



design consultants

Phone: 01343 842635
Fax: 01343 842785
Mobile: 07766 315501
Email: ctkplans@aol.com
Web: <http://members.aol.com/ctkplans>

Main Street, Urquhart, Elgin, Moray, IV30 8LG

PLANNING REVIEW

PPP TO ERECT NEW DWELLING HOUSE AT TODHOLES, PLUSCARDEN

MR AND MRS WILSON RENNIE.

PLANNING APPLICATION NUMBER 09/01875/PPP

An application was made to Moray Council on the 1st of December 2009 for Planning permission in Principal for a new dwelling house at a site at Todholes, Pluscarden near Rafford. The application was determined on the 27th April 2010 and was subsequently refused for the following reason.....”**The development is contrary to the adopted Moray Local Plan 2008 policies H8 and IMP1 where by reason of the existing landform, an absence of existing backdrop, the proposal would result in an inappropriate overtly prominent development which would detract from the existing character and appearance of the surrounding area**”.

As part of our review, we would cite **precedent and consistency** as a reason to have this decision over turned as well as disagreeing with the planning officer who dealt with this application that the proposals are “**overtly prominent**”.

The definition of “overtly” from the Collins Concise Dictionary is open view. I have selected an application approved in March 2010 for a house site at Ardioch, Newmill as an example of inconsistency among officers. The site we refer to is application number 09/02154/PPP.

This site is a corner of a field which is on a flat piece of farm ground with 2 long established boundaries. There are no trees on this site but on the opposite side of the track, outwith the red lined application site, the planning officer felt that a single row of trees (see photograph No 1) was sufficient backdrop for this site to be approved. Please remember that these trees were not part of the planning application by virtue of the fact they were not included within the red lined area. Photographs 2, 3 and 4 show how flat the site is and how open to view it really is. These photographs also confirm that there are no trees within the site. Production numbers 2 and 3 confirm the following:-



Production No 2 is highlighted to confirm that the planning officer is happy to approve a planning application on a flat piece of ground with no trees on the actual site but feels **that “surrounding backdrop features include an established row of mature trees to the North”**. You will see from photograph No 1 that this row of trees are growing on the other side of the track and are exactly what the planning officer says, a single row of trees. **This site was approved on the 10th of March 2010**. Production No 3 is a copy of the approved plan for reference purposes.

Turning to our own site under review, we offer photographs 5 and 6 as evidence that this site has an 8 meter deep tree belt right along the roadside of the site which would mean that the house would be screened from the road by these trees. The trees are much thicker in numbers than the site we have referred to at Ardioch. If this house is screened from the road by a large tree belt then according to the Collins Concise Dictionary, the site is not “overtly prominent” as stated by the planning officer which means that her decision must be in question. These trees are long established and we draw your attention to production No 1 where the tree belt can clearly be seen on the map. The only people who could see this site are from Todholes and Sonas to the South East. When these two properties look at the proposed house, the trees will effectively form a backdrop thus rendering the house un-obtrusive. **Not only do the existing trees form a backdrop for the site, they also provide screening from the unclassified road which eventually joins the B9102 Dallas to Rafford road.**

This is not a speculative application as our clients live in Pluscarden House and have done so for many years. They are now looking to down-size their property but stay within the locality. It is our opinion that the site complies with the policies of the Moray Council's 2008 Local Plan even more so when you take into consideration the fact that planning approvals are being granted for sites with far less tree cover than this site can offer. Our clients are happy to enter into a section 75 agreement for the trees to be retained and maintained to ensure that the site backdrop and screening can be maintained in the future.

The decision to refuse this application is flawed in so far as the reason for refusal is stated as the site being overtly obtrusive. The Council have demonstrated that a single row of trees outwith an application site is sufficient backdrop to approve an application on a flat piece of ground within the boundaries of Moray. There has to be consistency in decision making and we suggest in this instance the importance of the existing tree belt has been overlooked by the planning officer.

In view of the above and enclosed we respectfully request that you overturn the planning decision and grant our clients Planning Permission in Principal for their proposal.

PHOTOGRAPH No. 1



07 26 2010

POSTALIA 2



07 26 2010

PHOTOGRAPH No 3



07 26 2010

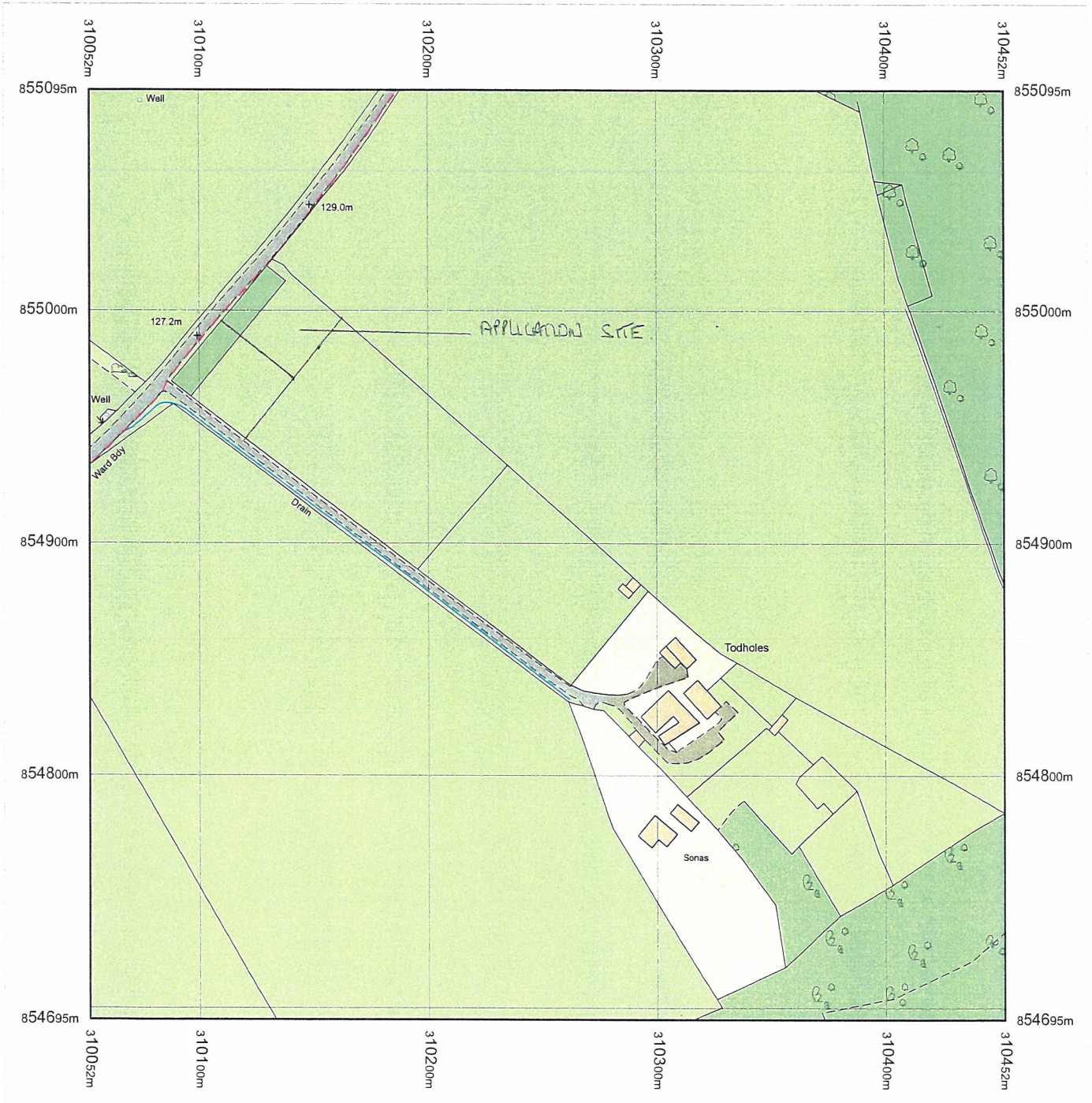
PHOTOSPARK MD 4.



07 26 2010



Production No 1.



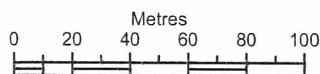
Produced 20.11.2009 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2009.

Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey, the OS Symbol and OS Sitemap are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.



Scale 1:2500

09/01875/PPP

Supplied by: **Moray Office Supplies**
 Serial number: 00021400
 Centre coordinates: 310252 854895

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk

REPRESENTATIONS

Representations Received	NO
Total number of representations received	
Names/Addresses of parties submitting representations	
Name	Address
Summary and Assessment of main issues raised by representations	
Issue:	
Comments (PO):	
No objections/representations received.	

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal - Application for PPP erect dwellinghouse and detached garage/shed at Site To The South East Of Ardioch Farm Aultmore Keith. Site details - corner of field, irregular in shape, 3624 sqm, 50% boundaries defined by post and wire fence and private track. **Surrounding backdrop features include an established row of mature trees to the north.**

Foul drainage – private septic tank and soakaway. Water supply - public.

Associated works include the formation of access onto C74H minor public road.

Policy assessment - MSP 1(e), MLP H8 and IMP1 - 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 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.

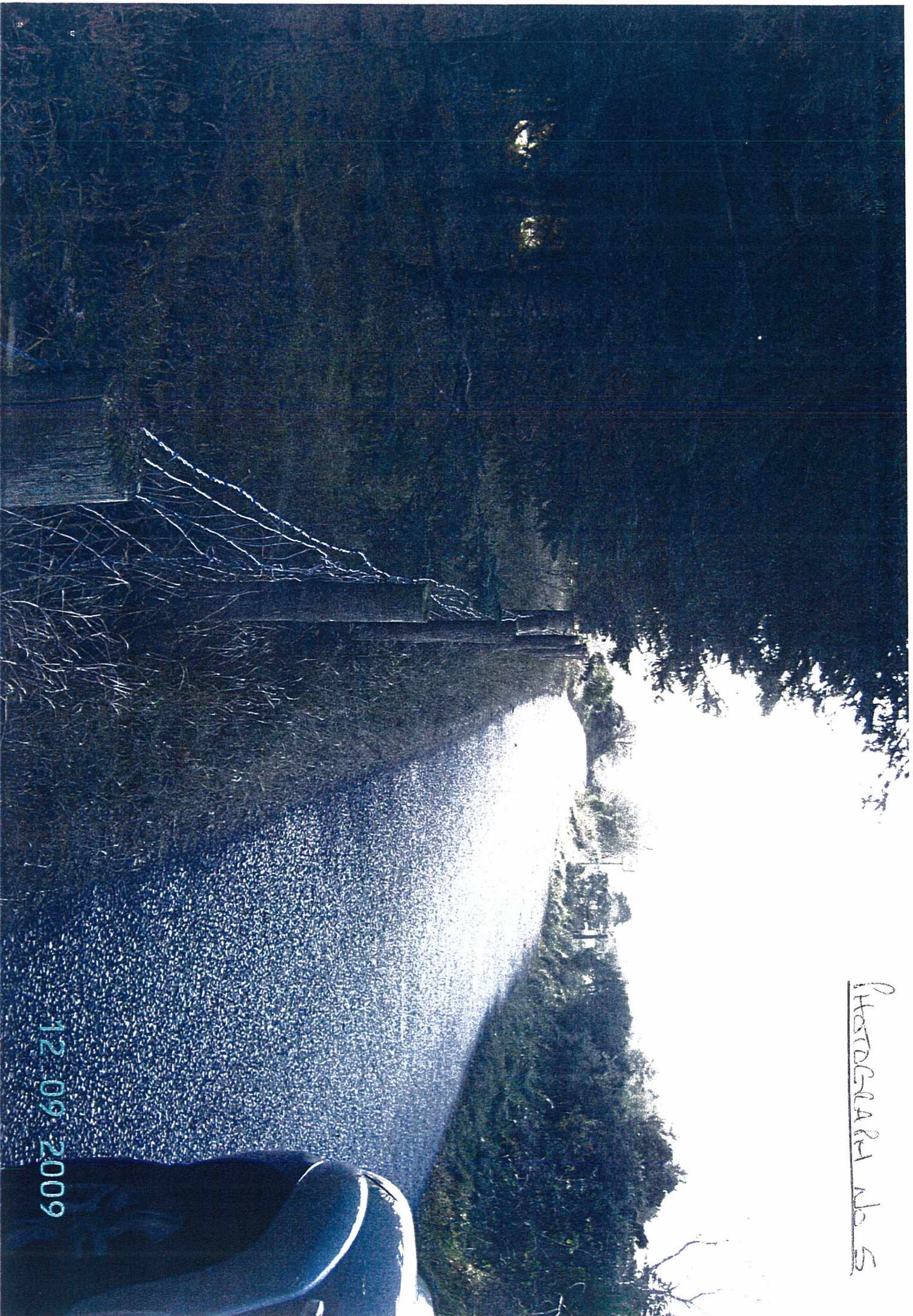
The landscape in this part of Moray is characterised by single and small groups of buildings dispersed throughout the area, which is largely uncluttered/open in nature. The introduction of the proposed house plot into this setting would reflect spacing distances and maintain the settlement pattern. The plot, occupying the corner of a field and positioned alongside an established row of mature trees would satisfy the siting criteria of the above provisions. Whilst any prospective dwelling will to be readily visible from the adjoining road, its prominence would be offset by the backdrop of adjoining trees to the north. To ensure that this impact is minimised a condition shall be imposed restricting the height of the dwelling. The plot has 50% established boundaries and is of sufficient size to accommodate the requisite 25% tree planting.

The design of the dwelling, siting, access and landscaping arrangements would be addressed during consideration of any subsequent detailed or reserved matters application.

Access/parking (Policies MLP T2, T5) - The Transportation Engineer has raised no objection to the proposal subject o conditions requiring a passing place, parking etc and a developer contribution towards to the future improvement of the junction of B9016/C74H to the south of the site and which is the nearest junction into the main public road network. The applicants have confirmed their agreement to these requirements and have paid the necessary contribution.

PHOTOGRAPH No 5

12 09 2009



PHOTOGRAPH NO 6

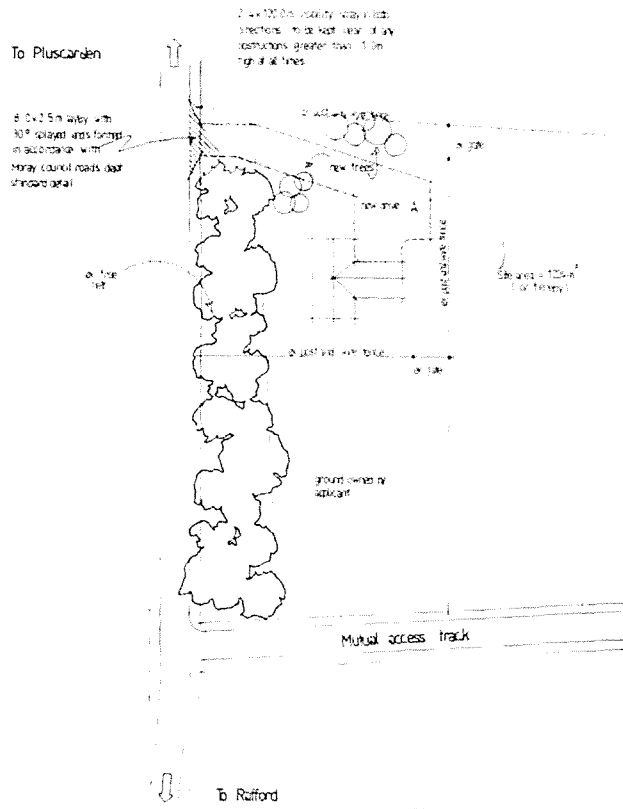


12 09 2009

REFUSED

27.4.10

Development Management
Environmental Services
The Moray Council



Site plan

LANDSCAPE PLANTING PROPOSAL

25% of proposed new dwelling house site to be planted with 1800mm high native trees. Trees to be planted in species groups in random patterns at approximately 2.5m spacing. Sizes to be a mixture of standard, Half standard and Whips. Trees will be staked, tied and the smaller plants protected in growing shelters. Rabbit and Strimmer/vole guards will be fitted to all trees without shelters.

Berch hedging to be double row of 450x600mm plants with mulch mat local protection and enclosed in rabbit proof netting wire fence

TREE LIST

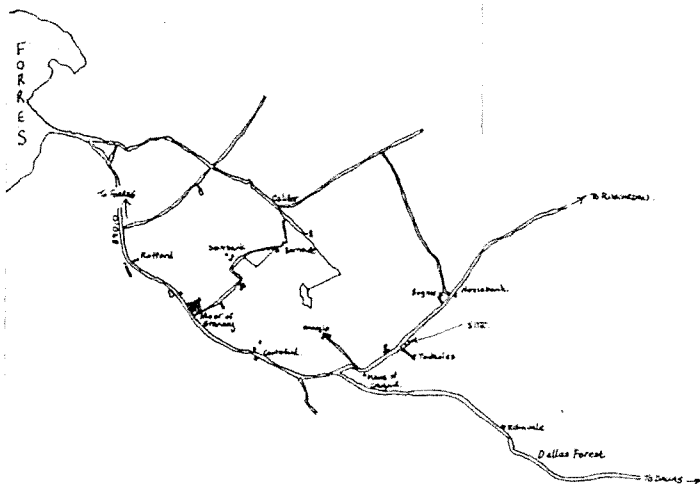
- Sorbus Aucuparia
- Corylus Avellana
- Crataegus monogyna
- Pinus sylvestris
- Betula pendula
- Prunus avium
- Alnus Glutinosa
- Fraxinus Excelsior
- Ilex Aquifolium
- Salix Caprea

Site to be weeded, cultivated and prepared for grass seeding and sown with a suitable grass seed mix.

Trees to be inspected on a yearly basis and replaced as necessary.



CROWN COPYRIGHT ALL RIGHTS RESERVED. LICENSE NUMBER 100043345



Location plan

REVISIONS & DISTRIBUTIONS	DATE	IMPORTANT NOTES FOR CLIENTS/CONTRACTORS
A LAY 1/3/10	01/03/10	NO WORKS TO COMMENCE ON SITE UNTIL THE RELEVANT PLANNING BUILDING WARRANT FOR GRANT APPROVAL HAS BEEN OBTAINED CONTRACTORS WILL HAVE DEEMED TO HAVE VISITED THE SITE TO FAMILIARIZE THEMSELVES WITH THE PROJECT PRIOR TO SUBMITTING ANY ESTIMATE FOR BUILDING WORKS ANY DEVIATIONS TO THE APPROVED PLANS TO BE REPORTED TO THIS OFFICE CONTRACTORS TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING BUILDING WORKS GIVEN DIMENSIONS ONLY TO BE USED DO NOT SCALE PLANS ANY ROOF TRUSS TYPING INTO AN EXISTING ROOF TO BE CHECKED ON SITE BY CONTRACTOR TO ENSURE HEIGHTS MEET CORRECTLY

AMENDED PLANS

DRAWN BY Paul Lucas	SCALE 1:500	DATE September 2009
PROJECT OPA for new dwelling house at Todholes, by Rufford for Mr and Mrs W Remie.		PROJECT No. 09 - 59 01 of 1



ARCHITECTURAL DESIGN CONSULTANTS

TELEPHONE No. 01343 842635
FAX No. 01343 842785
MOBILE No. 07766 315501
WEB: <http://members.aol.com/ctkplans>
PARTNERS: COLIN & CATRIONA KEIR

MAIN STREET OFFICES: URQUHART, BY ELGIN, IV30 8LG