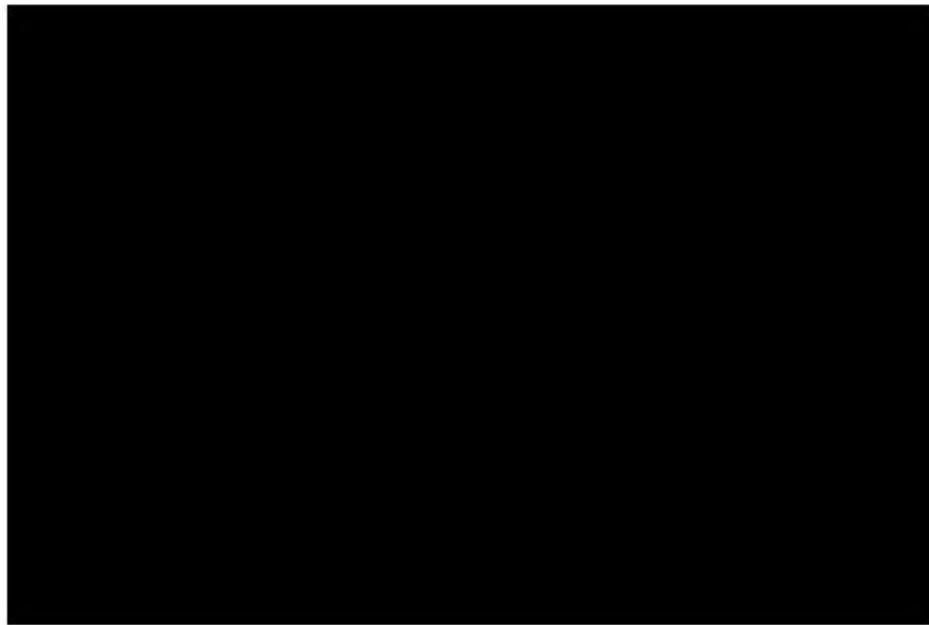


**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Heldon And Laich]
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 2no dwellinghouses within Grounds Of Torriston House Torriston Pluscarden Elgin

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

Date of Notice: **16 April 2018**



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 policies IMP1 and H7 for the following reasons :

- (i) The site is part of a large open meadow and would be visually intrusive roadside development. It would be a ribbon form of development diminishing the open separation of houses along the public road. The new house would not be integrated in the landscape and would contribute to a build-up of housing such that the open rural character of the Pluscarden valley setting would be diminished.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
180005.CROCKART.04PP		Location plan
180005.CROCKART.02PP		Plot 1 - elevations and floor plans
180005.CROCKART.03PP		Plot 2 elevations and floor plans
180005.CROCKART.01PP		Site plan
180005.CROCKART.01PP	B	Proposed site plan

**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

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

Ref No:	18/00246/APP	Officer:	Maurice Booth
Proposal Description/ Address	Erect 2no dwellinghouses within Grounds Of Torriston House Torriston Pluscarden Elgin		
Date:	16/04/18	Typist Initials:	FJA

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

Consultee	Date Returned	Summary of Response
Environmental Health Manager	06/03/18	No objection
Contaminated Land	06/03/18	No objection
Transportation Manager	27/03/18	No objection subject to standard conditions and informatives.
Scottish Water	02/03/18	No objection
Planning And Development Obligations	14/03/18	A developer contribution has been identified but this not been pursued since the application is being refused.
Moray Flood Risk Management	02/03/18	No objection subject to conditions on flood and drainage risk statements
Scottish Environment Protection Agency	28/03/18	No objection
Forestry Commission	05/03/18	No objection – no woodland affected by he proposal

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
IMP3: Developer Obligations		
PP3: Placemaking		
H7: New Housing in the Open Countryside	Y	
EP9: Contaminated Land		
IMP1: Developer Requirements	Y	
EP10: Foul Drainage		

T2: Provision of Access		
T5: Parking Standards		
EP2: Recycling Facilities		
E7: AGLV and impacts on wider landscape		
E4: Trees and Development		
ER2: Development in Woodlands		
EP7: Control of Develop in FloodRiskArea		
EP5: Sustainable Urban Drainage Systems		

REPRESENTATIONS

Representations Received	YES	
Total number of representations received FOUR		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the Data Protection Act.		
Summary and Assessment of main issues raised by representations		
Issue: Traffic hazards Comments (PO): Reasonable visibility can be achieved from the site and subject to conditions Transportation have no objections to the proposals.		
Issue: Detrimental impact on valley setting and over-development Comments (PO): See Observations		
Issue: Drainage problems Comments (PO): SEPA have been specifically consulted in this respect and raise no objections. Moray Flood Risk Management do not object subject to conditions.		
Issue: Loss privacy Comments (PO): In relation to the distances, orientation and relationship with the neighbouring house to the west it is not considered that this would be a material issue.		
Issue: Effect on natural environment Comments (PO): No environmental designations are involved in the site and there is no evidence of any species or habitat that would be detrimentally impacted on.		
Issue: Loss of view Comments (PO): This is not a planning issue.		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

History

01/01725/FUL- The proposals for 2 houses are built, and are to the east of the site, across an open field. This consent involved the demolition of a croft at what is now "Torrison Croft" (western-most house) and "West Croft" (eastern-most).

02/02365/FUL has been mis-plotted in Uniform -. at the time that application was permitted the house on Plot "A" (02/02051, site now identified as "West Croft" on the OS base map) had been completed. 02/02365/FUL was for a revised house type, understood to refer to this being a revision of 01/01725/FUL which was the original full consent for 2 houses - besides these there are no other previous applications that could have been 'revised'.

On this basis the proposal site has no previous house consents, and even had there been any such consent that would have been long ago under quite different policy considerations.

The Site

Western part of a large open meadow area, with a 25m road frontage. Plot 1 is to the front and plot 2 extends to the rear of the meadow area.

There are tall mature conifer trees to the western and southern boundaries

The Proposal

APP for the erection of two houses.

The houses are reasonably compact units, well proportioned and with slate to the roof and render/larch boarding to the walls.

Housing in the Countryside Policy (H7, IMP1)

At a general level policy IMP1 requires that the scale, density and character of new development must be appropriate and integrated in the surrounding area. However, the specific policy for assessing new housing in the countryside is H7. This policy assumes in favour of new houses in the countryside providing all of the four stated criteria are met

Under H7 the specific requirements are:-

- a) It reflects the traditional pattern of settlement in the locality and is sensitively integrated with the surrounding landform using natural backdrops, particularly where the site is clearly visible in the landscape. Obtrusive development (i.e. on a skyline, artificially elevated ground or in open settings such as the central area of a field) will not be acceptable;
- b) It does not detract from the character or setting of existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development;
- c) It does not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications; and,
- d) At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways)."

The proposal site is part of a large open meadow in an extensively forested area. Across the meadow there are distant views of the attractive Pluscarden valley.

There are already a number of new houses west of the meadow area in which the current proposal sites lie, and there is already evidence of the attractive rural character of the setting being eroded. Reflecting this there has been a refusal for a further house to the east (far side) of the existing housing (reference 10/00115/APP).

The current proposals represent obtrusive roadside development. Combined with the new and established housing in the vicinity ribbon development would be involved. A significant build-up of housing is represented by the proposals and the attractive qualities of this Pluscarden valley road would be detrimentally impacted on. In this basis the proposals should be refused as specifically breaching H7 (a), (b) and (c).

House Design (H7)

The concern with the proposal is specifically with the principle of any new house on the area, and in itself the overall scale, detailing and finishes of the houses are not such that house design would be a reason for refusal.

Developer Obligations (IMP3)

A Developer Obligation contribution has been identified for healthcare and the applicant has indicated that they would be willing to make this contribution.

As the application is being refused this matter has not been pursued.

Conclusion

For the reasons stated the proposal would be contrary to the specific provisions of policy H7 and should be refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
13/02072/PE	Proposed house on Sites At Torriston Pluscarden Moray			
	<table border="1"><tr><td>Decision</td><td>ID/PE Answered</td><td>Date Of Decision</td><td>27/01/14</td></tr></table>	Decision	ID/PE Answered	Date Of Decision
Decision	ID/PE Answered	Date Of Decision	27/01/14	
02/02365/FUL	Amend house design and erect new dwellinghouse on Pot 2 on Sites At Torriston Pluscarden Elgin Moray			
	<table border="1"><tr><td>Decision</td><td>Permitted</td><td>Date Of Decision</td><td>25/03/03</td></tr></table>	Decision	Permitted	Date Of Decision
Decision	Permitted	Date Of Decision	25/03/03	
02/02051/FUL	Erect new dwellinghouse and integral double garage on Plot A on Sites At Torriston Pluscarden Elgin Moray			
	<table border="1"><tr><td>Decision</td><td>Permitted</td><td>Date Of Decision</td><td>16/01/03</td></tr></table>	Decision	Permitted	Date Of Decision
Decision	Permitted	Date Of Decision	16/01/03	
00/01100/OUT	Outline to erect new dwellinghouse on Sites At Torriston Pluscarden Elgin Moray			
	<table border="1"><tr><td>Decision</td><td>Refuse</td><td>Date Of Decision</td><td>15/08/00</td></tr></table>	Decision	Refuse	Date Of Decision
Decision	Refuse	Date Of Decision	15/08/00	
99/00805/OUT	Outline to erect new dwellinghouse at Sites At Torriston Pluscarden Elgin Moray			
	<table border="1"><tr><td>Decision</td><td>Refuse</td><td>Date Of Decision</td><td>16/09/99</td></tr></table>	Decision	Refuse	Date Of Decision
Decision	Refuse	Date Of Decision	16/09/99	

ADVERT

Advert Fee paid?	No	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	No PremisesDeparture from development plan	29/03/18
PINS	No PremisesDeparture from development plan	29/03/18

DEVELOPER CONTRIBUTIONS (PGU)

Status	A developer contribution has been identified but this not been pursued since the application is being refused.
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DOCUMENTS, ASSESSMENTS etc. *
** Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

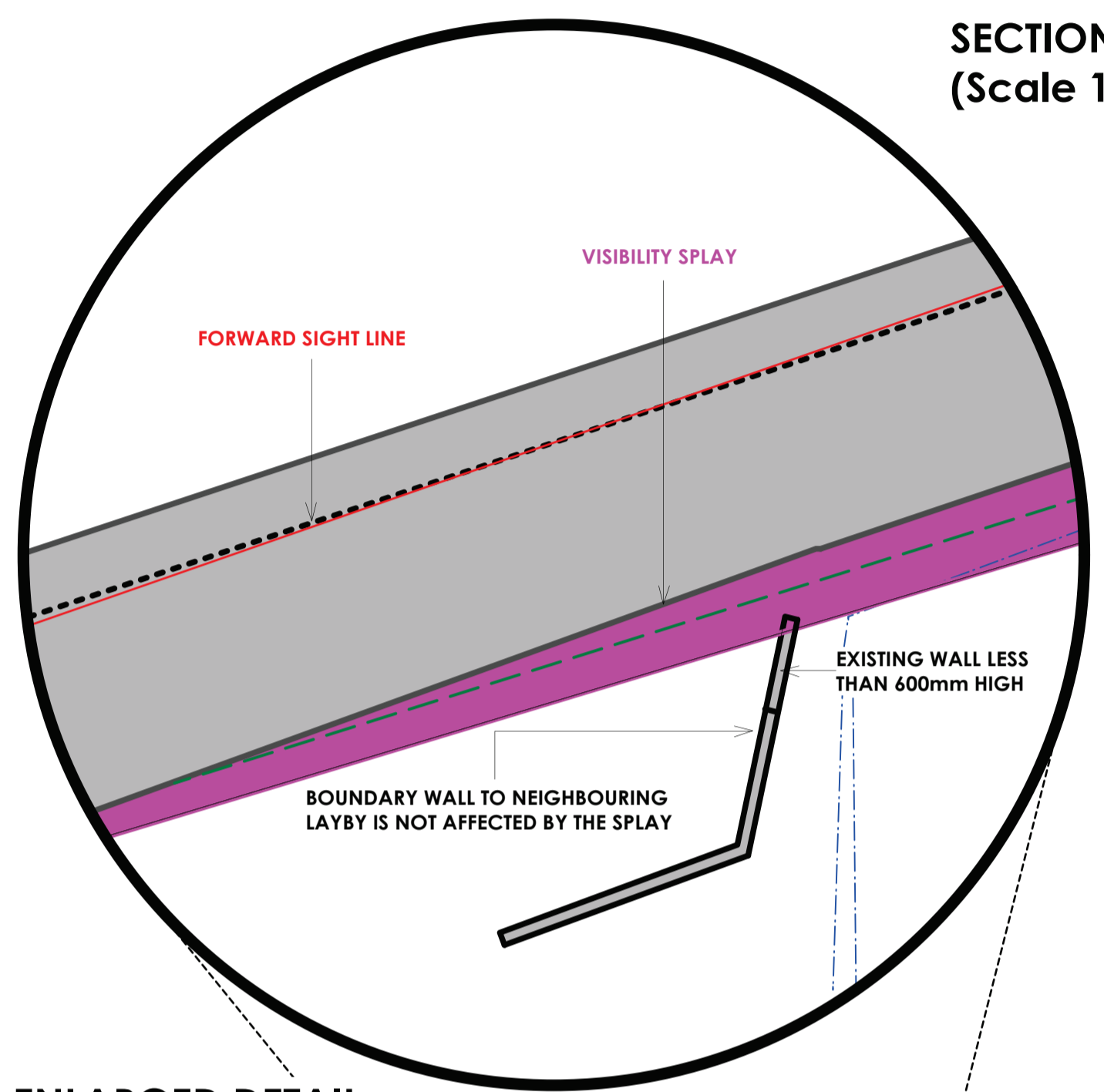
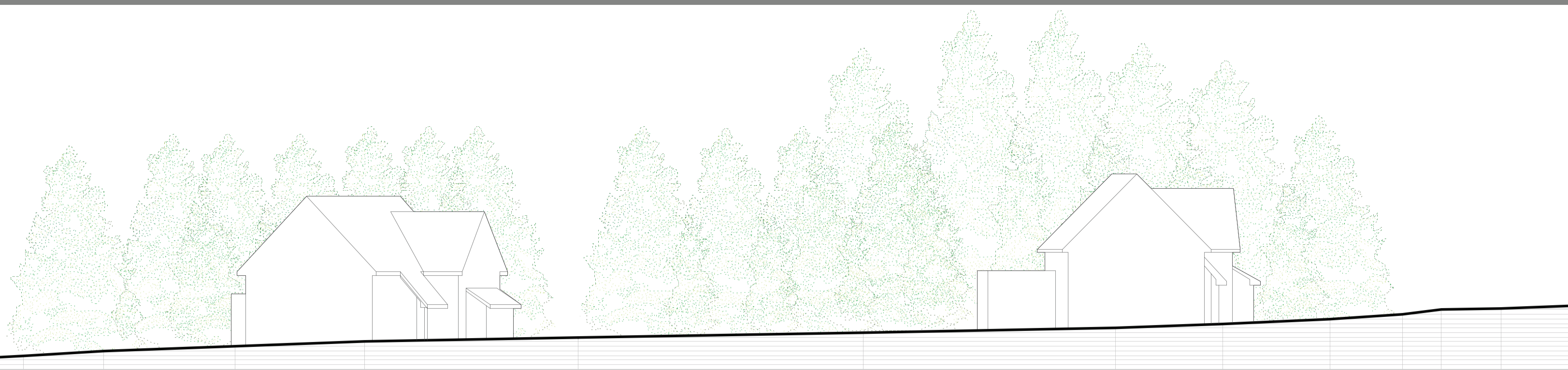
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

S.75 AGREEMENT

Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)

Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			



ENLARGED DETAIL (Scale 1:100)



Sub-surface surface water soakaway to be min 5metres from buildings and boundaries, 10metres from any watercourse, drain, road or railway & 50metres from a spring or borehole used for drinking water.

Bio-dig and sub-surface soakaway to be min 5metres from buildings & boundaries, 10metres from any watercourse, drain, road or railway & 50metres from a spring or borehole used for drinking water.



LOCATION PLAN
(Scale 1:500)

Existing overhead cables to be redirected around new dwelling.



HEAD OFFICE - MORAY
 57 Brendans, 69 South Guildry Street, Elgin, IV30 1QN
 T 01343 540020

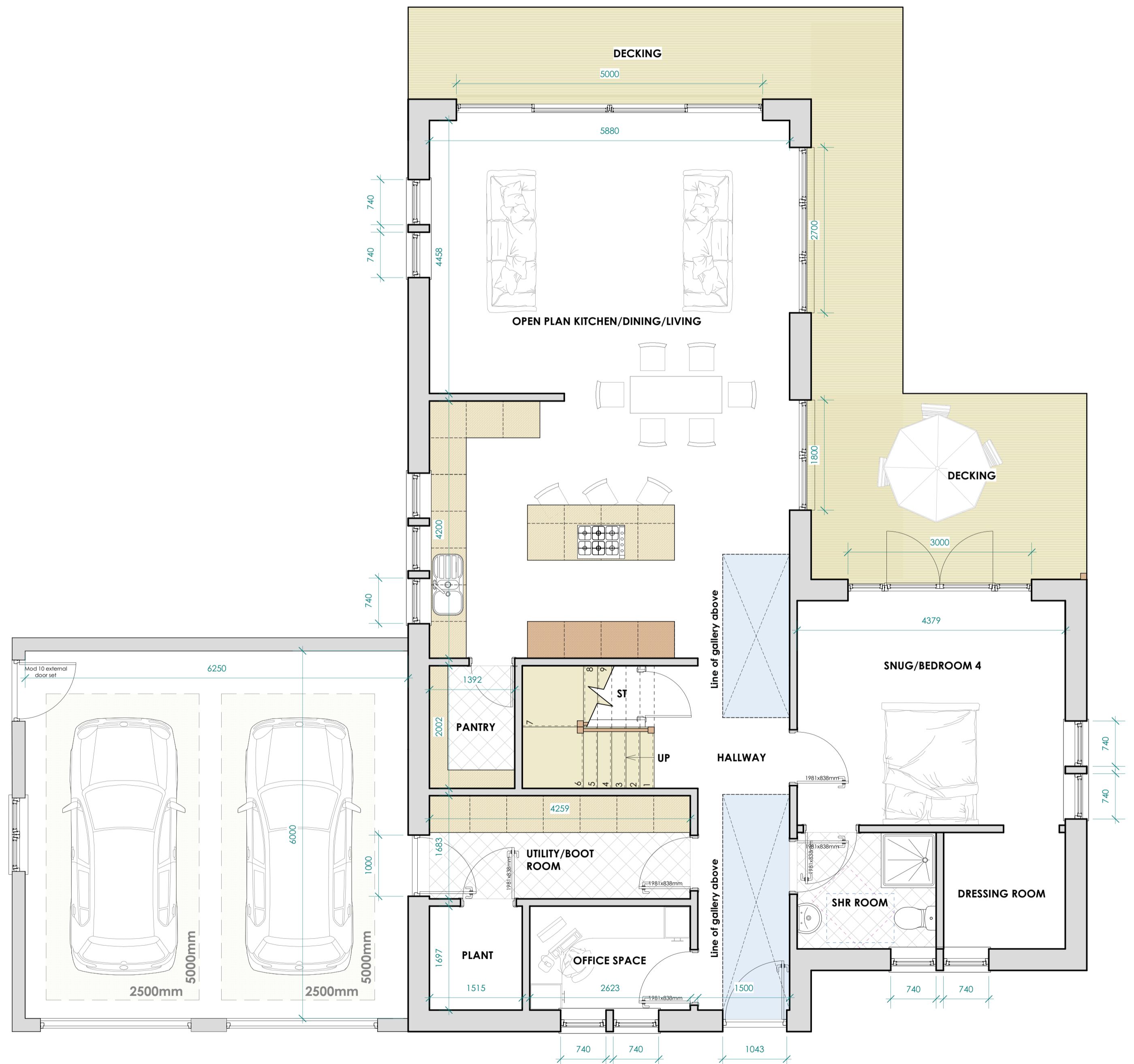
LOSSIEMOUTH OFFICE
 Ellet, James Street, Moray, IV30 6BX
 T 01343 810175

HIGHLANDS
 4 Bridge Street, Nairn, Highlands, IV12 4EJ
 T 01467 300230

DEVON OFFICE
 T 01392 345566

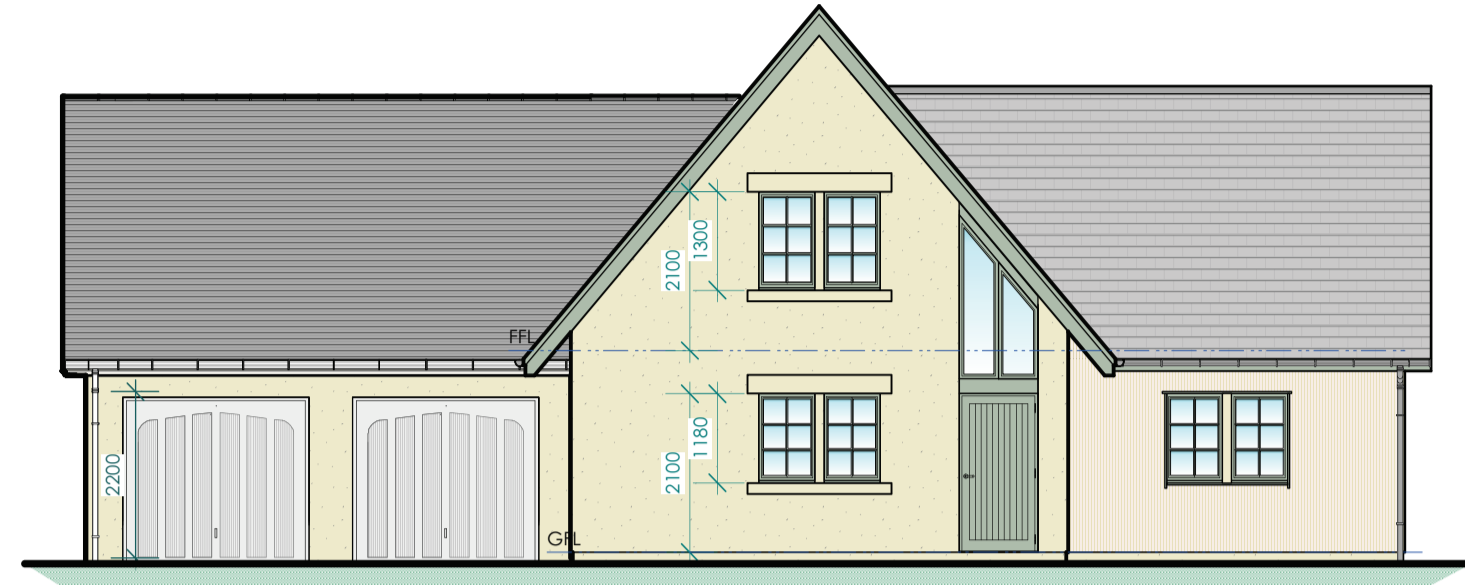
m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

Ms. Gosling-Crockart			
2NO. NEW HOUSES WITHIN GROUNDS OF TORRIESTON HOUSE, TORRIESTON, PLUSCARDEN			
PLANNING PROPOSALS			
PROPOSED SITE PLAN			
Date:	Amendments:	Rev:	
Drawn By:	Date:	Checked By:	Date:
A. CARSWELL	30.01.2018		
180005.CROCKART.01PP			



GROUND FLOOR PLAN
(Scale 1:50)

Ground Floor Area = 110m²
Garage Floor Area = 38m²



FRONT ELEVATION
(Scale 1:100)



REAR ELEVATION
(Scale 1:100)

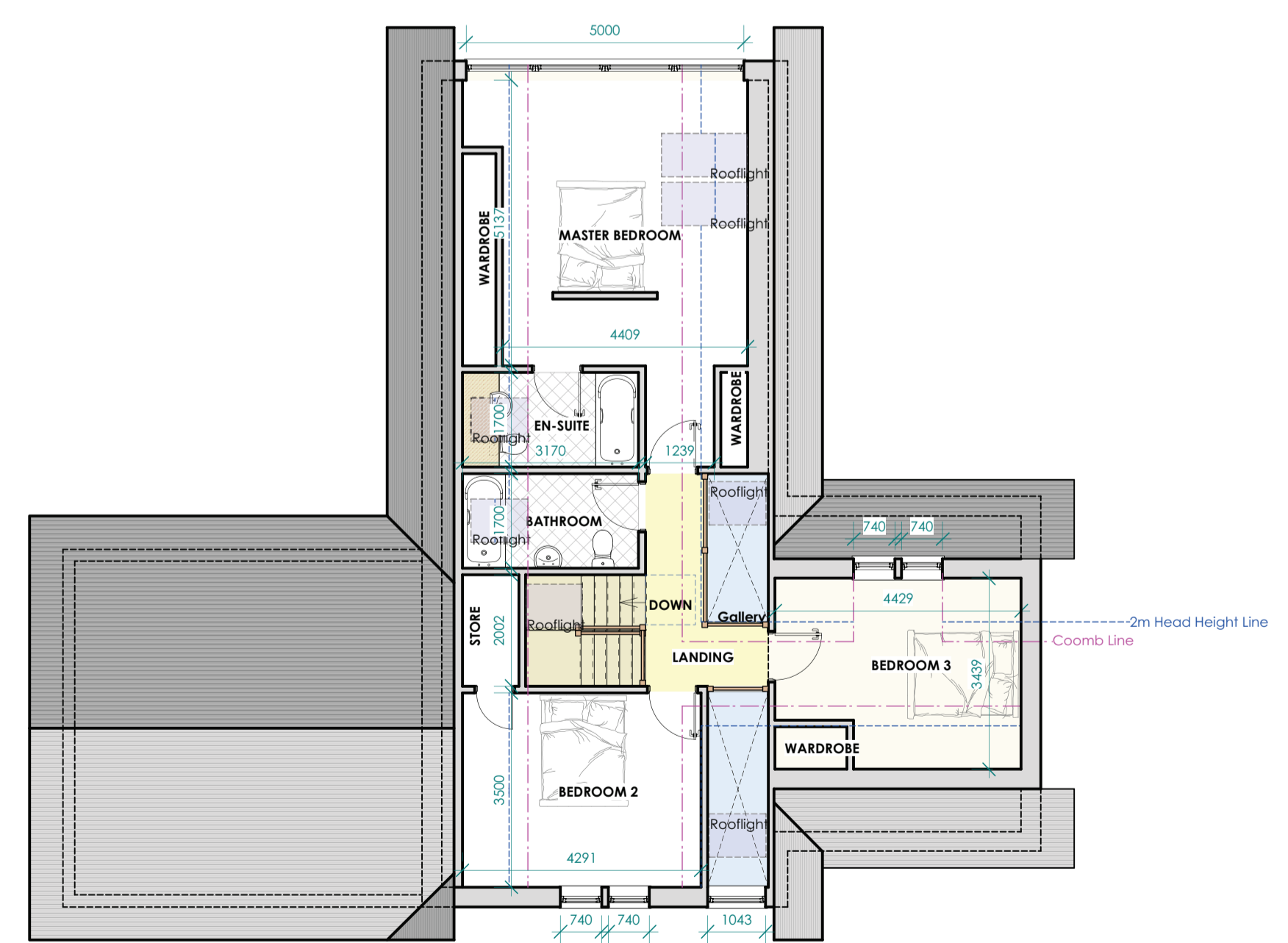
A GABLE WIDTH OF NO MORE THAN 2.5 TIMES THE HEIGHT OF THE WALL FROM GROUND TO EAVES LEVEL
 GROUND TO EAVES = 3450mm
 SO GABLE CANNOT BE ANY GREATER THAN: 3450mm x 2.5 = 8625mm
 ACTUAL GABLE WIDTH = 6580mm



EAST ELEVATION
(Scale 1:100)



WEST ELEVATION
(Scale 1:100)



FIRST FLOOR PLAN
(Scale 1:100)

First Floor Area = 85m²

Finishes

Roof

- Slate (Heavy Spanish)
- Timber fascia, barge board and soffit
- Aluminium deepflow gutters and downpipes, prefinished colour to clients choice

Walls, Basecourse & Dormers

- Cream or off white render
- Vertical larch cladding

Windows & Doors

- Painted timber finish with sandstone precast cills or timber edgings

cmdesign
architectural consultants

HEAD OFFICE - MORAY
51 Brendans, 69 South Guildry Street, Elgin, IV30 1GN
1 01343 540020

HIGHLANDS
4 Bridge Street, Naim, Highlands, IV12 4EJ
1 01667 300230

LOSSIEMOUTH OFFICE
Ellet, James Street, Moray, IV30 6BX
1 01343 810175

DEVON OFFICE
1 01392 345566

m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

Ms. Gosling-Crockart

2NO. NEW HOUSES WITHIN GROUNDS OF TORRIESTON HOUSE, TORRIESTON, PLUSCARDEN

PLANNING PROPOSALS
PLOT 1 FLOOR PLANS AND ELEVATION

Date: Amendments: Rev:

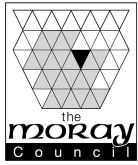
Drawn By: A. CARSWELL Date: 08.02.18 Checked By: Date:

180005.CROCKART.02PP

Site Plan for Neighbour Notification purposes only

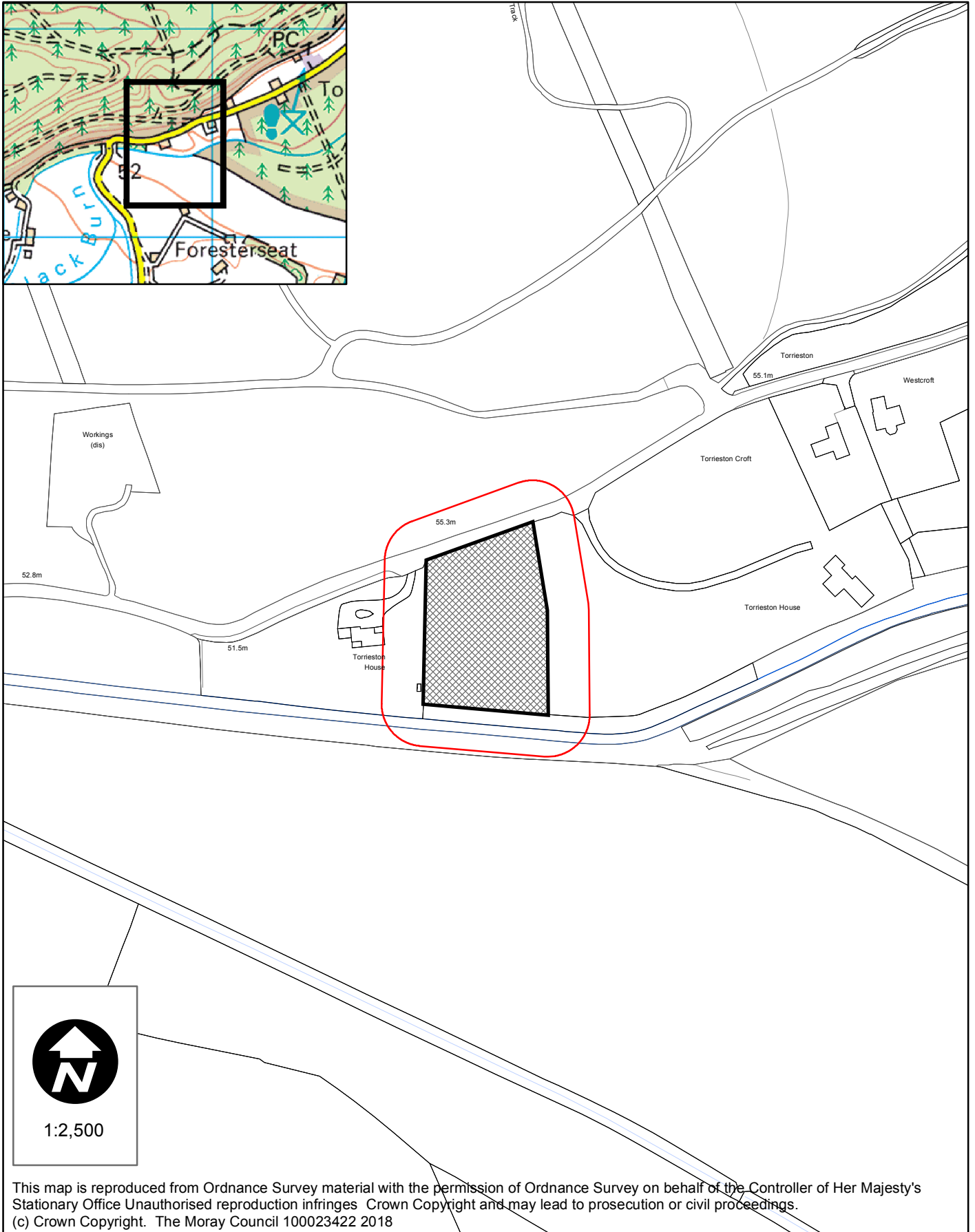
Town and Country Planning

(Development Management Procedure)(Scotland) Regulations 2008

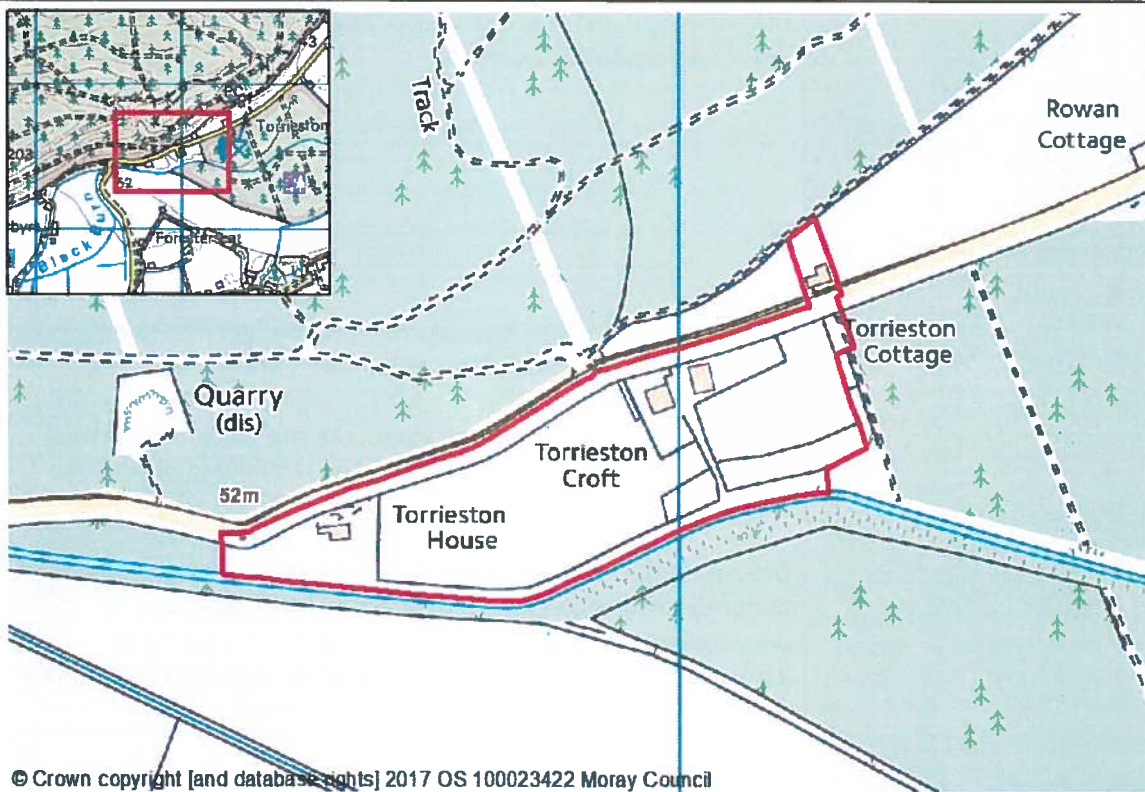


Planning Application Reference Number:

18/00246/APP



Site Reference	LDP2020_BID_TO01
Settlement	Torrieston
Site Address	Torrieston, Near Elgin
Owner Developer	Officer identified
Site Description	Area of land next to a small cluster of houses
Bid Summary	Residential
Greenfield/ Brownfield	Greenfield
Current Zoning	None
Planning History	None



Strategic Environmental Assessment	
SEA Scoping In/Out	Out
Overall SEA Conclusion	Scope out, despite impact on landscape the bid is not supported.
Effective Sites	
Market Interest / Developer commitment	
Site Constraints:	
Transportation Requirements	<p>Not supported – visibility splays are restricted and require third party land.</p> <p>Development is for three sites each for 2 – 3 dwellings, served by a new access which has been formed onto C3E Elgin-Pluscarden Road.</p>

	<p>New access has been formed to serve single plot with visibility splays of 2.4m x 90m in both directions. However additional plots will require visibility splays at access of 4.5m x 90m and widening of the access to 5.5m to enable two-way movements.</p> <p>To the west there is a wall and hedge within the garden ground of 'Torrison House' which restrict the visibility splay. The level of the road is also falling at that location which further limits sightlines.</p>
Flooding	<p><u>Flood Team</u></p> <p>The site is at risk from fluvial flood risk at the south from the Black Burn and some small areas of surface water flooding. A Level 1 flood risk statement and drainage impact assessment will be required to ensure adequate SuDS design.</p>
Contaminated Land	
Landscape Requirements	
Advanced Planting	
Site Conditions	<p><u>SEPA</u></p> <p>Flood risk: A Flood Risk Assessment would be required to determine the flood risk of the Black Burn to the south of the site.</p> <p>Protection of the water environment: the site is adjacent to Black Burn, so adequate buffer strips would be required to protect the watercourse from development.</p> <p>Drainage: Foul drainage may limit development. Disposal to land is the preferred option and porosity should be investigated. A developer requirement for a compliant site investigation in accordance with Section 3.9 of the Domestic Technical handbook is submitted in support of any planning submission.</p>
Other Abnormal Costs (e.g. Gas Pipeline)	
Identified Assessment Requirements	Flood Risk Assessment
Summary / Conclusion	The proposal is not support on transportation grounds.
Planning Assessment	
Planning Conclusion	<p>The bid proposes development on a site where there is an existing cluster of houses. The surrounding area has been identified as an area where there is a high demand for housing in the open countryside. As part of reviewing the rural housing policy, opportunities for development in existing groupings and clusters have been looked at to offer potential development opportunities.</p> <p>Transportation have objected to the proposal as the necessary visibility splays cannot be achieved</p>
Recommendation	Not supported