

GROUNDNS FOR REVIEW

Planning Application 09/00955/OUT - Outline to erect a house and garage at Thornton Croft, Davoch of Grange, Keith, Banffshire for Mr Thorald Munro

INTRODUCTION

Our client does not understand the reasons for Refusal stated in the decision notice issued in respect of planning application Ref 09/00955/FUL, nor does he accept the interpretation of policy presented by the Council.

SUMMARY OF REASON FOR REVIEW

On behalf of the applicant, Mr Thorald Munro, we are seeking a review of the Refusal of planning application Ref 09/00955/FUL for the reasons set out below: -

1. The terms of the reasons for Refusal are not clear or compelling in terms of policy.
2. They do not provide a definition of the rural character of the location against which the proposal requires to be tested under policy.
3. They do not explain or quantify the detriment that the proposed house would allegedly cause.
4. Despite refusing the application, Council has confirmed that "*the site would not be overtly prominent.*"
5. The Council has encouraged an extension to this grouping on a large area of much more prominent agricultural ground directly to the east of Thornton Croft.
6. The Council has approved a site on more exposed ground than the review site, but at the same distance to the north of Thornton Croft as the review site.
7. The proposed site is more logically sited in terms of policy and the historical limits of development at Thornton than some recent approvals.
8. The proposal complies with policies H8 and IMP1
9. There are no insurmountable objections to the application.
10. There are no technical objections to this application from Consultees.

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DETAILED EXPLANATION OF GROUNDS FOR SEEKING REVIEW

The explanation of our grounds for seeking a review are as follows: -

1 The terms of the reasons for Refusal are not clear or compelling in terms of policy.

Longstanding Government advice states: -

"Where planning permission is refused, it is important that the reasons for Refusal are indicated clearly in the decision notice. It will not be enough to state that a proposal is contrary to the terms of a development plan. Sound and clearly explained reasons should be given for Refusal and reference should be made to specific policies to which the proposal runs counter." (Ref Paragraph 50 NPPG1) - although this NPPG has been superseded by SPP the Scottish Government has confirmed that the latter guidance still remains a valid expectation).

With this in mind we have analysed the Council's Reasons for Refusal.

These state: -

1. *The proposal is contrary to Moray Local Plan 2008 policies H8 and IMP1*
2. *The proposal would create an unacceptable extension to an existing group of buildings and an accumulation of new house plots, which would be detrimental to the rural character of this location where no rural community is designated*

We believe that these Reasons for Refusal fall a little short of Government advice. While there is an assertion that the application does not comply with policy there is no clear or convincing explanation of the nature of the detriment that would result if the application had been approved.

As a result our client has no tangible explanation of the problems that would arise if his application was to be approved

2 The Reasons of Refusal do not provide a definition of the rural character of the location against which the proposal requires to be tested under policy.

Since the Council has provided no definition we, as Chartered Town and Country Planners, would define character of this part of the Moray Countryside as one of dispersed buildings and groups of buildings sometimes set among trees in a broad valley. These have resulted in a fairly large dispersed rural community in the Grange area that

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depends upon individually dispersed community facilities, e.g. the school at Grange Crossroads; the King Memorial Hall at Cairnhill; and the church at Mains of Grange. Thornton Croft was originally a triangular shaped grouping defined by the drainage ditch to the east, the old smithy site and raised field boundary to the north, and the public road to the west. (see **Appendix 1**). Planning approvals for replacement houses and a new house to the north of Thornton Croft have been approved within this grouping of rough land trees and buildings. The Council has also granted permission for two houses on large sites in open arable land across the road to the east of the grouping.

There are similar groupings nearby at Auchinhove/Stripeside, Davoch of Grange, Bearhill, Rhu Lodge, and Cairnhill. None of these is designated as a rural community although houses, sometimes in quite prominent positions, have been approved by the Council (see **Appendices 5 and 6**).

Given this definition of the character of Thornton and its surroundings and our analysis of recent approved development, it is evident to us that the proposed house site will fit sensitively and logically into this grouping without harming it in any discernible way (see **Appendices 1, 2 and 3**). The site would not be prominent nor would it go beyond the bounds of nearby approved development.

In an attempt to identify any underlying reasons for the Refusal we have also considered the comments set out in the officer's The Report of Handling for this application. (see **Appendix 8**). This document states: -

"The site which sits slightly further back up the hill from the grouping and behind a small group of trees would effectively spread the area of existing buildings further north. It would be too far from existing buildings to read as part of the existing grouping".

The report however fails to mention that: -

- there was once a Smithy in this vicinity (see **Appendix 4**) and significantly that
- the Council granted planning permission on 20/7/09 for the erection of a house (Ref 09/00649/OUT) due east of the review site, and at a similar distance far north of the "grouping." (see **Appendix 3**).

In other words the Council has failed to observe that the proposed site would in fact "read" as a part of the grouping because, apart from other considerations, the Council itself has just approved a new house this far north. It is also the case that the grouping also historically extended this far north.

The reasoning in this part of the Handling Report is therefore flawed and does not substantiate the Reasons for Refusal.

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The Handling Report for the review site goes on to say:-

“The site would not be overtly prominent”

We fully agree with this, but then wonder why the Council, if accepting the house would hardly be seen, can then argue that the proposed house, *“would be too far from existing buildings to read as part of the existing grouping”*?. Especially when it is no further north than the recently approved 09/00649/09 and also close to the central wooded area of Thornton.

Once gain the reasoning in the Handling Report is flawed and does not substantiate the Reasons for Refusal

The argument in the Handling Report would have been more logical had it concluded that since the site is not overtly prominent in terms of policy H8, and since it lies no further north than the house plot approved to the east Ref 09/00649/09, it will in fact “read” as part of the grouping (should it be identified in the public view).

3 The Reasons for Refusal do not explain or quantify the detriment that the proposed house would allegedly cause.

As previously mentioned, Planning application Refusals should be easily understood. This is not the case in this instance. The alleged harm that will result from approving this site is not evident. Neither does the Report of Handling explain what actual harm will result from approving this house. It states: -

“It would be too far from the existing buildings to read as part of the existing grouping and given the presence of other nearby approvals would lead to an unacceptable accumulation in what is supposed to be open countryside.

In terms of siting, the site would not be overtly prominent, although would be visible for small stretches of the A95 Banff – Keith Road to the south west and from the minor unclassified public road to the east.”

The argument in the report is based mainly on visual criteria. We have already explained how, by the Council’s own actions, this site if approved will “read” acceptably with the group.

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As regards accumulations of approvals, Policy H8 contains no restriction relating to “*unacceptable accumulations*” of houses, other than tests relating to prominence and character. Policy H8 does assume against multiple house applications, i.e. one application for more than 2 houses, but the application under review is for a single house and therefore complies with the policy. The only other tests under policy H8 relate to

- whether the proposal detracts from the character of its surroundings or
- whether it is overtly prominent.

We have already demonstrated how this application does not detract from the character of its surroundings, and the Council has confirmed that the site is not overtly prominent. The application therefore complies with policy H8.

It therefore follows that there is no detriment under this policy.

The Council also claims that the application is contrary to Policy IMP1. We have assessed the application under Policy IMP1 (see **Appendix 11**) and our comment is as follows: -

In terms of paras a) – n) of Policy IMP1: -

- a) The scale density and character is appropriate to the surrounding area for the reasons we have set out above
- b) The Council has confirmed that the development will not be overtly prominent. The review site will therefore be integrated into the surrounding landscape. It will be set against rising ground when viewed from the south, and a backdrop of land and trees when viewed from the east. Existing trees to the south will also screen it and the Policy H8 requirement for 25% indigenous planting on site will provide reinforced sensitive screening.
- c) The site is very close to the A95 for public transport, cycling etc.
- d) There are no objections on grounds of water supply or drainage. Protection of a nearby well is, as the Handling Report states, a private matter between the parties concerned.
- e) The site will use a septic tank and soakaway which are sustainable.
- f) Community facilities are available at the school at Grange Crossroads, The Church at Mains of Grange, and the King Hall. The Secondary School at Keith is very close, as is the town centre and Tesco.
- g) Sustainable design and construction will be covered by Building Standards at the appropriate stage.
- h) A service lay-by will be provided and maintained and shared with the house approved under Ref 09/000649/OUT.

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- i) The natural environment will be conserved by 25% planting on site.
- j) The site is not at risk of flooding.
- k) There is no objection from the Contaminated Land Officer.
- l) The proposal does not sterilise mineral, agricultural, or forestry resources.
- m) Domestic waste will be taken to the lay-by to be collected along with that from the house approved under Ref 09/000649/OUT

Therefore the application complies with policy IMP1

It follows that there is no issue arising under this Policy that makes the site detrimental to the character of the countryside

4 The council has confirmed that “the site would not be overtly prominent.”

This point has already been identified and argued. It is another aspect of the application that causes no detriment to the character of the surrounding area.

5 The Council has encouraged an extension to this grouping on a large area of much more prominent agricultural ground directly to the east of Thornton Croft

Planning Applications O9/00134/FUL, and O9/00135/FUL were approved on March 4th 2009.

As can be seen from Appendix 3 these are large sites to the east of Thornton and arguably more overtly prominent than the site under consideration. However the Report of Handling for these applications states: -

“The houses when viewed from the site frontage would appear as relatively prominent features given their proximity to the carriageway”

Yet these applications were approved.

The site under review is not prominent nor is it near the public road carriageway. It is less prominent and therefore potentially less detrimental to the countryside than the two sites.

The Report of Handling for these two applications goes on to say: -

“When viewed within the wider landscape context and from the surrounding road network the sites would be offset by a natural backdrop of landform trees and buildings thus satisfying the criterion contained within the policy.”

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This same can be said of the site under review, and indeed the Council has confirmed that the review site is not overtly prominent.

We therefore conclude that the site under review is less prominent or detrimental to the character of the countryside than these two recently approved sites.

6 The Council has approved a site on more exposed ground at the same distance to the north of Thornton Croft as the proposed house plot.

O9/00649/OUT was approved on July 20th 2009, while this application was under consideration. The site lies at the north of Thornton and due west of the site under consideration in this review. (see Appendix 3). There is no Record of Handling on the Council Web and the file copy simply states "none" in the sections headed Objections and Observations. (see Appendix 6). We therefore have no understanding of the Council's rationale here, and as a result one can only conclude that the Council has determined that this site is "not detrimental to the character of the surrounding countryside" in any way whatsoever. Being at the roadside however, this site is more prominent than the Review site, and it also establishes the northern extremity of the Thornton grouping.

The site under review must therefore be less detrimental than this site

7 The proposed site is more logically sited in terms of policy and the historical limits of development at Thornton than recent approvals.

Thornton Croft was originally a triangular shaped grouping defined by the drainage ditch to the east, old smithy site and the raised field boundary to the north, and the public road to the east. (see Appendix 1). Planning approvals for replacement houses and a new house to the north have been granted within this grouping of rough land, trees and buildings. The Council has also extended the group onto very open land by granting permission for two houses on large sites on arable land across the road to the east of the grouping. The house proposed on the Review site will complete the Thornton Croft grouping in a logical way, because it follows the boundary of a longstanding drainage ditch, the old smithy site and the old raised field boundary that follows the northern boundary of Thornton. The review site does not encroach on to overtly prominent land

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8 The proposal complies with policies H8 and IMP1

We have already demonstrated in our arguments above that the application meets all the requirements of both these policies.

CONSULTATIONS

The Report of Handling for the application under review clearly indicates that there are no technical objections to the proposal. The Environmental Health Manager has no objections; Scottish Water has no objections; the Environmental Health Manager has no objections. The Transportation Manager has no objection subject to conditions that we understand our client can meet. The Contaminated Land Officer has no objection but requests that an advisory note be passed on to the applicant.

OBJECTIONS

There is only one objector who raises 2 points. Our clients responded to these. However we now reinforce our response as follows: -

- As regards the suggestion that the site is prominent, both ourselves and the planning officer have demonstrated that this is not so, and also that it is not as prominent as sites recently approved at Thornton or Cairnhill.
- As regard the implications of increased traffic and infrastructure requirements we have demonstrated through our assessment of the proposal against policy IMP1 and the responses from Technical Consultees that there are in fact no objections relating to the provision of road access, water drainage, etc.
- We would agree with the planning officer's comment in the Report of Handling that the issue regarding proximity to the well is one that can be resolved privately by the relevant parties and if needs be by careful planning at the detail stage.
- There are therefore no insurmountable objections to this application

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CONCLUSIONS

- The terms of the reasons for Refusal are not full, clear or consistent with policy.
- The rural character of the location, which is the main policy test in this case was not adequately defined by the Council.
- The alleged detrimental effect of the proposed house is not substantiated by examination of policy or fact.
- The Council confirms that “the site would not be overtly prominent.”
- The Council has encouraged the extension of this grouping by granting permissions in the north and to the east of Thornton Croft on more prominent land than the Review site
- The Review site is more logically and sensitively sited in terms of policy and the historical limits of development at Thornton than some recent approvals.
- There are no insurmountable objections
- The proposal complies with policies H8 and IMP1
- There are no technical objections to this application from Consultees

For all the reasons set out above The Review Board is requested to approve this application.

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APPENDICES –

Appendix 1 – Analysis of development at Thornton Croft

Appendix 2 – Thornton from the A95 looking west

Appendix 3 – History of Development at Thornton

Appendix 4 – Extract of Feu Title for Smithy site

Appendix 5 – Cairnhill Grouping

Appendix 6 – Groups of houses and buildings of similar character to Thornton in this part of the countryside

Appendix 7 – Handling Report for application Ref O9/00649/OUT

Appendix 8 – Handling Report for application Ref O9/00955/OUT

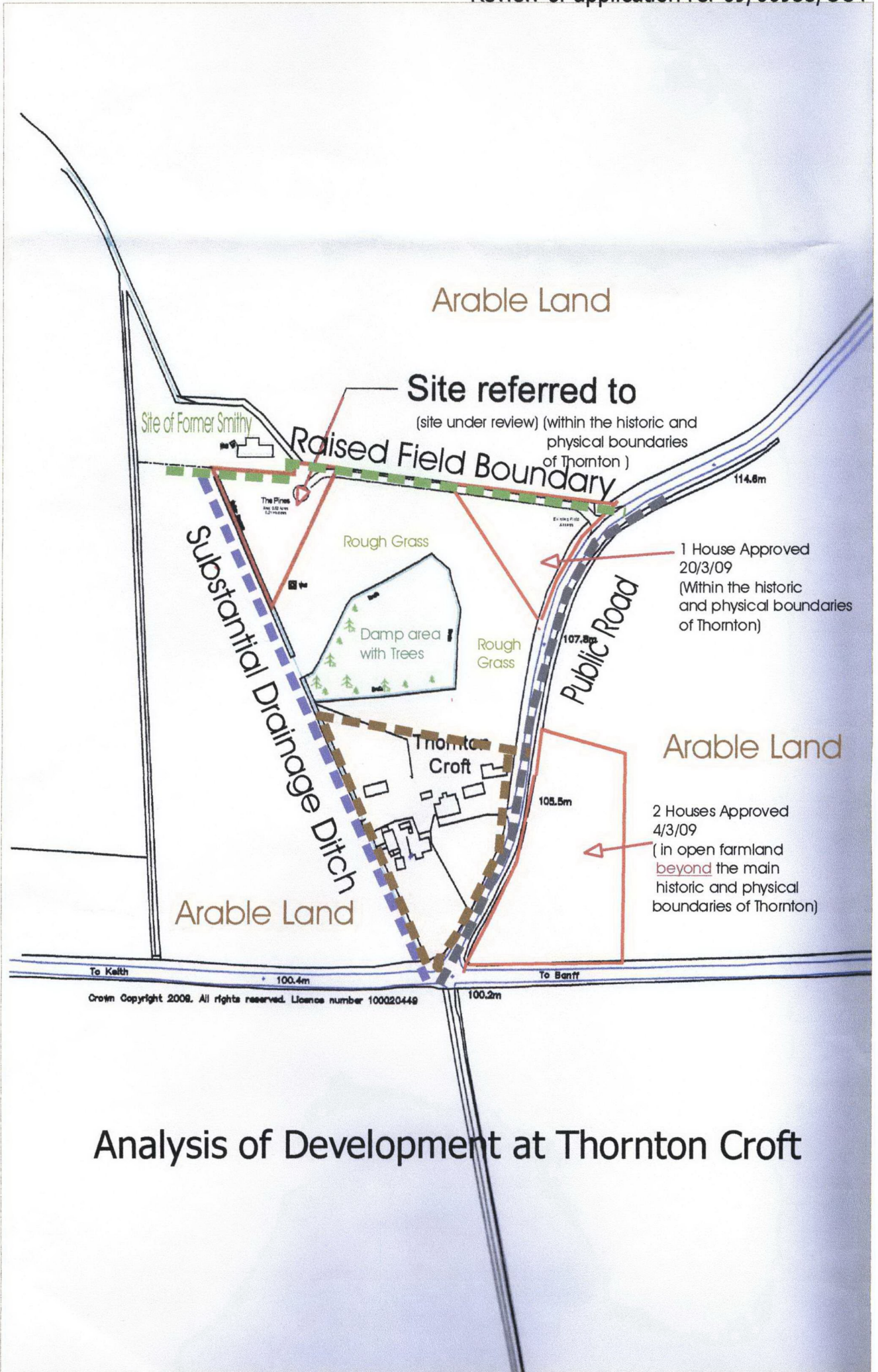
Appendix 9 - Handling Report for applications Ref O9/00134/OUT and O9/00134/OUT

Appendix 10 – Objections to the application and response from applicant

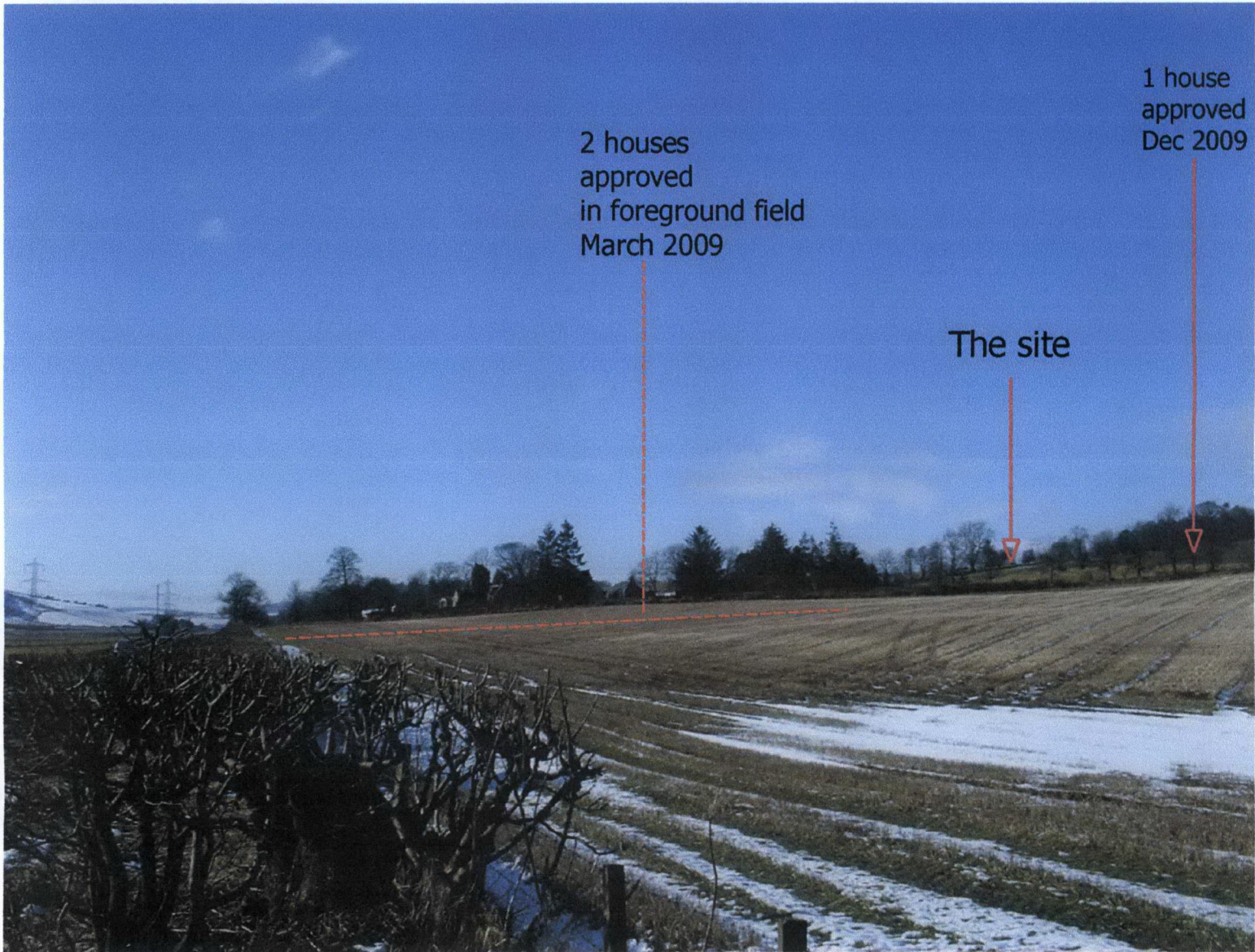
Appendix 11 – Policy IMP1

Appendix 12 – Policy H8

Appendix 1 – Analysis of development at Thornton Croft

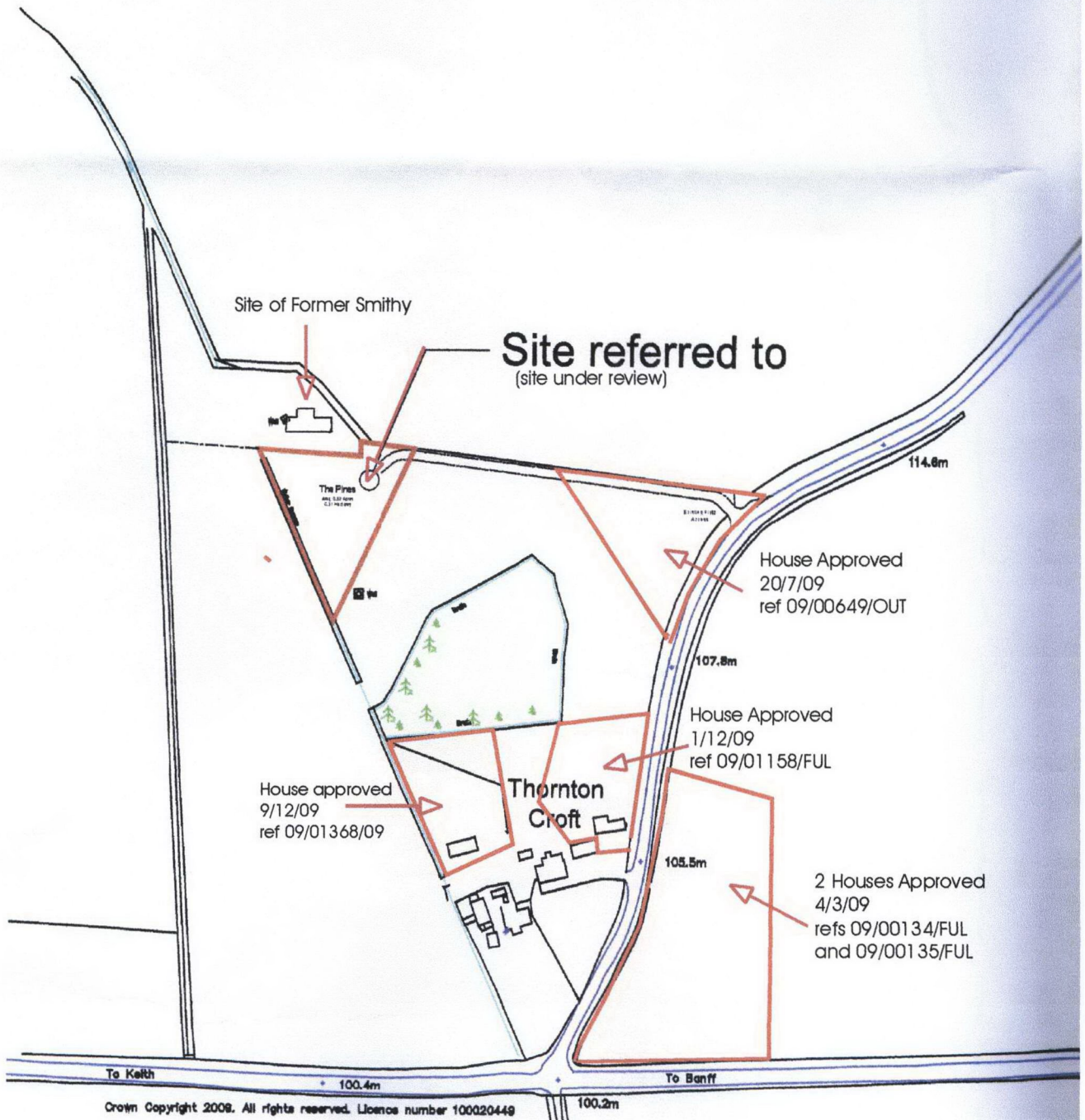


Appendix 2 – Thornton from the A95 looking west



Thornton from the A95 looking west. The site will in fact "read," within the group

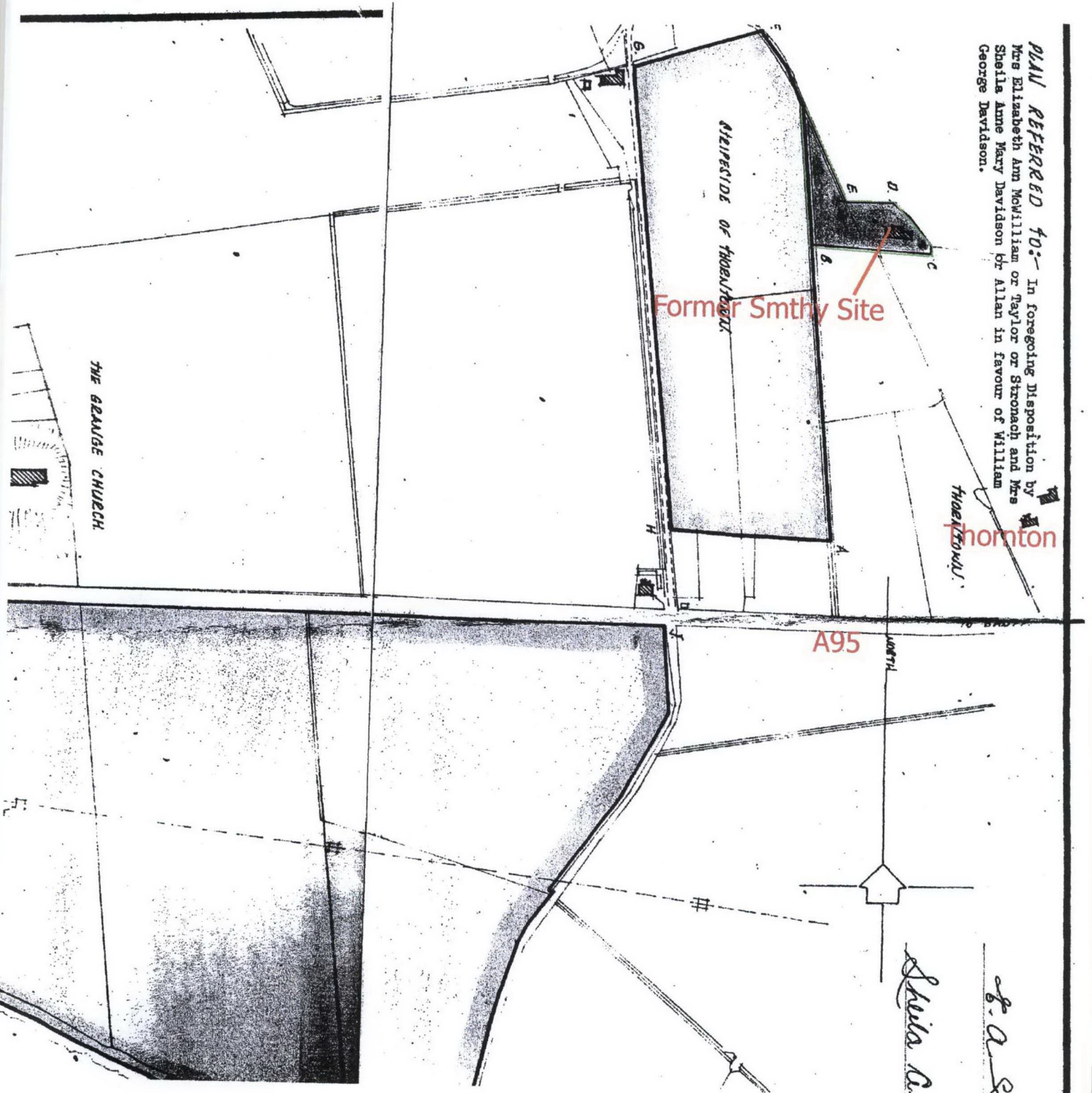
Appendix 3 – History of Development at Thornton



History of Development at Thornton Croft

Appendix 4 – Extract of Feu Title for Smithy site

PLAN REFERRED TO:- In foregoing Disposition by
Mrs Elizabeth Ann McWilliam or Taylor or Stronach and Mrs
Sheila Anne Mary Davidson or Allan in favour of William
George Davidson.



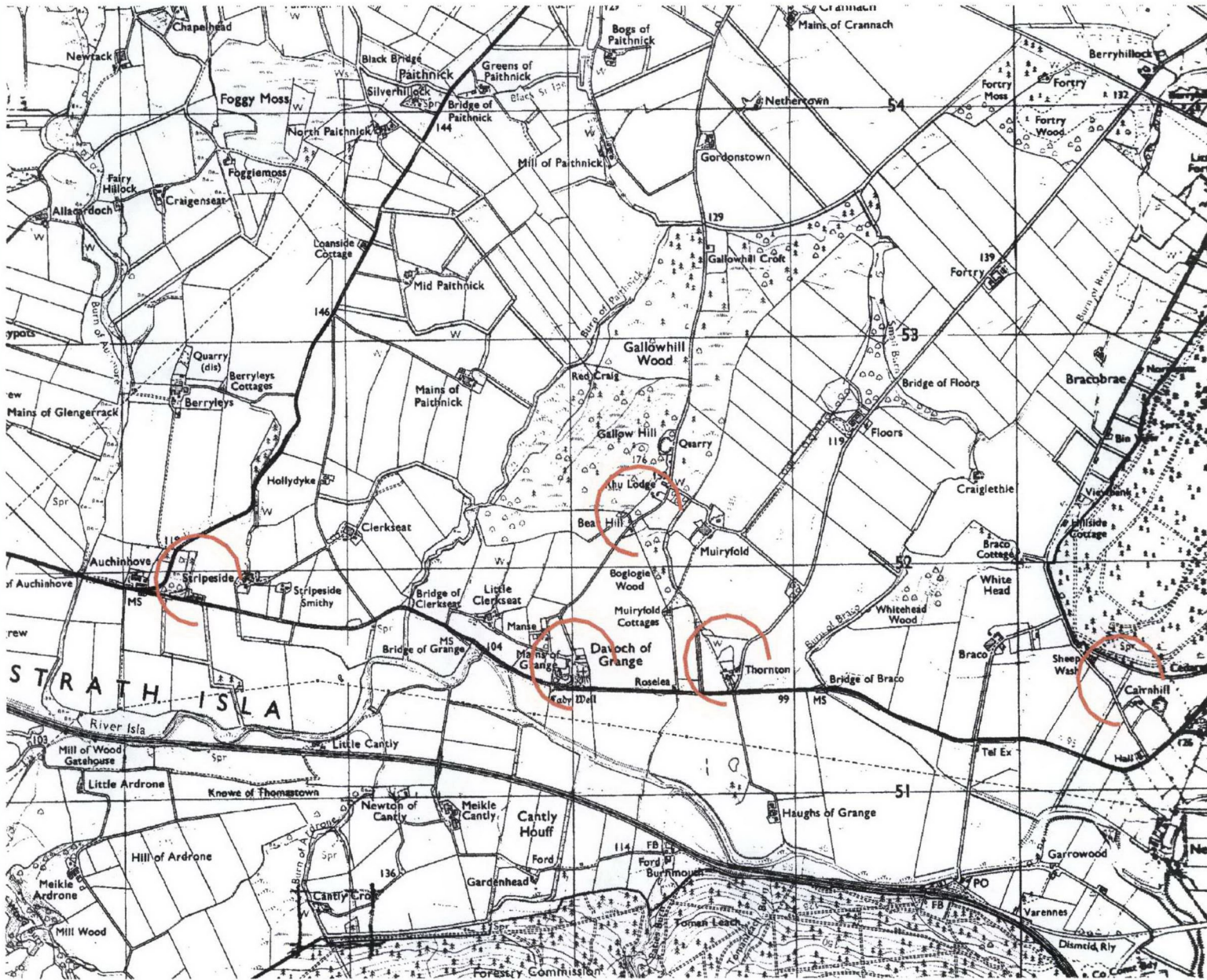
Extract of Feu Plan showing the footprint of the former Smthy and Smthy site which adjoins the Review site on its northern Boundary. The Title of the Smthy appears to date from 1897

Appendix 5 – Cairnhill Grouping



Nearby (east) prominent Cairnhill group from the A95

Appendix 6 – Groups of houses and buildings of similar character to Thornton in this part of the countryside



Groups of houses and buildings of similar character to Thornton in this part of the Countryside

**Appendix 7 – Handling Report for application Ref
O9/00649/OUT**

09/00649/OUT

OBJECTIONS	YES		NO	
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OBSERVATIONS

None.

ASSESSMENT OF OBJECTIONS

None.

REFUSE - REASONS FOR REFUSAL

Planning Officer Signature **Date:**

DECISION NOTICE TO BE PRODUCED (Manager's Initials)

Date

Completed 25.10.19

**Appendix 8 – Handling Report for application Ref
O9/00955/OUT**

REPORT OF HANDLING

Ref No:	09/00955/OUT	Officer:	Neal MacPherson
Proposal Description/ Address	Outline to erect house and garage at Thornton Croft Davoch Of Grange Keith Banffshire		
Date:	9.11.09	Typist Initials:	LH

RECOMMENDATION

Approve, without or with condition(s) listed below	
Refuse, subject to reason(s) listed below	y
Legal Agreement required e.g. S,75	
Notification to Scottish Ministers/Historic Scotland	
Hearing requirements	Departure n
	Pre-determination n

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	01/06/09	No objections
Transportation Manager	27/05/09	Approve subject to conditions/informatives
Scottish Water	13/07/09	No objections
Contaminated Land	10/06/09	Informative note required
Environmental Protection Manager	27/05/09	No objection

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
Policy 1(e)	n	
Policy 2(a) & Policy 2(b)	n	
Policy 2(k)	n	
H8: New Housing in Open Countryside	y	
T2: Provision of Road Access	n	
T5: Parking Standards	n	
E3: TPOs and Control of Trees	n	
EP9: Contaminated Land	n	
EP10: Foul Drainage	n	
IMP1: Development Requirements	y	

REPRESENTATIONS

Representations Received

YES

Total number of representations received 1

Names/Addresses of parties submitting representations

Name	Address
Mr Stewart Davidson	Per Peterkins Solicitors 145 Mid Street Keith Moray AB55 5BJ

Jacqui Findlay

Summary and Assessment of main issues raised by representations

The grounds for objection are as follows

- There are already other permissions in this vicinity and to permit more housing would result in an over provision in this rural setting.
- The proposed house site sits upon the natural catchment for the private water supply for the objectors property which they fear could be disturbed.

Comments (PO):

- The objectors concerns over the presence of other permissions within this locality and the potential spread of the grouping of houses at Thornton are reflected in the reasons for refusal.
- The application is being refused, but never the less, it would have been a private obligation of any developer not to damage or disrupt a 3rd parties water supply.
- The applicants also responded to the objections, and the points raised taken into consideration.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Moray Local Plan 2008 policy H8 New Housing in the Open Countryside requires new rural housing developments not to detract from the character or setting of existing building, or their surrounding area, when added to an existing grouping.

At Thornton in addition to the several long established houses present, permission has already been granted for 3 new houses. Furthermore a current application to replace an old prefab cottage at Thornton is nearing determination. This site which sits slightly further back up the hill from the grouping and behind a small group of trees, would effectively spread the area of existing buildings further to the north. It would be too far from the existing buildings to read as part of the existing grouping and given the presence of other nearby approvals would lead to an unacceptable accumulation in what is supposed to be open countryside.

In terms of siting, the site would not be overtly prominent, although would be visible for small stretches of the A95 Banff – Keith Road to the south-west and from the minor unclassified public road to the east.

On the basis, the application is to be refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

HISTORY			
Reference No.	Description		
	Decision		Date Of Decision

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Herald	Departure from development plan	08/10/09
Banffshire Herald	Departure from development plan	02/07/09

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)			

**Appendix 9 - Handling Report for applications
Ref O9/00134/OUT and O9/00134/OUT**

OBJECTIONS	YES	<input checked="" type="checkbox"/>	NO	
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OBSERVATIONS

This joint report relates to two concurrent applications 09/00134/FUL and 09/00135/FUL for single houses on adjoining ground by the same applicant.

The Proposal

- Detailed application to erect dwellinghouses on Plots 1 and 2 at Muiryfield Farm, Grange, Keith.
- Sites form the corner of a field and extend to approx. 0.25 ha and 0.26 ha. Bounded by open ground to the north and east, former farm buildings 'Thornton' and 'Thornton Cottage' and established trees to the west and a mature beech hedge and A95 road to the south.
- Dwelling construction – 1 ½ storeys, 5 bedrooms, natural slate roof and timber/render wall coverings (samples to be submitted).
- Approx. 2/3rds boundaries currently defined by post and wire fencing and public road.
- Vehicular accesses to be formed onto public minor road.
- Foul drainage – private septic tank and soakaway system. Water supply – public mains.

History

None.

Determining Issues

New Residential Development in the Open Countryside

Moray Structure Plan 2007 – policy 1 (e)

Moray Local Plan 2008 – policies H8 and IMP1

The proposals for two new build rural houses requires assessment against the above development plan provisions. Policy 1 (e) of the Moray Structure Plan 2007 seeks to encourage well located and designed houses in the countryside that have low environmental impact. Policy H8 of the MLP 2008 sets out various criteria against which new house sites require to be assessed. These include the requirement that new sites:

1. should not detract from the character or setting of existing buildings, or their surrounding area,
2. are not overtly prominent in the landscape i.e. located on a skyline or within an open setting such as central areas of fields etc and where otherwise prominent are offset by a natural backdrop and
3. have at least 50% established boundaries.

The policy also contains site-specific criteria requiring at least 25% of plot areas to be planted with trees and design criteria to ensure a satisfactory form of traditional design. Policy IMP1 of the MLP 2008 seeks compatibility in terms of scale, density and character and requires new development to integrate into the surrounding landscape

SITING -

- 1) The immediate locality of the sites comprises two traditional dwellings, associated outbuildings and trees on adjoining ground 50m to the west. The proposals positioned alongside this collection of buildings would add to the cohesiveness of the group, maintaining their character and subject to appropriate landscaping/screening should safeguard their setting and surrounding area.

- 2) The sites, set within the corner of a large field and bounded by a hedge to the S and buildings and trees to the W would not represent overtly prominent development. The houses when viewed from the site frontage would appear as relatively prominent features given their proximity to the carriageway and the uniform nature of the landform to the rear. However, when viewed within the wider landscape context and from the surrounding road network the sites would be offset by a natural backdrop of landform, trees and buildings, thus satisfying the criterion contained within the policy.
- 3) The plots, taken together as a single development, have 2/3rds established boundaries satisfying the third policy criterion.

The sites are also of sufficient size to accommodate the requisite 25% tree planting as per policy criteria. An amended landscape scheme requires to be conditioned, as the current landscape plan does not show sufficient planting coverage. The applicant has indicated his agreement to this condition.

DESIGN - The proposed dwellings are of a traditional design and size that broadly satisfies policy H8 criteria in relation to roof pitch, gable width, material finishes and window proportions. Large flat roofed dormer windows, which feature in the plans however, require to be deleted and replaced by smaller traditional dormers to ensure a satisfactory traditional form. A condition shall be imposed requiring submission and approval of amended plans to address this issue. This has been agreed with the applicant.

AMENITY – The proposal would have negligible effect on the amenity of the adjoining properties to the west, being positioned some 50m from these dwellings and separated by established trees/vegetation.

Access/parking (Policies MLP T2 and T5) – The Transportation Section has raised no objection to the proposed access arrangement subject to the imposition of conditions covering access, visibility, parking and drainage.

All other consultees raise no objections to the granting of permission subject to conditions/informative advice where appropriate.

ASSESSMENT OF OBJECTIONS

Three letters of objection have been received from adjoining neighbours citing concerns in relation to the excessive size/height of the proposed dwelling, loss of private view from existing properties, loss of property value, loss of privacy and noise and disturbance from increased traffic and people.

Applicant's Response:

The proposed houses are not in direct line of the front of the existing houses at Thornton, which will continue to have uninterrupted views over the open countryside.

Although the houses might appear to have a large footprint, the massing is articulated. This has been carried out with the specific objective of reducing their apparent size when viewed in perspective as oppose to plan and elevation. This is evident from the 3D model views which form part of the planning application, and which may not have been seen or fully appreciated by the objectors?

Comment:

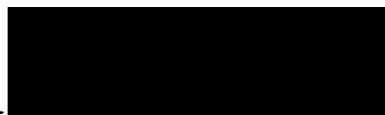
In relation to the comments concerning the size of the dwelling and loss of privacy refer to observations section above.

Loss of a private view from an individual's property and loss of house value are not planning matters and therefore cannot be taken into account in the planning process.

Any noise and disturbance associated with a further dwelling would not be so sufficient such as to warrant refusal.

APPROVE - SUBJECT TO CONDITIONS

Planning Officer Signature



Date:

4/3/09

DECISION NOTICE TO BE PRODUCED

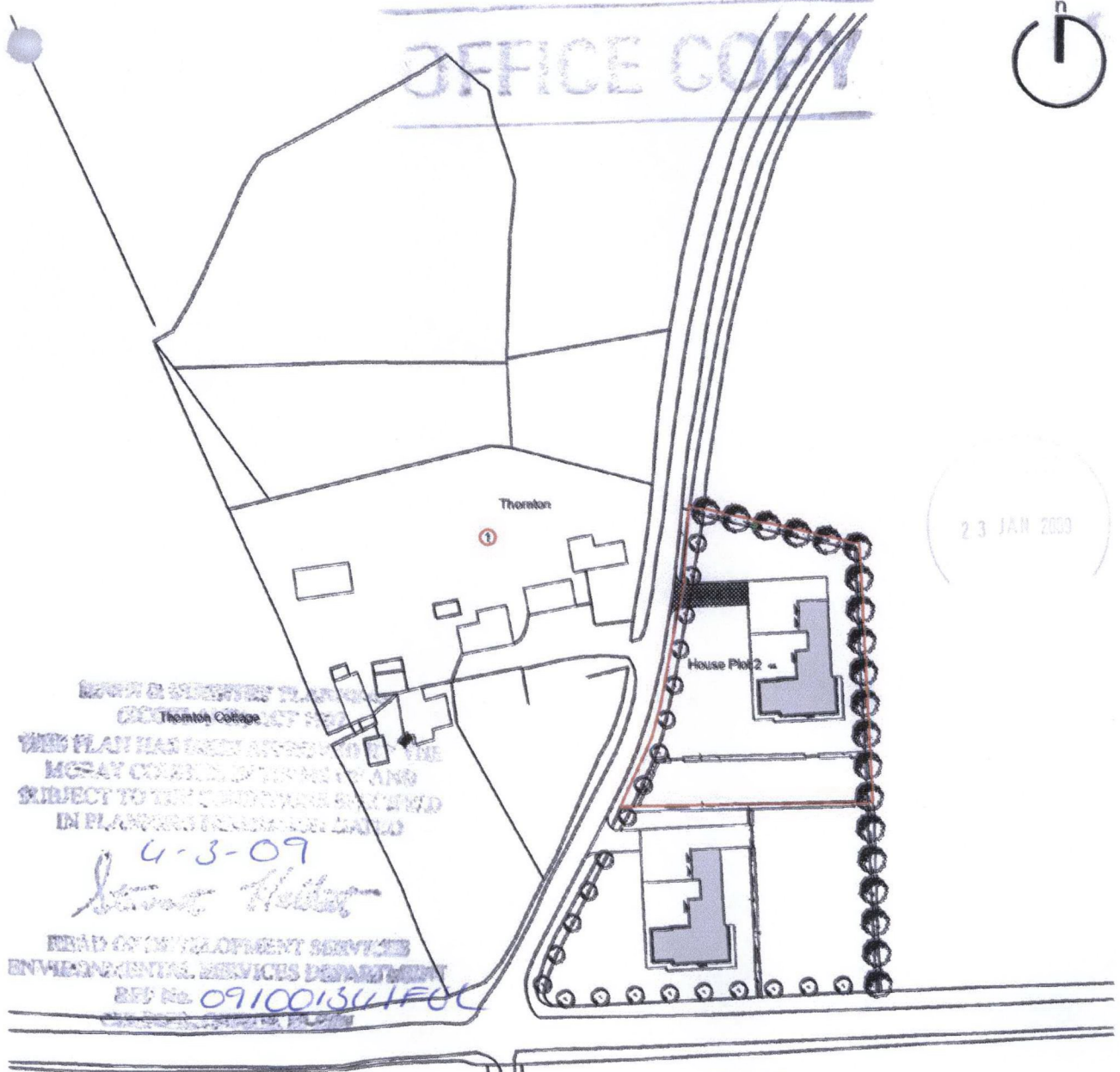
(Manager's Initials)



Date

5/3/09

OFFICE COPY



23 JAN 2009

HEAD OF ENVIRONMENTAL SERVICES
 ENVIRONMENTAL SERVICES DEPARTMENT
 REF No. 0910015/1/FUL

THIS PLAN HAS BEEN APPROVED BY THE
 LOCAL COUNCIL OF THE CITY AND
 SUBJECT TO THE CONDITIONS SET FORTH
 IN PLANNING PERMISSION GRANTED
 4-3-09
 Stewart Hutton
 HEAD OF DEVELOPMENT SERVICES

neighbours : non-domestic		
no	status	address
01	owner/occupier/lessee	Thornton, Grange, Keith
02	owner/occupier/lessee	Haughs of Grange, Grange, Keith

scale 1:1250

Location plan	proposed house plot 2
outline proposals	Muiryfold Farm, Grange, Keith
22.12.08	Alistair Stuart
revision	
drawing LP	08.31

graham mitchell architects

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neighbours : non-domestic		
no	status	addr
01	owner/occupier/lessee	Thor
02	owner/occupier/lessee	Hau

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Appendix 10 – Objections to the application and response from applicant



**DESIGN
BUILDING
CONSULTANT**

J.W. SMITH, BSc ARCHITECTURAL TECHNOLOGY

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Clochan
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info@jws-design.co.uk
www.jws-design.co.uk

Development Services
Environmental Services Department
Council Office
High Street
Elgin
IV30 1BX

Date: 24/04/09

FAO: Neal MacPherson

Dear Mr MacPherson

**PROJECT DESCRIPTION: O P A ERECT HOUSE AND GARAGE AT THE PINES
SITE THORNTON CROFT DAVOCH OF GRANGE
KEITH BANFFSHIRE MORAY.**

Thank you for your letter dated 3rd July 2009. I hereby respond to the received comments formally made by Perterkins Solicitors on behalf of Mr Stewart Davidson as scheduled in order of appearance.

1. We see no current problems or future foreseeable issues with the existing "infrastructure" The possible addition of two domestic vehicles will not create any overloading of the existing road system. With reference to Mr Davidson's comment in relation to "the over provision of dwelling houses in this rural setting" This comment is not valid providing that the proposals fit in with current planning policy.
2. We don't believe this comment to be correct. We would however accept this comment providing that Geological information was provided by a geologist to prove that the development would cause water supply problems to Mr Davidson's Haughs of Thornton.

This comment has no real substance as Mr Davidson's well is not within the proposed site.

Should you would like to discuss any of my response please do not hesitate to contact me at the office

Yours sincerely



JAKE W SMITH



10
Alan Short
Development Control Manager

Development Services
Environmental Services Department
The Moray Council
Council Office, High Street, Elgin IV30 1BX
Tel: (01343) 543451 DX No 520666

FAX: (01343) 563263

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Direct Dial: 01343 563266
Our Ref: 09/00955/OUT NMP/SM
Your Ref:
Web Site: www.moray.gov.uk

3rd July 2009

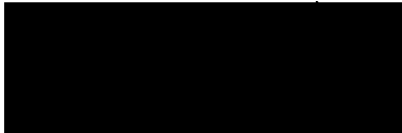
Mr Thorald Munro
c/o J W Smith Design
Berrybauds
Claochan
BUCKIE
AB56 5HX

Dear Sir(s)/Madam

**Outline to erect house and garage at Thornton Croft Davoch Of Grange Keith
Banffshire Moray**

I enclose a copy of letter(s) received regarding the above and would be pleased to receive your written reply within 14 days of this letter.

Yours faithfully



Mr Alan Short
Development Control Manager

Enc(s)

09/00955/OUT

145 mid street
keith
ab55 5BJ

tel:01542 882532
fax:01542 886176
dx:520780
ip:pa

www.peterkins.com

peterkinsolicitors

our ref ABM/CMM
your ref

email cmm@peterkins.com
date 19 May 2009

Development Control
Environmental Services Department
Moray Council
DX 520666
ELGIN



Dear Sirs

Mr Stewart Davidson
Mr T Murro
New Dwellinghouse and Garage, The Pines site, Thornton Croft, Grange, Keith

We are being instructed by Mr Stewart Davidson of Haughs of Thornton to write to you to intimate objections to the proposed new house and garage at The Pines site, Thornton Croft, Grange, Keith.

Mr Davidson objects to this development on the following grounds:-

1. That this additional new house will occupy a prominent site in the rural setting of Grange. There are already other applications for house sites in the immediate vicinity at Thornton and these developments, if all granted, will in the view of Mr Davidson, result in an over provision of dwellinghouses in this rural setting, with increased traffic and infrastructure requirements.
2. With reference to the site plan of JW Smith Design, a copy of which is annexed, attention is drawn to the private water supply catchment area for the water supply to Haughs of Thornton. This catchment area includes The Pine site and re-development of this site will in the view of Mr Davidson result in disturbance of natural drainage and water catchment for the existing private water supply to Haughs of Thornton.

Please acknowledge receipt.

Yours faithfully



Agents for Stewart Davidson

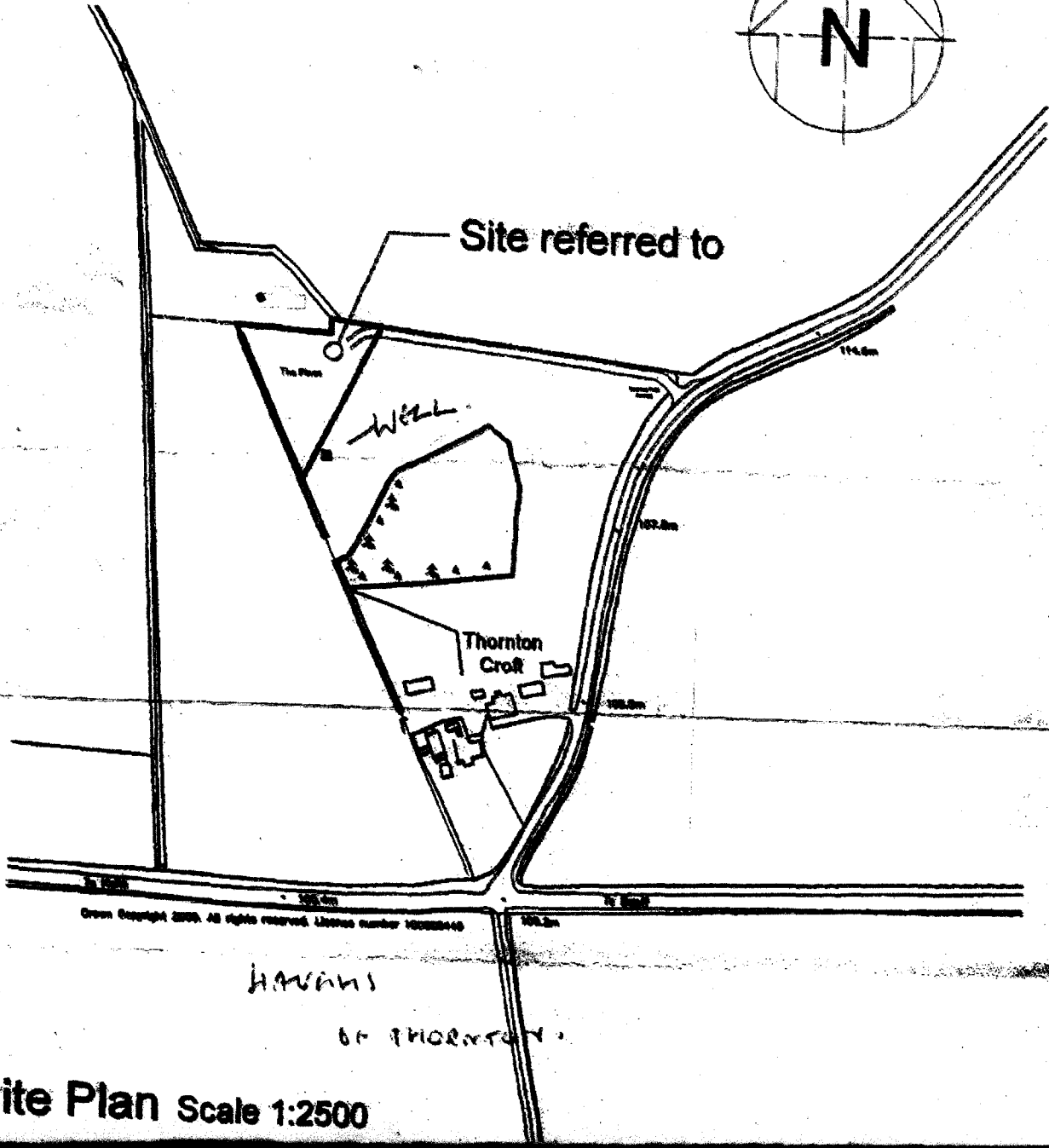
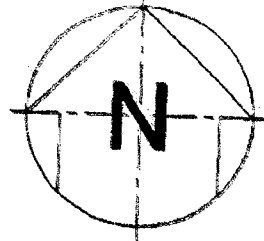
Enc

aberdeen • inverurie • huntly • keith • alford

partners: alexander h nichol; philip s anderson, a helen elliot, thomas g reid, graham g maitland, harvey w lumsden, lockhart s murray, andrew w murray, ian h purvis, robert g w davidson.
associates: timothy d murray, claire s pinto, catherine murray, david m leith, ian s beaman, gordon w murray, david black.
senior manager: w g j harrick, practice manager: paul stark, financial services manager: brian douglas.

incorporating stuart, wilson, dickson & co

authorised and regulated by the financial services authority
a member of the dwt ssa group of lawyers with associated offices in belgium, denmark, england, germany and france.



HAVANS
OR THORNTON

Site Plan Scale 1:2500

Head of Development Services: Stewart Halkett
A Division of the Environmental Services Department: Robert A Stewart, Director

Appendix 11 – Policy IMP1

POLICY IMP1: DEVELOPMENT REQUIREMENTS

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

- a. the scale, density and character must be appropriate to the surrounding area,
- b. the development must be integrated into the surrounding landscape,
- c. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,
- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate, in all new developments
- f. there must be adequate availability of social, educational, healthcare and community facilities,
- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- n. where appropriate, arrangements for waste management should be provided.

JUSTIFICATION

The quality of development in terms of its siting, design and servicing is a priority consideration within the Plan. In the first instance development needs to be suitable to the surrounding built and natural environment. Development should be adequately serviced in terms of transport, water, drainage, power, facilities. Particular emphasis is placed on providing pedestrian, cycle and public transport access to the development, and the use of sustainable urban drainage systems and the incorporation of renewable energy equipment and systems, and sustainable design and construction into the development in order to promote sustainability within Moray. Flooding is an important consideration particularly within the Laich of Moray and needs to be adequately addressed. Similarly, pollution issues in relation to air, noise, ground water and ground contamination must be adequately addressed to provide proper development standards.

CONFORMS TO:

The policy conforms to SPP1 on the Planning System and to national planning guidance and advice generally

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Other policy requirements generally.

Appendix 12 – Policy H8

POLICY H8: NEW HOUSING IN THE OPEN COUNTRYSIDE

This policy assumes against multiple house applications (more than 2) on the basis that these are more appropriately directed to Rural Communities (H6) and applied to the Re-use and Replacement of Existing Buildings (H7).

New dwellings in the open countryside will be acceptable subject to meeting the requirements below:

a) Siting

- It does not detract from the character or setting of existing buildings, or their surrounding area, when added to an existing grouping, or linear extension
- It is not overtly prominent (such as on a skyline or on artificially elevated ground; or in open settings such as central areas of fields). Where an otherwise prominent site is offset by natural backdrops, these will normally be acceptable in terms of this criterion.
- At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (for example, dykes, hedgerows, watercourses, woodlands, tracks and roadways).

If the above criteria for the setting of the new house are met, the following design requirements then apply:-

b) Design

- A roof pitch of between 40-55 degrees.
- A gable width of no more than 2.5 times the height of the wall from ground to eaves level (see diagram 2);
- Uniform external finishes and materials including slate or dark "slate effect" roof tiles;
- A vertical emphasis and uniformity to all windows;
- Proposals must be accompanied by a plan showing 25% of the plot area to be planted with native species trees, at least 1.5m in height;
- Where there is an established character, or style, of boundary demarcation in the locality (e.g. beech hedges, dry stone dykes) new boundaries must be sympathetic.

Exceptions to the above design requirements will only be justified on the basis of innovative designs that respond to the setting of the house.

This policy will be supplemented by Guidance, which will be the subject of separate further consultation, prior to incorporation of the Guidance into the process of determining planning applications.

The Guidance will include advice on maximising energy efficiency.

Proposals falling within the aircraft noise contours, as published by the Ministry of Defence, will be subject to consultations with MOD and consideration against policy EP7 regarding noise pollution.