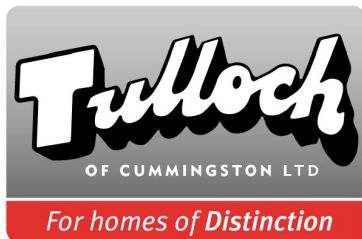

**ERECT DWELLINGHOUSE WITH DETACHED
GARAGE, ON PLOT 3 EASTER COLTFIELD,
ALVES, ELGIN, MORAY.**



PLANNING STATEMENT
**(in support of the review of planning decision
notice 21/00168/APP)**



CONTENTS

1.0 INTRODUCTION	Page 3
2.0 BACKGROUND & PLANNING HISTORY	Page 4
3.0 DEVELOPMENT PROPOSAL & POLICY APPRAISAL	Page 5
4.0 REFUSAL NOTICE & DISCUSSION	Pages 6-9
5.0 CONCLUSION	Page 10

Author	A.J.Sanderson	
Version	Issue 1	December 2021

Tulloch of Cummington Ltd, Tulloch House, Forsyth Street, Hopeman, IV30 5ST
Tel: (01343) 835600 Fax: (01343) 835700 Email: office@tullochofcummington.co.uk

1.0 INTRODUCTION

The purpose of this Planning Statement is to draw upon the details as already submitted to demonstrate that the proposed dwelling (planning application reference 20/00168/APP) should have been approved given its compliance with existing and emerging national planning policies and compliance with the principle aims set out in MLDP and associated material considerations.

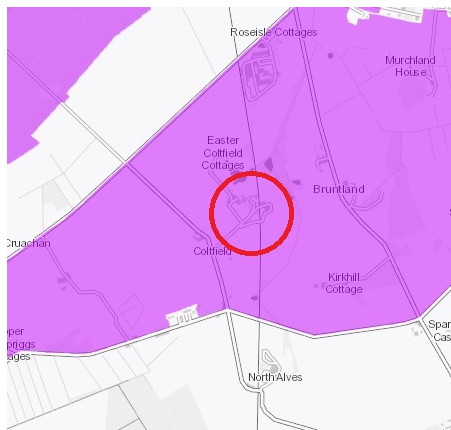
This Statement is not intended to provide new supporting information but instead to respond to the assessment made in the Officer's Handling Report and the reasons for refusal as outlined in the Decision Notice, by providing additional policy referencing and photographic evidence. These are provided to counter argue the points in the reasons for refusal and those outlined in the Officer's Handling Report. The photographic evidence is also intended to assist the Local Review Body Members given the difficulties in site visits during the ongoing COVID restrictions. Reference to policy and visual aspects during site inspections would have been available and be used by the planning officer in determining this proposal and are not therefore new material.

Given the statutory requirement that all applications should be assessed on their own individual merits against planning policy and material planning considerations, this Statement will concentrate on the consideration of whether the proposals meet the policy requirements in principle as set out in national policy and guidance, and then regarding Policy DP1 (Development Principles), DP4 (Rural Housing) and EP14 (Pollution, Contamination & Hazards), as included in the reasons for refusal. Relevant and significant material considerations are also presented throughout the Statement, that must be considered in assessing this application.

It is important and specifically requested that the Local Review Body Members read this Statement alongside **all** the previously submitted Statements and Reports to enable a comprehensive review of all the facts and merits involved in these proposals before making their decision on this case.

2.0 BACKGROUND & PLANNING HISTORY

The proposed development site is a rectangular shaped piece of rough ground located within a larger grouping of houses surrounding Coltfoot Farmhouse within the open countryside North of Alves. The plot extends to approximately 1740m² / 0.430 Acres. Access to the site is served by an existing shared private access drive which currently serves the existing 8 properties and a further 1 which is currently under construction. The site is fully enclosed with well-defined long-established boundaries consisting of beech hedging, dry stone walling and ranch style fencing. Mature trees within the application site surround the boundary providing further enclosure and screening. Access to the plot itself is existing and was previously formed shortly after approval of the sites original outline planning consent application, 06/00619/OUT.



The application plot and wider area is now located in the newly identified Pressurised and Sensitive Area within the Moray Local Development Plan 2020. This designation dictates that any new housing within areas denoted as pressurised and sensitive area would be recommended for refusal due to the determinantal effect on the landscape character of such areas identified and as such these areas have been designated to restrict any further housing.

This plot and others in the vicinity formed part of an overall Easter Coltfoot, masterplan, **Appendix 1**, prepared circa 2005-2006 by the applicant, for the erection of 7 new houses, steading conversion and refurbishment & alterations of Coltfoot House. The full extent of this proposed development was fully contained within the existing garden ground of Coltfoot Farmhouse and the adjoining farm steading area. The applicant has invested heavily in developing the overall masterplan to ensure a well-balanced development that respects the rural setting and wider landscape setting.

A mixture of outline and detailed planning applications have been submitted historically to cover all the relevant plots. This full history and extant/expired planning applications in the vicinity have been detailed within **Appendix 2**. The application site did previously have outline planning consent, (06/00619/OUT) which was approved on 5th December 2006. However, this consent has since lapsed.

3.0 DEVELOPMENT PROPOSAL & POLICY APPRAISAL

The planning application submission sought planning permission to erect a H-shaped single storey pitched roof house and detached garage on Plot 3 Easter Coltfoot and plans and drawings relating to the submission are attached as **Appendix 3**. A maximum ridge height of 6.15m is proposed and all gabled roofs are of 45° pitch. A vertical emphasis to windows has been provided and a simple pallet of external finishing material including, natural stone, timber linings and slated roofs compliment the surrounding landscape character area and would be acceptable and in accordance with the design criteria set out for Policy DP4 (*Rural Housing*).

The access into the proposed site would be served via an opening & driveway from the existing track which bounds the site to the South West. A further passing place would be provided on the section of U58E Wester Alves Road located between the site and the U58E Coltfoot Road and is detailed within **Appendix 3**. BT & Electric services are all located adjacent to the site to enable connections to be easily made and Future EV charging infrastructure has been indicated on the submission drawings and all of the above led to Transportation being satisfied that the proposals is compliant with Polices PP3 (*Infrastructure and Services*) & DP1 (*Development Principles*)

A Site Investigation and Drainage Assessment was carried out by GMC Surveys, **Appendix 4**, and a design for a private foul drainage system comprising of septic tank and soakaway along with a private separate soakaway system for disposal of surface water has been provided within the curtilage of the application boundary. A public water supply would be laid into the dwelling which Scottish Water had no objection to. All of the above would satisfy Policies PP3 (*Infrastructure & Services*), EP12 (*Management and enhancement of the Water Environment*) & EP13 (*Foul Drainage*).

Existing substantial mixed mature trees consisting of Beech, Sycamore & Willow, are contained within the curtilage of the application site and the immediate areas out with the site. This proposal would not require any tree removal and instead all existing trees would be protected fully during the construction process and thereafter maintained for their lifetime which would in turn retain the existing screening and



enhance the biodiversity provided all of which would be compliant with Environmental Polices EP2 (*Biodiversity*) and EP7 (*Forestry, Woodlands and Trees*). In addition to the retention of all existing trees the existing boundary enclosure consisting mainly of beech hedging planting through post and wire fencing provide clear, unobstructed pathways throughout the plot further enhancing the biodiversity values of the application site.

Developer Obligations (PP3 & DP2) were being sought for the development proposal and in the event of the review being approved, we can confirm that the contribution requested would be paid in full.

4.0 REFUSAL NOTICE & DISCUSSION

The planning application was determined on 8th October 2020 and was refused planning permission for the reason(s) as follows-

The proposal would be contrary to policies DP1, DP4 and EP14 of the Moray Local Development Plan 2020 for the following reasons:

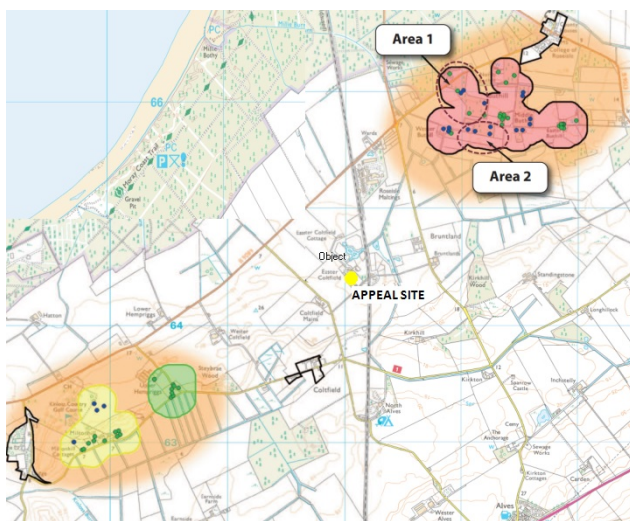
1. The site lies within a Pressurised and Sensitive Area and as such policy DP4 outlines that no new housing will be permitted within these areas on the basis that further housing would exacerbate the build-up of housing which has already negatively impacted on the character of the countryside in this area.
2. The applicants have not provided a Noise Impact Assessment in support of the application and as such have failed to demonstrate that the occupants of the proposed house would not be subject to harmful noise pollution as a result of aircraft utilising RAF Kinloss.

Appendix 5 Contains the decision notice and the planning officers handling of the application.

1 - DP1 (development principles) / DP4 (rural housing)

Policy DP4: Rural Housing of the Moray Local Development Plan (MLDP) 2020 contains the necessary criteria for assessing new rural housing in the countryside. In this case the site lies within a Pressurised and Sensitive Area and as such policy DP4 outlines that no new housing will be permitted within these areas.

The justification text within policy DP4 explains the ethos behind the designation of Pressurised and Sensitive Areas and outlines that there are locations within Moray where the cumulative build-up of houses in the countryside has negatively impacted on the landscape character of an area and as such these areas have been designated to restrict any further housing.



Extract prepared by the Moray Council showing specific Miltonhill & Roseisle pressurised areas (Jan 2018)

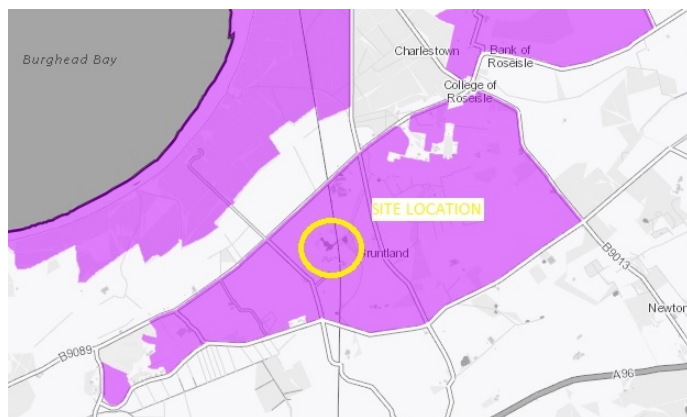
Two distinct areas, to the East (Buthill & Roseisle) and West (Miltonhill & Kinloss Country Golf Club) of the proposed site has experienced a significant growth in new housing in the countryside over the past 25 years and this has undoubtedly eroded the rural character of the area. However it is contested that this plot would not exacerbate the existing impact on the rural character of the surrounding landscape due to it integrating effectively into the existing well screened grouping and surrounding landscape area.

Planning Statement (LRB) – Plot 3 Easter Coltfield, Alves, Elgin, Moray

Moray Council prepared a Guidance Note on landscape and visual impacts of cumulative build-up of Houses in the countryside prepared in January 2018 under MLDP 2015. These plans indicated Roseisle (1km to East of Appeal Site) and Miltonhill (1.5km West of Appeal Site) as Areas where concentration of new houses constitutes unacceptable build up in the open countryside.

The Moray Local Development Plan 2020 when prepared and adopted. has introduced areas of Pressurised and Sensitive areas which now covers the 2 areas noted above, Miltonhill and Roseisle, and also all the land in between which subsequently now covers this application site. The applicant & landowner, when submitting this current planning application, was unaware that his land was now also being zoned under Pressurised and Sensitive

MLDP 2020 Pressurised and Sensitive Area mapping



Areas, which effectively means no new housing within these areas would be supported. At no point during the MLDP 2020 local plan consultation period was this proposed or noted in any of the documentation with no prior notification or consultation carried out either with the landowner/ developer of Easter Coltfield.

Discussions between Development Management and the applicant post submission took place to discuss this new pressurised designation along with other matters arising from this new designation such as why the small grouping of houses at Easter Coltfield wasn't suggested to be included/designated as a rural grouping in the Moray Local Development Plan 2020 similar to the rural groupings now identified at Roseisle & Miltonhill despite there being a clear and definitive masterplan and significant planning history for Easter Coltfield.

Appendix 6 is mapping which shows planning applications for new build housing between Miltonhill and Roseisle submitted and approved between January 2017 to January 2022. A total of 6 applications were approved for new housing within this area, of which 4 are related to the Overall Masterplan prepared for Coltfield Farm (This includes 3 houses built on the footprint area of existing steadings and one application to confirm extant planning consent status). This would suggest that the pressurized and sensitive area which now extends over Coltfield Farm is clearly excessive and unjustified and doesn't take in to account the small number of historical applications for new build housing within this now extended pressurised and sensitive area.

Planning Statement (LRB) – Plot 3 Easter Coltfoot, Alves, Elgin, Moray



The planning officers report of handling suggests the introduction of a new house in this identified pressurised and sensitive location would have a detrimental landscape and visual impact as well as impacting on the character and appearance of this rural area. Due to the topography of the surrounding open landscape, the plot itself would only be fully visible from limited viewpoints. The image

shown above has been taken from an elevated position on the U58E single track Coltfoot Road facing East towards Roseisle, which shows the plot location and the wider landscape setting. As can be seen from the image the plot itself has the necessary enclosure and backdrop to allow a house to be fully integrated into the local setting and could be considered to be less of a visual impact compared to the current 2No replacement new builds recently constructed (Planning App 18/01553/APP) to the left of the plot shown on the above image.



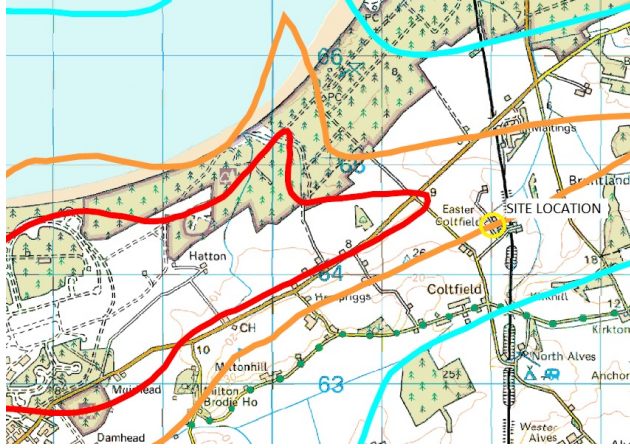
The adjacent image is taken from a viewpoint at the junction of the B9089 Roseisle to Kinloss Road and the U58E Coltfoot Road, looking south towards the plot location. From this viewpoint, the plot can be identified by the cluster of established trees on and surrounding the appeal site. It is clear from the attached image that the existing ground forms

B9089 Roseisle-Kinloss Road/U58E Coltfoot Road

and topography, that the dwelling would not be visible from this viewpoint or any other location along the B9089 thereby reducing any concerns that the dwelling would have a detrimental impact on the visual and landscape setting of this rural location when viewed from key viewpoints such as roads, adopted core paths and existing settlements.

Furthermore the presence of an established masterplan covering Easter Coltfoot essentially means that it couldn't be considered as ribbon or sporadic development which again addresses concerns regarding the visual impact of the proposal within this location.

2 - DP1 (development principles) / EP14 (pollution contamination & hazards)



Policy EP14 aims to ensure public health and environmental quality are not compromised and looks to implement appropriate mitigation or remediation measures prior to, or as part of, the proposed development.

The proposed site is within the RAF Kinloss Noise Contour Map and specifically the 66 to 72 dBA contour and as such a Noise Impact Assessment (NIA) would be required. As noted within the planning officers report, that by the time we were requested a NIA to

cover the development proposal, we were already aware that the site lay within the Pressurised and Sensitive Area and would be refused on this basis alone and as such we did not wish to go to the initial upfront expense of having a NIA carried out.

A noise impact assessment (NIA), **Appendix 7**, was prepared and submitted as part of the planning application covering the new build Coltfield House under planning reference 10/00435/APP due to the location of the proposed dwelling being within the 66 to 72 dBA contours. This plot is located circa 100m East of the appeal site. The NIA prepared by Charlie Fleming Associates to cover this dwelling concluded that no site-specific measures would be required to meet the exposure limits set by Moray Council.

Furthermore, when preparing the planning application submission, 18/01553/APP, for 3 replacement dwellings immediately to the north of the appeal site, and circa 150m west from the above noted Coltfield House, we were not requested to provide a NIA to cover this application despite it being within the 66 to 72 dBA contour and being located nearer to the Kinloss Airfield and approach flight path.

Taken into account the previous history of the above noted planning applications and the conclusions gathered from the NIA prepared previously by Charlie Fleming, we were confident that this appeal plot could be assessed and provided with adequate mitigation (if required), to meet the sound limit requirements set by Moray Council and on this basis it was suggested that the requirement for submission of a NIA could be conditioned to be provided prior to any development works commencing. However, this was not accepted by Environmental Health.

To confirm, we would be willing to provide the NIA, Should the appeal be successful, and the above item being conditioned.

5.0 CONCLUSION

For the reasons given above we have been able to demonstrate that the proposed development should be considered for approval taking into account the Easter Coltfoot Masterplan, Previous Planning consent and current planning policy of which this proposal is largely compliant with.

Policy DP4 and the pressurised and sensitive designation is no doubt well-intentioned and would be appropriate to many other locations that have been subjected to uncontrolled sporadic and ribbon development within clearly open countryside, but for this plot we believe that this one aspect of the policy is not appropriate for this situation and circumstances and that it should be interpreted flexibly to allow full material consideration of all factors surrounding the application submission.

As has been demonstrated the plot is within a clear and defined master planned area with defined long-established boundaries and substantial existing screening, the proposed dwelling which is traditionally designed wouldn't be prominent or easily viewed from key viewpoints or main roads and would not be considered to impact negatively the existing rural appearance of the area and therefore should be considered favourably for approval.

END OF REPORT
