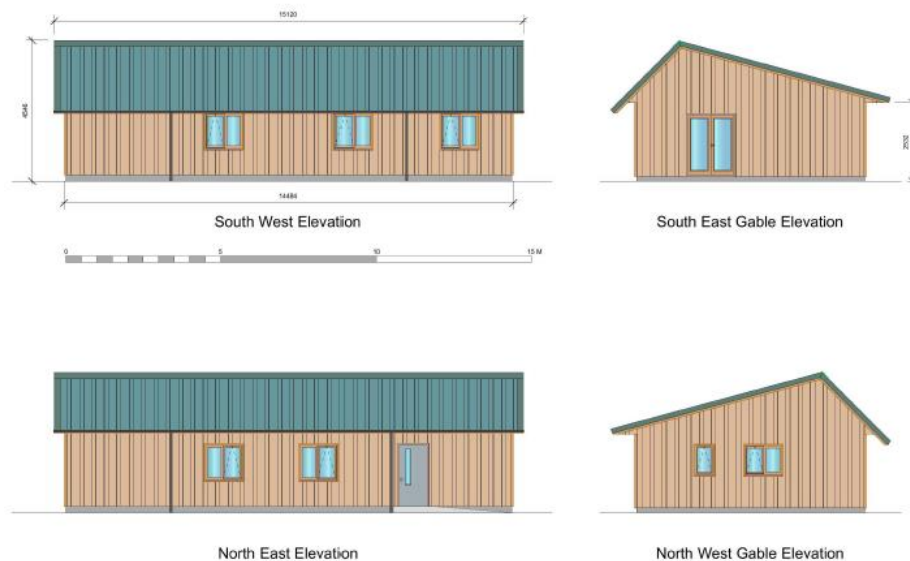


**LOCAL REVIEW BOARD**

**STATEMENT OF APPEAL**

*NEW OFFICE BUILDING ON LAND 170M NORTHWEST OF  
DAMHEAD FARM, KINLOSS*



**July 2016**

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Our Reference:	16/0073/NELMES
Local Authority:	The Moray Council
Planning Application Ref:	16/00344/APP
Application Proposal:	Erect Single storey office building
Site Address:	land 170m Northwest of Damhead Farm, Kinloss
Appellants:	Mr David Nelmes
Date Application Validated:	
Council Decision Notice Date:	26 <sup>th</sup> April 2016
Reason for Refusal:	<p><i>"The proposal is contrary to the provisions of the Moray Local Development Plan 2015 (Policies ED7, EP10, E9, T2 and IMP1) where ;-</i></p> <p><i>The proposal is for a permanent building immediately out-with the settlement boundary of Kinloss, thereby compromising the extent and limit of the development permitted under the current local development plan period for the defined settlement of Kinloss. The proposal would further damage the definition between the built settlement of Kinloss and the surrounding open countryside</i></p> <p><i>No locational need has been established and the site and Kinloss is sufficiently close to alternative appropriately serviced business sites and other suitable property.</i></p> <p><i>The proposed development would involve the intensification of use of an access onto B9089 Kinloss-Burghead Road where vizibility is restricted by the alignment of the road, hedges/trees/vegetation and an adjacent boundary fence and would be likely to give rise to conditions detrimental to the road safety of road users.</i></p> <p><i>The proposed business development would not be connected to the public sewer despite its close proximity to the settlement of Kinloss"</i></p>

<b>Application Drawings &amp; Supporting Documents:</b>	<ul style="list-style-type: none"> <li>• CMD Doc 001 – Moray Council Refusal Documents</li> <li>• CMD Doc 002 – Case Officer Handling Report</li> <li>• CMD Doc 003 – Application Drawings - Elevations</li> <li>• CMD Doc 004 – Application Drawings – Floor Plan</li> <li>• CMD Doc 005 – Application Drawings – Site Plan</li> <li>• CMD Doc 006 – Application Drawings – Location Plan</li> <li>• CMD Doc 007 – Community Council Support letter</li> <li>• CMD Doc 008 – Appellant Supplementary Information</li> <li>• CMD Doc 009 – MLDP Kinloss Settlement Statement</li> </ul>
<b>Contents</b>	<ol style="list-style-type: none"> <li>1. Introduction – page 3</li> <li>2. Background – page 4</li> <li>3. Statement of Case – page 5</li> <li>4. Policy Compliance – pages 6-10</li> <li>5. Site &amp; Design – page 11</li> <li>6. Conclusion – page 12</li> </ol>

## 1. Introduction

1.1 The following Statement of Case, submitted by **CM Design Town Planning & Architectural Consultants**, has been prepared to support a Local Review Board submission relating to :

### **New office facilities for a successful and expanding local business in Kinloss**

1.2 This case relates to the appellants desire to expand a Kinloss business by relocating its office activities to a small parcel of waste ground which is located marginally outwith the settlement boundary of the village.

1.3 In the midst of this Review statement, the appellant wishes to demonstrate that -

- This application could firstly be deemed to **totally satisfy** the principle Policies that would permit approval (ED7 Businesses in the countryside)
- That secondly, this application could be deemed an **acceptable departure** from Policy (E9 Settlement boundaries)
- The assumed settlement boundary in this location could be argued to be arbitrary and several landscape features exist that might better define the actual Eastern limits of the Kinloss settlement
- No suitable alternative site or facility for expansion of this particular business exists in the immediate or wider area.
- Concerns in relation to junction visibility and safety can be suitably mitigated and dealt with suspensive condition.
- Concerns in relation to sewer connections can be easily mitigated and also dealt with by suspensive condition

1.4 Ono objections to the original application were received.

1.5 It is perhaps important to note that the local **Community Council** wholeheartedly **support this development** and made their support known in writing in the midst of the application process – **See CMD DOC 001** (Community Council support)

1.6 This proposal sufficiently complies with key supporting Policy (ED7, T2, EP10, IMP1) and also represents a suitable departure to other less supportive Policies such as E9.

## 2. Background.

2.1 The appellant in this case operates a successful rural business, **Winterburn Media Ltd**, which serves Moray and the Highlands of Scotland with publications which connect communities across the North East and fosters the support of small businesses and SME's with low cost advertising services – **See CMD Doc 002** (Supplimentary information)

2.2 The appellants business currently supports **8 members of staff** and has expanded exponentially since forming in 2007, to offer several publications throughout Scotland and including the very well known, SpotLight magazine.

2.3 This business is equally well known as a truly **Kinloss business**, with management living in the village.

2.4 Notwithstanding the lack of suitable facilities elsewhere, the appellant would prefer to remain a “Kinloss business” and is being supported in this by a local landowner who has made this possible. This application is as much about “**Community**” as it is “Policy”

2.5 The local **Community Council** would also like to see this business remain in the village and have also acknowledged the lack of any suitable alternative location and have declared their **support for a departure from Policy** in this case, if required.

2.6 The appellant has sought suitable sites for expansion for many years and until the current application site became available with a considerable element of **support from a local landowner** who is keen to see this business remain in the village.

2.7 The application site is perfectly suitable to accommodate a small scale building of this nature and more importantly presents no risk of setting any precedent in terms of encouraging further development in this location. This is due to many factors, not at least, the size of the strip of land in question and the willingness of the landowner and appellant to enter into legal arrangements to ensure that no further applications would be possible.

2.8 Whilst it is recognised that the current settlement boundary was plotted to define the edge of recognised housing development in Kinloss, it perhaps failed to realise the worth of including the small strip of land between it and other hard landscaping features to the East that might encourage approval of this departure.

### 3. Statement of Case

3.1 Section 25 of the Town and Country Planning (Scotland) 1997 Act (as amended) requires that planning applications be determined in accordance with the development plan **unless material considerations require otherwise**.

3.2 Moreover, it should be recognised that the **principle** of the current local development plan is to **guide** development decisions across Moray but **not to preclude** focussed and local decision making which better informs localised development at any given point in time.

3.3 The current Development plan requires that – *“In determining planning applications, the Council will apply appropriate weight to all of the issues and material considerations before reaching a decision”*

3.4 It is a fact that – if this parcel of land had become available to the appellant in the midst of the preparation of this current local development plan, then submissions would have been made to **extend** the boundary settlement to include this site and might very likely have been **approved**.

3.5 However, that opportunity does not exist again until the next development plan is proposed and this is understood **not to prohibit** the merits of departing from Policy when worthy circumstances permit.

3.6 The appellant believes several material considerations exist that might allow a Local review Board to depart from Policy in this unique case.

- The application site is only **marginally** outwith the settlement boundary and would **NOT** encourage further encroachment eastwards due to the presence of dense forestry
- Considerable **local support** exists for a **departure** from policy in this case.
- Locational need **has been established**
- Junction safety issues sewer connections issues can be **suitably mitigated** in ways that have been accepted in many cases previously.

#### 2. Vision for Moray

- 2.1 Sustainable economic development is a key objective for both the Scottish Government and Moray Council. The economic and employment benefits of business and industrial growth should be a material consideration in any development proposals.
- 2.2 The Vision for Moray is strongly based on that of the Moray Economic Strategy.
- 2.3 It seeks to have:
- A growing population, which retains more of its younger people and attracts new residents to the area.
  - A broad business base with stable, well paid employment; a focus on high quality jobs in engineering; science and technology; growth of established tourism, food, drink sectors.
  - Sufficient housing land to meet the Housing Need and Demand Assessment, that will facilitate the provision of affordable housing, and to ensure high quality residential developments.
  - Attractive, sustainable environments where people will wish to live and work, which incorporate high quality design; green and blue corridors and open spaces.
  - A policy context which supports growth and development, whilst at the same time protecting and enhancing the natural and built heritage, which are amongst Moray's prime assets.
  - Good, efficient transport links to the rest of the country, with the encouragement of active travel and enhancement of rail as alternatives to journeys by car and truck.
  - Renewable energy technologies; reduced carbon emissions; embedded within all development
- 2.4 To assist in achieving and delivering this, the Local Development Plan
- Provides an adequate supply of land designated for development
  - Responds positively to economic development proposals
  - Safeguards and enhances Moray's environmental qualities
  - Promotes low carbon, sustainable development, and provides alternative travel options to car use.
- 2.5 The Local Development Plan reflects Scottish Government core principles/objectives as expressed in the National Planning Framework and Scottish Planning Policy, of having a low carbon economy; an increased emphasis on placemaking; respecting and maximising environmental assets; a sustainable approach to growth and development; being a well connected place.

## 4. Policy Compliance

4.1 Several Policies are listed by the Case Officer for consideration and the appellant responds to each as follows.

4.1.1 **Policy ED7** – would appear to be the principal policy that might allow the opportunity for the Board to uphold this Appeal and the appellant believes that each and every requirement of this Policy has been met fully or can be met by condition, where required.

In looking at each sub-paragraph of this policy in detail, the appellant would like to respond as follows

- a) **Locational justification** – Supporting Document **CMD 008** describes the effort that the appellant went to in researching suitable premises elsewhere. It can be clearly recognised that nothing was suitable nor reasonably local.
- b) **Road Access** – The appellant has the permission of the local landowner to control and maintain the visibility splay required. This can be dealt with by **suspensive condition** and therefore does not represent “new information” in terms of this Appeal.
- c) **Environmental** – Given the current state of the parcel of land in question and proximity of Forestry and Farming enterprises, the proposals arguably enhance the area and will **undoubtedly prevent further decay by illegal tipping etc.**
- d) **Design & Siting** - the proposed building is extremely modest, low impact, clad sensitively with local timber and in any case cannot be seen from any passing vantage point whatsoever.

4.1.2 **Conclusion** – The appellant believes that the requirements of ED7 are **fully satisfied** in this case and could have been used more adequately to support this application in the face of issues surrounding the proximity to the settlement boundary.

### Policy ED7

### Rural Business Proposals

New business developments, or extensions to existing industrial/economic activities in the countryside, will be permitted if they meet all of the following criteria:

- a) There is a locational justification for the site concerned, particularly if there is serviced industrial land available in a nearby settlement
- b) There is capacity in the local infrastructure to accommodate the proposals, particularly road access, or that mitigation measures can be achieved
- c) Account is taken of environmental considerations, including the impact on natural and built heritage designations, with appropriate protection for the natural environment; the use of enhanced opportunities for natural heritage integration into adjoining land.
- d) There is careful control over siting, design, landscape and visual impact, and emissions. In view of the rural location, standard industrial estate/urban designs may not be appropriate.

Proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business premises will be encouraged, provided road access and parking arrangements are acceptable.

Where noise emissions or any other aspect is considered to be incompatible with surrounding uses, there will be a presumption to refuse.

Outright retail activities will be considered against retail policies, and impacts on established shopping areas, but ancillary retailing (eg farm shop) will generally be acceptable.



4.2 **Policy EP10** – How this policy is applied, depends very much on whether the Board are minded to **1)** uphold this appeal as being fully compliant with ED7 as a business in the countryside or **2)** a satisfactory departure from Policy E9 regarding settlement boundaries.

4.2.1 In either case it has been repeatedly proven that **SEPA will accept** applications for Septic tanks **within settlements** on the condition that they be connected to mains infrastructure when and if it becomes available. These suspensive conditions are commonplace and usefully applied in circumstances like these.

#### Justification

This policy aims to achieve the satisfactory disposal of sewage. The policy encourages new development to connect to the mains system whenever possible but recognises that in some cases this will not prove possible. The policy seeks to ensure that drainage systems can be designed to a standard that can be adopted by Scottish Water and which could be connected to a public system in the future.

4.2.2 The Policy itself states that developments must “...connect to the mains system whenever possible but recognises that in some cases this will not prove possible”

4.2.3 **Conclusion** – should members not be minded to uphold this appeal as being compliant with ED7 then in any case this issue can be dealt with by suspensive condition.

4.4 **Policy E9** – Whilst material considerations exist to allow Board members to accept this proposal as a **compliant rural business** located in the countryside (Policy ED7), further opportunities exist to support this appeal in terms of its proximity to the **settlement boundary**.

4.4.1 The Policy itself declares its purpose to “**guide**” development in and around towns and villages rather than prohibit development, in a case by case basis.

### Policy E9

### Settlement Boundaries

Settlement boundaries are drawn around each of the towns, villages and rural communities representing the limit to which these settlements can expand during the Local Development Plan period. Development proposals immediately outwith the boundaries of these settlements will not be acceptable, unless the proposal is a designated “LONG” term development site which is being released for development under the terms of Policy H2.

(In accordance with policy H11, for proposals involving Gypsy/Traveller sites, a distance of 1km will be applied as being “immediately outwith”.)

#### Justification

Settlement boundaries are defined on the Proposals Maps for the purpose of guiding development to the towns and villages, preventing ribbon development and maintaining a clear distinction between the built up area and the countryside.

The five main towns also have a Countryside Around Town (CAT) designation which further restricts development in the vicinity of the settlement boundary.

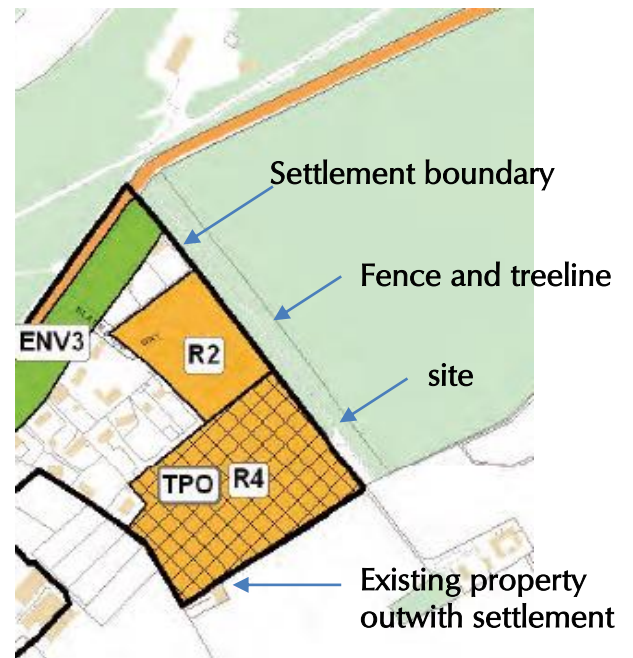


4.4.2 It can be recognised that this Policy primarily seeks to prevent ribbon development (which does not apply in this case) and also seeks to maintain a clear distinction between the built up area and the countryside.

4.4.3 All available mapping, including the Development Plan Settlement map for Kinloss, clearly shows the additional fenceline and treeline to the East of the currently chosen settlement boundary.

4.4.4 This fenceline forms the rear boundary of the application site and is a mere **10m away from** the settlement boundary.

4.4.5 The council mapping fails to indicate the dense treeline that exists at the 10m mark and actually appears to show the treeline as adjoining the current settlement boundary.



*Figure 1 - extract from Local Development Plan*

4.4.6 A domestic property already exists on the boundary settlement limit as shown on the above extract

4.4.7 In any case it is suggested that the treeline, the fenceline and the narrow nature of the site all offer material considerations that might allow a departure in this case, to development immediately outwith the settlement boundary.

4.4.8 Any concern regarding town and countryside distinction can be dismissed in this case as the waste land in question is extremely narrow and will never accommodate development beyond what is being proposed here.

4.4.9 **Conclusion** – Allowing development on this strip of land would not encourage further development as **1)** 10m is not sufficient for any development other than what is being proposed and **2)** the landowner has offered to enter into a legal agreement to allow the appellant full control of the entire strip of land. Whilst the need to amend the settlement boundary can be addressed in the next Local Development Plan review and whilst there would clearly be support for this locally, this does not solve the appellants immediate problem of the need to expand now.

This small scale development in this location could be deemed to be an acceptable departure from Policy.

**4.5 Policy T2** – The issue of a safe visibility and safety can be achieved and can be dealt with by suspensive condition.

4.5.1 The owners of all land to the west and east have approved the need to relocate fence-lines and maintain the visibility splay required.

4.5.1 The implementation of this splay by the appellant will significantly **improve the safety for current users** of this road in the future.

4.5.2 The appellant would argue that this proposal also satisfies some of the more intrinsic aims of this Policy in terms of sustainability, pedestrian access, cycle access etc.

4.5.3 By attempting to retain all current staff within the same village and close to their homes, the appellant seeks to minimise the demand to travel, minimise carbon emissions and encourage the use of cycling and walking to reach the workplace.

4.5.4 **Conclusion** – The need to achieve suitable and safe access to a development is a must and can be achieved in this case. The appellant has the approval of the landowner to maintain suitable visibility and as in all other cases of this kind, this can be dealt with adequately by suspensive condition. However and just as importantly the other more subjective principles of T2 are being satisfied in this case by the appellants wish to keep his business local and accessible.

## Policy T2

## PROVISION OF ACCESS

The Council will require that new development proposals are designed to provide the highest level of access for end users including residents, visitors, and deliveries appropriate to the type of development and location. Development must meet the following criteria:

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.
- Provide access to public transport services and bus stop infrastructure where appropriate.
- Provide appropriate vehicle connections to the development, including appropriate number and type of junctions.
- Provide safe entry and exit from the development for all road users including ensuring appropriate visibility for vehicles at junctions and bends.
- Provide appropriate mitigation/modification to existing transport networks where required to address the impacts of new development on the safety and efficiency of the transport network. This may include but would not be limited to, the following measures, passing places, road widening, junction enhancement, bus stop infrastructure and drainage infrastructure. A number of potential road improvements have been identified in association with the development of sites the most significant of these have been shown on the Settlement Map as TSPs.
- Proposals must avoid or mitigate against any unacceptable adverse landscape or environmental impacts.

Developers should give consideration to aspirational core paths (under Policy 2 of the Core Paths Plan) and active travel audits when preparing proposals.

New development proposals should enhance permeability and connectivity, and ensure that opportunities for sustainable and active travel are protected and improved.

**4.6 Policy IMP1** – Is an implementation guide which seeks to protect the amenity of an area by ensuring that certain requirements are met.

4.6.1 The appellant believes that in complying with ED7, EP10, T2 and by offering a satisfactory departure to Policy E9, all the requirements of IMP1 are being met.

4.6.2 Furthermore and similar to the merits of this case in terms of T2, the appellant believes that by maintaining his business in Kinloss, as opposed to relocation elsewhere, more of the requirements of IMP1 are being met than would otherwise be the case.

4.6.3 Lastly and in general terms the proposals will actually present a positive impact upon the amenity of the area by maintaining and area of ground which has been subject to decay and misuse.

4.6.4 **Conclusion** – this proposal complies with the general requirements of IMP1 in all respects

#### 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.

## 5. Site and Location

5.1 The rural design being employed in this case will integrate perfectly with its woodland setting.

5.2 The site is currently overgrown with bird-sewn shrubs and gorse and shows evidence of fly-tipping activity in the past with several pallets of natural stone discarded in various areas.

5.3 The site is flanked to the rear by a significant and clear tree line which offers circa 892m<sup>2</sup> of developable space on which to situate a small 108m<sup>2</sup> office building.

5.4 Its size of the site is adequate for commercial purposes and has been demonstrated to be able to accommodate parking and servicing arrangements..

5.5 It is adequately connected to the village by road and footpath.

5.6 It offers considerable amenity to users without impacting the amenity of others.

5.7 The development of the site will attract improvements to the locality which has suffered from fly-tipping in the past and will also attract significant improvement sot the safety of road users due to the required improvements to the road junction.

5.8 The site is not visible from any vantage point other than to those visiting the potential business or passing by to housing nearby. No objections have been lodged by nearby residents.



5.9 The site can accommodate a sensitively designed and landscaped development such as this.

## 6. Conclusion

6.1 This statement of case has demonstrated

- That the proposals fully comply with the supportive Policy ED7 – businesses in the countryside – and can be integrated into its countryside setting without difficulty.
- That locational need has been established and no other facilities are available
- That the proposals could be deemed a suitable departure to Policy E9 – settlement boundaries – due to similar property nearby and the marginal infringement.
- That significant Community support exists for this business expansion and retention as a “Kinloss Business”
- That the development would not present a negative impact in any way and in fact would enhance an area of wasteland and decay.
- That Transport and Sewerage concerns can be dealt with adequately and by suspensive condition

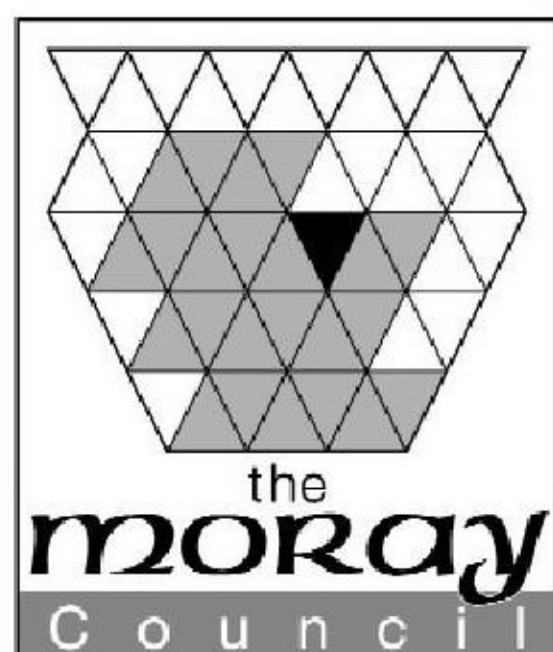
6.2 It is respectfully requested that consideration be given to **upholding this Appeal**.

**C.J.S Mackay**

**Principle Designer & Planning Consultant**

**CM Design**



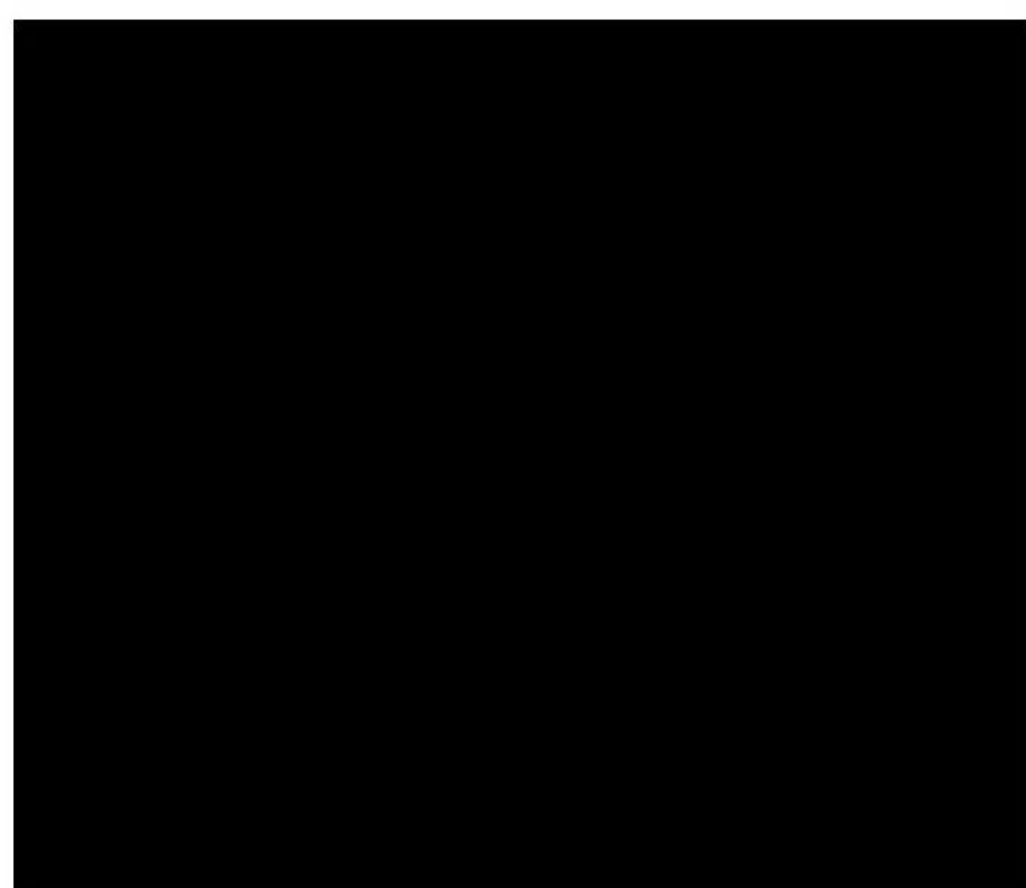


**THE MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**REFUSAL OF PLANNING PERMISSION**

**[Forres]  
Application for Planning Permission**

TO

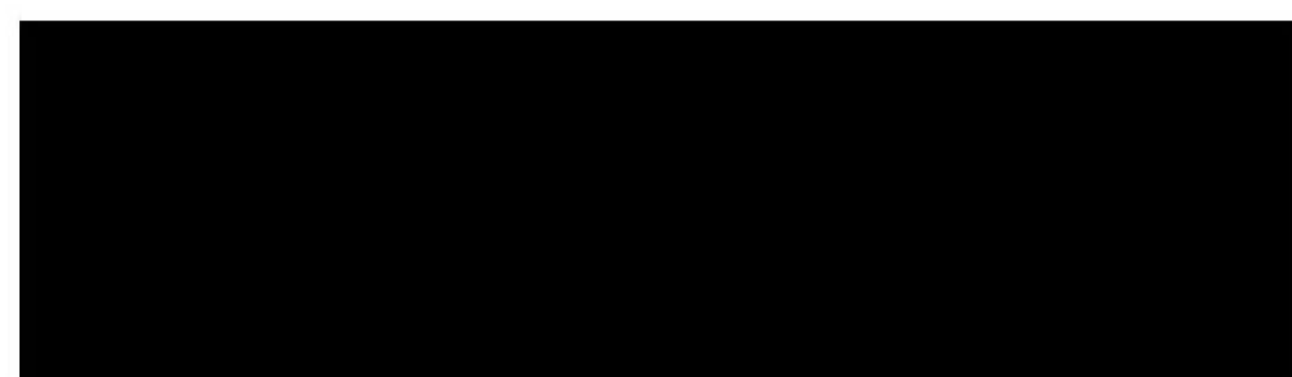


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Erect a single storey office building Land 170M Northwest Of Damhead Farm  
Kinloss Moray**

and for the reason(s) set out in the attached schedule.

Date of Notice: **26 April 2016**



**HEAD OF DEVELOPMENT SERVICES**  
Environmental Services Department  
The 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, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposal is contrary to the provisions of the Moray Local Development Plan 2015 (Policies ED7, EP10, E9, T2 and IMP1) where;-

1. the proposal is for a permanent building immediately out-with the settlement boundary of Kinloss thereby compromising the extent and limit of development permitted under the current local development plan period for the defined settlement of Kinloss. The proposal would further damage the definition between the built settlement of Kinloss and the surrounding open countryside;
2. no locational need has been established and the site and Kinloss is sufficiently close to alternative appropriately services business sites, and other suitable property;
3. the proposed development would involve the intensification of use an access onto B9089 Kinloss-Burghead Road where visibility is restricted by the alignment of the road, hedges/trees/vegetation and an adjacent boundary fence, and would be likely to give rise to conditions detrimental to the road safety of road users; and.; and
4. the proposed business development would not be connected to the public sewer despite is close proximity to the settlement of Kinloss.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

The following plans and drawings form part of the decision:-

Reference	Version	Title
		Access lay-by/passing place
WML 09/15/001		Location plan
WML 09/15/002		Site plan including site profile and visibility splay
WML 09/15/003		Proposed ground floor
WML 09/15/004		Elevations and roof plan
WML 09/15/004		Typical cross section details

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,  
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

N/A

**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, The 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](http://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.

## **REPORT OF HANDLING**

<b>Ref No:</b>	16/00344/APP	<b>Officer:</b>	Derek Wilson
<b>Proposal Description/ Address</b>	Erect a single storey office building Land 170M Northwest Of Damhead Farm Kinloss Moray		
<b>Date:</b>	26/04/16	<b>Typist Initials:</b>	LRM

### **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**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Environmental Health Manager	14/03/16	No objection with condition.
Contaminated Land	14/03/16	No objection
Transportation Manager	29/03/16	Objection and informative
Scottish Water		No response by date of report

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
E9: Settlement Boundaries	Y	See Observations
ED7: Rural Business Proposals	Y	See Observations
EP9: Contaminated Land	N	
EP10: Foul Drainage	Y	See Observations
T2: Provision of Access	Y	See Observations
T5: Parking Standards	N	
IMP1: Developer Requirements	Y	See Observations

### **REPRESENTATIONS**

Representations Received	YES	
Total number of representations received: ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the Data		

Protection Act.
<p>Summary and Assessment of main issues raised by representations</p> <p>Support the above application on the grounds that it seeks to develop and sustain local economic activity within a 'brownfield' or 'derelict' site and can draw justification from the guidelines presented in Policy ED7 and Policy ED5.</p>
<b>Issue:</b> Developing Economic Activity
<p><b>Comments (PO):</b> Under ED7, the locational justification has not been made. There is serviced industrial land available in nearby Kinloss and Forres. The Transport Manager regards vehicle access and egress from the site insufficient in terms of road safety for this type of use.</p> <p>An opportunity site as defined in ED5 should be shown to have been previously used. The lack of utility infrastructure to the site suggests this is not the case. The site may be termed vacant but it is not derelict or classed as brownfield.</p>

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

### The Proposal Description

- A single storey office building with a rectangular footprint of approximately 108sqm within a 892sqm. plot.
- Application documents include a site layout plan which shows the office positioned to the centre of the plot with access from the front (north west) and parking to the north west of the office within the proposed curtilage. It is rectangular and orientated south east to north west.
- A location plan, floor plan, elevations, sections and lay-by design are included.
- The site is immediately out-with the Kinloss settlement boundary identified in the Moray Local Development Plan 2015.
- The site is relatively flat and covered with gorse and trees. There are mounds of stone which have been deposited rather than existing as evidence of previous building.
- A wire and post fence establishes the south eastern boundary which is approximately 10% of the proposed boundaries. The remainder of the plot is bounded by the access track and the remaining tree line. Further post and wire fences are intended for the northerly and easterly boundaries.
- The roof and verge flashings will be of slate blue profile metal sheeting. The walls will be of natural larch timber cladding. Windows, doors, bargeboards and fascia will be of natural redwood.
- The windows are small but have an acceptable symmetry. There are only glass doors on the southerly elevation to add benefit from solar gain.
- The office will connect to the public water supply. A septic tank and foul and rain water soakaways will be located over 5m from the building.

### Appraisal

Section 25 of the Town and Country Planning (Scotland) etc. Act 2006 requires applications to be determined in accordance with the current Moray Local Development Plan 2015 unless material considerations indicate otherwise. The planning issues for this proposal are the following:

### Analysis

Policy E9 Settlement Boundaries delineates the limit to which towns can expand during the Moray local Development Plan 2015 period. Development proposals immediately out-with the boundaries of these settlements will not be acceptable, unless the proposal is a designated "LONG" term

development site which is being released for development under the terms of Policy H2 long term Housing Designations (LONG). The proposal is for a commercial building and is therefore unacceptable under this policy where it does not constitute one of the defined exemptions. In terms of design the office would be acceptable in character to its surroundings. The proposal is not dissimilar in size to a rural dwellinghouse, and does benefit from some surrounding enclosure. It would however compromise the aims of policy E9 where the proposal immediately outwith the edge of the defined settlement would cloud the distinction between the defined settlement and the surrounding open countryside.

New business developments in the countryside will be permitted if there is a locational justification for the site concerned. The proposed site is within five kilometres of serviced commercial sites at Forres and opportunity designated within Kinloss in addition to the concerns regarding traffic access to the site from the B9089 (see access/parking section), the proposal is unacceptable under Policy ED7 Rural Business Proposals. Policy ED7 seeks to approve rural business only where they appropriately serviced and accessed.

### **Access/Parking**

Policy T2 requires the highest level of access for end users including visitors, servicing and deliveries regarding vehicle safety accessing, proceeding, manoeuvring and parking. This should be safe entry and exit including appropriate visibility for vehicles at junctions and bends. The Transport Manager has objected to the proposal due to the intensification of use and access onto the B9089 Kinloss-Burghead Road, where visibility from the access is restricted. The parking and loading provision is acceptable under Policy T5 Parking Standards.

### **Drainage and Water Supply**

Policy IMP1 requires new development to make acceptable water drainage and waste management provision including the use of sustainable urban drainage systems for dealing with surface drainage. Policy EP5 requires a method of dealing with surface water which should avoid pollution and promote habitat enhancement and amenity. Policy EP10 requires small scale developments in the countryside intending to discharge to the land to use a system compatible with Building (Scotland) regulations 2004. In this case the proposals being close to the settlement of Kinloss should be connected to the public sewerage system if one were available to the site. As no response has been provided by Scottish Water to the contrary at the time of considering the application, the absence of a public sewerage connection has been added to the grounds for refusal. The proposal is therefore unacceptable under policy EP10.

### **Other matters**

As the proposed use is for as an office, it would not constitute a noise sensitive use to the same extent as a private residence would. No pursuit of noise matters.

Given the size of the proposed office at approximately 108 sq.m. with a smaller internal office floor space (comparable in size to small dwelling) inclusive of its own private parking and private drainage arrangements, it was not considered necessary to consult the Planning Obligations unit under policy IMP3 Developer Obligations

### **Conclusion**

For the reasons described in the analysis section the application is being refused. The reasonable proximity of serviced commercial land within the area and the intention to develop immediately outwith the settlement boundary will form the basis for refusal. The concerns expressed by the Transport Manager regarding access to the site from the main road and the availability access to the public sewers are further reasons for refusal.

**OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

**HISTORY**

Reference No.	Description			
	Decision		Date Of Decision	

**ADVERT**

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Forres Gazette	Departure from development plan No Premises	12/04/16	
PINS	Departure from development plan No Premises	12/04/16	

**DEVELOPER CONTRIBUTIONS (PGU)**

Status	N/A Given the scale of building.
--------	----------------------------------

**DOCUMENTS, ASSESSMENTS etc. \***

*\* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Design Statement	
Main Issues:	<p>The proposer is aware of The Moray Council Roads Department's requirement for an improved visibility splay at the junction of the Damhead adopted road, with the B9089 Kinloss to Burghead road.</p> <p>Due to business expansion a larger office is required and this unused land is currently scrub and used as a stone dump has been chosen. The timber framed building will be of a sustainable design and the insulation and orientation will reduce carbon use. The roof ridge will be low profile and the materials in character with the surrounding area.</p>	



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)			

COLOUR SCHEME

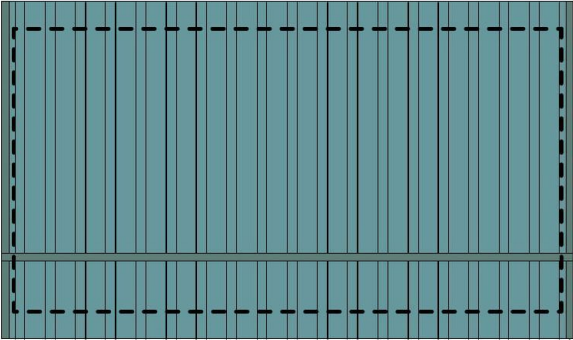
WALLS:  
Timber cladding to be a natural larch colour as shown.

ROOF:  
Slate blue Planwell roof covering as shown.

RAINWATER COLLECTION:  
Pipes and guttering to be charcole black as shown.

WINDOWS & DOORS:  
Natural redwood timber doors and windows as shown.

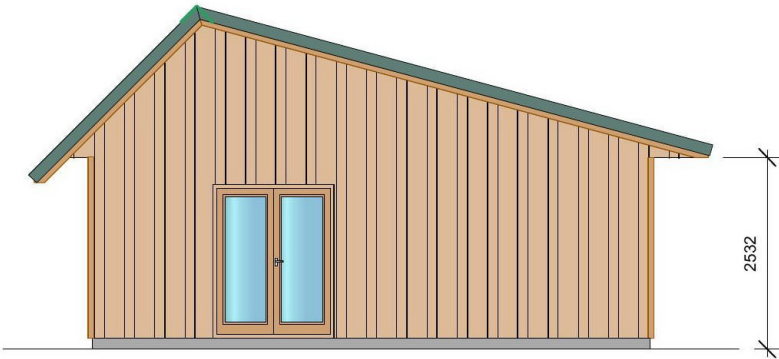
FASCIA & BARGE BOARDS:  
Natural redwood timber facias and bargeboards with Planwell slate blue ridge verge flashings, as shown.



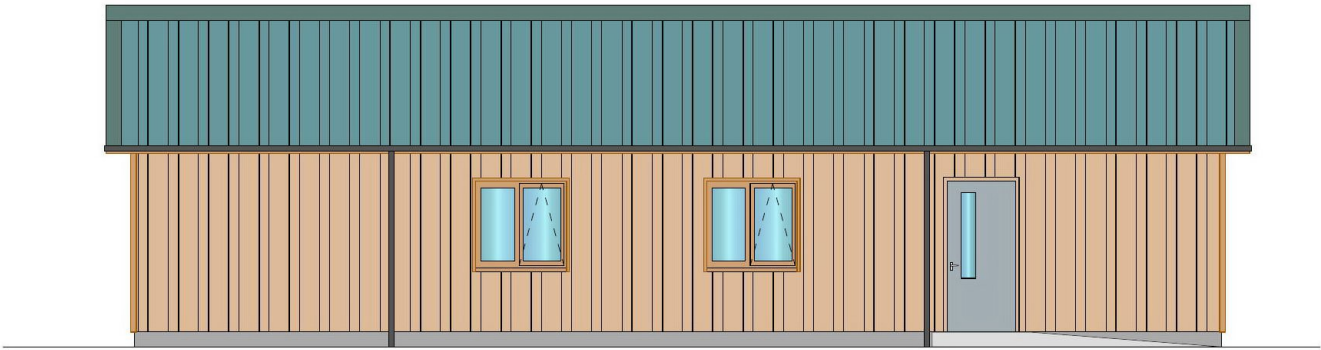
Roof Plan  
(Scale 1:200)



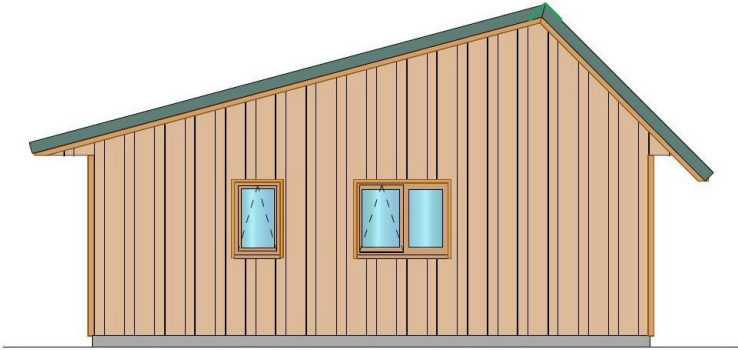
South West Elevation



South East Gable Elevation



North East Elevation



North West Gable Elevation

Town & Country Planning  
(Scotland) Act, 1997  
as amended

**REFUSED**

26/04/16

Development Management  
Environmental Services  
The Moray Council

Planning & Building  
Warrant Drawings

pete.mitchell@pmdesigns.eu

T: 01343 890273    Sonas, Todholes,  
M: 07881462217    Dallas, Forres,  
                                 Moray, IV36 2RW.

- NOTES.
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Related Drawings and Documents

WML 09/15/001 Location Plan  
WML 09/15/002 Site Plan  
WML 09/15/003 Ground Floor Plan  
WML 09/15/005 Section Details

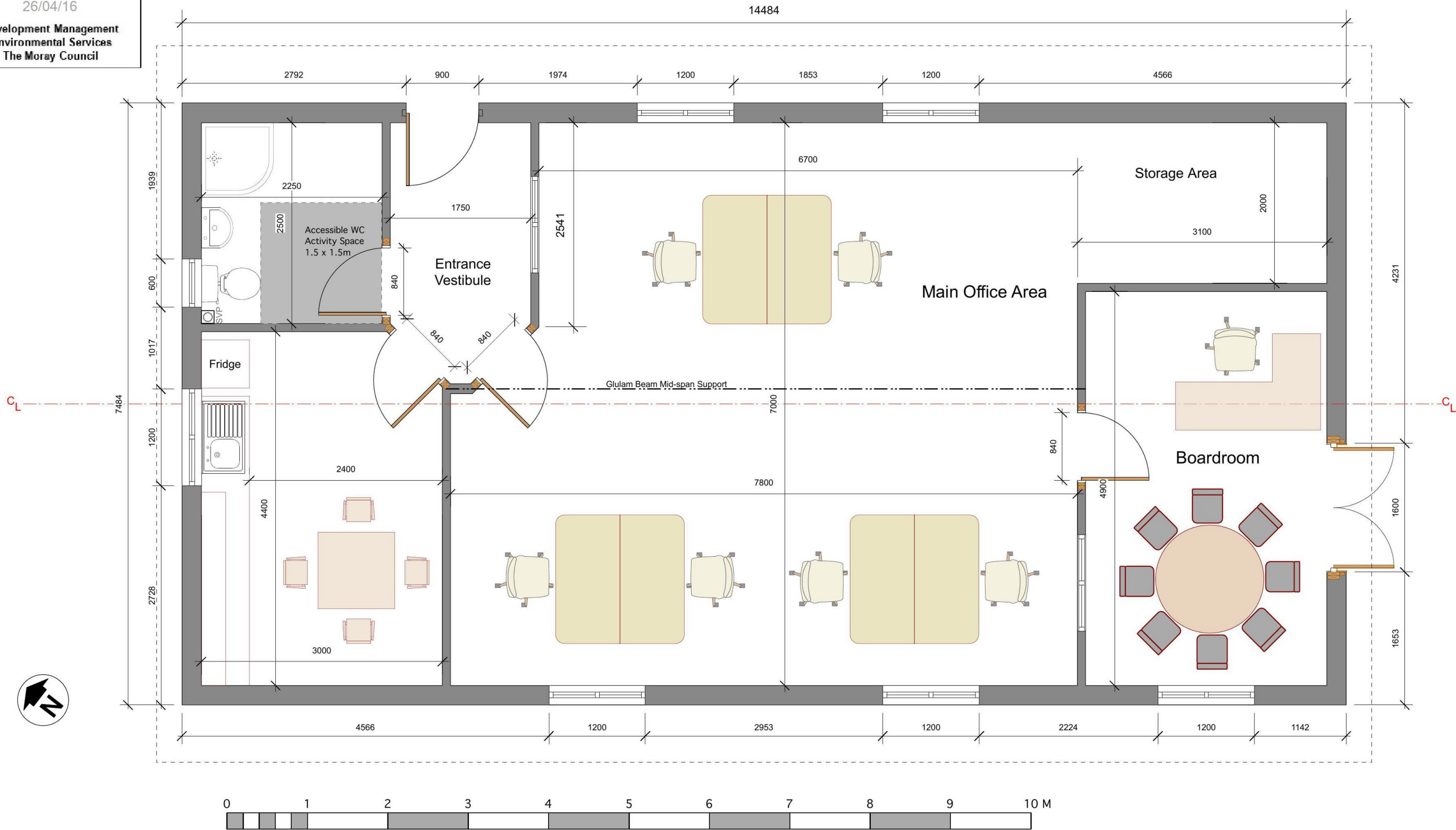
Revisions

Drawing Title				Client	
Elevations				Mr D Nelmes	
Job No. WML 09/15		Drawing No. WML 09/15/004		Location Winterburn Media Ltd, Kinloss Forres, IV36 3UA	
All Dimensions In Millimetres		Paper Size A3	Revision: ____	Job Architect/Designer Peter M Mitchell	
Scale 1:100	Date 25/02/16	Drawn Pete M	Checked	Job Title Erection of Single Storey Offices	

**REFUSED**

26/04/16

Development Management  
Environmental Services  
The Moray Council



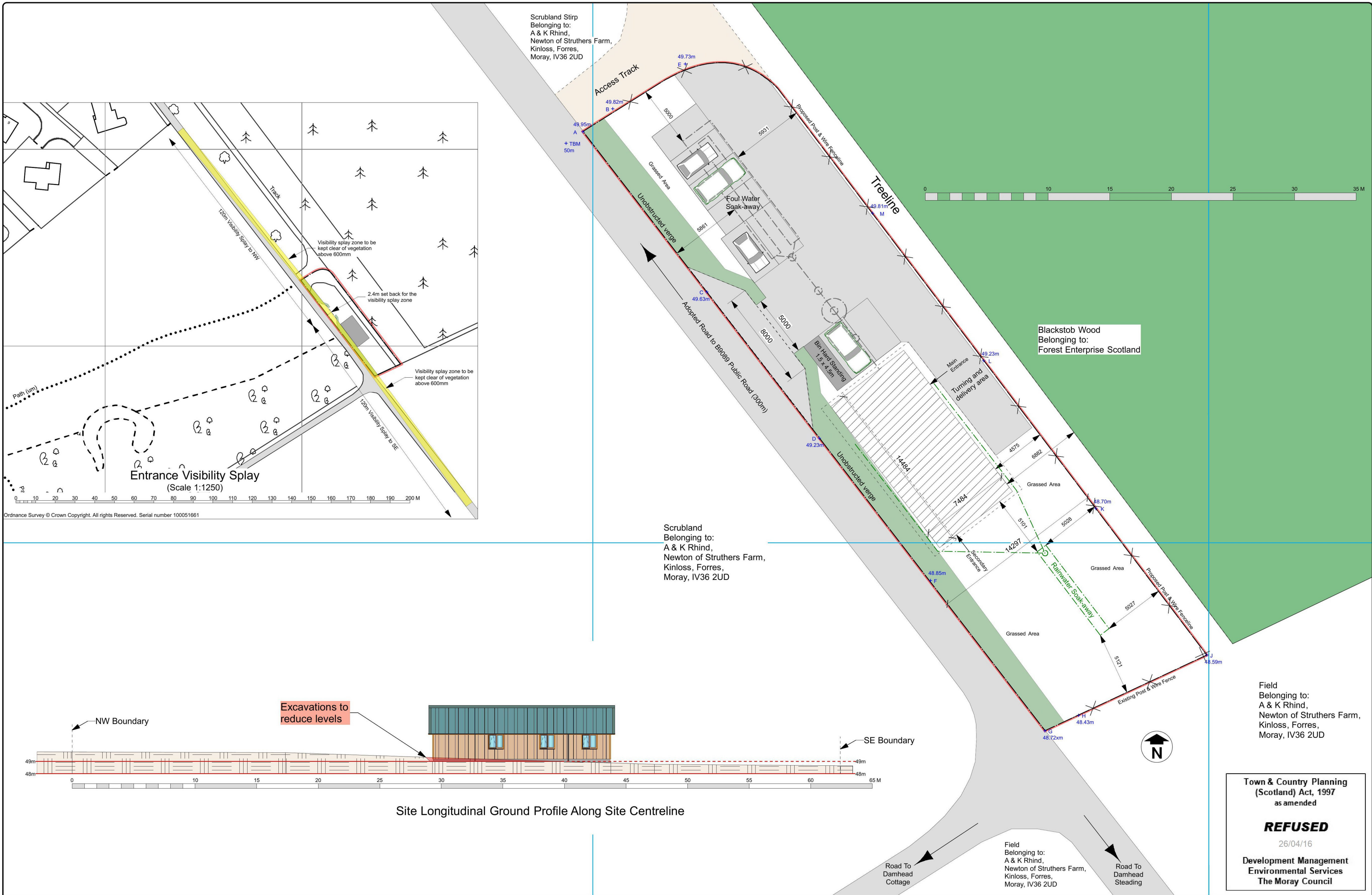
**PM Designs**  
Planning & Building  
Warrant Drawings  
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M: 07881462217 Dallas, Forres,  
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Related Drawings and Documents  
WML 09/15/001 Location Plan  
WML 09/15/002 Site Plan  
WML 09/15/004 Elevations  
WML 09/15/005 Section Details  
  
Revisions:

Drawing Title <b>Ground Floor Plans</b>		Client <b>Mr D Nelmes</b>	
Job No. <b>WML 09/15</b>	Drawing No. <b>WML 09/15/003</b>	Location <b>Winterburn Media Ltd, Kinloss Forres, IV36 3UA</b>	
All Dimensions In Millimetres	Paper Size <b>A3</b>	Job Architect/Designer <b>Peter M Mitchell</b>	
Scale <b>1:50</b>	Date <b>25/02/16</b>	Drawn <b>Pete M</b>	Checked <b></b>
		Job Title <b>Erection of Single Storey Offices</b>	





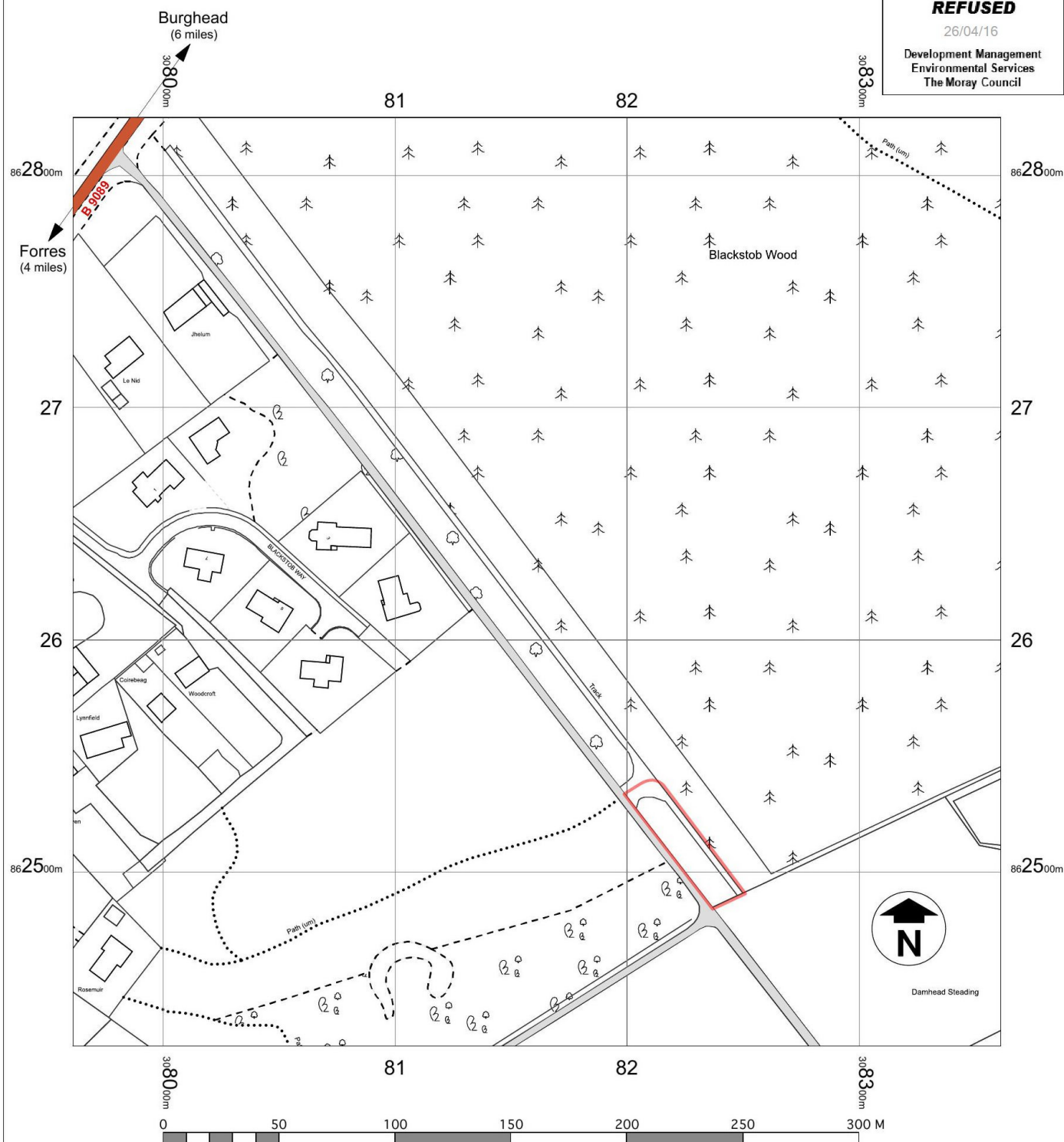
<div><p><b>PM Designs</b></p><p>Planning &amp; Building Warrant Drawings</p><p>pete.mitchell@pmdesigns.eu</p><p>T: 01343 890273    Sonas, Todholes, M: 07881462217    Dallas, Forres,                                  Moray, IV36 2RW.</p></div>	<p>NOTES.</p> <p>1. <b>Do not scale from these drawings.</b> Request additional detailing from PM Designs if necessary.</p> <p>2. All drawing errors should be reported to PM Designs as soon as possible.</p> <p>3. This drawing has been produced to support a Planning Application, additional detailing can be requested from PM Designs as required.</p> <p>4. This drawing and related documents are the copyright property of PM Designs.</p> <p>5. This Drawing may not be copied by any third parties without prior permission.</p>	<p><b>Related Drawings and Documents</b></p> <p>WML 09/15/001 Location Plan WML 09/15/003 Ground Floor Plan WML 09/15/004 Elevations WML 09/15/005 Section Details</p> <p><b>Revisions:</b></p>	<div><div>Drawing Title</div><div>Site Plans</div></div>		<div><div>Client</div><div>Mr D Nelmes</div></div>			
			<div><div>Job No.</div><div>WML 09/15</div></div>		<div><div>Drawing No.</div><div>WML 09/15/002</div></div>		<div><div>Location</div><div>Winterburn Media Ltd, Kinloss Forres, IV36 3UA</div></div>	
			<div><div>All Dimensions In Millimetres</div><div>Paper Size A2</div></div>		<div><div>Revision:</div><div>_____</div></div>		<div><div>Job Architect/Designer</div><div>Peter M Mitchell</div></div>	
			<div><div>Scale</div><div>1:200</div></div>		<div><div>Date</div><div>26/02/16</div></div>		<div><div>Job Title</div><div>Erection of Single Storey Offices</div></div>	
			<div><div>Drawn</div><div>Pete M</div></div>		<div><div>Checked</div><div></div></div>			



**REFUSED**

26/04/16

Development Management  
Environmental Services  
The Moray Council



SCALE 1:2500

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Notes

1. Property subject to this application is outlined thus:  2. The indicated site area is 892m<sup>2</sup>

**PM Designs**  
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pete.mitchell@pmdesigns.eu  
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M: 07881462217 Dallas, Forres,  
Moray, IV36 2RW.

Drawing Title <b>Location Plan</b>		Client <b>Mr D Nelmes</b>	
Job No. <b>WML 09/15</b>	Drawing No. <b>WML 09/15/001</b>	Location <b>Winterburn Media Ltd, Kinloss Forres, IV36 3UA</b>	
All Dimensions In Millimetres	Paper Size <b>A4</b>	Job Architect/Designer <b>Peter M Mitchell</b>	
Scale <b>1:2500</b>	Date <b>25/02/16</b>	Drawn <b>Pete M</b>	Checked
		Job Title <b>Erection of 1.5 Storey Dwelling House</b>	

To Moray Council Planning Department

Subject 16/00344 Single storey office Damhead Farm Kinloss

Findhorn and Kinloss Community Council would wish to support the above application on the grounds that it seeks to develop and sustain local economic activity.

This council feels that the application can draw justification from the guidelines presented in PolicyED7 and Policy ED5. The second Policy could apply as this appears to be a 'brownfield' or 'derelict' site.

We believe this application is worthy of support on the grounds of the use of the site and the continued development of the local economy and ask your department to support the application.

H R Morton

Planning Coordinator F&K CC



# **Supplemental Explanation for choosing site at Damhead Steading Winterburn Media Ltd (WML)**

## **1. Underlying Need**

WML was formed in 2007 and in its first year of trading turned over £46,000. Since that time turnover has risen steadily to the latest figure of £386,000 for the year to April 2016. WML has achieved this by steady expansion of its publishing products which are both regional and national. Locally we are known for the SpotLight magazines, the annual Local Area Guides and occasional event guides such as Forres Scottish Week. All these products provide an essential platform for local businesses to promote their activities and to encourage local trade.

WML want to continue its carefully planned expansion and to this end have just launched a brand new quarterly lifestyle magazine ("Lamplight").

WML is a stable, consistently profitable rural business which currently provides full and part-time employment to 8 members of staff and is "at capacity" in its existing premises. The existing premises are not capable of being extended. WML has a carefully defined expansion programme and will continue to increase turnover and provide additional local employment.

Apart from the aforementioned recent launch of the quarterly lifestyle magazine, WML are in the final stages of launching a brand new interactive local information and recruitment website which is further projected to provide additional revenue and employment. In the longer term, WML intend to build upon its success as a contract publisher for national organisations. We currently provide contract publishing for the British Association of Social Workers.

The underlying need for the New Office is therefore due to gradual expansion and projected future provision of local employment.

## **2. Exploring alternatives**

WML identified the future space requirements approximately 18 months ago and commenced an in depth search based on the following criteria:

### **i). Base Criteria**

- Site to be owner occupied in order to provide a secure and saleable asset
- As close as possible to the existing Kinloss based premises in order to prevent any additional travel requirements on staff and to remain well placed geographically to continue to provide client support
- A suitably pleasant working environment commensurate with the expectations of office staff
- A location with sufficient adjacent parking both for staff and for deliveries

### **ii). Land for Office Development**

The initial search for available land sites for office development proved fruitless. Near to the existing premises the only land available was at the Horizon Business Park where the size of plots are vastly in excess of the requirement.

### **iii). Residential Plots**

A number of local residential development plots were then visited/researched. In the main, prices for these plots start at approx £75,000 (the total available budget for the New Office including build costs is £60,000). In addition to being prohibitively expensive to buy there would also be the added problem of obtaining a change of use permission - which would not be guaranteed. 5 sites were investigated like this and ruled out due to the purchase cost.

### **iv). Council Owned Land available for development**

Formal enquiries were made to the Estates Surveyor at Moray Council and two potential sites were identified in the Forres Business Parks. These were not viable for the following reasons:

- Both sites were too large for WML's requirements. Moray Council advised that they would be reluctant to split up the sites as they had received offers for both sites in full.
- Both sites were leasehold rental and the Moray Council advised that a freehold sale would not be available
- Both sites were zoned for light industrial use - not office - same issue as before regarding obtaining change of use permissions

#### **v). “Opportunity” Sites as defined by Local Development Plans**

**Kinloss** - One opportunity site exists which is an old steading unit in complete disrepair. The owner has confirmed that it is not appropriate for office dwelling and would need substantial expenditure to make watertight. This site/opportunity is not viable for offices

**Forres** - Eight Opportunity sites exist in the Forres Local Development Plan. Each one of these has been assessed and discounted due to a variety of reasons. For example one site is the ex Tesco's property which is far too big and requires major investment. Another is the ex Health Centre - same as before, another is the ex Leancoil Hospital Building - again completely inappropriate for the requirements of WML and would require massive investment.

Other Towns are considered too far from the existing premises.

#### **vi). Other Commercial Opportunities**

No office premises within the target area exist at present. Retail premises come up from time to time on Forres High Street but have the following problems:

- Are geared for retail and would require substantial conversion to offices
- Have extremely limited adjacent parking both for staff and deliveries
- Would require the aforementioned change of use permissions
- Are often for rental only

### **3. The Site under Consideration**

The site under consideration has the following advantages:

- It is supported by the Local Councillors for this ward
- It is located on unused scrubland which has building waste currently on it
- The design of the building is natural larch wood cladding and would be very sympathetic to the local environment
- It is located within easy reach of the existing office
- It is in an unobtrusive location not overlooked by any properties
- Access is well defined and the access road visibility splay will be improved as part of the build - improving the access which is already used by a number of residential properties
- Whilst the proposed build is outside the Local Development Plan it is only so by 10 metres. There are other developments along this road also outside the Local Development Plan.
- Policy ED7 encourages the promotion of Rural Businesses and this proposal meets many if not all of these criteria.

### **4. Conclusion**

WML are looking to keep on expanding their business and need larger offices to accommodate the extra staff required to achieve this aim. WML is a relatively small local, rural business and wishes to retain its rural identity in or very close to Kinloss and is seeking the assistance of Councillors to back them. The proposed site is currently unused wasteland and the proposed office building would improve the site. Good access to the site is available and will be improved as part of the proposal. The proposal has the backing of the local councillors.

# Kinloss

## Hierarchy Status/Objectives/ Issues

### Kinloss is a third tier settlement

- To promote the separate small scale development of the village outwith the Ministry of Defence operational land at the Army base.
- To facilitate Ministry of Defence development requirements within its defined operational land

## Infrastructure

### Water and Drainage

Developers are advised to contact Scottish Water as early as possible in order to confirm that there is sufficient drainage capacity and water supply available to accommodate proposals.

Scottish Water has advised that they will work with developers to ensure that new development can be accommodated.

### Roads

Comments on road access arrangements are provided in site designation texts. These are intended to be of assistance to developers and advise generally of improvements that are likely to be needed to service the site, along with the need for any off-site improvements. These requirements are not exhaustive, and do not pre-empt anything that might result through the Transport Assessment process. It is essential that developers contact Transportation at an early stage, especially where there is a requirement for a Transport Assessment identified in the site text.

### Developer Contributions

Contributions may be sought towards some public facilities (eg core paths; library; schools; sports/leisure facilities; transportation) and this will be confirmed at application stage. Developments over 4 houses will be required to make an affordable housing contribution

## Layout and Design

High quality design and layouts in new development is an important aspect for “placemaking”, in order to achieve an attractive and interesting living environment. This is a priority objective of the Scottish Government (see Primary Policy 3).

Pre-application discussions and community consultation are only requirements for Major Applications (50 or more houses; or on sites exceeding 2 hectares). The Council would encourage early discussion pre-application on ALL proposals, and is willing to engage with developers to identify any aspects of site development that should be taken into consideration from the outset.

Some sites being proposed for development have had some “key design principles” identified for them, highlighting the key design elements that should be observed when layouts are being drafted.

## Housing

Parts of Kinloss lies within aircraft noise contours published by the Ministry of Defence. Developments within such areas will be subject to consultation with MoD and consideration against policy EP8 regarding noise pollution.

### R1 Woodland, west of Seapark House (1.6 ha, 6 houses)

This site extends to 1.6 hectares and has a capacity for 6 houses. Applicants should carry out a tree survey and comply with the requirements of the Council’s Trees and Development Guidance. Proposals should respect the setting of Seapark House. Access should either be from an upgraded sewage works access or from Seapark’s existing access. A Drainage Impact Assessment will be required. A Tree Preservation Order covers the site.

Proposals should be supported by a flood risk assessment (FRA). A walkover and photographic survey of habitats is also required to assess the presence of wetlands and to identify any consequent requirement to address/mitigate the impact on groundwater dependant terrestrial ecosystems. A species survey and protection plan, as well as a tree survey, should accompany any planning application for development on the site.

### **R2 Woodside East**

This site extends to 1.4 hectare and is currently under construction.

A walkover and photographic survey of habitats is required to assess the presence of wetlands and to identify any consequent requirement to address/mitigate the impact on groundwater dependant terrestrial ecosystems.

### **R3 Findhorn Road West**

This site extends to 0.6 hectares and has planning consent for 6 houses. Site is at risk of flooding and landraising works are required to elevate ground above the floodplain.

Construction method statement is required to ensure that measures are considered at application stage and assessed as to their potential impact on the Special Area of Conservation.

A walkover and photographic survey of habitats is required to assess the presence of wetlands and to identify any consequent requirement to address/mitigate the impact on groundwater dependant terrestrial ecosystems. A construction method statement is required to ensure that the potential impact of the development on the Moray Firth SAC and Moray and Nairn Coast SPA is assessed and appropriate mitigation measures are considered at planning application stage.

### **R4 Damhead (3.4ha, capacity 25 houses)**

This site extends to 3.4 hectares and has a maximum capacity for 25 houses. A Tree Preservation Order covers the site. The site has to be served by an adoptable road. A 1.8 metre footway shall be connected to the site linking with the existing footway. This will require a pedestrian crossing on the B9089. A minimum visibility splay of 4.5m x 95m to the west and 4.5m x 125m to the east shall be provided at the junction of the site road with the B9089.

A Drainage Impact Assessment is required.

A walkover and photographic survey of habitats is required to assess the presence of wetlands and to identify any consequent requirement to address/mitigate the impact on groundwater dependant terrestrial ecosystems. A species survey and protection plan should accompany any planning application for development on the site.

### **RC Seapark Residential Caravan Park**

The Council will encourage the use of this site for either holiday caravans or new permanent dwellings, although in the latter instance, a lower density than present will be required. A detailed Flood Risk Assessment will be required for any planning application submitted for this site.

A walkover and photographic survey of habitats is required to assess the presence of wetlands and to identify any consequent requirement to address/mitigate the impact on groundwater dependant terrestrial ecosystems.

## Environment

The following sites are identified as open spaces which contribute to the environment and amenity of Kinloss. The over-riding policy E5 applies to each of these sites.

### ENV2 Private Gardens or Grounds

Seapark house

### ENV3 Amenity Greenspace

Woodside

### ENV4 Playspace for Children and Teenagers

South Road, Trenchard Crescent

### ENV5 Sports Areas

Playing Fields

### ENV6 Green Corridors/Natural/Semi Natural Greenspaces

Woodland

### ENV9 Other Functional Greenspace

Kinloss Abbey

### TPO Tree Preservation Order

Damhead, Seapark

## Wider Environmental Designations

There are a number of environmental designations immediately outside the settlement boundary which will require to be observed.

### SPA Special Protection Area

Ramsar

### CPZ Coastal Protection Zone

### SSSI Site of Special Scientific Interest

### LNR Local Nature Reserve

## Opportunity Sites (Policy ED5 applies)

### OPP1 Kinloss Home Farm

The opportunity exists to convert some of these buildings into business units, particularly related to tourism and production of crafts, which could include ancillary buildings. External alterations must be minimal and development must respect the character of these category "A" and "B" listed buildings adjacent to Kinloss Abbey. A detailed Flood Risk Assessment will be required for any planning applications submitted for this site. A buffer strip of at least 6 metres between the development and the watercourse is required.

## Flooding

Flooding problems associated with high tides combining high fluvial run-off in the Kinloss Burn are known to have occurred in parts of the village. The precautionary principle should be employed when considering any new development in low lying areas of the village.



# KINLOSS

Population: 1600  
Households: 505

2011 Census

