

## **REPORT OF HANDLING**

<b>Ref No:</b>	09/00955/OUT	<b>Officer:</b>	Neal MacPherson
<b>Proposal Description/ Address</b>	Outline to erect house and garage at Thornton Croft Davoch Of Grange Keith Banffshire		
<b>Date:</b>	9.11.09	<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>n</b>
	<b>Pre-determination</b>	<b>n</b>

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Environmental Health Manager	01/06/09	No objections
Transportation Manager	27/05/09	Approve subject to conditions/informatives
Scottish Water	13/07/09	No objections
Contaminated Land	10/06/09	Informative note required
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)	n	
Policy 2(a) & Policy 2(b)	n	
Policy 2(k)	n	
H8: New Housing in Open Countryside	y	
T2: Provision of Road Access	n	
T5: Parking Standards	n	
E3: TPOs and Control of Trees	n	
EP9: Contaminated Land	n	
EP10: Foul Drainage	n	
IMP1: Development Requirements	y	

## REPRESENTATIONS

Representations Received

YES

Total number of representations received 1

Names/Addresses of parties submitting representations

Name

Address

Mr Stewart Davidson

Per Peterkins Solicitors  
145 Mid Street  
Keith  
Moray  
AB55 5BJ

Jacqui Findlay

Summary and Assessment of main issues raised by representations

The grounds for objection are as follows

- There are already other permissions in this vicinity and to permit more housing would result in an over provision in this rural setting.
- The proposed house site sits upon the natural catchment for the private water supply for the objectors property which they fear could be disturbed.

Comments (PO):

- The objectors concerns over the presence of other permissions within this locality and the potential spread of the grouping of houses at Thornton are reflected in the reasons for refusal.
- The application is being refused, but never the less, it would have been a private obligation of any developer not to damage or disrupt a 3<sup>rd</sup> parties water supply.
- The applicants also responded to the objections, and the points raised taken into consideration.

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

Moray Local Plan 2008 policy H8 New Housing in the Open Countryside requires new rural housing developments not to detract from the character or setting of existing building, or their surrounding area, when added to an existing grouping.

At Thorton in addition to the several long established houses present, permission has already been granted for 3 new houses. Furthermore a current application to replace an old prefab cottage at Thornton is nearing determination. This site which sits slightly further back up the hill from the grouping and behind a small group of trees, would effectively spread the area of existing buildings further to the north. It would be too far from the existing buildings too read as part of the existing grouping and given the presence of other nearby approvals would lead to an unacceptable accumulation in what is supposed to be open countryside.

In terms of siting, the site would not be overtly prominent, although would be visible for small stretches of the A95 Banff – Keith Road to the south-west and from the minor unclassified public road to the east.

On the basis, the application is to be refused.

## 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 from development plan	08/10/09	
Banffshire Herald	Departure from development plan	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
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)			