

## **REPORT OF HANDLING**

<b>Ref No:</b>	09/00961/OUT	<b>Officer:</b>	Richard Smith
<b>Proposal Description/ Address</b>	Outline to erect new dwellinghouse at Clayland Auchairn Aultmore By Keith		
<b>Date:</b>	21/9/09	<b>Typist Initials:</b>	LH

### **RECOMMENDATION**

<b>Approve, without or with condition(s) listed below</b>	
<b>Refuse, subject to reason(s) listed below</b>	<b>y</b>
<b>Legal Agreement required e.g. S,75</b>	
<b>Notification to Scottish Ministers/Historic Scotland</b>	
<b>Hearing requirements</b>	<b>Departure</b>
	<b>Pre-determination</b>

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Environmental Health Manager	01/06/09	No objection.
Transportation Manager	21/07/09	No objection subject to conditions and developer contribution towards to future improvement of junction of B9016/C74H.
Scottish Water	29/06/09	No objection.
Contaminated Land	08/06/09	No objection.
Environmental Protection Manager	27/05/09	No objection.

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
Policy 1(e)	y	
H8: New Housing in Open Countryside	y	
IMP1: Development Requirements	y	
T2: Provision of Road Access		
T5: Parking Standards		
E3: TPOs and Control of Trees		
EP5: SUDS		
EP10: Foul Drainage		
EP9: Contaminated Land		
Whole of Policy 1		
Whole of Policy 2		

## REPRESENTATIONS

Representations Received	NO
Total number of representations received	
Names/Addresses of parties submitting representations	
Name	Address
Summary and Assessment of main issues raised by representations	
Issue:	
Comments (PO):	
No objections/representation received.	

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

### The Proposal

- Outline application to erect dwellinghouse at Clayland, Auchairn, Aultmore.
- The site currently comprises a fenced-off parcel of rough ground of approx. 0.165 ha (0.4 acres). The site is irregular in shape, has 100 % boundaries defined by post and wire fencing and contains stands of immature trees.
- Access to be formed onto adjacent C74H minor road.
- Foul drainage -private septic tank and soakaway system. Water supply – public

### Determining Issues

#### New Residential Development in the Open Countryside

#### Moray Structure Plan 2007 - policy 1 (e)

#### Moray Local Plan 2008 - policies H8 and IMP1

Policy 1 (e) of the Moray Structure Plan 2007 seeks to encourage well located and designed houses in the countryside that have low environmental impact. Policy H8 of the EMLP 2008 sets out various criteria against which new house sites require to be assessed. These include the requirement that new sites:

- 1) should not detract from the character or setting of existing buildings, or their surrounding area,
- 2) are not overtly prominent in the landscape i.e. located within an open setting such as a central area of a field or on a skyline etc and where otherwise prominent are offset by a natural backdrop and
- 3) have at least 50% established boundaries.

The policy also contains site-specific criteria requiring at least 25% of plot areas to be planted with trees and house designs to reflect traditional proportions and include traditional features. Policy IMP1 of the EMLP 2008 seeks compatibility in terms of scale, density and character and requires new development to integrate into the surrounding landscape.

The proposal is considered to fail the siting criteria of the above provisions for the following reasons:

The proposal would be located within an open rural setting of largely uniform landform character, which would lack sufficient backdrop to offset its prominence when viewed from the adjoining public road. The resultant development would represent inappropriate 'overtly prominent' development in the countryside, that would neither be low-impact nor well located and which would detract from the rural character of this part of the countryside. No material considerations exist to warrant a departure from policy and in light of the above the application is recommended for refusal.

Although the proposal would satisfy siting criterion in relation to impact upon existing buildings and established boundary treatment, these aspects would not be sufficient to override the main objections relating to siting and prominence.

**Access/parking (Policies MLP - T2, T5)** - The Transportation Engineer has raised no objection to the proposal subject to conditions requiring a passing place, parking etc and a developer contribution towards to the future improvement of the junction of B9016/C74H to the south of the site and which is the nearest junction into the main public road network. The applicants have confirmed their agreement to these requirements in the event of approval being given for the proposal.

There are no amenity or drainage issues.

**OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

HISTORY			
Reference No.	Description		
	Decision		Date Of Decision

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Herald	Departure	30/07/09
Banffshire Herald	Departure	02/07/09

DOCUMENTS, ASSESSMENTS etc. *		
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

**S.75 AGREEMENT**

Application subject to S.75 Agreement		NO
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Summary of terms of agreement:

Location where terms or summary of terms can be inspected:

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

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