

## **REFUSED PLANNING APPLICATION - 12 / 00720 / APP STATEMENT OF REVIEW**

We believe the proposed dwelling-house adheres fully to the relevant Moray Local Plan (2008) policies and we can see no reason why the proposal cannot be approved at this particular location. Please see below for our reasonings -

### ***POLICY E9 (Settlement Boundaries)***

The site is located at a distance of approximately 139m away from the settlement boundary and is much further downhill. In our opinion, because of the distance and topography of the land we consider this proposal as being separate from the Tomnabent settlement and that there would be an obvious distinction between this house and Tomnabent. We therefore do not consider this policy as relevant.

### ***POLICY H8 (Moray Local Plan)***

#### **a) Siting**

- As stated above the proposed site is located 139m to the north side of the Tomnabent settlement boundary and is much further downhill. In our opinion, because of the distance and topography of the land we consider this proposal as being separate from the Tomnabent settlement and that there would be an obvious distinction between the proposal and Tomnabent itself. We therefore ask that it is considered as a stand-alone dwelling-house on its own merits. We believe the dwelling-house would integrate well to the surrounding countryside and rather than detracting from the local area would compliment this portion of the landscape which is used for no other purpose.

Further to this, other applications have been approved which are closer but not within settlement boundaries.

- The site is not overly prominent and in fact it is very much "hidden" from the nearby dwelling-houses and public road (to Glenallachie) due to the existence of young and semi-mature trees completely surrounding the site, further integrating the proposal.
- At least 50% of the site is bounded by existing, long established boundaries (post and wire fencing, existing track).

#### **b) Design**

- The house style is of a contemporary design with traditional characteristics including vertically proportioned windows, walls of white or cream roughcast and natural stone, and Redland Mini-Stonewold grey tiles to the roof to imitate traditional natural slates. The design complies fully with "H8 Design" due to its already being approved at a number of rural locations throughout Moray.

### ***POLICY IMP1 (Moray Local Plan)***

Again, the proposed site, in our opinion complies with criteria a through to n of this policy as summarized below -

- a. The scale, density and character must be appropriate to the surrounding area -

The dwelling-house design has previously been approved in rural locations throughout Moray. The plot has been sited 139m away from the Tomnabent settlement and would also be approximately 150m from the nearest existing house which is located further to the north and is named Aigen View. In view of this we feel that the density will not be overly excessive if this dwelling were to be consented. Further, the scale of the development is very similar to the dwelling-houses which have previously already been approved within the settlement boundary itself. The house character / design is of contemporary design with traditional characteristics and has a cottage feel.

- b. The development must be integrated into the surrounding landscape -

The site is integrated into the landscape by means of it being located in a corner surrounded by young and semi-mature trees. Further, in line with council policy we will ensure 25% of the plot is covered with foliage. Also, as mentioned previously the site would be almost "hidden" from the nearest public road by the existing trees.

- c. Adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development. -

Strathdee Properties have "roads construction consent" in place for the roads to be adopted within the settlement boundary. An existing access track extends from this new plot to the adopted road. If the application were consented the access would be completely upgraded and finished with good quality tarmac plainings.

- d. Adequate water, drainage and power provision must be made.

This site will be fully serviced with electricity, a private water supply and a BT connection. The drainage will be by means of SUDS soakaways as denoted on the site plan (LOWERTOM / PLANNING / 01).

- e. Sustainable urban drainage systems should be used where appropriate, in all new developments -

As mentioned above the drainage will be by means of SUDS soakaways as denoted on site plan (see point d).

- f. There must be adequate availability of social, educational, healthcare and community facilities -

In Aberlour, the nearest town to the development there exists facilities to accommodate all of the above requirements. Further, the planning gain unit has not asked for any contribution for these requirements.

- 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. -

Although nothing specific has at this stage been denoted on the drawings in terms of renewable energy it is intended to incorporate a multi-fuel stove and solar panels into the design at building warrant stage. A renewable element is now almost a mandatory requirement to satisfy the Scottish Building Standards and so it is our intention to fully accord with this policy.

- h. Provision for the long term maintenance of public landscape and amenity areas must be made. -

A nearby public amenity area has already been proposed on a Tomnabent Masterplan which has been approved by Moray Council.

- i. Conservation of natural and built environment resources must be demonstrated. -

25% of the trees / foliage on the site will be retained.

- 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. -

The site is well above sea level and not near the coast. Further, it is not in a flood risk area as can be confirmed by means of SEPA's flood map at [www.sepa.org.uk](http://www.sepa.org.uk)

k. Pollution, including ground water must be avoided. -

There is no reason for any pollution to occur.

l. Appropriate provision to deal with contamination issues must be made, and -

The contaminated land department raised no concerns during the planning application process however all necessary health and safety and contamination procedures will be adhered to during the construction of the dwelling.

m. The development must not sterilize significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting. -

The site is not arable land and the development will not in any way sterilize any workable reserves of minerals etc.

n. Where appropriate, arrangements for waste management should be provided. -

Recycled material will either be taken to the local recycling depot or will be collected from a designated point on the access track. General refuse will be collected from a designated point on the access track.

### **POLICY E7 (AGLV)**

The site is located within the AGLV (planning policy E7), however as far as we understand it, this does not necessarily mean that a dwelling-house or any other form of development need be refused if the proposal fits in with the surrounding area, especially when careful consideration has been given to the siting of the proposal. We have given careful consideration to the location of the dwelling to ensure it is not overly prominent but rather quite well hidden in a non-prominent location with existing dense foliage.

Various other existing developments and industry sit comfortably in the AGLV, including the Bluehill Quarry at Craigellachie, The Speyside Cooperage also at Craigellachie, the 59 turbine Dorenell wind farm on the Glenfiddich Estate (construction not yet started) and the various distilleries and associated buildings which are dotted around the area.

In summary, we feel that this planning application should be treated on it's own merits and that it would be an acceptable development in this area not only because it adheres and complies to all parts of the relevant Local and Structure plans but that there appears to be nothing to prevent the merits of this application allowing it to progress to approval. Should any unforeseen material consideration arise during determination, please advise us accordingly in order that remedial action and an appropriate response may be pursued.

Lastly, there were no objections to the application.

yours sincerely,



Stewart Reid MCIAT