

proposal
of 1no. rural
dwellinghouse
with attached
garage

Notice of Review Statement

(planning ref - 12 / 01793 / APP)



Rashcrook Neuk, Birnie



REFUSED PLANNING APPLICATION - (ref - 12 / 01793 / APP) STATEMENT OF REVIEW

May 2013

We received a copy of The Moray Council's refusal notice on our above planning application, dated 25th February 2013. The refusal notice read as follows –

- 1 *The proposal is contrary to the provisions of policy 1 (e) of the approved Moray Structure Plan 2007 and policy H8 and IMP1 of the adopted Moray Local Plan 2008 where because of it's location / siting, it does not have the (minimum) requisite established boundaries, it lacks any immediate backdrop and enclosure provided by the surrounding landform and / or vegetation cover and together with it's close proximity to the road, it will result in an overtly prominent and visually intrusive development which will not integrate into the surrounding landscape and thereby significantly detract from the appearance and amenities of the locality within which it is located.*

We believe the proposed dwelling-house adheres fully to the relevant Moray Local Plan (2008) policies and Moray Structure Plan (2007) policies and we would now like to respond to each point of refusal to justify this. Please see below for our reasonings -

POLICY 1 (e) (Moray Structure Plan)

The proposed site, in our opinion, complies with policy 1e as described below -

1e. The encouragement of low impact, well designed development in the countryside to support local communities and rural business.

We feel that the proposed dwelling-house would enhance this area in terms of it's low impact design. The dwelling-house itself is of a contemporary arrangement with traditional characteristics and is of a room-in-the roof type design thus ensuring minimum prominence. It has also previously been approved in rural locations throughout Moray and is, in our opinion, a well designed development in the countryside. The location selected is a corner spot with two existing boundaries - the existing roadway and an existing fence line. Two new post and wire fence boundaries would complete the plot.

Like many other dwellings in the nearby vicinity the dwelling-house is in reasonably close proximity to a public road (B class). Please see below for an example of two other dwelling-houses located in a similar manner.

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New dwelling (Brookfield House) – approximately 380m to the south east of our proposal (at crossroads)



Rashcrook Lodge – approximately 480m to the east of our proposal



POLICY H8 (Moray Local Plan)

a) Siting

- We believe the dwelling-house would integrate well to the surrounding countryside and rather than detracting from the local area would compliment this portion of the landscape which is used at the moment for arable farming although the ground condition in this particular spot is quite poor quality. Further, as mentioned above other existing houses have been approved which are similar distances to public roads as our proposal.

- The site is not overly prominent (it does not sit on a skyline location, artificially elevated ground or in an open setting such as a central areas of fields) and as mentioned previously is located in the corner of a level field.
- 50% of the site is bounded by existing, long established boundaries (post and wire fencing, edge / verge of existing public road). The total perimeter of the actual site area itself (excluding the access track) is 232 meters. The length of the existing boundaries is 116 metres.

b) Design

- The house style is of a contemporary design with traditional characteristics including vertically proportioned windows, walls of white or cream roughcast and natural stone, and Marley Edgemere, grey concrete tiles to the roof to imitate traditional natural slates. In our opinion the design complies fully with "H8 Design" and it has already being approved at a number of rural locations throughout Moray.

POLICY IMP1 (Moray Local Plan)

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

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

The dwelling-house design has previously been approved in rural locations throughout Moray. The plot has been sited approximately 300 metres away from any existing dwelling-houses. In view of this we feel that the density will not be overly excessive if this dwelling were to be consented. Further, the house character and proportions are of a contemporary design with traditional characteristics providing similar architecture to a Scottish cottage type design.

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

The site is integrated into the landscape by means of it being located in a level, field corner at a distance to the public road which is similar to houses in the nearby vicinity. Further, in line with council policy we will ensure 25% of the plot is covered with foliage to provide a 'softening' of the development.

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

It is proposed to form a new access track off the existing B class public road to the proposed dwelling. All vehicle types including, cars, bikes, public transport can use the public road as well as the walking public. The road outside the dwelling is level.

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

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

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

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

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

In Elgin, the nearest town to the development there exists facilities to accommodate all of the above requirements.

g. The development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria. -

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

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

There are no public landscape or amenity areas nearby.

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

Within the site itself a mixture of Birch, Larch, Rowan & Scot Pine trees and bushes at approx. 1.5m centres will be planted out to give a 25% foliage cover. All these trees will be at least half standard (approx. 1.5m in height) as denoted on the site plan drawing (RASHNEUK / PLANNING / 01).

j. Appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion. -

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

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

There is no reason for any pollution to occur.

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

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

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

The site is situated on arable land however the particular area where the development is proposed is quite poor quality and therefore there would be no loss of prime quality agricultural land involved. Further, an old shed building currently exists on the site area.

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

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

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

We respectfully ask that the appointed LRB panel dismiss the Moray planning department's recommendation and approves this application.

Lastly, there were no objections to the application.

yours sincerely,



Stewart Reid MCIAT