

Erect House on Land Within Garden Ground of The Salmon Bothy Great Eastern Road Buckie

February 2016

Grounds for Review of Refusal of Planning Permission

Planning Application Ref No: 15/02137/PPP



Prepared on behalf of applicant by
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In response to the above refusal decision dated 27th January 2016 we are in objection to the refusal decision including both planning officer's comments numbered 1 & 2 of the refusal decision notice dated 27th January 2016. We therefore appeal the decision and request that the decision be reassessed by the local review body. We request that a site visit is undertaken by the LRB with reference being made to the below supporting information.

Planning officers comment no.1 (in blue text):

"1. The proposal would result in the loss of part of designated site ENV8, an established foreshore area green corridor at the eastern entrance to Portessie which is specifically protected under the terms of policy E5 to maintain the environmental amenity of this part of the settlement. Furthermore, the introduction of a dwelling and associated development on the prominently positioned subject site would extend the built environment on the open space and in turn would erode the pleasant and attractive open character of the ENV designation contrary to policies E5, ENV8 and IMP1 of the MLDP. Any visual impact in this regard would be exacerbated further by the prominent location between the roadside and coastal path of the development which would be readily visible on the approach to the village by foot or vehicle."

Response to planning officers comment no.1:

We are of the opinion that the small house site proposal would not result in the loss of designated site ENV8 within policy E4: Green Spaces as the proposed site lies within the private walled garden boundaries of The Salmon Bothy. The Salmon Bothy's garden being domestic / residential use and not of any special ENV8 environmental interest. The ground is a private grassed lawn and therefore would not "affect the environmental existing amenity of this area of the settlement."

Note: We are of the understanding that ENV8 Foreshore Areas relates to Policy E4: Green Spaces. The planning officer refers to ENV8 and states Policy E5: Environmental Improvements. Policy E5 is not relative to this application.

In response to the comment

"Any visual impact in this regard would be exacerbated further by the prominent location between the roadside and coastal path of the development which would be readily visible on the approach to the village by foot or vehicle."

We disagree with the above comment. The proposed site is on an open location, however there are x2 recent buildings to the west of the site names "Taigh Na Creagan" (modern house) and "The Bijou by the Sea" – Busy restaurant. See below photograph no.1 for details. All properties are "readily visible" on approach to and from "the village by foot or vehicle"



Photo 1: Looking east over site & The Salmon Bothy Development.

Furthermore;

The Salmon Bothy is currently being extended, planning consent reference: 15/01048/APP. See below photo no.2 The extension to the Salmon Bothy is substantial and prominent and is also clearly visible on approach to and from the village. There where no planning concerns with the large new extension. See below photographs of The Salmon Bothy's new extension numbered 2,3,4 & 5

	
<p>2. View of The Salmon Bothy & New Extension. Photo taken from footpath in Portessie village</p>	<p>3. Salmon Bothy Extension</p>
	
<p>4. New Extension viewed from footpath</p>	<p>5. New Extension as seen from the East – looking towards Portessie</p>

Planning officers comment no.2 (in blue text):

“2. The house site of the proportions proposed would fail to reflect the spacing pattern of the existing linear development which is largely characterised by spacious plots. The proposal also fails to reflect the established building line of the neighbouring buildings. The proposal would therefore represent an inappropriate form of development that would be out of keeping with its immediate surroundings and would fail to accord with the requirements of policies IMP1 in terms of appropriate scale, density and character.”

Response to planning comment no.2:

We disagree with planning officers comment number 2 as follows:
The planning officer comments:

“The house site of the proportions proposed would fail to reflect the spacing pattern of the existing linear development which is largely characterised by spacious plots.”

The proposed plot's area is in excess of the councils minimum area requirement of at least 400m² and is also not more than 50% of the original Salmon Bothy's ground. The Proposed plot by its nature is linear to the existing development. The proposed dwellings foot print has been amended to be in line with the neighbouring building and now satisfies the comment: "The proposal fails to reflect the established building line of the neighbouring buildings"

"The proposal would therefore represent an inappropriate form of development that would be out of keeping with its immediate surroundings and would fail to accord with the requirements of policies IMP1 in terms of appropriate scale, density and character."

We feel that the proposal is contrary to the above planning officers comment and that the proposal is a completely appropriate form of development. Furthermore:

The applicant father John Duncan purchased The Salmon Bothy and its related ground some 20 years ago. Within this time this area has been re generated and developed with the renovation and extension of The Salmon Bothy including the construction of the modern house named Taigh Na Creagan and Restaurant named The Bijou by the Sea. All have all been developed/built over the past 15 years by the applicant father John Duncan. All buildings being situated within the ENV designated area contrary to Policy E4 and ENV8: Foreshore Areas. See below past & present site photographs 6, 7 & 8.



Photographs 6 (above): The Salmon Bothy Prior to Development (1960's)
The property and ground was derelict and disused until purchased & developed by John Duncan in the mid 90's onward.



Photographs 7 (above): The Salmon Bothy development as it is today.



Photographs 8 (above): Pre development

Therefore taking the above development history into account we believe strongly that the proposals compliment the existing developed area with regards to density and character. Any new house would be sensitively designed taking into account the character and form of the parent property The Salmon Bothy. The proposals for a small house site will not detract from the character and setting of the neighbouring properties nor will it impact on

the privacy of any of the neighbouring properties due to it being located at the western most point of the developed area.

We believe that the following planners comments could be met via planning conditions.

A planning condition may enforce that any new house is in keeping with the “established building line of the neighbouring properties”

We understand that new house would require full detailed planning consent at a future stage. A new house could therefore be subject to “sensitive/sympathetic” design conditions.

Road Safety:

In the interest of Road Safety in relation to the proposed access we have successfully met with Transportations visibility splay requirements by securing formal written visibility splay maintenance agreements with The Moray Council Estate Department for the South West Splay and also a formal written maintenance agreement for the North West visibility splay from the neighbouring dwelling owner. This work has resulted in a plot proposal that has safe vehicular access with regards to any future occupant usage including passing public road users and pedestrians.

Attached to this application are copies of the formal written agreements obtained from The Moray Councils Estates Department's Stuart Beveridge and Neighbouring house owner Mr J Sutherland for the maintenance of the visibility splays to the east and west of the proposed site.

File titles

South West Splay Agreement Letter Stuart Beveridge P1

South West Splay Agreement Plan P2

North East Splay Agreement Letter Mr Sutherland P1

North East Splay Agreement Plan P2