

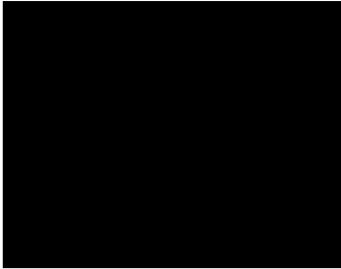


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

PERMISSION FOR DEVELOPMENT

**[Forres]
Application for Planning Permission**

TO



With reference to your application for planning permission under the above-mentioned Act as amended, Moray Council in exercise of its powers hereby **GRANT** planning permission for the following development:-

**Proposed vehicular entry and exit to garden of Alba 195 Findhorn Forres
Moray**

in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, and where appropriate, subject to the condition(s) and reason(s) as set out in the attached schedule.

This permission does not carry with it any necessary consent or approval to the proposed development under the building regulations or other statutory enactments and the development should not be commenced until all consents have been obtained.

Date of Notice: **11 October 2022**



Head Economic Growth and Development Services

Economy, Environment and Finance
Moray Council
Council Office
High Street
ELGIN
Moray
IV30 1BX

IMPORTANT NOTE

YOU ARE OBLIGED TO COMPLY WITH THESE CONDITIONS AND NOTES

SCHEDULE OF CONDITIONS

By this Notice the Moray Council has **GRANTED PLANNING PERMISSION** for this proposal subject to conditions as appropriate to ensure implementation of the proposal under the Town & Country Planning (Scotland) Act 1997, as amended. **It is important that these conditions are adhered to and failure to comply may result in enforcement action being taken.**

CONDITION(S)

Permission is granted subject to the following conditions: -

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 New boundary fences/walls located along the western site frontage onto the public road shall be no greater than 1.0m in height (measured from the level of the road) unless otherwise approved in writing by the Planning Authority in consultation with the Roads Authority.

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

- 3 New boundary walls/fences shall be set back to the rear of the prospective public footway.

Reason: To ensure acceptable development in the interests of road safety.

- 4 The width of the new vehicular access shall be 3.5m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the prospective public footway shall be to The Moray Council specification and surfaced with bituminous macadam. Drop kerbs shall be provided across the access to The Moray Council specification.

Reason: To ensure acceptable infrastructure at the development access.

- 5 New boundary fences/walls located along the eastern site frontage onto the public road shall be no greater than 0.8m in height (measured from the level of the road) unless otherwise approved in writing by the Planning Authority in consultation with the Roads Authority.

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

- 6 A pedestrian visibility splay 2.0m x 5.0m shall be provided in both directions at the access onto the public road (taken from the back of the footway); and maintained thereafter at all times free from any obstruction exceeding 0.8m above the level of the adjacent carriageway.

Reason: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users.

- 7 The width of the new vehicular access shall be 3.5m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. Drop kerbs shall be provided across the access to The Moray Council specification.

Reason: To ensure acceptable infrastructure at the development access.

- 8 The opening path of any access gates shall be fully contained within the site and not encroach onto the public footway/carriageway.

Reason: To ensure acceptable development that does not create any hazard to road users in the interests of road safety.

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

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access(s).

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

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

REASON(S) FOR DECISION

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

The proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

| Reference | Version | Title |
|-----------------|---------|------------------------------------|
| L_20_Q_15 | | Access location and parking layout |
| JDS/195FINDHORN | | Fence elevations |
| JDS/195FINDHORN | | Location plan |

IMPORTANT NOTES ABOUT THIS DECISION

COMMENCEMENT AND COMPLETION OF THE DEVELOPMENT

The following are statutory requirements of the Town & Country Planning (Scotland) Act 1997, as amended. Failure to meet their respective terms represents a breach of planning control and may result in formal enforcement action. Copies of the notices referred to below are attached to this permission for your use.

NOTIFICATION OF INITIATION OF DEVELOPMENT

S.27A of the 1997 Act, as amended requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, as soon as practicable after deciding the date they will start work on the development, give notice to the planning authority of that date. This ensures that the planning authority is aware that the development is underway and can follow up on any suspensive conditions attached to the permission. Therefore, prior to any work commencing on site, the applicant/developer must complete and submit to the Moray Council, as planning authority, the attached Notification of Initiation of Development.

NOTIFICATION OF COMPLETION OF DEVELOPMENT

S.27B of the 1997 Act, as amended requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority. This will ensure that the planning authority is aware that the development is complete and can follow up any planning conditions. Therefore, on completion of the development or as soon as practicable after doing so, the applicant/developer must complete and submit to the Moray Council, as planning authority the attached Notification of Completion of Development.

NOTIFICATION OF COMPLETION OF PHASED DEVELOPMENT

Under S.27B(2) of the 1997 Act, as amended where permission is granted for phased development, the permission is subject to a condition (see Schedule of Conditions above) requiring the applicant/developer as soon as practicable after each phase to give notice of that completion to the planning authority. This will allow the planning authority to be aware that particular phase(s) of the development is/are complete.

When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.

ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

The following notes are provided for your information including comments received from consultees:-

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

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

The developer should note that the B9011 Main Road is subject to a One-Way Traffic System along the western site frontage.

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

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

A grit bin is located in close proximity to the new (eastern) access and may require to be relocated.

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

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into their property.

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

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

None

DETAILS WHERE DIFFERENT TIME-PERIOD(S) FOR DURATION OF PLANNING PERMISSION IMPOSED (S.58/59 of 1997 ACT)

None

TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION

The terms, or summary of terms of the Agreement can be inspected at:-

None

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.

Planning Application: Fence Relocation & Parking Layout

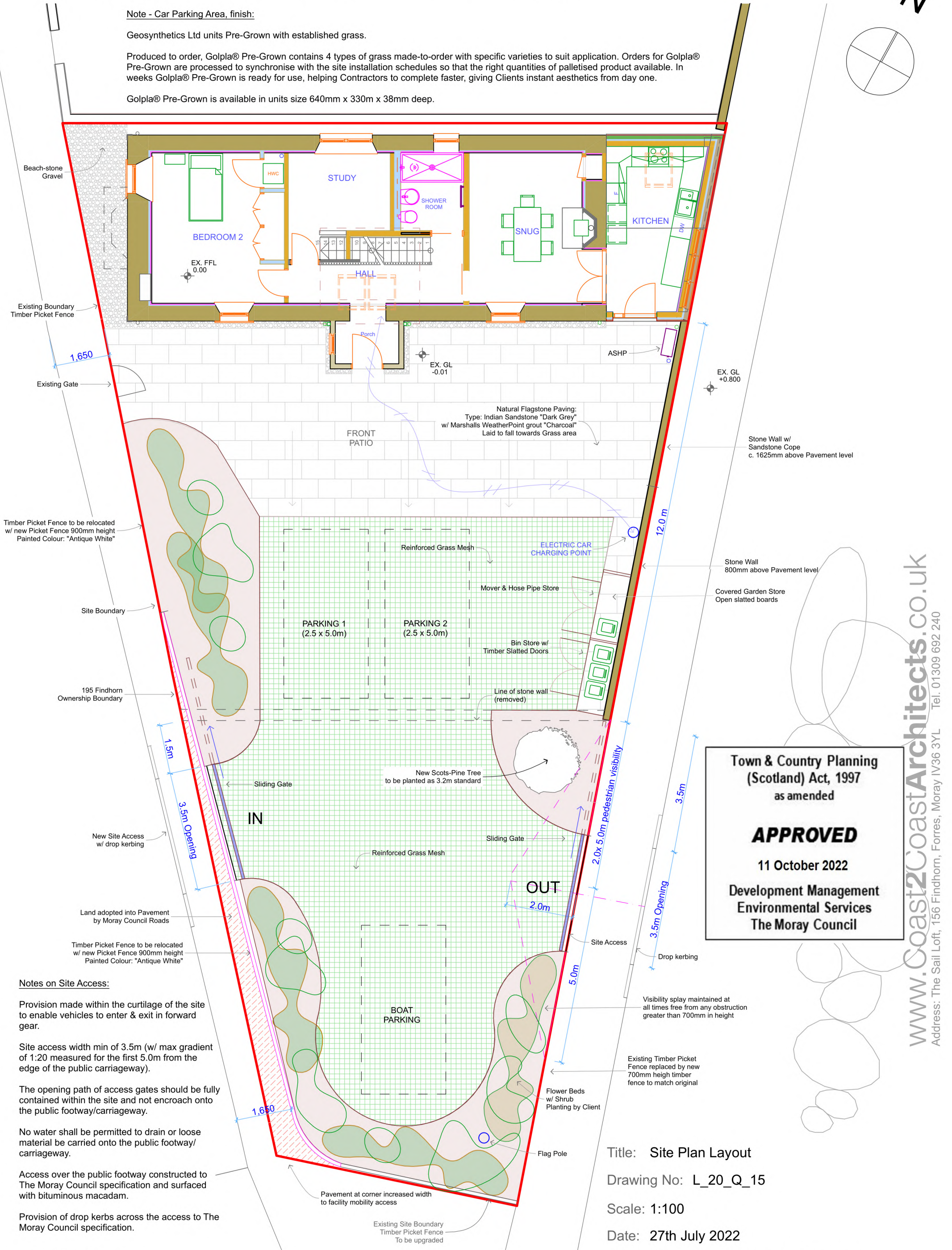


Note - Car Parking Area, finish:

Geosynthetics Ltd units Pre-Grown with established grass.

Produced to order, Golpla® Pre-Grown contains 4 types of grass made-to-order with specific varieties to suit application. Orders for Golpla® Pre-Grown are processed to synchronise with the site installation schedules so that the right quantities of palletised product available. In weeks Golpla® Pre-Grown is ready for use, helping Contractors to complete faster, giving Clients instant aesthetics from day one.

Golpla® Pre-Grown is available in units size 640mm x 330mm x 38mm deep.



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

APPROVED

11 October 2022

Development Management
Environmental Services
The Moray Council

Notes on Site Access:

Provision made within the curtilage of the site to enable vehicles to enter & exit in forward gear.

Site access width min of 3.5m (w/ max gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway).

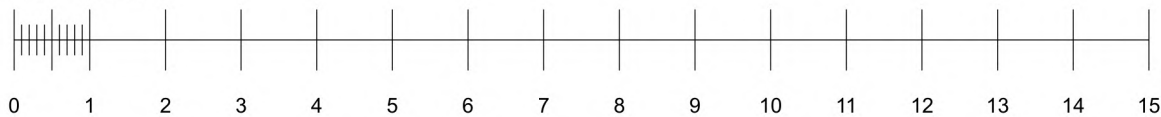
The opening path of access gates should be fully contained within the site and not encroach onto the public footway/carriageway.

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

Access over the public footway constructed to The Moray Council specification and surfaced with bituminous macadam.

Provision of drop kerbs across the access to The Moray Council specification.

Drawn Scale in meters



Title: Site Plan Layout

Drawing No: L_20_Q_15

Scale: 1:100

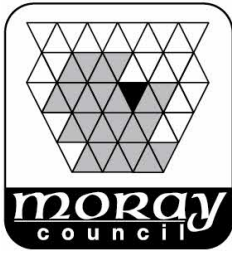
Date: 27th July 2022

Client: Mrs Andrea & Mr Craig Robertson

Project: Alterations to "Alba"

Address: 195 Findhorn, Moray IV36 3YN

www.Coast2CoastArchitects.co.uk
Address: The Sail Loft, 156 Findhorn, Forres, Moray IV36 3YL Tel: 01309 692 240



MORAY COUNCIL

NOTIFICATION OF INITIATION OF DEVELOPMENT

Section 27A Town and Country Planning (Scotland) Act 1997

Application Number **22/01191/APP**

Date Decision Issued

Location and Description of Development Proposed vehicular entry and exit to garden of Alba
195 Findhorn Forres Moray

Please note that all suspensive conditions must be discharged prior to commencement of development

| | |
|-----------------------------------|--|
| Date works are to Commence | |
|-----------------------------------|--|

Name, Address and contact details of developer

.....
.....
.....

The Full name and Address and contact details of the landowner, if a different person

.....
.....
.....

Where an agent is appointed, their full name and contact details

.....
.....
.....

Signed

Name (Print)

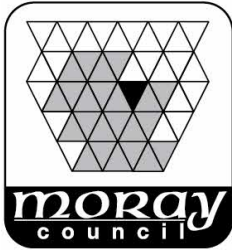
Date

Please complete and return this form to:

**Development Management & Building Standards Manager, Moray Council, PO
Box 6760, Elgin, Moray, IV30 1BX**

OR

E-mail: development.control@moray.gov.uk



MORAY COUNCIL

NOTIFICATION OF COMPLETION OF DEVELOPMENT

Section 27A Town and Country Planning (Scotland) Act 1997

Application Number **22/01191/APP**

Date Decision Issued

Location and Description of Development Proposed vehicular entry and exit to garden of Alba 195 Findhorn Forres Moray

Date of completion of works

Name, Address and contact details of developer

The Full name and Address and contact details of the landowner, if a different person

Where an agent is appointed, their full name and contact details

Signed

Name (Print)

Date

Please complete and return this form to:

Development Management & Building Standards Manager, Moray Council, PO Box 6760, Elgin, Moray IV30 1BX

E-mail: development.control@moray.gov.uk

REPORT OF HANDLING

| | | | |
|--------------------------------------|---|-------------------------|---------------|
| Ref No: | 22/01191/APP | Officer: | Emma Mitchell |
| Proposal Description/ Address | Proposed vehicular entry and exit to garden of Alba 195 Findhorn Forres Moray | | |
| Date: | 10.10.2022 | Typist Initials: | LMC |

RECOMMENDATION

| | | |
|---|--------------------------|----------|
| Approve, without or with condition(s) listed below | Y | |
| Refuse, subject to reason(s) listed below | N | |
| 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 |
|---|----------------------|---|
| Contaminated Land | 23/08/22 | No objection |
| Transportation Manager | 19/08/22 | No objection subject to conditions and informatives |
| Aberdeenshire Council Archaeology Service | 31/08/22 | No objection |

DEVELOPMENT PLAN POLICY

| Policies | Dep | Any Comments (or refer to Observations below) |
|---------------------------------|------------|--|
| EP3 Special Landscape Areas | N | |
| PP3 Infrastructure and Services | N | |
| DP1 Development Principles | N | |
| EP9 Conservation Areas | N | |

REPRESENTATIONS

| | | |
|---|--|----|
| Representations Received | | NO |
| Total number of representations received | | |
| Names/Addresses of parties submitting representations | | |
| Summary and Assessment of main issues raised by representations | | |
| Issue: | | |
| Comments (PO): | | |

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Proposal

- Planning permission is sought for the formation of a new vehicular access at Alba 195 Findhorn, Forres.
- A new site access on the western boundary is proposed. The exit is on the eastern boundary.
- The existing timber fence is to be relocated in parts.
- The proposal also shows footway widening works on the western side of the site. Moray Council is adopting a small part of the site to allow for these works.

Policy

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

Siting (DP1, EP9 and Findhorn Conservation Area Character Appraisal)

Policy DP1 requires that the scale, density and character of a development must be appropriate to the surrounding area. Proposals must also not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity. Policy EP9 Conservation Areas states that all development within a conservation area must preserve and enhance the established traditional character or appearance of the area.

The Findhorn Area Character Appraisal states that The Findhorn Conservation Area is a fine example of a traditional Seatown settlement in Moray. It has a unique and distinctive "sense of place" and has a rich and well maintained townscape. The built form is characterised by small traditional single storey properties to larger 19th century houses that are two/three and half storeys in height. The majority of buildings within the Conservation are unlisted however these buildings are still of significant architectural merit and townscape value that must be protected. Extensions to dwellings should be sympathetic to the original building in terms of design and materials and add visual interest. Contemporary designs can add value and character to the townscape and be of a material finish that still respects the architectural authenticity and character of the original building.

In considering an application for planning permission in a conservation area, the 1997 Act directs planning authorities to ensure that new development will preserve and enhance the character and appearance of an area. The aim is to ensure that new development will enhance an area's quality and therefore the experience of visitors and residents alike. The design of new development should therefore be derived from a thorough understanding of the special qualities of the conservation area, which led to its designation in the first place.

The proposal is in scale and keeping with the surrounding area and there are no issues in terms of loss of amenity.

Overall the amended proposal is considered to be in keeping with the character of the existing house and traditional forms found in the surrounding conservation area. The proposal respects the special characteristics of the surrounding conservation area. The criteria in the policy has been met.

Special Landscape Area (SLA) (EP3)

The aim of this policy is to protect landscapes from inappropriate development. It requires that all new development reflects the landscape qualities.

The proposal site is within the Culbin to Burghead Coast SLA which is classed as sensitive. The proposal will not have an adverse impact on the SLA. The criteria in the policy has been met.

Access and Parking (DP1 and PP3)

Policies DP1 and PP3 require that proposals must provide a safe entry and exit from the development and conform with the Council's current policy on Parking Standards.

The proposal for the formation of a new vehicular access is essentially an amendment to previous planning consent (20/00651/APP) for which works are currently ongoing. The new access on the western boundary is 3.5 metres wide. A sliding timber gate on runners is proposed over the opening, it is 0.9m high (same height as timber fence).

Transportation were consulted on the proposal and have no objections subject to conditions and informatives being attached to the consent. The criteria in the policy has been met.

REASON(S) FOR DECISION

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

The proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

| HISTORY | | | |
|---------------|---|-----------|------------------------------|
| Reference No. | Description | | |
| 22/00693/APP | Vary condition imposed on 20/00651/APP to a change of roof finish on roof structure from zinc standing seam to natural slate at Alba 195 Findhorn Forres Moray IV36 3YN | | |
| | Decision | Permitted | Date Of Decision 22/07/22 |
| 20/00651/APP | Upgrade existing oriel window front and rear dormers replace kitchen extension flat roof with pitched roof and replace porch at Alba 195 Findhorn Forres Moray IV36 3YN | | |
| | Decision | Permitted | Date Of Decision 02/10/20 |
| 08/02458/FUL | Installation of oil tank and external oil fired condensing boiler system at 195 Findhorn Forres Moray IV36 3YN | | |
| | Decision | Permitted | Date Of Decision 09/12/08 |
| 95/00318/FUL | Install new window in west elevation at 195 Findhorn Forres Moray IV36 3YN | | |
| | Decision | Permitted | Date Of Decision 19/05/95 |
| 93/00576/FUL | Erect a porch and window replacement at 195 Findhorn Forres Moray IV36 3YN | | |
| | Decision | Refuse | Date Of Decision 29/07/93 |

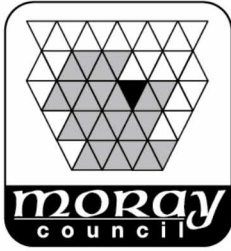
| ADVERT | | |
|-------------------------|--------------------------------------|-----------------------|
| Advert Fee paid? | Yes | |
| Local Newspaper | Reason for Advert | Date of expiry |
| Forres Gazette | Planning application affecting LB/CA | 20/09/22 |
| PINS | Planning application affecting LB/CA | 20/09/22 |

| DEVELOPER CONTRIBUTIONS (PGU) | |
|--------------------------------------|-----|
| Status | N/A |

| DOCUMENTS, ASSESSMENTS etc. * | | |
|---|--|----|
| <i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i> | | |
| 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) | | | |

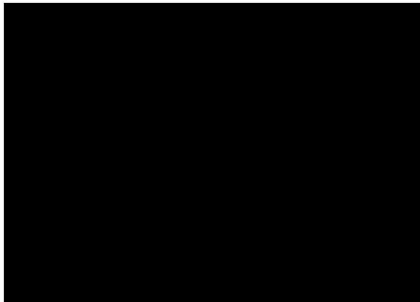


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Forres]
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:-

Retrospective consent to erect a 4.5m height flagpole in grounds of Alba 195 Findhorn Forres Moray

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

Date of Notice: **29 August 2023**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
Moray Council
Council Office
High Street
ELGIN
Moray
IV30 1BX

IMPORTANT

YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal is contrary to policies 4, 7 and 14 of the National Planning Framework and policies PP1, DP1, EP3 and EP9 of the Moray Local Development Plan 2020 and the associated Findhorn Conservation Area Character Appraisal for the following reasons:-

1. The proposal, which is highly visible in this prominent location would introduce a visually intrusive development into the historic streetscape adding to existing visual clutter at the entrance of the Findhorn Conservation Area. The proposal therefore would fail to preserve and/or enhance the established character of the Conservation Area due to its prominent location and inappropriate size, and would be contrary to policies 7, 14, PP1, DP1 and EP9.
2. The proposed development does not adopt the highest standards of design due to its inappropriate size in this prominent location. It therefore would erode the traditional settlement character of the Culbin to Burghead Coast Special Landscape Character, and would fail to accord with the requirement of policies 4, 7, 14, PP1, DP1, EP3 and EP9.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

| Reference | Version | Title |
|-----------|---------|---------------|
| L_23_P_02 | | Block plan |
| L_23_P_03 | | Elevations |
| L_23_P_01 | | Location plan |

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

None

NOTICE OF APPEAL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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: | 23/01024/APP | Officer: | Emma Mitchell |
| Proposal Description/ Address | Retrospective consent to erect a 4.5m height flagpole in grounds of Alba 195 Findhorn Forres Moray | | |
| Date: | 23/08/2023 | Typist Initials: | DJP |

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 |
|------------------------|----------------------|----------------------------|
| Transportation Manager | 30/06/23 | No objection. |

DEVELOPMENT PLAN POLICY

| Policies | Dep | Any Comments (or refer to Observations below) |
|---|------------|--|
| National Planning Framework (NPF) | | |
| NPF4 - Natural Places | Y | |
| NPF7 - Historic assets and places | Y | |
| NPF14 - Design, quality and place | Y | |
| NPF23 - Health and safety | N | |
| Moray Local Development Plan 2020 (MLDP) | | |
| DP1 Development Principles | Y | |
| EP3 Special Landscape Areas | Y | |
| EP9 Conservation Areas | Y | |

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 General Data Protection Regulations. | |

| |
|--|
| Summary and Assessment of main issues raised by representations |
| <p>Issue:</p> <ul style="list-style-type: none"> • Community Council unanimously agreed that the siting was insensitive and disrespectful. It is immediately adjacent to the War Memorial and in front of the Findhorn Church door. • The imposing flagpole occupies a prominent site at the entrance to the old village and any flag flown could be viewed as a collective, village message which is unacceptable. • Flagpoles can cause offence to residents and visitors and this large flagpole cannot be missed by anyone entering the village. • The flagpole is in a Conservation Area and is not in keeping with the local area. • It is too big and makes a statement relating to the village as a whole rather than the property. |
| <p>Comments (PO):</p> <ul style="list-style-type: none"> • Please see observations section as to why the flagpole is not acceptable in terms of planning policy. |

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Proposal

- Retrospective planning permission is sought for a flagpole at Alba 195 Findhorn.
- The flagpole is 4.5 m high and is located at the top of the front garden.

Site Characteristics

- The flagpole is located in the front garden of 195 Findhorn which is positioned at the entrance to Findhorn Conservation Area.
- A traditional cottage sits on the rear of the site that has recently be renovated, a white picket fence surrounds the fence.
- A Street light, road signs and a War Memorial are all located immediately out with the front of the garden of 195 Findhorn surrounding the flagpole.
- The site is located within the Culbin to Burghead Coastal Special Landscape Area.

Policy

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan, namely the adopted National Planning Framework 4 and adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.

The main planning issues are considered below:

The proposal was advertised as a departure from policies NPF 4, 7 and 14 and MLDP 2020 PP1, DP1, EP3 and EP9 for the reasons given below.

Siting and Design (NPF 7 & 14 / MLDP PP1, DP1 & EP9 and the Findhorn Conservation Area Character Appraisal)

Policy 14 aims to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy PP1 Placemaking seeks to ensure that new development is designed to create successful healthy places that improve people's wellbeing, safeguard the environment and support economic development, promote character and identity and biodiversity. Policy DP1 Development Principles

sets out the need for the scale, density and character to be appropriate to the surrounding area to create a sense of place, integrated into the surrounding landscape with no adverse impact upon neighbouring properties in terms of privacy, daylighting, or overbearing loss of amenity. Policy 7 states that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations under policy 7 include the architectural and historic character of the area, existing density, built form and layout and context and siting, quality of design and suitable materials. Policy 7 also states that non-designated historic assets and their setting should be protected and preserved in situ wherever feasible. Policy EP9 aims to protect and enhance all aspects of the Conservation Area.

The Findhorn Area Character Appraisal states that The Findhorn Conservation Area is a fine example of a traditional Sea town settlement in Moray. It has a unique and distinctive "sense of place" and has a rich and well maintained townscape. The built form is characterised by small traditional single storey properties to larger 19th century houses that are two/three and half storeys in height. The majority of buildings within the Conservation are unlisted however these buildings are still of significant architectural merit and townscape value that must be protected. Extensions to dwellings should be sympathetic to the original building in terms of design and materials and add visual interest. Contemporary designs can add value and character to the townscape and be of a material finish that still respects the architectural authenticity and character of the original building. There is limited amounts of open space within the village therefore it is important that it is well maintained and kept free from any inappropriate development.

In considering an application for planning permission in a conservation area, the 1997 Act directs planning authorities to ensure that new development will preserve and enhance the character and appearance of an area. The aim is to ensure that new development will enhance an area's quality and therefore the experience of visitors and residents alike. The design of new development should therefore be derived from a thorough understanding of the special qualities of the conservation area, which led to its designation in the first place. The character of the conservation area in this instance is defined by single and one and a half storey stone gabled houses tightly situated together with very small garden areas. The start of the Conservation Area in this location is cluttered with numerous different items of street furniture including a lamppost (6m in height), road signs and a War Memorial all of which would be viewed with the flagpole.

The flagpole is currently viewed with the existing road signs, a lamppost and a War Memorial all which immediately are out with the garden of Alba 195 Findhorn. The flagpole is in a prominent position and is one of the first items to be viewed when entering the Findhorn Conservation, it unacceptably adds to the visual clutter that is already present in this location and is not acceptable.

The proposal, which is highly visible in this prominent location creates visual clutter and would introduce a visually intrusive development in a historic streetscape. The proposal fails to preserve and/or enhance the established character of the Conservation Area due to its prominent location at the entrance of the Conservation Area. The development does not adopt the highest standards of design due to its inappropriate size and prominent location. It therefore fails to accord with the requirement of the above policies.

Special Landscape Area (SLA) (NPF 4 and LDP EP3)

The aim of these policies is to protect landscapes from inappropriate development. Policy EP3 stipulates that proposals within Special Landscape Areas must not prejudice the special qualities of the designated area set out in the Moray Local Landscape Designation review and adopt the highest standards of design in accordance with policy DP1 and other relevant policies and minimise the adverse impacts on the landscape and visual qualities the area is important for. Policy 4 states that development proposals that effect a site designated as a landscape area in the Local Development Plan will only be supported if they do not have significant adverse effects on the integrity of the area or the qualities for which it has been identified or any significant adverse effects on the integrity of the

area are clearly outweighed by social, environmental or economic benefits of at least local importance.

For the reasons set out above the proposal prejudices the Coastal Special Landscape Area it is located in (Culbin to Burghead) due to not adopting the highest standards of design in terms of its scale in its prominent location. To summarise the flagpoles prominent location at the entrance of the Findhorn Conservation Area is unacceptable due to it adding to visual clutter, it therefore has a significant adverse effect on the qualities of the SLA.

In light of the above the proposal will negatively affect the integrity of the area and the qualities in which it has been identified for and this is not outweighed by social, environmental or economic benefits of at least local importance therefore the proposal is contrary to policy EP3 of the MLP and policy 4 of NPF.

Recommendation

Refuse

The proposal is contrary to policies 4, 7 and 14 of the National Planning Framework and policies PP1, DP1, EP3 and EP9 of the Moray Local Development Plan 2020 and the associated Findhorn Conservation Area Character Appraisal for the following reasons:-

1. The proposal, which is highly visible in this prominent location would introduce a visually intrusive development into the historic streetscape adding to existing visual clutter at the entrance of the Findhorn Conservation Area. The proposal therefore would fail to preserve and/or enhance the established character of the Conservation Area due to its prominent location and inappropriate size, and would be contrary to policies 7, 14, PP1, DP1 and EP9.
2. The proposed development does not adopt the highest standards of design due to its inappropriate size in this prominent location. It therefore would erode the traditional settlement character of the Culbin to Burghead Coast Special Landscape Character, and would fail to accord with the requirement of policies 4, 7, 14, PP1, DP1, EP3 and EP9.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

| HISTORY | | | |
|---------------|---|-----------|----------------------------------|
| Reference No. | Description | | |
| 22/01191/APP | Proposed vehicular entry and exit to garden of Alba 195 Findhorn Forres Moray IV36 3YN | | |
| | Decision | Permitted | Date Of Decision 11/10/22 |
| 22/00693/APP | Vary condition imposed on 20/00651/APP to a change of roof finish on roof structure from zinc standing seam to natural slate at Alba 195 Findhorn Forres Moray IV36 3YN | | |
| | Decision | Permitted | Date Of Decision 22/07/22 |
| 20/00651/APP | Upgrade existing oriel window front and rear dormers replace kitchen extension flat roof with pitched roof and replace porch at Alba 195 Findhorn Forres Moray IV36 3YN | | |
| | Decision | Permitted | Date Of Decision 02/10/20 |

| | | | | |
|--------------|--|-----------|-------------------------|----------|
| | | | | |
| 08/02458/FUL | Installation of oil tank and external oil fired condensing boiler system at 195 Findhorn Forres Moray IV36 3YN | | | |
| | Decision | Permitted | Date Of Decision | 09/12/08 |
| 95/00318/FUL | Install new window in west elevation at 195 Findhorn Forres Moray IV36 3YN | | | |
| | Decision | Permitted | Date Of Decision | 19/05/95 |
| 93/00576/FUL | Erect a porch and window replacement at 195 Findhorn Forres Moray IV36 3YN | | | |
| | Decision | Refuse | Date Of Decision | 29/07/93 |

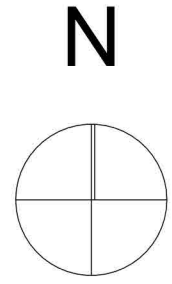
| | | | |
|-------------------------|---------------------------------|-----------------------|--|
| ADVERT | | | |
| Advert Fee paid? | Yes | | |
| Local Newspaper | Reason for Advert | Date of expiry | |
| Forres Gazette | Departure from development plan | 25/07/23 | |
| PINS | Departure from development plan | 25/07/23 | |

| | |
|--------------------------------------|-----|
| DEVELOPER CONTRIBUTIONS (PGU) | |
| Status | N/A |

| | | |
|---|--|----|
| DOCUMENTS, ASSESSMENTS etc. * | | |
| <i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i> | | |
| 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) | | | |



Location of "Alba"
195 Findhorn,
as referred to in Application



www.Coast2CoastArchitects.co.uk
Address: The Sail Loft, 156 Findhorn, Forres, Moray IV36 3YL Tel. 01309 692 240

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

REFUSED

29 August 2023

Development Management
Environmental Services
The Moray Council

Title: Location Plan

Drawing No: L_23_P_01

Scale: 1:2500

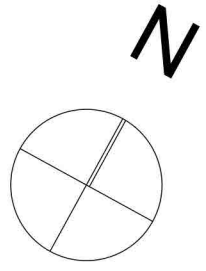
Date: 16th June 2023

Client: Mrs Andrea & Mr Craig Robertson

Project: Alterations to "Alba"

Address: 195 Findhorn, Moray IV36 3YN

Planning Application



Existing Site Boundaries
"White" Picket Fencing

Location of Flag Pole

Drawn Scale



www.Coast2CoastArchitects.co.uk

Address: The Sail Loft, 156 Findhorn, Forres, Moray IV36 3YL Tel. 01309 692 240

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

REFUSED

29 August 2023

Development Management
Environmental Services
The Moray Council

Title: Block Plan of Site

Drawing No: L_23_P_02

Scale: 1:200

Date: 16th June 2023

Client: Mrs Andrea & Mr Craig Robertson

Project: Alterations to "Alba"

Address: 195 Findhorn, Moray IV36 3YN

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

REFUSED

29 August 2023

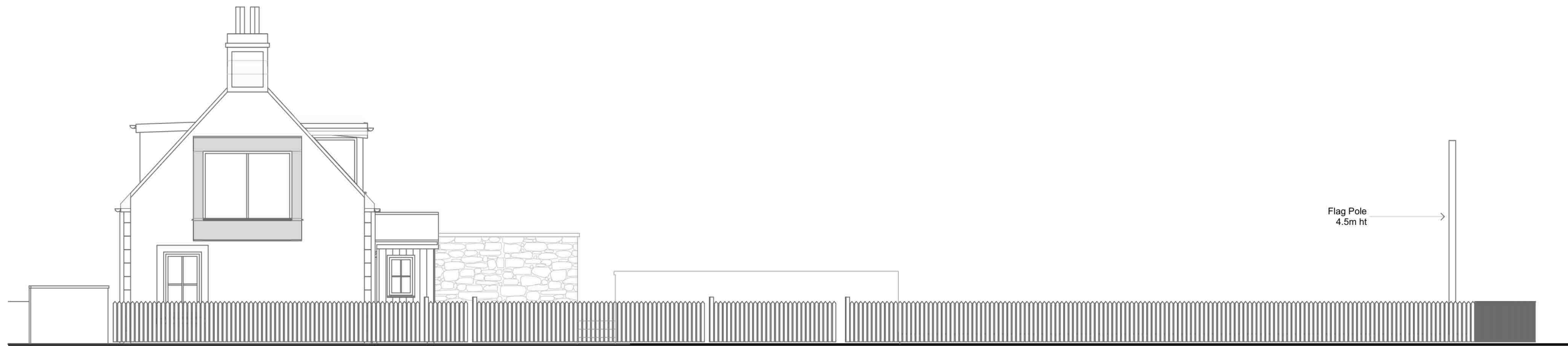
Development Management
Environmental Services
The Moray Council



1:100

SW Front (Approach) Elevation

SW2

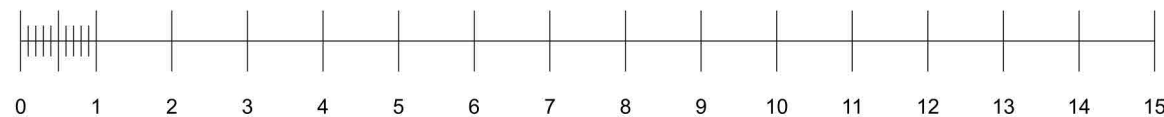


1:100

Side (Bay) Elevation

W

Drawn Scale in meters



Title: Front & Side Elevations

Drawing No: L_23_P_03

Scale: 1:100

Date: 16th June 2023

Client: Mrs Andrea & Mr Craig Robertson

Project: Alterations to "Alba"

Address: 195 Findhorn, Moray IV36 3YN



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Address: The Sail Loft, 156 Findhorn, Forres, Moray IV36 3YN Tel. 01309 692 240