

## **REPORT OF HANDLING**

<b>Ref No:</b>	09/01714/PPP	<b>Officer:</b>	Craig Wilson
<b>Proposal Description/ Address</b>	Planning Permission in Principle for 5no plots in paddock at Newton House Elgin Moray IV30 8XW		
<b>Date:</b>	04.11.2009	<b>Typist Initials:</b>	JC

### **RECOMMENDATION**

<b>Approve, without or with condition(s) listed below</b>	<b>N</b>
<b>Refuse, subject to reason(s) listed below</b>	<b>Y</b>
<b>Legal Agreement required e.g. S,75</b>	<b>N</b>
<b>Notification to Scottish Ministers/Historic Scotland</b>	<b>N</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>
Contaminated Land	06/10/09	No objection
Environmental Health Manager	05/10/09	No objection
Transportation Manager	21/10/09	No objection subject to condition
Scottish Water	07/10/09	No objection
Environmental Protection Manager		
BEAR Scotland Limited	14/10/09	No objection
National Roads Directorate	14/10/09	No objection
Historic Scotland	09/10/09	No objection

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
Policy 2(a) & Policy 2(b)	Y	
IMP1: Development Requirements	Y	
H8: New Housing in Open Countryside	Y	
T2: Provision of Road Access		
T5: Parking Standards		
ER2: Energy Reduction Req in New Dev	Y	
EP5: SUDS	Y	
EP9: Contaminated Land		

## REPRESENTATIONS

Representations Received

YES

Total number of representations received

Names/Addresses of parties submitting representations

Name

Address

James Scott

Glenericht  
137 Morriston Road  
Elgin  
IV30 4NB

Mrs E A Petrie

Rosehaugh Farm  
Elgin  
Moray  
IV30 8XW

Summary and Assessment of main issues raised by representations

Issue:

- 5 houses crammed into the paddock along with the 3 that have already been given planning consent, are just too many and will create a settlement.
- With a settlement comes the tarmac roads, street lighting on all night, more people and cars, and suddenly the area is no longer urban, but suburban.
- Over the past year we have watched the decimation of shrubs, trees, and a wall, all visible from the road. We cannot understand how they have been allowed to continue this carnage.

Comments (PO):

- Concerns surrounding the impact on the surrounding area have been discussed in the observation section below.
- The applicant has consent in place to re-route the wall and gate pillars to Newton House. Consent is also in place to improve the access into the site and as part of that consent a number of trees are required to be removed.

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

Introduction:

This is a repeat application of previously submitted and refused application to erect 5 houses within the Paddock adjacent to Newton House, application 08/01388/OUT refers. No changes are proposed in this application.

The Proposal

- Erect 5No. dwelling houses on site known as the paddock adjacent to Newton House.
- Individual houses will have own parking provision
- Effect connection to main sewer and water supply
- Access to site taken off main B9013 Burghead Road running past the site.

The Site

- Large agricultural field located close to Newton House, Newton approx. 4miles outside Elgin
- Site is approx 8350sqm in area and irregular in shape.
- Site is bounded by trees and the trunk road to the south and west edges. By the main B9013 Burghead Road to the east and by the extensive garden grounds of Newton House to the North.

History

In 1993 approval was granted to erect 5 dwelling houses on this site, application 93/00958/FUL

refers. For reasons known only to the applicant, no works commenced and the consent lapsed. Subsequent development plan policies did not support the proposed development, as is the case this time round.

#### Observation

The main determining issues are:

#### **Impact of development on the open countryside and nearby listed building (Policy 1(e), H8, IMP1 & BE2)**

The proposed development to erect 5no. dwellinghouses on site known as the paddock adjacent to Newton House is considered to be a departure from the above development plan policies.

Policy H8 sets a presumption against multiple house applications (more than 2) on the basis that these are more appropriately directed to existing rural communities and applied to the re-use and replacement of existing buildings. This avoids unplanned residential build-up within the open countryside, in particular suburban style or ribbon development. This site is not located within a rural community and does not involve the re-use or replacement of existing buildings.

The aim of the policy is to avoid a build up of development that would be more appropriately be directed to settlements. An upper limit is set, in this instance 2 houses, at which point more housing typically begins to resemble an urban type cluster, whatever its integration with the surrounding landscape. In this instance, due to the number of proposed residential unit's (5) the proposal is judged to create an uncharacteristic build-up of suburban style residential properties in this rural landscape which would be detrimental to the open character of the area. If approved, a dangerous precedent would be set and it would be difficult to defend against further similar applications submitted to this authority.

In terms of the prominence of the development, it is accepted that at least 50% of the site boundaries are long established and that a backdrop of mature trees exists behind the development but the sites proximity to the road, and located within the middle of an open paddock, makes the proposed development overtly prominent to passers by. In this regard, a reduced scheme with fewer units would still have a detrimental visual impact on the surrounding landscape.

The agent has stated that this development is to be used as an enabling development to fund the renovation of nearby Newton House. However, the separation distance between the two is such that this is a standalone development and should be assessed as such. It is because of the separation distance that views of the Listed Building are not affected by this development. The proposal will not impact on the setting of Newton House.

Although suburban in appearance, the design of the individual dwelling houses complies with Council policy relating to housing in the countryside.

#### **Impact on existing Infrastructure (T1& T2)**

The Transportation Manager is satisfied that the proposal complies with Council policy relating to safe and suitable access. Conditions relating to the access have been suggested.

No other consultees have objected to the proposed development

Application recommended for refusal.

#### **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

HISTORY				
Reference No.	Description			
08/01388/OUT	Outline for 5no plots in paddock at Newton House Elgin Moray IV30 8XW			
	Decision	Refuse	Date Of Decision	13/05/09
08/01414/FUL	Restoration of house to form 5no flats at Newton House Elgin Moray IV30 8XW			
	Decision	Permitted	Date Of Decision	24/09/09
08/01413/LBC	Listed Building consent to erect 2no dwellinghouses in the walled garden at Newton House Elgin Moray IV30 8XW			
	Decision	Permitted	Date Of Decision	30/07/09
08/01387/FUL	Erection of 2no dwellinghouses in the walled garden at Newton House Elgin Moray IV30 8XW			
	Decision	Permitted	Date Of Decision	30/07/09
07/01641/LBC	Erect a static caravan for temporary (2 years) use at Newton House Elgin Moray IV30 8XW			
	Decision	Permitted	Date Of Decision	10/09/07
07/01640/FUL	Erect a static caravan for temporary (2 years) use at Newton House Elgin Moray IV30 8XW			
	Decision	Permitted	Date Of Decision	10/09/07
94/00490/FUL	Erect dwellinghouse at the former dairy at Newton House Elgin Moray IV30 8XW			
	Decision	Permitted	Date Of Decision	04/07/94
94/00430/FUL	Extend and alter existing dwellinghouse at Newton House Elgin Moray IV30 8XW			
	Decision	Permitted	Date Of Decision	08/07/94
94/00019/FUL	Conversion of steading to form dwellinghouse at Newton House Elgin Moray IV30 8XW			
	Decision	Permitted	Date Of Decision	09/03/94
93/01122/LBC	Listed Building Consent to convert Newton House to three tower houses and erect two dwellinghouses and garages within grounds of Newton House Elgin Moray IV30 8XW			
	Decision	Permitted	Date Of Decision	20/05/96
93/01121/FUL	Convert house to three tower houses and erect two dwellinghouses and garages within grounds of Newton House Elgin Moray IV30 8XW			

	<b>Decision</b>	Permitted	<b>Date Of Decision</b>	20/05/96
93/00958/FUL	Erect five new dwellinghouses and conversion of steading to form dwellinghouse at Newton House Elgin Moray IV30 8XW			
	<b>Decision</b>	Permitted	<b>Date Of Decision</b>	02/11/93

#### ADVERT

<b>Advert Fee paid?</b>	<b>Yes</b>		
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>	
Northern Scot	No Premises	29/10/09	
Northern Scot	Departure from development plan	29/10/09	

#### DOCUMENTS, ASSESSMENTS etc. \*

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

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	<ul style="list-style-type: none"> <li>• Planning and Design Statement</li> <li>• Tree Management Plan</li> </ul>	
Main Issues:	<p>The Planning and Design statement was submitted with previous application and identifies why the 5 houses should be considered as an enabling development to fund the redevelopment of Newton House.</p> <p>The Tree Management Plan was again submitted with previous application and identified how the may trees within the grounds of Newton House are to managed.</p>	

#### S.75 AGREEMENT

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

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			