



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 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 100632603-001

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.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Locate 4.5m height flagpole in grounds of 195 Findhorn.

Has the work already been started and/ or completed? *

No Yes - Started Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

01/04/2023

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

The location of the Flagpole was clearly identified on the Planning Consent Drawings issued by The Moray Council Ref 22/01191/APP, no further information was requested by the Planing Officer and therefore the Applicants believed that Consent had thereby already been issued.

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:	Coast2Coast Architects		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Greig	Building Name:	The Sail Loft
Last Name: *	Munro	Building Number:	156
Telephone Number: *	01309692240	Address 1 (Street): *	Findhorn
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Forres
Fax Number:	<input type="text"/>	Country: *	Moray
		Postcode: *	IV36 3YL
Email Address: *	info@Coast2CoastArchitects.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Alba
First Name: *	Andrea	Building Number:	195
Last Name: *	Robertson	Address 1 (Street): *	Findhorn
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Forres
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	IV36 3YN
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Moray Council

Full postal address of the site (including postcode where available):

Address 1:

ALBA195

Address 2:

FINDHORN

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

FORRES

Post Code:

IV36 3YN

Please identify/describe the location of the site or sites

Northing

864199

Easting

304114

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

≤ Yes No

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.

Access and Parking

Are you proposing a new or 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 proposed to make. You should also show existing footpaths and note if there will be any impact on these.

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: Greig Munro

On behalf of: Mrs Andrea Robertson

Date: 19/06/2023

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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) Have you provided a written description of the development to which it relates?. * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

Existing and Proposed elevations.

Existing and proposed floor plans.

Cross sections.

Site layout plan/Block plans (including access).

Roof plan.

Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Greig Munro

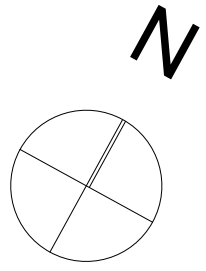
Declaration Date: 19/06/2023

Payment Details

Telephone Payment Reference: agm

Created: 19/06/2023 09:37

Planning Application



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



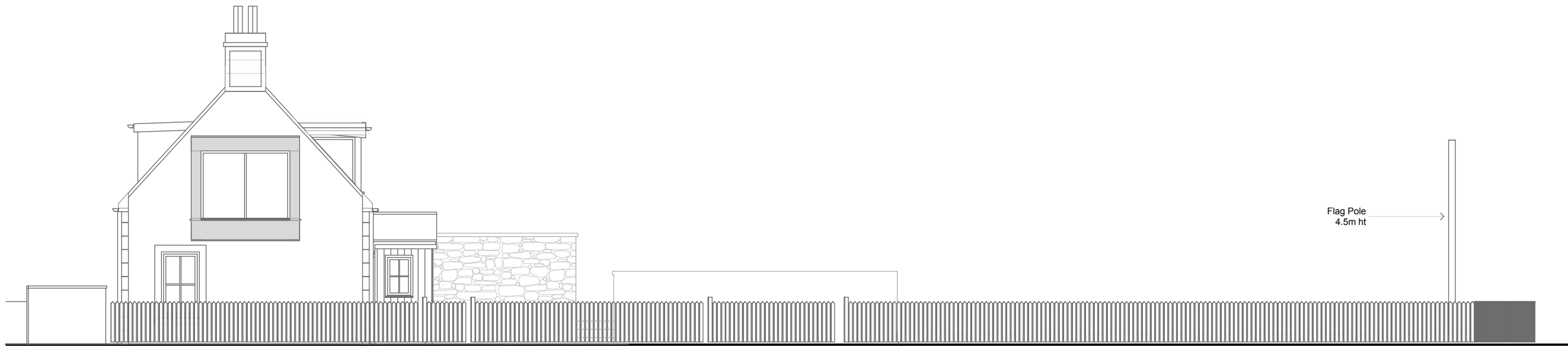
www.Coast2CoastArchitects.co.uk
Address: The Sail Loft, 156 Findhorn, Forres, Moray IV36 3YL Tel. 01309 692 240



1:100

SW Front (Approach) Elevation

SW2

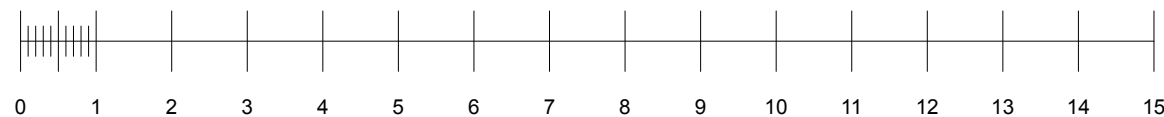


1:100

Side (Bay) Elevation

W

Drawn Scale in meters



Title: Front & Side Elevations

Drawing No: L_23_P_03

Scale: 1:100

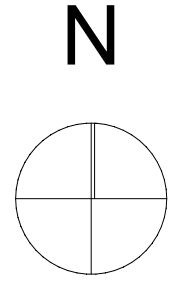
Date: 16th June 2023

Client: Mrs Andrea & Mr Craig Robertson

Project: Alterations to "Alba"

Address: 195 Findhorn, Moray IV36 3YN





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

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



Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	10th July 2023
Planning Authority Reference	23/01024/APP
Nature of Proposal (Description)	Retrospective consent to erect a 4.5m height flagpole in grounds of
Site	Alba 195 Findhorn Forres Moray IV36 3YN
Site Postcode	N/A
Site Gazetteer UPRN	000133044612
Proposal Location Easting	304114
Proposal Location Northing	864199
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=RWJFDDDBGH9E00
Previous Application	22/01191/APP 22/00693/APP 20/00651/APP
Date of Consultation	26th June 2023
Is this a re-consultation of an existing application?	No
Applicant Name	Mrs Andrea Robertson
Applicant Organisation Name	
Applicant Address	Alba 195 Findhorn Forres Scotland IV36 3YN
Agent Name	Coast2Coast Architects
Agent Organisation Name	
Agent Address	The Sail Loft 156 Findhorn Forres Moray IV36 3YL
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Emma Mitchell
Case Officer Phone number	01343 563326

Case Officer email address	emma.mitchell@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 23/01024/APP

**Retrospective consent to erect a 4.5m height flagpole in grounds of Alba 195 Findhorn
Forres Moray for Mrs Andrea Robertson**

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 checked="" 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 type="checkbox"/> |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

Transportation has no objections to the retrospective flag pole. Note – it is expected that the flag pole be maintained appropriately throughout its lifetime to ensure that it does not fall onto the adjacent public footway/carriageway.

Contact: AG
email address: transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

Date 30 June 2023

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://publicaccess.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.

Comments for Planning Application 23/01024/APP

Application Summary

Application Number: 23/01024/APP

Address: Alba 195 Findhorn Forres Moray IV36 3YN

Proposal: Retrospective consent to erect a 4.5m height flagpole in grounds of

Case Officer: Emma Mitchell

Customer Details

Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Community Council/Association Consult

Comment: The Findhorn and Kinloss Community Council, in their role as statutory consultees, object to planning application 23/01024/APP for retrospective consent to erect a 4.5 m flagpole in the grounds of Alba, 195 Findhorn.

The reasons for the Community Council objections are as follows:

The flagpole is erected at the southern boundary of the property adjacent to the War Memorial and in front of the Findhorn Church door. The Community Council unanimously agreed that the siting was insensitive and disrespectful.

The 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 thought to be unacceptable.

Flags have been known to cause offence to residents and visitors and the flagpole cannot be missed by anyone entering the village.

The flagpole is situated in the Conservation area and not in keeping with the local area.

Comments for Planning Application 23/01024/APP

Application Summary

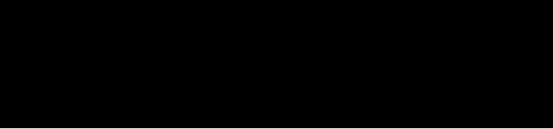
Application Number: 23/01024/APP

Address: Alba 195 Findhorn Forres Moray IV36 3YN

Proposal: Retrospective consent to erect a 4.5m height flagpole in grounds of

Case Officer: Emma Mitchell

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Height of proposed development
- Inappropriate materials/finishes
- Over-development of site
- Poor design
- Precedent

Comment: I concur wholeheartedly with the (unexpected) comments of the Community Council; they have already succinctly stated our intent.

The flagpole is erected at the southern boundary of the property immediately adjacent to the War Memorial and in front of the Findhorn Church door. The siting is insensitive and disrespectful.

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 considered to be unacceptable. Inappropriate messaging.

Flags have been known to cause offence to residents and visitors and the grandiose flagpole and associated large flag cannot be missed by anyone entering the village.

The flagpole is situated in the Conservation area and not in keeping with the local area.

Comments for Planning Application 23/01024/APP

Application Summary

Application Number: 23/01024/APP

Address: Alba 195 Findhorn Forres Moray IV36 3YN

Proposal: Retrospective consent to erect a 4.5m height flagpole in grounds of

Case Officer: Emma Mitchell

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Community Council/Association Consult

Comment: I don't object to a flagpole in general but this is too big and makes a statement relating to the village as a whole rather than the property. I support the comments from the Community Council.

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

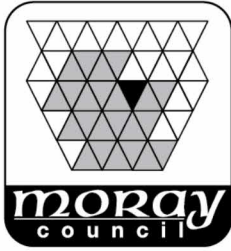
ADVERT			
Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Forres Gazette	Departure from development plan	25/07/23	
PINS	Departure from development plan	25/07/23	

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)			



**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.

