

PLANNING APPLICATION: 07/01650/FUL

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

The Proposal

- Detailed planning application (amended) to develop 8 residential units (blocks of 3, 3 and 2).
- Two access/egress points onto Seafield Road.
- Provide footpath from Judy's Lane to Seafield Road.

The Site

- Located on the site of a former filling station taking access onto the A98 Seafield Road, and upon a grassed area immediately to the north at the junction of York Place and Seafield Road.
- An existing footpath that leads from Judy's Lane to Seafield Road divides the site.
- The site is bound to the north, west and south by residential properties and by a field and public library on the opposite side of the A98 to the east.

Policy / Objections-Representations / Consultations - See Appendix

History

While there is no history of planning applications for this site, there had been several pre-application informal enquiries for this site relating to the former garage site only.

There had also been extensive advice and discussions with the applicants prior to the current planning application being lodged and before the Emerging Moray Local Plan 2008 became a material planning consideration.

Advertisement

None.

Observations

The main planning issues are: -

Following submission, the application has been amended from 12 to 10, and now to 8 units. This application is being considered for determination on the basis of the latter revision i.e. for 8 units. The proposal for 8 units reflects issues raised by the introduction of the Emerging Local Plan 2008 and ongoing discussions with the Transportation Manager.

Departure Issues: Moray Local Plan 2000 and Emerging Local Plan 2008

The application was submitted in 2007 when only the Moray Development Plan, including the adopted Moray Local Plan 2000 was utilised in determining applications. From the Cullen Settlement Statement, the site, including the filling station, is not subject to any site specific designation and taking into account other policy matters the application is not a departure from the development plan.

The Emerging Moray Local Plan 2008 became a material consideration on 3rd March after a Special Meeting of the Environmental Services Committee of the Moray Council. Emerging policy ED6 Opportunity Sites and the Cullen Settlement Statement designation OPP2 Former Filling Station are material to the determination of this application. However, it must be recognised that the application site as defined, extends beyond the OPP2 site designation and therefore the proposal cannot be determined solely by reference to the OPP2 designation requirements.

As the number of units upon the filling station part of the site exceeds the figure suggested in OPP2, the proposal is considered as a departure from the emerging policy, however, reasons to support any departure can be considered.

The current adopted Moray Local Plan 2000 (which remains in force) does not designate the site (or any part thereof including the filling station) nor stipulate the number of units that could be accommodated on it. In other respects, including other policy considerations including L/IMP1 and subject to conditions where recommended, the amended proposal is considered acceptable.

Policy ED6 Opportunity Sites of the emerging local plan states that for sites such as the former filling station the suggested use should be viewed as an illustrative example only, and not be taken as a definitive list of acceptable activities. This means that the designation identified as OPP2 Former Filling Station within the Cullen Settlement Statement suggesting that 2 houses would appropriate is not a finite description. The proposed residential use would be in keeping with the uses suggested by the designation. Although the designation indicates the site is appropriate for 2 units, this does not mean that only 2 units would be acceptable, nor does it preclude other development of different number of units/density being submitted for consideration on its merits.

Also it should be noted that this site extends north beyond the former filling station site, with 2 of the 8 units located upon the triangular grassed area north of the Judy's Lane footpath. The overall site is therefore larger than the designation with the emerging local plan, which partially explains the higher number of units proposed. A determination based solely on reference to the OPP2 designation requirements would not be correct. In this case, the proposal is considered acceptable.

Design and Density

In terms of density and layout, there are various examples of terraced, compact housing elsewhere within and outwith the Conservation Areas of Cullen. These give a context to the designs submitted. The staggered heights of the rooftops match many of the terraced housing on the lower coastal slopes of Cullen (e.g. North Castle Street). The total footprint of the housing is not dissimilar in plot coverage to many of the large bungalows near to the site. Given the

topography of area, notably the southern higher end of Glebe Park Crescent, having houses of different designs and levels within proximity to each other is not uncommon.

The variety of different materials used reflects the tradition within Cullen and other coastal towns of using reclaimed ship ballast and salvaged cargo in the house construction. This is evident when looking at Cullen Seatown where a wide variety of building materials, roof tiles/slates is evident. The proposed mix of slate and zinc roofing and brickwork, rendering and timber cladding on the walls will have clear reference to the Cullen Seatown. These materials, when used in this bespoke house design and layout give a clear reference to the architecture of the Seatown area of the village. In this case the proposal is considered acceptable.

Loss of grassed area/amenity land

The grassed area forming the north part of the site, inclusive of Judy's Lane footpath is not formally designated within either the adopted or emerging local plan. Whilst its presence and value as highlighted by the objectors is noted, its open location, limited size (for recreation purposes) at the junction of two roads means it offers limited amenity to residents. Much of the area adjacent to pavements is of a sufficiently steep gradient to make it impractical for recreational use. In this case, the loss of the land does not warrant refusal of the current amended application nor result in a significant loss to the amenity and appearance of the surrounding locality.

Access and pedestrian safety issues

The access arrangements have been subject to major revisions during consideration of this application. The final amendment shows vehicular access to all 8 units being taken off Seafield Road on two entrances. The layout of the units has ensured that the necessary visibility splays within the site and from the nearby York Place junction are maintained, and each unit has the required amount of off street car parking (2 spaces per unit).

Of the many objections received, concerns over access issues and pedestrian safety are common. Many of the objections relates to the original submission with access being taken onto Judy's Lane and Glebe Park Crescent to the west. The revised layout omits such an access arrangement with access now taken directly onto Seafield Road to the east. This addresses the issue of additional traffic utilising the streets to the west and the tight junction onto Cathay Terrace.

In terms of the pavement which sub-divides the site and is a continuation of Judy's Lane, the finalised layout separates the pavement from the adjoining access and parking area, to ensure that no vehicles would be crossing the pavement. This is favourable even in comparison to Judy's Lane and Glebe Park Crescent where currently vehicles enter and exit driveways across the pavement. Additional traffic would be generated onto Seafield Road (A98) but given the site's previous use as a filling station, and the traffic calming measures currently in place to slow traffic entering the village the current proposal is acceptable. The Transportation Manager has not objected to the revised access and parking arrangements.

Recommendation

The large number of objections to this application represents a significant material consideration. However, the amended proposal offers sufficient space, parking and architectural quality so as not to be detrimental to the character appearance and amenity of the site and the surrounding locality. The development would also bring about the remediation and removal of a brownfield site on the entry into the village.

Approval is recommended on the basis of the revised layout/number of units and subject to the conditions as appropriate.

Author/Contact Officer: Neal MacPherson
Planning Officer

Ext: 01343 563266

Signature (*Alan Short, Development Control Manager*)

R A STEWART
DIRECTOR OF ENVIRONMENTAL SERVICES

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2000

Policy 1: Development and Community

The policy set out below identifies the strategic community development requirements for the delivery of the structure plan strategy-

The Moray Structure Plan Strategy will be supported by:

- d) the provision of affordable housing in association with new housing development where a demand is identified in the Local Housing Strategy.
- i) the inclusion within Local Plans of a policy requiring appropriate developer contributions towards healthcare and other community facilities.

Policy 2: Environment and Resources

The Moray Structure Plan Strategy will be supported by: -

- a) protecting international, national and local nature conservation and scenic designations from inappropriate development;
- b) protecting the wider natural environment and local biodiversity from inappropriate development and promote opportunities for environmental enhancement and restoration where possible.
- i) promoting sustainable urban drainage systems(SUDS) in all new developments.

Policy L/ENV24: Surface Water Drainage: Sustainable Urban Drainage System

In consultation with SEPA, NOSWA and the Council's Road Service, Sustainable Urban Drainage Systems (SUDs) will be sought on all development sites as identified in the settlement plans and on all 'windfall' sites (i.e. redevelopments and undesignated sites) accommodating in excess of 10 residential units or measuring in excess of 2,000 sq. m of non-residential development land.

Settlement statements and development briefs shall identify sites where an explicit surface water management plan requires to be submitted and approved as part of the planning application.

Where SUDs are proposed applicants must specify provisions for long term maintenance to the satisfaction of the Council and the regulatory authorities.

Policy L/H3: Servicing and Layout of new Housing Developments

(i) Layout

New residential areas must be designed to accommodate provision for cycling and walkways. Road layouts should reflect considerations of road safety, avoiding long straight stretches, adopting curves and bends with unobstructed sightlines and where appropriate (i.e. adjacent to play areas, schools and public halls) raised surfaces should be introduced to reduce traffic speed. Emergency vehicle access must be provided, and if public transport is to service the site, roads must be designed accordingly. In general, houses in new housing developments which require to be served by new or improved made-up public roads should not be occupied until the road is completed to a standard which satisfies the Council. Proposals must also comply with policies L/T4 (Road Access), L/T7 (Parking Standards), L/T9 (Mitigation) and L/T10 (Cycling) in Chapter 4.

(ii) Drainage

New housing developments must comply with the requirements of NOSWA and SEPA for connection to the public sewerage systems and the standards of disposal of waste water (see policy L/ENV24 Surface Water Drainage: Sustainable Urban Drainage System in Chapter 2).

(iii) Landscaping

New housing developments must provide landscaping in accordance with the site description to provide screening, enclosure, shelter, and acoustic barriers and to enhance the overall visual/environmental impact of the development. Details of maintenance arrangements will be required - see policy L/IMP4 'Maintenance of Landscaped and Amenity Areas' in Chapter 8.

(iv) Recreational Space and Community Provision

Housing developments which impact upon the capacities of existing community facilities such as children's play areas, recreational space, or other community services provided by the authority may be subject to Policies L/F1 (Developer Contributions) or L/F2 (Commuted Payments) in order to redress any negative impacts by upgrading existing facilities or through the provision of additional facilities. Recreational space (with equipped children's play areas if necessary) will be required to serve new developments of family sized houses. Guidelines for the provision of recreational space for all types of housing will be prepared by the Council. Redevelopment proposals for existing facilities will be guided by Policy L/CF3.

Policy L/H4: Infill and Brownfield Housing

Approval will normally be granted (subject to policies L/ED5 in mixed-use areas and L/ED6 on opportunity sites) for the change of use or redevelopment of vacant property for residential use provided that the location can provide a satisfactory living environment.

Policy L/H7: Affordable Housing Provision

Proposals submitted for housing (on designated or undesignated sites) which are above the threshold for consideration of developer contributions as described in Policy L/F1 (i.e. 10 houses or more) will be assessed for an 'affordable housing' element. The proportion of a site which the Council will expect to be used to satisfy local affordable housing needs will be commensurate with the site size and the specific extent and nature of the local needs for affordable housing.

The Council will endeavour to provide affordable housing so that the benefits are passed on to serve the community in future years. The range of mechanisms under which this will be achieved may include but not be limited to:-

- i) that part of the site or development proposed for affordable housing use being transferred to the Council, Scottish Homes or a similar management body;
- ii) through the use of planning agreements and conditions; and
- iii) a partnership, joint venture and or other innovative arrangement between developers and the Housing Authority.

The Council's Community Services Department, is to produce detailed guidance on the implementation of these mechanisms.

Policy L/T4: Provision of Road Access

The Council will require that a suitable and safe access from the public highway is provided.

(iv) Phasing of Road Improvements

Where a new access roadway is to be provided the Council may require the road to be made up to a specified standard before work on the new property commences.

Policy L/T7: Parking Standards

Proposals for different forms of development must comply with the Council's 'Car Parking Standards' (available from the Council's Roads Service).

Where development (including housing) within the defined town centre cannot reasonably supply parking on site, (or where it is appropriate not to include parking), the developer will require to comply with the Council's system for 'commuted payments' for parking. Housing development in town centres which need not provide residential parking on site, must make provision for vehicular access for deliveries and emergencies.

In housing developments of over 30 houses, provision must be made for communal off-street parking, in addition to in-curtilage in order to permit the parking of large commercial vehicles away from road frontages.

Policy L/F1: Developer Contributions

Where a development proposal is considered to have a measurable and potentially negative impact on the infrastructure, community facilities or amenities related to that development, the Council will seek an agreement with the developer that he redress the elements of impact by funding the provision of, or contributing towards, such mitigating works as are reasonably necessary to enable the development to proceed.

If this cannot be achieved by conditions of consent, then agreements must be concluded before a consent is granted.

Policy L/IMP1: Development in Built-up Areas

In areas covered by this policy, (i.e. all land within settlement boundaries and rural communities), the Council will, in considering applications for planning permission, try to ensure that proposals for development do not harm the general character of the surrounding area. Applications will therefore take account of the main uses of land and buildings in the vicinity, the mix of such uses and the architectural quality of the area. The main concern of the Council is to ensure that development proposals should neither conflict with nor detract from the character, amenity and design of an area. This policy will not preclude appropriate new development and is not intended solely to maintain the status quo.

In interpreting and clarifying this policy, the Council will take into account the guidelines on Character, Amenity and Design.

Guidelines on Character, Amenity and Design (L/IMP1)

a. Character

The character of an area is assessed by the;

- (i) main uses;
- (ii) appropriateness of a diversity of uses; and
- (iii) desirability of introducing a development which may detrimentally alter the existing balance of usage
- (iv) architectural style of the area.

b. Amenity

The amenity of an area is assessed in terms of both the people who will occupy the development site, and the adjoining occupiers. In short, new developments should be "good neighbours". Where there is an inherent incompatibility of neighbouring developments, or where remedial action cannot be made effective, applications are likely to be refused.

The important aspects of amenity which the Council considers are worth protecting are:-

- (i) **Privacy** - for both the occupants of a proposed development and surrounding neighbours. Loss of privacy can be minimised by re-orientation, reducing the densities of development reducing the size of buildings, and attention to building levels or by design modifications, for example, window proportion and size.
- (ii) **Traffic** - the introduction of increased traffic movement and resulting noise, can significantly detract from the amenities of an area.
- (iii) **General Disturbance** - protection from activities which create unreasonable levels of noise, smells and other discomforts including wheeled bin locations.
- (iv) **Sunlight/Daylight** - adequate levels of sunlight and daylight, and to a lesser extent, outlook, should be safeguarded for surrounding properties and afforded to new developments.

c. Design

Design of new development should not only relate to the type of development in the immediate vicinity but also to the wider issues of context and setting. This need not be restrictive to new or innovative architectural expression.

Applicants should, therefore, avoid design proposals which compromise the appearance of design characteristics of the surrounding area.

In considering the appropriateness of a design the Council will have regard to:

- (i) The scale of adjoining development.
- (ii) The materials, finishes and colours used in nearby development.
- (iii) Any features on or near the site worthy of reproduction, protection or enhancement, e.g. trees, hedges, views and other features of public importance.
- (iv) Principles of site sensitive design e.g. that pitched roofs are preferred to flat roofs, piended dormers to box dormers, vertical windows to horizontal picture windows etc., where these features predominate in an area.

Policy L/IMP3: New Building Design

(i) Design Principles

All building development must be designed to respond adequately to the locality. Applications must meet the following requirements:-

- a) appropriate location in landscape or townscape
- b) careful placement on a site, particularly in relation to character, amenity and energy conservation
- c) appropriate size and form in relation to existing buildings, sky line and landform
- d) appropriate density, layout and orientation in relation to character, amenity, privacy of neighbouring properties and energy conservation
- e) sensitive use of materials and colours in relation to existing setting and environmental impact

Standardised solutions to building design are not encouraged and will not be acceptable unless existing context (the design and character of the existing surroundings) suggests otherwise. Design solutions which seriously compromise the amenity and character of the area will not be permitted.

Highly innovative, experimental solutions will be encouraged but may not be suitable in every situation. In certain circumstances, the Council may request written design statements explaining various aspects of design solution e.g. explaining why a particular approach has been taken, and expect applications to show new buildings in their wider relationship with

surrounding properties and the site (plans and elevations/perspective/ photomontages showing adjacent buildings, trees, landform etc)

(iv) Materials

The Council will particularly encourage the use of materials which are sustainable. The use of salvaged or recycled material is encouraged in most circumstances subject to local situation and there is a strong expectation that traditional materials will be used on heritage structures. The Council will discourage the over use of high energy materials (i.e. those which require high energy levels to make and dispose) where alternatives can be used and is also concerned about the potential long term affects of using Tropical Hardwoods, from non-managed sources.

Policy L/IMP7: Drainage Impact

New development must connect to a public sewer for the disposal of foul drainage if one is available within a Town, Village or Rural Community. If it is not available alternative forms of treatment may be considered and must meet with the approval of NOSWA and SEPA. The Council will promote the employment of Sustainable Urban Drainage Systems (Sustainable Urban Drainage Systems) in the disposal of surface water run-off, and unless otherwise advised by SEPA, will operate a presumption against the disposal of surface water directly to a watercourse. Proposals must meet the requirements of policies L/ENV21 (Private Waste Water Treatment and Drainage), L/ENV22 (Pollution Conditions), L/ENV23 (Private Water Supplies), L/ENV24 (Surface Water Drainage) and L/ENV26 (Control of Development in Flood Risk Areas) in Chapter 2, if relevant.

Emerging Moray Local Plan 2008 - Material Consideration

ED6: Opportunity Sites

The town and village statements will identify 'opportunity sites' which present the opportunity for appropriate alternative uses in the event of a proposal to redevelop. These are often vacant or derelict sites that are no longer required for their original or previous uses. Vacant or derelict sites are usually brownfield and therefore will require to be assessed with regard to contaminated land.

Any suggested uses that are given should be viewed as illustrative examples only, and not taken as a definitive list of acceptable activities.

H2: Indicative Long Term Housing Allocations

Indicative long term housing allocations are identified in the settlement plans for Elgin, Forres, Buckie, Keith, Fochabers, Cullen, Rothes, Aberlour, Lhanbryde and Findhorn. The Council will evaluate the need for the early release of long term housing land, through the annual housing land audit and Monitoring Report. The triggers for the early release will include a shortage of effective housing land, significant changes in development rates, infrastructure provision and structural landscaping provision. However, in the case of Thornhill, Forres, the triggers for its early release will be the provision of satisfactory Flood Risk and Drainage assessments in consultation with the Flood Alleviation Team and SEPA.

H3: New Housing in Built-Up Areas

New housing within settlement boundaries will be acceptable if:

- a. it does not adversely impact on the surrounding environment, and
- b. adequate servicing and infrastructure is available, or can be made available.

T2: Provision of Road Access

The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling, and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

SPP17 details that there is a presumption against new accesses onto a trunk road and that the Scottish Executive will consider the case for such justifications, where nationally significant growth or regeneration benefits can be demonstrated.

EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development should be dealt with in a sustainable manner that avoids flooding and pollution and promotes habitat enhancement and amenity. All sites should be drained by a SUDS system or equivalent. A Drainage Assessment will be required for developments of 10 houses, or greater than 100 sq metres for non residential proposals. Applicants must agree provisions for long term maintenance to the satisfaction of the Council, SEPA and Scottish Water.

EP10: Foul Drainage

All development within or close to settlements (as defined in the Local Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed that investment to address this constraint has been specifically allocated within its current Quality and Standards Investment programme and the following requirements apply:

- i. systems shall not have an adverse impact on the water environment;
- ii. systems must be designed and built to a standard which will allow adoption by Scottish Water;
- iii. systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as identified in the Local Plan) of less than 2,000 population equivalent will require to connect to the public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include the

size and dispersal of the settlement, the size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add to a risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or the amenity of the general area. Consultation with SEPA will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small-scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with the Technical Handbooks (which set out guidance on how proposals may meet the Building Standards set out in the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

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.

OPP2 Former Filling Station

The disused petrol filling station in Seafield Road would make an appropriate site for 2 houses. There may be a need for some remedial works to the ground, as a result of its previous use.

OBJECTIONS-REPRESENTATIONS

72 Letters of objection/representation have been received from: -

- Mrs M Cowie, Shalom, 9 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Greg Hutcheon, 19 Glebe Park Crescent, Cullen, Moray
- Mrs Seonaid Hutcheon, 19 Glebe Park Crescent, Cullen, Moray
- David Sellar, Chairperson on behalf of Parents' Support Group, Cullen Primary School, Old Church Road, Cullen, AB56 4UZ
- Alexander Hutcheon, 19 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Rory Mackay, 32 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Louise Mackay, 32 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Charles Gordon Buchan, 15 Glebe Park Crescent, Cullen, Moray, AB56 2YF
- Lewis and Yvonne Riddoch, 1A Seafield Place, Cullen, Moray, AB56 4RU
- Mr Louis Geddes, Roselea, 1 York Place, Cullen, Moray, AB56 4UW
- Mr and Mrs A J Denley, Kernow, 2 York Place, Cullen, Moray, AB56 4UW
- Ronald Ewen, Aberfeldy, Judy's Lane, Cullen, Moray, AB56 4UG
- George and Karen Wilson, 26 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- E McKay, 17 Glebe Park Crescent, Cullen, Moray, AB56 2YF
- A James Mackay, 32 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Mark and Morag Innes, 13 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- W Mowat, 1 Glebe Park Crescent, Cullen, Moray, AB56 2YF
- Leigh Brown, Clova, 1 Judy's Lane, Cullen, Moray, AB56 4UG
- Alistair MacKenzie, 12 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Margaret Mowat, Selangor, 5 Judy's Lane, Cullen, Moray
- J Mowat, Selangor, 5 Judy's Lane, Cullen, Moray
- Emmie MacKenzie, 12 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Jean Slater, 4 Findlater Drive, Cullen, Moray, AB56 4RW
- Mrs Irene Campbell, 5 Cathay Terrace, Cullen, Moray, AB56 2RX
- Mrs Susan Pirie, Maneesha, 6 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Alison A Bruce, 30 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- James Findlay, Wyvis, 14 Cathay Terrace, Cullen, Moray, AB56 4RX
- Ms Frances S Robertson, 6 Cathay Terrace, Cullen, Moray, AB56 4RX
- J E Buchan, 15 Glebe Park Crescent, Cullen, Moray, AB56 2YF
- W F Bruce, 30 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Mary MacDonald, Judy's Lane, Cullen, Moray
- Mr David Smith, 18 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Mrs Margaret Roseweir, 9 Cathay Terrace, Cullen, Moray, AB56 2RX
- Mrs Jessica M Findlay, Wyvis, 14 Cathay Terrace, Cullen, Moray, AB56 4RX
- Mr W A Wilson, 5 Glebe Park Crescent, Cullen, Moray, AB56 2YF
- Mr and Mrs Stuart W Riddoch, Seafield Farm, Cullen, Moray, AB56 4SQ
- Mr and Mrs Lewis M Riddoch, 1A Seafield Place, Cullen, Moray, AB56 4RU

- C M Lawrence, Reidhaven Place, Cullen, Moray, AB56 4RN
- June and Gordon Buchan, 15 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Mrs M McKenzie, 28 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Arthur Findlay, 24 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Cullen, Deskford and Portknockie Heritage Group, President, Wyvis, 14 Cathay Terrace, Cullen, AB56 4RX
- B Campbell, 4 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Leigh and Sheila Brown, Clova, Judy's Lane, Cullen, Moray, AB56 4UG
- Joyce and Willie Henderson, 14 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Catherine Findlay, 22 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Mr and Mrs A J Denley, Kernow, 2 York Place, Cullen, Moray, AB56 4UW
- Ronald Ewen, Aberfeldy, Judy's Lane, Cullen, Moray, AB56 4UG
- J G G and Elizabeth Wilson, 3 Judy's Lane, Cullen, AB56 4UG
- John, Eunice and Lynne Malcolm, 11 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Mr and Mrs J Addison, 2 Findlater Drive, Cullen, Moray, AB56 4RW
- Alistair Webster, 16 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Jim MacKay, 32 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- W Gordon McPherson, 3 Cathay Terrace, Cullen, Moray, AB56 4RX
- Mr and Mrs Gavin Addison, 96 Seatown, Cullen, Banffshire, AB56 4NT
- Mr and Mrs R Phimister, 39 Ogilvie Park, Cullen, Moray
- Mr and Mrs Ross, 10 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Mr and Mrs B Shepherd, 9 Findlater Avenue, Cullen, AB56 4RW
- Mr and Mrs R Nicol, Briony, 20 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Mark Forsyth, Drummore House, York Place, Cullen, Moray, AB56 4UW
- Mr Louis Geddes, Roselea, 1 York Place, Cullen, AB56 4UW
- G and A Watt, Binview, 7 Cathay Terrace, Cullen, AB56 4RX
- Mr and Mrs D S Cowie, 9 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Mrs M MacDonald, 2 Judy's Lane, Cullen, Moray, AB56 4UG
- Robert Jarvis Roseweir, 9 Cathay Terrace, Cullen, Moray, AB56 4RX
- Mr Alan Campbell, 5 Cathay Terrace, Cullen, Moray, AB56 4RX
- Prof N Ashley G Mowat, York House, York Place, Cullen, Moray, AB56 4UW
- Robert and Ella McKay, Robel, 17 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- John and Liz Watson, 3 Judy's Lane, Cullen, Moray, AB56 4UG
- Ms M Smith, Rose Cottage, Kirktown, Deskford, Moray, AB56 5UA
- Julie-Ann Drake, 16 Glebe Park Crescent, Cullen, Moray, AB56 4YF
- Linda Neish, No address given

The grounds for objection are as follows: -

Objections/representation received following the initial neighbour notification period for 12 units taking access off Glebe Park Crescent.

- The scale, style and density of the proposal would result in an extremely detrimental and incongruous impact on the surrounding residential environment as it consists wholly of single storey detached modern bungalows.

- The development would be more akin to an inner city street scape than an appropriate welcome to travellers on the A98 trunk road to a historic coastal settlement which is subject to and proud of its Conservation Areas and its recognition as an area of great coastal landscape value.

Comment: The density of the development has been reduced from 12 to 8 units and is considered acceptable, as is its proposed design and relationship to existing development in Cullen (see Observations).
- There are concerns over the removal of the existing right of way footpath at Judy's Lane connecting to Seafield Road. This path is in constant use and has been for over 30 years and it is the main pedestrian route. It has been adopted and named by the Council and is also a location where a lollipop school crossing exists.

Comment: The plans have at no time shown or indicated any intention to remove or block off the footpath leading from Judy's Lane to Seafield Road. The proposed amended plans show the retention of this footpath.
- The Moray Development Plan states that the disused petrol station at Seafield Road would make an appropriate site for two houses. There may be a need for some remedial works to the ground as a result of its previous use. The implementation of the plan would lead to the construction of two houses on the site provided that their style compliments the existing surrounding homes. Any higher density development than two single storey houses would be detrimental to the character of the area.

Comment: The reference to a number of two houses is contained within the Emerging Moray Local Plan 2008. The adopted Moray Local Plan 2000 gives no specific figure for this site and indeed is not designated for any specific use. The designation relates only to the filling station whilst the site as defined includes land beyond the filling station.
- Is it disappointing to note that the owners cut down all the mature trees upon the site when they took ownership of it and this has already made an adverse impact upon the surrounding environment.

Comment: The trees were not subject to any known restrictions or any formal Order recognising their importance to the area.
- Any proposed housing upon the green space at the junction of York Place and Seafield Road is unacceptable due to the loss of an existing well-maintained and attractive highly visible grass recreation and amenity space. Any building would therefore have a wholly negative impact upon existing community facilities, amenities and infrastructure.

Comment: The area of grass in question is bound by two roads and from site visits does not appear to be regularly used for recreation purposes. Whilst the current development plan and the emerging plan identify certain areas within the settlements to be retained for amenity value no such designation exists for this area of grass. There are within close proximity to this site a number of other green spaces designated for retention, for example, the grassed area surrounding Cathay House to the west.
- Traffic emerging from York Place turning right onto Seafield Road does not have a good view of faster south bound traffic on the main road coming up the hill. Presently it is necessary to edge out to ensure the way is safe this is currently facilitated by the excellent visibility to the south afforded by the open grassed area. Any building here will therefore create a potential hazard to restricted visibility in both directions on the A98.

Comment: The issue of visibility to the south at York Place has no bearing upon this application and the benefit identified by objectors from visibility to the south from oncoming traffic would not be diminished by this proposal. Consultation between the applicant and the Transportation Section has ensured that any buildings are outwith the necessary visibility splays for traffic using the junction.

- Existing homes in Glebe Park Crescent and Judy's Lane have sufficient off street parking and all further development should continue to reflect this policy. The road junction between Judy's Lane and Cathay Terrace is narrow and insufficiently wide to enable two vehicles to use the junction simultaneously. A significant increase in traffic would cause additional congestion and potential hazards, particularly as Old Church Road and the primary school also share this junction.

Comment: Subsequent amendments to the scheme have ensured that traffic will access the development from Seafield Road and therefore no additional traffic will be utilising the junction at Cathay Terrace.

- The proposal would be an eyesore and blight upon the entrance into Cullen, which is an attractive tourist village.

Comment: See Observations section of this report and subject to the amendments proposed, the development is considered acceptable.

- Cathay Terrace is already a busy road due to the proximity of the nearby school. The combination of increased parking by members of school staff, would be particularly busy during school hours and with a blind corner at Cathay Terrace/York Place it would be inappropriate to have additional traffic using this road. Recent residential development at Findlater Drive has already increased the amount of traffic using these streets and this has created a through access to Keith which heavy traffic including school transport is already using.

Comment: Following amendments to the proposal, the roads in question above should have no additional pressure put upon them as the development will be served directly from Seafield Road.

- Single storey buildings would be more appropriate to the area than 1 ½ or 2 storey buildings.

Comment: The majority of housing in Glebe Park Crescent and Judy's Lane is single storey however there are several 1 ½ storey properties including the property directly to the south of the site. There are also, due to the topography of the area, varying heights of buildings such that even whilst being one storey, when travelling around Glebe Park Crescent and Judy's Lane, the differing levels of buildings are notable and the houses at the bottom end of the street are overlooked by those higher up. Given the existing character where houses are all at different heights in proximity to each other, the proposal respects this character. Even if the scheme were to consist of only two dwellings as per the Emerging Moray Local Plan suggested density, there is no presumption that the applicants could not, subject to the usual design constraints, propose development of dwellings in excess of single storey. Emerging policy OPP2 does not stipulate any scale for property.

- As the southern part of the site is designated for two houses the current proposal constitutes a departure from the adopted local plan and the approved structure plan.

Comment: The proposals do not depart from the adopted Moray Local Plan 2000. The southern part of the site is not subject to a site-specific designation. However, the Emerging Moray Local Plan 2008 Cullen Settlement Statement suggests a density of two houses would be appropriate in the southern part of this site (i.e. the filling station area).

- The red cedar wooden cladding proposed for these houses is totally out of keeping with all other buildings in the area.

Comment: Whilst this is noted, the design and materials are similar to the wide variety of materials used historically in the village Conservation Areas. The historical context for a variety of finishes upon buildings elsewhere in the village stems from the traditional use of reclaimed ship ballast and salvage as a buildings materials which is reflected in the wide variety of finishes present in Cullen Seatown. The material finishes are considered acceptable.
- The proposal for housing upon the green open space at the junction of York Place and Seafield Road is unacceptable due to the fact that all sewerage from both Glebe Park Crescent and Judy's Lane drains through this area. The water main to the properties also passes through this area and indeed the stopcock for an objector's property is on site.

Comment: The subsequent amendments ensure that the proposed units do not cover the position of the public water main and the retention/re-location of the stopcock serving Roselea, York Place is a matter to be resolved privately between the parties involved if the development were to go ahead. The need to reposition other services is a matter which would not in itself warrant refusal of the application.
- The ground levels would have to be changed either by raising or lowering the site to make viable plots on which to build. This would involve major works by a main trunk road as the utility pipework and cables are re-routed. Site drainage would have to be researched as the lower part of the site involved is renowned for being flooded after heavy rain. Where will this water go now?

Comment: Any disruption caused during construction to re-route services is acknowledged but does not in itself constitute a reason for refusal nor does the alteration of levels upon a site. The road in question is the A98, which is not a trunk road. In terms of site drainage whether or not the site was developed there would be no more water falling upon this location now. If the site were developed the drainage issue would be addressed at the Building Warrant stage, with surface water disposal specifically assessed and soakaways shown and designed for the site.
- The triangle of grass to the north of the former filling station is not designated for housing in either the Moray Local Plan 2000 or the village statement and does therefore not deviate from the plan.

Comment: In terms of the Moray Local Plan 2000 and the Cullen Settlement Statement contained within, there is no specific designation covering the triangle of ground mentioned by the objector. This does not however mean that it is excluded from potential development and any application would be assessed on its individual merits.
- Loss of grass area which provides an open outlook south east from York Place. From York Place the proposal will have a specific impact upon the outlook currently enjoyed (by Forsyth) and uninterrupted views to the south east will be blocked by this development. Drummore House will be overlooked and the development will not be in keeping with a B listed property with terrace houses erected within a few yards of the boundary and having them angled to overlook the objector's property.

Comment: The site is separated from the objectors' property by York Place and is therefore a sufficient distance away from Drummole House. Furthermore, any loss of view is not a material planning consideration. Since this objection was lodged amendments have been made moving the units directly opposite the objectors' property however there are still units present in this location which would obscure their view of the land to the north east.

- The junction with York Place and Seafield Road is a particularly hazardous one with traffic speeding beyond the specified limit particularly when approaching from Portsoy to the south east. The proposal would undoubtedly make the situation worse, result in accidents with even a fatality becoming a possibility at this junction.

Comment: Whilst the concerns of the objector are understood, it is speculative to presume that any development would result in pedestrian fatalities. The Transportation Section have attached conditions and the amended layout for 8 units ensures that the appropriate visibility splays are retained or provided.

- Whilst sympathetic to the need for housing, this proposal is not a social housing development and plans for development of this scale on the site of the former filling station should be reconsidered.

Comment: The proposal now relates to the development of only eight units there by negating the obligation to provide an affordable social housing element to the scheme. The fact that the proposal does not specifically provide a social housing element does not in itself warrant refusal.

- The closure of Judy's Lane requires proper and full public consultation and is not merely an adjunct to a planning application.

Comment: The proposal does not propose closure of Judy's Lane.

- The gradient of the roads near the development site cause further concern over road safety as in winter the steep gradient can result in skidding and restrict the ability of drivers to stop.

Comment: The Transportation Manager has not objected to the development in terms of the existing road alignment.

- The proposal contravenes many housing policies and if approved it would appear as if some form of corruption were at hand allowing the rules to be waived in this case especially in allowing a developer to proceed, whose only concern is to making profit.

Comment: The application is being assessed against the merits of the development plan, including local plan policies and is determined without prejudice to the identity of the developer. The application has now been amended to a reduced number of houses, 8 instead of 12. The proposal has been considered in accordance with the Council's practices, procedures and policies and determined in accordance with the agreed scheme of delegation.

- Great care has been taken over the years via conservation policy and legislation to ensure that Cullen remains an attractive tourist attraction. The new proposals take a complete U-turn with regard to conserving and enhancing the natural beauty of the town.

Comment: The amended proposal is not detrimental to the appearance and character of the area subject to the conditions recommended. The site is not located within any Conservation Area.

- Having been involved in the sale of the former filling station the site was likely to be developed for two houses in line with Moray Local Plan 2000. If it had been understood that the proposal would deviate, an objector would have done everything in their power to prevent the applicant from purchasing the site.

Comment: At the time when the application was lodged the site was subject to the adopted Moray Local Plan 2000 where no density or designation for this site existed. The indicative density of two houses for the filling station part of the site has only become a material consideration in the emerging Moray Local Plan 2008.
- Possibility of vehicles parking opposite their property on Glebe Park Crescent next to the site.

Comment: Subsequent to this objection amendments have now been submitted with all access and parking to the development to be taken off Seafield Road. Therefore there will be no off street parking or additional traffic relying upon Glebe Park Crescent or Judy's Lane.
- The green area to the north end of the site currently acts as a natural soakaway for the surrounding vicinity and if the development were to infill this area, this will have a detrimental impact upon the surrounding properties. The Moray Council's policies regarding flood management and sustainable urban drainage must be taken into consideration. Any new housing development must comply with Scottish Water and SEPA's requirements regarding public sewage and surface water disposal. The present drainage systems would be unable to sustain a development of this size.

Comment: The proposal has been considered in relation to the relevant policies regarding surface water drainage and foul water disposal and is acceptable, and relevant consultees, including Scottish Water have not objected to this proposal.
- When individuals tendered for this piece of land they had to indicate what they intended to do with it as consideration would not rest solely on the highest monetary offer. It is hard to believe that they sanctioned a sale of development of this size and density which is totally out of character and detrimental to the area.

Comment: There was no specific policy requirement referring to two houses on this land at the time the application was lodged. The terms under which the land was sold are a separate private matter, resolved privately, not a material planning consideration nor a reason to refuse the application.
- Prior to the development of housing and Judy's Lane and Glebe Park Crescent there was a problem with water lying in this locality, and to this day when there is torrential rain, the drains are not able to cope causing problems with flooding in that area. Therefore, should the proposal go ahead the flooding will only get worse as there will be nowhere for the water to drain away. In the current situation of climate change the Council should not be encouraging building in an area prone to flooding.

Comment: The area proposed for development does not appear on SEPA's indicative flood maps and as such no flood risk assessment was sought for the development. In terms of localised surface water flooding and drainage issues, the development of this site will not result in any more water falling upon this location than was previously the case, and in relation to surface water drainage any short fall of the surrounding storm drains would not constitute a reason to refuse this application. Following consultation, relevant consultees have not advised of any issues warranting refusal.

- It is common for most households to own two vehicles and in some cases more. Does the developer propose to provide sufficient spaces for cars which does not even allow for any visitors to the proposed 12 houses.
Comment: Subsequent to this objection being lodged amendments were received reducing the density to only 8 housing units. The proposal includes an adequate amount of parking as required by the Transportation Section of the Council and this requirement is intended to cover both cars owned by residents and visiting vehicles.
- The President of the Cullen, Deskford and Portknockie Heritage Group considers that insufficient time has been allowed to convene the Group and vet views in order that they can make representations to the Council. The Heritage Group is deeply concerned that the heritage and character of Cullen should be preserved and had Members been given the chance to consider the proposals they would have objected as the development in no way enhances the character of the historic Royal Burgh. The short time-scale allowed and the timing of the application when many people are on holiday smacks of blatant opportunism and the Group wishes to express their strong dissatisfaction at the way this application has been handled.
Comment: The time-scale in which any objector or non statutory organisation (such as the Heritage Group) had to object is set out in legislation which applies nationally and over which neither the Council nor the applicant have any control. It is also speculative to presume that the application was lodged during a specific period to capitalise on absence of potential objectors. As evidenced by the number of objections, there has been opportunity for local people including the group to express their view and concerns. Furthermore, consultees such as the Community Council have been given sufficient opportunity to finalise a view.
- One objector has submitted a picture showing a mature garden, which they suggest is what the developer should do with this plot of land.
Comment: The Council are required to determine the application as submitted, irrespective of other suggested uses.
- A photograph taken in the mid-1800s shows Judy's Lane already is used as an access road.
Comment: It is not intended to block off or cease passage through Judy's Lane.
- The development of terraced housing is completely out of keeping with this locality.
Comment: See Observations section of this report. The development of small terraces is not unreasonable and is evident elsewhere within the town.
- This development would add significantly to the use of York Place as a traffic rat run at times when Seafield Road is busy.
Comment: The objector appears to be referring to the use of York Place as a shortcut when the main road through Cullen is too busy. However, subsequent to this objection access to the site will now no longer rely upon York Place and will be taken directly off Seafield Road.

Objections received following the amendment and reduction of the development to 10 Units.

- Even with the reduced number of units any development upon the green space at the junction of York Place and Seafield Road is strongly opposed.
Comment: See Observations section regarding the acceptability of the amended proposal for 8 units.

- New legislation comes into force in 2008 from the Scottish Executive allowing local community involvement in the designation to protect open spaces which should also be taken into consideration in the preparation of development plans. Developing this site would have a detrimental impact upon the landscape and would go against open space strategy set out by the Scottish Government.

Comment: The adopted Moray Local Plan 2000 does not designate this land, including the adjoining disused filling station. Following consultation, the Emerging Moray Local Plan 2008 designates the former filling station part of the application site as an opportunity site but does not specify any designation for the adjoining triangle of land. Whilst legislation referred to by the objector is in place and is being addressed by the Council there has been no specific attempt to seek the protection of this land from development.
- Despite the reduction of the density to 10 units the objectors still have concerns about sewage and drainage arrangements and the disposal of surface water at this locality.

Comment: See previous comments regarding foul drainage, surface water and flooding.
- There is sewerage and water infrastructure within the neighbouring garden and the over-development of this site will result in potential damage to the property and unnecessary stress due to claims of negligence and nuisance.

Comment: Any works carried out as a result of the development are to be expected, however, any legal request to enter a neighbouring property by the applicant or public utility bodies such as Scottish Water is a matter to be dealt with separate from the planning process and would not in itself constitute a reason to refuse planning application.
- The reduction in the number of units still does not in any way reduce traffic concerns relating to road safety, children crossing and parking issues and Judy's Lane, Glebe Park Crescent or Cathay Terrace.

Comment: The proposals have been further revised to 8 units. The amended development is acceptable subject to conditions as recommended and the Transportation Manager has not objected on traffic, road safety and parking grounds.
- Whilst the density has been reduced from 12 to 10 this still conflicts with the Moray Local Plan 2000 which states that the filling station would be an appropriate site for two houses. The number of units proposed will not fit comfortably within the character of the area and will still have a detrimental effect on the visual impact and amenity of this locality.

Comment: The reference to the site being appropriate for two houses is contained within the Emerging Moray Local Plan 2008 which is a material consideration. No density is stipulated in the adopted Moray Local Plan 2000. This indicative number does not however preclude or prevent an application for a greater density. The site also includes an area of land to the north. The development must be determined for the site overall, not just part of it.
- Concern about the ability of the present waste water mains, which services Judy's Lane, Glebe Park Crescent and the south side of York Place to accommodate an additional 40% more wastewater.

Even with the reduction of the number of units on the green area of land to the north of the filling station site there will still be major implications for infrastructure such as sewers and drains running across this land.

Comment: It is unclear how the 10 houses referred to at this stage of the application would generate 40% of the mains water in comparison to the large number of houses on Judy's Lane, Glebe Park Crescent and York Place. Scottish Water have not objected to this application.

- The Moray Local Plan 2000 specifically protects the garden ground associated with Cathay House under designation ENV2. This green space adjacent to York Place and Seafield Road Junction was originally part of the grounds of Cathay House.
Comment: The designation contained within the Cullen Settlement Statement does indeed protect the ground of Cathay House for development but the current application site area as defined does not form part of this designation and is separated from Cathay House by dwellings on the south side of York Place.
- According to the Land Registrar of Scotland, the parcel of ground should not be sold separately and as a result this may be a legal issue to be taken up with by lawyers.
Comment: The issue of whether or not Seafield Estates should have sold this land separately from Cathay House is a private legal matter and not a planning consideration. If planning permission were to be granted this would not negate the need for the applicant to comply with other legal obligations.
- One objector at Judy's Lane has photographic evidence of flooding at the entrance to their property with water entering their driveway. They have discussed the matter with Scottish Water regarding this issue who are of the opinion that the drains are not fit to cope.
Comment: Scottish Water has not objected to these proposals.
- The road at the point where development is intended to enter the site on Judy's Lane and Glebe Park Crescent was not built to stand this volume of traffic.
Comment: Subsequent to this objection the proposal now involves all access to the site being taken from Seafield Road.
- The proposal is of unsympathetic appearance, with materials and finishes not in keeping with the surrounding properties and the resultant traffic will be crossing the existing pedestrian right of way.
Comment: The revised scheme for 10 units has been further amended to 8 units and is acceptable. See Observations.
- The applicant should be made to tidy up and remove dumped refuse and building rubble from the site which is highly visible on the approach to Cullen.
Comment: The issue of whether or not the site should be tidied is a matter separate to the consideration of the proposals.
- Previous objections regarding the appearance, traffic safety and pedestrian safety issues are maintained and the right of way established across the grass area diagonally from north from Judy's Lane should be maintained.
Comment: The proposed development with only two houses on the grassed area would not allow for a path diagonally across the grass. However under Rights of Way legislation there is a suitable alternative within close proximity. This need not prevent development occurring. The desire line present upon the site would be blocked off, however the presence and retention of Judy's Lane and the pavements at the front of the site would not cause a significant deviation for pedestrians.

- Proposed 10 houses would still result in a significant amount of parking and vehicle movements (20 parking spaces) into Glebe Park Crescent.

Comment: Subsequent to this objection the density has been further reduced to 8 units with all access been taken directly off Seafield Road.
- The proposed recycling centre would only add to traffic congestion in this limited area and increase the safety threat to passing school children.

Comment: The Transportation Manager has not objected to the proposals and in a subsequent amendment this facility has been removed.
- The recycling point will create additional congestion, and other problems such as smell, litter and vermin upon this locality. Such a recycling point should be located on Council sites and supermarket car parks. Might it be that the Milne Property Developments are trying to “soft soap” the Environmental Services Department?

Comment: The recycling point is not intended to mitigate against proposed development. The developer has only intended to show this as a central point where recycling could be taken from.
- The indicative recycling point and parking spaces are in close proximity to the pedestrian part of Judy’s Lane which is unsuitable due to the use of this lane for school children. This arrangement would be made worse by the Community Centre across the road being regularly used by other users of this lane.

Comment: Subsequent to these objections access arrangements and other layout concerns have been altered. As the density has now been reduced to 8 units no recycling point is shown as it is perceived that there is sufficient space adjoining each unit for the storage of bins, recycling tubs etc. The layout has also been amended so that no vehicles will be crossing the pavement serving as passage for school children.
- Given the density proposed, it is difficult to see how emergency vehicles would gain access to the site.

Comment: The Transportation Section has not objected to the amended proposal.
- The Parent Council of Cullen Primary School list various road safety concerns for children passing by the proposed development.

Comment: Subsequent to this letter there have been further amendments to the proposal to completely segregate pavements from the access road and remove all of the recycling point. In relation to the increase in traffic, access would be taken from Seafield Road thus removing any traffic approaching the development from Cathay Terrace, Judy’s Lane and Glebe Park Crescent. Concerns raised over the children's route to school, children’s school crossing and other traffic and pedestrian safety issues have been addressed elsewhere within this section of the report. Subject to conditions as recommended the Transportation Manager has not objected to the development on traffic and road safety grounds.
- The proposal contravenes principles set out within Scottish Planning Policy 1 (SPP1) The Planning System and Scottish Planning Policy 3 (SPP3) Planning for Housing. In particular SPP3 paragraph 14 states that pedestrian activity in a residential area adds vitality and increases the feeling of personal safety. The proposal to locate car parking spaces in the middle of Judy’s Lane contravenes this and is totally unacceptable as it takes away well used open safe pedestrian area used by school children.

Comment: SPP3 paragraph 14 does refer to the contribution pedestrian activity makes within an area. Subject to the conditions recommended, the Transportation Manager has now objected to the revised scheme (8 units). A pavement separates the access road serving the two plots to the north end of the site.

- Within paragraph 35 of SPP3 it states that patterns of development should seek to reduce the demand for travel and reliance on the private car. The proposed development includes two spaces per house which currently contravenes this principle.

Comment: The provision of off-street parking spaces does not contravene the aims of SPP3 as it is argued that the development of brownfield sites within existing settlements achieves the aim mentioned by the objector.

- Paragraph 21 of SPP3 states 'to ensure that there is ready access to safe and attractive open space networks'. The housing density is inappropriate to the surrounding neighbourhood and would make existing residents feel closed in. Open spaces are crucial for good physical and mental health well being. This development would not provide this for existing residents.

Comment: The proposed site is within relatively close proximity to the edge of the settlement of Cullen and therefore the countryside beyond. Furthermore, there are designated green spaces within proximity to the site and it is not considered that the amended proposal for 8 units would adversely enclose or detrimentally impact upon the neighbouring properties.

The objections below were received following a final amendment to the proposal bringing the total of units to 8: -

- Strong objection to any housing development upon a green space at the junction of York Place and Seafield Road re-affirmed as the loss of this highly visible recreation and amenity space was well maintained by Seafield Estate.

The proposal for 6 houses on the former filling station site and 2 in a green open space at the junction of York Place and Seafield Road would still have a wholly negative impact on existing community facilities, amenities and infrastructure.

Comment: See Observations regarding the acceptability of this amended proposal.

- The revised plans show vehicular access off Seafield Road and running next to Judy's Lane right of way. It will be directly next to a safe lollipop crossing used by children and parents on their way to and from school. Having five possible sources of traffic coming onto the main road within a 30 feet radius, vehicular access would give strong concerns for the safety of pedestrians and this should be of paramount importance. Concern over the potential traffic hazard of restricted visibility in both directions on the A98 and the already busy junction at York Place.

Comment: It should be noted that the proposed accesses which are now both leading off Seafield Road, relate to only a total of 8 units at a location including a filling station which had operated for many years. Furthermore, subject to the conditions recommended, the Transportation Manager has no objections to the proposal.

- The revised proposal shows parking for the residents of the new development but this is insufficient to facilitate visiting families and friends. This will inevitably give rise to a potential hazard causing dangerous congestion in York Place and Glebe Park Crescent, both already busy roads.

Comment: The number of parking spaces proposed complies with the standards required by The Moray Council.

- The proposal for 8 houses is still not in keeping with the neighbourhood and the site is suitable for 2 houses only. Access will be taken from Seafield Road but this will be a hazard as York Place will be blanked off from vision of traffic heading south and is an accident waiting to happen.

Comment: The revised layout has incorporated the required visibility splays for York Place and no buildings will be forward of the visibility splay for vehicles sitting at the junction of York Place and Seafield Road. The revised layout is acceptable to the Transportation Manager.

- The scale, style and density of this proposal results in an extremely detrimental and incongruous impact on the surrounding residential environment that consists of single storey detached bungalows. The development would be more suited to an inner city streetscape rather than an appropriate visual welcome to the historic coastal settlement.

Comment: See Observations section. The design and density of the final revised scheme is considered acceptable.

- The addition of another two exit points onto the A98 to Cullen would make the area a possible accident black spot, especially considering this is a busy crossing patrol for a large number of children attending the local primary school.

Comment: It is speculative to presume that the development of a site would increase accidents occurring at this location. The site includes a (former) busy filling station with two access points and is now proposed to serve a total of 8 units. Subject to the conditions as recommended, the Transportation Section has not objected to the proposal.

- The proposed solution to the traffic issue by having access via Seafield Road, due to its narrow and restrictive parking facilities will lead the residents, visitors and delivery vehicles parking on the main road and surrounding streets, including the library and Community Centre car park.

Comment: It is speculative to presume that vehicles would park at these locations and the number of parking spaces provided for the current scheme is in accordance with the Council's parking standards.

- The retaining wall which may be required on Glebe Park Crescent adjacent to the proposed parking would be high in order to match the finished ground level of Seafield Road and this would result in an unacceptable visual intrusion.

Comment: The revised plans show the site being re-graded between Seafield Road and Glebe Park Crescent to avoid the need for the high wall suggested by the objector.

- The current lollipop crossing has to contend with all the exiting traffic in addition to the two new accesses if approved onto Seafield Road. This ignores the future traffic generated when the land at Seafield Farm, which is zoned for housing, comes on-stream. All these junctions will be within a 15 meter radius of the lollipop lady who will have to be vigilant in several directions.

Comment: The future zoning of the land at Seafield Farm would have to be considered separately under any future planning application if lodged. It is unreasonable to determine applications on the basis of possible proposals which may or may not come to fruition in the future.

Agent/applicant response

Response to objections/representations received after initial neighbour notification period for 12 units taking access off Glebe Park Crescent.

- Many objectors have copied a standard letter that appears to have been circulated. It is unclear if the contents of this letter represent the individual views of each and every objector, a summation of the collective views, or represent the views of a vociferous group within the objectors, with others sharing some of the views contained within the standard letter. The standard letter was received from the 21 objectors. The standard letter raises the question of scale, style and density.
- The scale of the proposal is 1½ storey terraced houses. This evolved through early dialogue with the Planning Department. The properties in the vicinity on Glebe Park Crescent are 1½ storey bungalows. Typically the existing properties have roof storey windows in their gable ends which overlook the common plot boundary. This form of development can impact unfairly on the development potential of adjoining sites. To avoid excessive overlooking of the existing neighbours, the positions of these existing windows has been taken account, as advised by Moray Council. Rather than having windows in gables along the plot boundaries, the new development uses the more traditional Morayshire architectural vernacular of upper storey windows being built out of the roof space using dormer windows. In order to provide variation typical of the traditional streetscape, house plots 2, 4, 9 and 11 to Seafield Road and plots 7 and 8 Judy's Lane use the built out gable roof form typical of Scottish Burgh Vernacular. Plots 5 and 6 Judy's Lane use a varied form of roof dormers, with timber cladding. The variety of materials, from an overall restrained palette of rendered masonry, evokes the coastal village architecture. In order to address and turn the corner of Seafield Road and York Place, Plots 11 and 12 provide another roof form using the same vocabulary (a combination of the gable and dormer built out roof forms). Efforts have been made to achieve the lowest possible platform levels for the houses, minimising any underbuild, in line with Moray Council planning guidance. Safe access is provided to each front door, access paths across front gardens will accord with the Building Standards. Scale is thus in keeping with the conservation village of Cullen and the immediate vicinity of 1½ storey bungalows to the south and west.
- The style of the houses is a transition between the bungalows and the historic vernacular architecture of Cullen, which is appropriate to this gateway location to the conservation village. The historic architecture of Cullen has been an inspiration in the design of the proposal. The design of the proposal has incorporated elements of the historic architecture of Cullen, including rendered external finish, with timber porches, 1½ storeys high, slate roofs, with a variation both dormer windows and returned gables to the street providing variety to the streetscape. The buildings to the west of the site (typically 1½ storey bungalows) do not use the historic vernacular of this part of Moray. The proposal provides a transition between the adjacent bungalows (which turn their rear elevations to the main approach into town) and the historic core. The proposal mitigates the style difference between recent previous development and the adjacent historic core of the settlement. Through its carefully considered design strategy, it heals any divide between the genius loci of the historic town and the bungalow outer area.

- The site fronts the main approach to the core of Cullen. The density of the proposal is higher than the bungalows to the west, tucked behind Seafield Road, but is less than the adjoining historic areas of the town. It thus forms a suitable transition. The density of the development is appropriate as it acts as a transition in design terms between a low density area and the historic centre of the village.
- The design of the proposal seeks to incorporate best sustainable practice in using this redundant brownfield site, rather than losing virgin farm land to meet the housing requirements of Cullen. Using a terraced form, typical of the conservation village of Cullen (not employed in the circa 1970's bungalow developments to the west of the site) allows an increased density of development, yet still allows each property a private garden space. The development has been carefully designed to allow solar penetration into the principal living space, situated adjacent to the garden. This will not only provide good amenity to the inhabitants, but will reduce energy consumption through solar gain throughout the year. Windows on the north side are smaller, for serving spaces, such as entry porch, kitchen and bathroom. Using a terraced form not only allows more people to live within easy walking distance of the adjacent village centre, reducing transport energy consumption, it also allows for reduced exposed external walls. Through eliminating exposed gable walls typically 1.5 metres from boundaries, a more sustainable form of development akin to historic precedent of the village is provided.
- In the recent past development has taken place on relatively large parcels of land, compared to typical subdivision within the historic core of the community. This process is no longer sustainable for future needs. In order to meet the latent housing demand in communities everywhere in Scotland, there has been recognition at both governmental and local authority level that development requires to be of a higher density. The alternative is for extending sprawl around settlements, which is particularly undesirable to a settlement like Cullen, with its attractive close knit nucleus. Sprawling development leads to increased car usage, to which the civic core is unsuited, resulting in a spiralling development scenario of central decline and outward development. Conversely to the scenario of sprawl, development at a slightly higher density than in the recent past need not be detrimental: the proposed development is of 1½ storey terraced cottage housing, which is in keeping with the buildings in the core of Cullen, which is adjacent to the site. The density of the development is significantly lower than the highly attractive Seatown, which is the main attraction of Cullen. In the proposal, all the properties enjoy the requirements of our time: parking provision and private rear gardens. Orientation of dwellings has been carefully considered to allow residents to enjoy a twenty first century garden lifestyle, akin to the neighbouring bungalow properties. The design of the proposal provides increased consideration towards solar path and its effect both on residential amenity and thermal performance, in line with current planning thinking. The development is pedestrian orientated. Not only does walking reduce congestion, and its impact on the town centre, but it is a healthier alternative. It is recognised that there will be occasional car use, but with the centre of this historic burgh minutes away, it is important to create an environment which respects it.
- Contrary to the understanding contained within the standard letter (which raises the question of how many of the objectors have actually consulted the plans available in the Cullen Post Office and also in Moray Council offices in Elgin), the application does not propose the removal of Judy's Lane. The retained Judy's Lane forms an important part of our proposal. This will continue as a pedestrian route between Seafield Road and Glebe Park Crescent. Four of the terraced cottages, built perpendicular to Seafield Road, actually are built

alongside Judy's Lane, ensuring that this remains a public route in perpetuity. The inspiration for this has again been the architecture of the Morayshire and Banffshire coastal villages. However, these cottages will enjoy an open aspect, demonstrating the synthesis between the qualities of the old and the amenity of the new. By having doors open onto Judy's Lane, this will increase pedestrian safety and natural surveillance. In other communities, lanes that are not overlooked by houses can become the target of vandalism and other activities. 'Secure by Design' recommends the incorporation of natural surveillance, through considered positioning of front doors and windows. The community itself has also made it clear that it wishes a public right-of-way to continue and this has been incorporated into the design.

- In recognition of the importance of Judy's Lane as a pedestrian route, particularly to and from the local primary school, the developer is proposing to enter into discussion with Moray Council to make a financial contribution towards a solar powered crossing sign highlighting vehicle speed.
- The Draft Moray Development Plan states that the disused petrol station site would make an appropriate site for 2 houses. Being 'draft' status, this plan has not been adopted. The development plan that is in force does not restrict the number of units on this part of the site. Remedial work will be carried out on the petrol station site.
- The privately owned hollow sloping residual space on the corner of York Place is not significant in terms of open space in the village, nor is it particularly useful due to its steep sloping topography. In the past this space has been mown at the expense of the private land owner rather than the local authority. The fact that it addresses roads on two sides and property boundaries with exposed gables on the other has also limited the use of this site. Following pre-application discussions, the planning department consider that there are many high quality open spaces in the immediate vicinity and building on this residual space, to complete the townscape on this corner, would not be therefore not be detrimental. In discussions with the planning department, the planners have sought a continuous building line with final gable perpendicular to the adjacent property boundary, allowing for a visibility splay, yet creating a strong corner at this junction where the approach effectively enters the burgh.
- Sight line requirements at the junction with York Place have been defined by Moray Council Roads Department as part of pre-planning discussions and have already been incorporated into the design proposal. South bound visibility will be maintained. Though having a building group address Seafield Road (rather than Glebe Park Crescent as the bungalows), drivers will be aware much earlier that they are entering the village and reduce their speed accordingly. (This can also be further enhanced with additional signage, see above, subject to roads department approval). It is worth noting that by creating housing which, with appropriate set backs agreed with the planning department, addresses the street, with increased pavement width, the development is creating a pedestrian friendly environment, with the aim of reducing car usage. Creating housing suitable for a small burgh offers the pedestrian incident on route to the village centre which is located approximately 5 minutes away by foot. It may be that car bound residents in the surrounding streets may also enjoy this pedestrian friendly environment. No vehicles will enter the proposal directly from Seafield Road (previously the filling station when operational had entrance and exit from Seafield Road).

- The proposal has sufficient off street car parking. It is anticipated that the small terraced houses will have low levels of car occupation. There is a significant demographic demand for smaller household sizes due to a number of factors including greater life expectancy, fewer children and single living. The development is within easy walking distance of Cullen village centre with its facilities, additionally Cullen Primary School is also within easy walking distance. At a pre-planning stage it was indicated that 1.5 car spaces per unit would be sufficient for 2 bedroom properties of this size.
- The width of the existing junction at Judy's Lane and Cathay Terrace will not be affected by this proposal. (We note that the objector states that the width of this junction 'is narrow and insufficiently wide to enable two vehicles to use this junction simultaneously'. With this in mind, the width of this junction actually slows vehicle speeds down locally, which can be to the benefit of road safety). As part of the pre-planning discussion with Moray Council Roads Department the applicant was advised that it was preferred that traffic should not enter Seafield Road from the site.
- The letters from Mr and Mrs W Riddoch, 1A Seafield Place, Cullen and Mr and Mrs W Riddoch, 1A Seafield Place, Cullen are exactly the same as the standard letter, with an additional paragraph concerning the area of ground adjacent to Judy's Lane which forms a hollow. As is normal, there will be surface water drainage connection. In creating stepped bases for the proposed houses (and ensuring their impact is reduced as far as possible), small quantities of soil will be moved locally within this part of the site. This will eliminate possible water collection (currently water has no where to drain to). It should also be noted that all houses in this part of the site (plots 9-12) have rear gardens, allowing water continue to soak into the water table.
- Two further identical letters from Mr Alexander Hutcheon, 19 Glebe Park Crescent, Cullen and also from Mrs Seonaid Hutcheon, of the same address, again are identical to the standard letter with an additional paragraph concerning risk assessment for proposed changes. The writer makes mention of an accident, the circumstances of which are not made clear, which fortunately did not result in a serious injury. This accident occurred prior to any application or new building work. Whilst the circumstances of this incident are unclear, should there be an existing need for additional traffic control measures, this is outwith the scope of the current application. Moray Council Roads Department have previously commented on this application at pre-application stage, their comments (concerning sightlines at the York Place junction and vehicle entry onto Seafield Road) have been incorporated into the proposal. The position of the proposed parking offers good sightlines of the road corner between Judy's Lane and Glebe Park Crescent.
- The letter from James Findlay, 14 Cathay Terrace, Cullen, is again identical to the standard letter, addressed above. A second letter from the same address, in the same hand writing, and signed as 'JF, President of the Cullen, Deskford and Portknockie Heritage Group,' raises issues of timescales to make their views known. We consider that current planning legislation offers sufficient time for this.
- The letter from Mr & Mrs A J Denley, 2 York Place, Cullen, again makes mention of the junction at York Place. As mentioned earlier, the requirements for a southward visibility splay and no vehicles exiting onto Seafield Road, as required by Moray Council Roads Department has been incorporated into the design. Similarly any issues related to drainage will be addressed through the planning process, or as conditions of any future consent. The rest of the letter appears to be the same standard letter addressed in the points above

- The letter from Prof N Ashley G Mowat, York House, York Place, Cullen, again mentions visibility at the junction of York Place, which has been addressed in the incorporation of the visibility splay. The letter writer may not be aware that the undeveloped sloping ground referred to in this letter is under private ownership. The writer states that he has no data to support his views concerning traffic levels. These views were not raised by Moray Council Roads Department in pre-planning discussions.
- Ms M Smith of Rose Cottage, Kirktown, Deskford, made her objection electronically. She considers that the proposal is over development (this has been addressed in responding to the standard letter of objection, above). The objector has not been able to view the plans in Cullen and raises this as an issue, however a set of plans has been deposited at the Cullen Post Office as part of the neighbour notification process. These plans were presumably viewed by the author(s) of the standard objection letter and all other objectors listed below.
- The unsigned letter of objection from 30 Glebe Park Crescent, Cullen, makes mention of the tourist attributes of Cullen 'as one of the most picturesque villages along the Moray Firth coast thanks to the famous viaducts, and Seatown and harbour areas'. It should be noted that historic Cullen has been a particular inspiration in the design of this proposal. Because of this historic legacy, a terrace of houses is entirely appropriate as an entry to the town, with a set-back in the building line in order to accommodate recent bungalow development. The proposal acts as a transition and maintains the vernacular character of Cullen. There is a clear pathway running through Judy's Lane, maintaining the public right of way. Again, similar to the standard letter, the junction between Judy's Lane and Cathay Terrace is mentioned. As mentioned earlier, this is an existing situation and beyond the scope of this proposal (single car passing can reduce vehicle speeds and thus assist pedestrian and vehicle safety). The proposal offers a high quality development forming a suitable gateway to the historic burgh. Any issues related to the previous sale of land should not colour objection within the planning process.
- The objections from R & E McKay, 17 Glebe Park Crescent, mentions the parking provision which meets the guidance requirements provided by Moray Council. The footpath at Judy's Lane is not to be removed; a pedestrian route will be maintained. There will therefore be no requirement to relocate the 'lollipop' crossing on Seafield Road.
- The objection of Robert Jarvis, Roseweir, 9 Cathay Terrace, Cullen, again mentions the junction at Cathay Terrace which is clearly outwith the scope of this proposal. The sightline at York Place, which has been incorporated into the proposal, meets the requirements of Moray Council Roads Department. The author again makes mention of the character of Cullen, which as previously stated has been an inspiration in the design of the housing and its terraced form. It is indeed this type of housing which makes Cullen an attractive place, and it is appropriate that the gateway to Cullen should be a sensitive contextual development rather than the rear elevation of bungalows and a redundant petrol station.
- The web objection from Mr Alan Campbell again mentions the Cathay Terrace junction (see above).
- The objection of Arthur Findlay, 24 Glebe Park Crescent, Cullen. As previously stated, the route through Judy's Lane will be maintained. The objection to the 1½ storey terrace housing has been addressed above, as have traffic issues. The proposal to create improved pavements and a development which addresses the Seafield Road, encouraging walking, in

line with best practice in urban design. Again the York Place junction has been considered, with the visibility splay incorporated.

- G & K Wilson of 26 Glebe Park Crescent, Cullen, mention the terms of the private sale of the land, which is beyond the scope of the current application, as previously stated. The Judy's Lane footpath will be maintained, again as previously stated. Again, a visibility splay on York Place has been incorporated in the proposal to Moray Council requirements. Again the Cathay Terrace junction, outwith the scope of this proposal, is mentioned. The Roads Department stated that they would prefer access and egress to come of Glebe Park Crescent rather than Seafield Road.
- Leigh and Sheila Brown of Clova, Judy's Lane, Cullen, take issue with the 1½ storey terraced form of the proposal (designed to be in keeping with the local vernacular), Judy's Lane (to be retained) and vehicle numbers (which comply with Moray Council recommendations).
- The letters from Mr & Mrs Gavin Addison, 96 Seatown, Cullen, and Mr Louis Geddes, Roselea, 1 York Place, Cullen, are both identical. Again they mention Judy's Lane. Most of the surrounding bungalows, which in their large frontage scale are not typical of the local vernacular of Cullen conservation village, are indeed 1½ storeys high. The cedar cladding to the cottage porches will weather to a grey brown wood appearance. This is evocative of coastal vernacular, where a variety of materials has been used. Any service diversions, such as telephone and drainage, if and where necessary, will be accommodated into the development. Again the sightline at York Place has been incorporated into the design proposal.
- The letter from Mrs M MacDonald, 2 Judy's Lane, Cullen, mentions Judy's Lane, which will be maintained. As previously stated the walking environment along Seafield Road and York Place will be improved with wider pavements.
- The letter from W Gordon McPherson of 3 Cathay Terrace, Cullen, considers that Judy's Lane is about to be closed. Whilst running across private ground, this important pedestrian route will be maintained. Pedestrian safety will be improved through the lane being directly addressed by the terraced cottage housing, forming a pedestrian pend. There will be a pedestrian and vehicle shared surface. Materials for this will be carefully chosen to provide pedestrian priority. The grassy area referred to is not common ground, but rather privately owned, left over from previous development.
- Mr McPherson also states 'Whilst being sympathetic for the need for the development of more housing, I suspect that this is certainly not a 'social housing' development. In fact the developer is in discussion with Moray Council to determine if there will be a requirement for affordable housing on this site. In any event is anticipated the cottages will meet a segment of the local housing market, for smaller households which although increasing more than any other part of the housing market, is not currently well served in Cullen.
- The letter from Alistair Webster, 16 Glebe Park Crescent, Cullen, discusses Judy's Lane and traffic issues, (dealt with above). He states the 'the proposed development appears to contravene a number of policies' without stating which ones he is referring to. He adds 'if it were to go ahead would appear as if some form of corruption were at hand'. There is no evidence whatsoever for this, which does his objection a dis-service. He does mention that Cullen currently has a lack of affordable housing for local people. As stated above, the

developer is reviewing with Moray Council if there should be a formal 'affordable' element in this proposal. What the criteria for the distribution of this, should it be a requirement, will be a matter for Moray Council to determine.

- The objector addressee 3 Reidhaven Place, Cullen, uses emotional terminology. The site at present is a disused brownfield former filling station. Our proposal has been carefully considered to reflect the vernacular architecture of the village of Cullen. We will be providing a suitable entrance to the conservation village. Through negotiation with the planning department the building line addressing Seafield Road steps in from the existing 1½ storey bungalow, with the building group progressively stepping in to address Seafield Road at Judy's Lane.
- The letter from Mark Forsyth, Drummorie House, York place, Cullen, again mentions the form of the development (addressed above), Judy's Lane (addressed above), terraced cottages addressing the Cullen to Portsoy Road (rather than a redundant filling station and the back of 1½ storey bungalows). In discussions, the Planning Department has had no objection to the unused privately owned space being developed. Housing addressing Seafield Road will have a more positive effect in reducing vehicle speeds and creating a pedestrian friendly environment than any number of road signs. Drivers will recognise that they are entering the town of Cullen and reduce their speed. The overlooking distances are well within acceptable standards in terms of planning legislation, windows have been carefully angled not to overlook adjacent properties.
- Many objections are not the specific views of individual objectors, but rather a standard letter has been circulated. There is anecdotal evidence that in some instances locals have been coerced into objecting or remaining silent, by a vocal minority. It is inevitable that some of the inhabitants of the bungalows along Glebe Park Crescent might object to the proposal (particularly in the face of a concerted campaign from a vocal minority). The developer has been approached by locals interested in buying the proposed cottages, demonstrating both local demand and also that the views recorded in the objection letters (inaccurate with regard to Judy's Lane and other matters) do not represent the views of the community. There is a latent demand for housing of the kind proposed in Cullen. This is both through escalating house prices making it difficult for first time buyers, the attractiveness of Cullen bringing an inward migration and also the demographic tendency towards smaller households, which is not being met by the existing housing stock in the area. The proposal sits well within the context of Cullen, forming an attractive gateway to the town proper and an effective transition between the suburban fringe development and the village core. In terms of providing gardens and parking, it links with its neighbours to Glebe Park Crescent; in terms of style it takes its cues from the vernacular of Cullen conservation village.
- The applicants are keen to address any significant issues raised by the objections and will consider redesign of Judy's Lane to provide vehicle and pedestrian segregation. The developer is also willing to enter dialogue with the council regarding making a financial contribution towards providing a solar powered sign to reduce vehicle speeds on Seafield Road.

Response to objections/representations received following the amendment and reduction of the development to 10 Units.

- The space referred to as a grassed recreational and amenity space, is owned by our client and not a public open space. It is a left-over area from previous development and its topography makes it of limited use in its current state. Additionally the narrow footpath between Seafield Road and York Place is very narrow. This will be widened to 1800mm (the normal standard) by our client as part of the proposal in the interests of pedestrian safety. The garden boundary to the footpath that our development will provide against the slope will further enhance pedestrian safety. The Judy's Lane route also runs across land in private ownership - as you know our client will provide 2 dedicated public footpaths across the site, providing a public right of way. By reducing from four to two the number of cottages on this part of the site, it will remain predominantly open in character, and forming private gardens this space would be well maintained.
- With regard to the drainage, as you are aware we are not going to change the existing sewerage running through the site in order to minimise any disruption. This will be maintained as it is, and a suitable maintenance way leave will be provided. The private land is not a 'soak-away' - that is a different type of drainage system involving gravel beds. The Scottish Water drawings we have obtained show the drainage to be an enclosed system. We will be providing conventional links to surface water drainage, this will indeed be verified by the Moray Council as part of our forthcoming Building Warrant application for this site.
- We are providing 2 car parking spaces per unit, although considering the small size of the units it could be argued that 1.5 spaces per unit would be more than adequate. The number of car spaces has been agreed with Moray Council Roads Department.
- We consider that the changes we have made since the first application and the constructive pre-planning application process that we have engaged in with Moray Council answers most of the earlier objections. So far the number of objections received within the time frame appears to be significantly reduced.

Response to objections/representations received following a final amendment to the proposal bringing the total of units to 8 with access off Seafield Street only.

- Appearance has been a major consideration in the applicant's dialogue with the Council, recognising the site a gateway to the village centre. The elevations have been carefully designed to reflect the indigenous Moray architectural vernacular, which forms the important character of Cullen. This is reflected in the proposals forming a balance between tradition and residential amenity.
- There is no stated capacity limit within the operational (adopted) local plan under which it must be considered. Due to delays in the processing of the application the emerging local plan became a material consideration, however this should not outweigh the existing operational local plan. Within the emerging local plan, part of the site is identified as an 'Opportunity Site', and for such designations this means that any application must be considered on its own merits. Two houses on this part of the site does not define its upper limit, rather it suggests a particular development option. By the nature of the opportunity sites there are many options and each must be considered on its merits.

- Since 2007 the proposals have been developed in conjunction with the Planning Department. Latterly the number of houses on the brownfield part of the site has been reduced due to changes to the road layout suggested by the Council's Transportation Section and following suggestion by the Planning Department that although it is a development of small terraced cottages, which is considered appropriate for this location, the proposal should equate to the approximate footprint of two of the surrounding bungalows. The applicants do not however consider that the designation of the emerging local plan imposes a limit on this part of the site. Rather it states that all proposals must be considered in their merits, with the specifics of the actual opportunity undefined.
- The unbuilt triangle of land is not owned publicly or by the Seafield Estates, or is zoned as open space. Unsuitable for recreational use due to its topography, the Planning Department has confirmed that it is suitable for housing development. Proposals include widening the narrow pavement and a barrier against the slope to enhance safety.
- NOSWA no longer exists, but the agents contacted Scottish Water in order to establish their drainage systems in the vicinity and will obtain their consent prior to making drainage connection, as is normal procedure. The agent/applicant has chosen not to reroute the drainage connection, as is normal procedure but instead leave this in place and leave a suitable maintenance way-leave as defined by Scottish Water.
- Any current existing views over farmland would be inevitably affected by any form of development on this Opportunity Site. This will have been assessed when the local plan was compiled and was not considered sufficient to prevent the land being zoned for future development. The development proposal is for two groups of one and half storey bungalows. Due to their orientation, with one group facing Seafield Road and the other perpendicular to this and facing Judy's Lane, the space between the two groups is larger than if the development were two one-and-a-half storey bungalows of exactly the same ground footprint facing Seafield Road. Thus the proposed development will have less effect on many neighbours' outward views than other arrangements. Furthermore, the gateway site on the opposite side of Seafield Road is a potential location for a new health centre).

The extensive dialogue between the Planning Department, the Transportation Section and the agent/applicant have resulted in the following roads measures: -

- i) All vehicular access from Seafield Road and thus no direct access to the Cathay Terrace junction;
- ii) An agreed visibility play at York Place/Seafield Road junction;
- iii) All cars to leave the site and enter Seafield Road in forward gear;
- iv) Pedestrian only Judy's Lane from Glebe Park Crescent;
- v) Provision of two off street carparking spaces per cottage, which is provided comfortably within the development.

The agent has also commissioned a Planning Statement for the final amended version of the scheme by Barton Willmore Consultants, a copy of which is available to Members. The statement supports the applications citing relevant National Guidance and Advice. It also discusses why how the proposals comply with various policies of the Moray Structure Plan 2008 and the Moray Local Plan 2000. Reference is also made to the relevant policies of the Emerging Local Plan with a focus on how the governing policy and designation for Opportunity Sites do not prevent the favourable consideration of alternatives to the suggested use or density. It

concludes that the amendments made are sufficient to satisfy the Planning and Roads Departments, and there should be no impediment to a positive outcome of the application.

CONSULTATIONS

Cullen and Deskford Community Council - Object to the application on the grounds of the high density of the proposal and associated car parking. The car parking associated problems, architecture markedly out of keeping with the locality and a major safety compromise for school children attending Cullen Primary.

Scottish Water - No objections, see comments on letter for which would accompany any consent notice if approved.

Transportation Manager, Direct Services - Approve subject to conditions and informatives. Several revisions to the proposal have now brought about a favourable response from the Transportation Section following concerns that they have raised with the previous layouts.

Contaminated Land, Development Services - Approve subject to compliance with Remediation Strategy.

Environmental Health Manager, Development Services - No objections.

Environmental Protection Manager, Development Services - No objections.

SEPA - Original request for SUDs information has been superseded by the reduction in the size of the scheme to less than 10 units. No other objections raised.

Building Standards Manager, Development Services -A Building Warrant will be required.

Developer Contributions - None identified.