting. This design ethos ensures our finished plots do not form any sense of urbanisation. Evidence of this can be witnessed at our various sites throughout Moray and the Highlands.

This particular planning application, if approved, would measure 1.138 acres (4606 sqm). Please see site plan below –



**In line with council policy we intend to retain many of the existing trees on the site itself, ensuring a minimum of 25% of the existing site area is covered in foliage. This will not only help to integrate the dwelling-house into the landscape but will provide a “softening” of the development.**

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**In addition to the above reasoning we would also like to answer each policy point as follows -**

#### ***POLICY H8 (Moray Local Plan)***

##### **a) Siting**

- We believe this dwelling-house would integrate well to the surrounding countryside and rather than detracting from the local area would compliment this landscape setting.
- The site is not overly prominent (it does not sit on a skyline location, artificially elevated ground or in an open setting such as the central area of a field) and will be nestled in existing woodland.

##### **b) Design**

- The house style is of a contemporary design with traditional characteristics including vertically proportioned windows, walls of white or cream roughcast and natural stone with grey concrete tiles specified to the roof to imitate traditional natural slates. In our opinion, the design complies fully with "H8 Design" and it has already being approved at a number of rural locations throughout Moray

#### ***POLICY IMP1 (Moray Local Plan)***

Again, the proposed site, in our opinion complies with this policy. We have listed below our answers to the entire policy from criteria **a** through to **n** -

a. The scale, density and character must be appropriate to the surrounding area -

This dwelling-house design has previously been approved in rural locations throughout Moray. The plot sits adjacent to two other consents - together these three consents are located over 200 metres from any other development. We feel that with this spacing, the density will not be overly excessive with another dwelling consented in this locale. Further, the scale of the development is very similar to the dwelling-houses which have previously been approved nearby.

b. The development must be integrated into the surrounding landscape -

In our view, the proposal will feel “integrated” into the landscape because it will be set into existing woodland. Further, in line with council policy we will ensure 25% of the plot is covered with foliage to provide a ‘softening’ of the development.

c. Adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development. -

A good quality access track exists at the moment which will be extended to this new plot if it were to be consented.

d. Adequate water, drainage and power provision must be made.

This site will be fully serviced with electricity, a private water supply and a BT connection. The drainage will be by means of SUDS soakaways as denoted on the site plan (BIRNIE-SIDE / PLANNING / 01).

e. Sustainable urban drainage systems should be used where appropriate, in all new developments -

As mentioned above the drainage will be by means of SUDS soakaways as denoted on site plan (see point d).

f. There must be adequate availability of social, educational, healthcare and community facilities -

In nearby Elgin facilities exist to accommodate all of the above requirements.

g. The development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria. -

Although nothing specific has at this stage been denoted on the drawings in terms of renewable energy, if this review were to be approved, it is intended to incorporate either a multi-fuel stove or PV / solar panels or air source heating (or a combination of these features) into the design at building warrant stage. A renewable element(s) is now almost a mandatory requirement to satisfy the Scottish Building Standards and so it is our intention to fully accord with this policy.

h. Provision for the long term maintenance of public landscape and amenity areas must be made. -

There are no public landscape or amenity areas nearby.

i. Conservation of natural and built environment resources must be demonstrated. -

Within the site itself and in line with council policy we intend to retain many of the existing trees ensuring a minimum of 25% of the site area foliage is retained. See note on site plan (BIRNIE-SIDE / PLANNING / 01).

j. Appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion. -

The site is positioned well above sea level and the Moray Flood Alleviation team raised no concerns during the planning process. Further, there are no rivers or burns nearby which would have the potential to pose a flood risk.

k. Pollution, including ground water must be avoided. -

There is no reason for any pollution to occur.

l. Appropriate provision to deal with contamination issues must be made, and -

The contaminated land department raised no concerns during the planning application process however all necessary health and safety and contamination procedures will be adhered to during the construction of the dwelling.

m. The development must not sterilize significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting. -

The plot is located on existing unused woodland and this development, if approved, would not significantly sterilize the land.

n. Where appropriate, arrangements for waste management should be provided. -

Recycled material will either be taken to the local recycling depot or will be collected from a designated point on the access track. General refuse will be collected from a designated point on the access track.

**In conclusion, we are of the opinion that this dwelling-house would very much be in the spirit of the aforementioned policies. The house design is of a low-impact, rural style which we would consider well-designed and which has previously been approved at other country locations throughout Moray. The existing trees will help to integrate and conceal the dwelling and garage from other developments.**

**From a development feasibility aspect, recent experience has informed us that there is now a high demand and need for rural accommodation, in the Moray area, within a short commuting distance to Elgin. Indeed, the vast majority of sites we sell are to local people and we feel it is very important to help meet this demand in order to retain skills and jobs in the area. This not only helps the local economy but also has a “knock on” effect in terms of local services, schools, shops and the wider economy as well. Further, in our view what cannot be underestimated after the recent financial downturn is the need for valuable work for local tradesmen and building merchants etc.**

**Lastly, we feel that this planning application should be treated on it's own merits and in our opinion it adheres and complies to all parts of the relevant Local and Structure plans. We also feel that there appears to be nothing to prevent the merits of the application allowing it to progress to approval. Should any unforeseen material consideration arise during determination, please advise us accordingly in order that remedial action and an appropriate response may be pursued.**

**We respectfully ask that the appointed LRB panel approves this application.**

Yours sincerely,



**Stewart Reid MCIAT**