

GROUND'S FOR REVIEW

Planning Application 09/01942/PPP - Planning Permission in Principle to erect house at Chapelhead, Crossroads, Keith, Moray for Mr Russell Morrison

INTRODUCTION

Our client does not fully understand, or agree with the interpretation of planning policy contained in the Council's Reasons for Refusal and Report of Handling.

SUMMARY OF REASON FOR REVIEW

We have considered the Reasons for Refusal (APPENDIX 2) issued in respect of Planning Application Ref: 09/01942/PPP.

Despite statements to the contrary contained in the Council's Reasons for Refusal, we have put forward evidence and arguments to demonstrate that: --

- The Supporting Statement submitted with the application on our client's behalf does not appear to have been considered.
- The planning officer has formally confirmed that The Review Site has backdrop and confirms that the site is not overtly prominent.
- The countryside around the site is secluded and the roadway serving it is a dead end which does not carry passing or tourist traffic.
- The rural character of this locality has not been accurately assessed or defined in terms of policy by the Council.
- We, as Chartered Town Planners, have analysed and defined the rural character of the surrounding countryside.
- We have demonstrated that the proposed house would not detract from the rural character of the countryside in any material way.
- We have demonstrated that the site complies with Policy H8
- We have demonstrated that the site complies with Policy IMP1

DETAILED EXPLANATION OF GROUND'S FOR SEEKING REVIEW

Comment on the Schedule of Reason(s) for Refusal

Reason 1 (see APPENDIX 2)

We refute the claim that this application is contrary to Policy H8.

This application complies with the requirements of Policy H8 (APPENDIX 5) taken in order as follows: -

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- The application is not a “multiple house application.” It is for one house only. There is therefore no requirement to direct the proposal to any designated Rural Community under this policy. It is appropriate to consider the application as being potentially acceptable in the “open countryside.”
- We define the character of the surrounding area elsewhere in our evidence (see our Comment on Report of Handling) and have demonstrated that the proposed house will not detract from the visual, or any other aspect of the character of the surrounding countryside. It will in fact be in keeping with the mixture of old and new development now established and distributed in this area.
- It is not part of a “linear” development nor will it constitute an extension to such a development.
- The existing backdrop (see photo in APPENDIX 3) prevents it from being skyline. It is not on artificially elevated ground. It has a natural backdrop to the north. Indeed the Planning Officer confirms in the Report of Handling (APPENDIX 4) that :-
 - *“In terms of policy H8 the buildings and trees present at Chapelhead would provide sufficient backdrop to the site to avoid overt prominence.”* The site is therefore clearly not, “overtly prominent” and as a result must comply with this element of policy H8.
- All of the site boundaries are long established and in place. They comprise: –
 - existing trees to the north east
 - the access road to Chapelhead Farm to the south east
 - the public road to the south west and;
 - a fence and existing trees to the north west
 - the requirement for 50% of the boundary to be in existence under policy H8 is therefore more than satisfied.
- 25% of the plot area can and will be planted with native species trees at least 1.5m in height. This, as can be seen from the proposed planting indicated on the planning application drawing, will substantially reinforce screening and the backdrop

The application therefore complies with Policy H8

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We also refute the claim that this application is contrary to Policy IMP1 (APPENDIX 6)

This application complies with the requirements of Policy IMP1 taken in order as follows:-

- a. We have demonstrated elsewhere (see our Comment on Report of Handling), that the scale density and character of the application are all appropriate and in keeping with the character of the surrounding area, as required by policy.
- b. The existing backdrop and proposed planting required by policy demonstrate that the development will be integrated into the surrounding landscape and the planning officer has confirmed this will indeed be the case.
- c. The Transport Manager has no objection to the application. A lay by is to be provided. (APPENDIX 8)
- d. Provision has been made for water and drainage and power to be provided.
- e. The proposed septic tank and soakaway will be sustainable
- f. The site is close to the primary school at Grange Crossroads and the social facilities it provides.
- g. Renewable energy systems and sustainable design will be incorporated at the detail and building standards stage.
- h. A lay-by for passing and servicing is to be provided .
- i. The proposed planting and retention of existing trees will conserve the natural environment and the site selection, including backdrop, will ensure that the character of the built environment in the locality will also be conserved.
- j. There is no flood risk
- k. The Contaminated Land Officer has no objection. There is no problem related to pollution.
- l. There is no contamination issue
- m. This is not prime agricultural land, it is not a preferred area for forestry nor are significant workable reserves of minerals being sterilised.
- n. Waste generated from the house will be minimal but it will be taken to such collection point as the Council may specify.

Reason 2 (see Appendix 2)

This Reason suggests that the proposal would: -

- *Create an unacceptable accumulation of houses\new house plots*
- *This would be detrimental to the open character of this location*
- *The site is outwith a designated rural community.*

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Reason 2 (and indeed the Report of Handling) contains no evidence to demonstrate how the proposed house would be detrimental in any material way to the "*open rural character*."

Current Council Policy does not forbid the accumulation of houses in the countryside. Provided an accumulation of individual houses in the countryside is not detrimental to the existing character of development in that part of the countryside, there is no policy reason in the Local Plan for refusal. The addition of one or even two houses (see policy H8) must be shown to detract from the "*character or setting of existing buildings, or their surrounding area*," if the development is to be refused. It is therefore not enough for the Council to just say that one additional individual house causes a detrimental accumulation. The Council must demonstrate this clearly with evidence in terms of its policy. The Council has not done this.

We contend that the accumulation of existing houses, plus the proposed additional house, is acceptable in policy terms for the following reasons: -

None of the Policies mentioned in the Reasons for Refusal contains the term "accumulation," or refers to it as a policy restriction. Accumulation in itself is not a reason for refusal. Any accumulation must be shown to be detrimental in terms of policy. As previously mentioned, the Council has provided no evidence to demonstrate that the "accumulation," is detrimental in terms of policy.

The policies do however contain requirements which, if met, will lead to approval (e.g. no detrimental effect on the character of the surrounding countryside, existing backdrop, lack of prominence, site boundaries etc). All of the requirements actually specified in Policies H8 and IMP1 (see APPENDICES 5 & 6) have been met in this case. There is therefore no identifiable detrimental effect arising from this proposed site in terms of Moray Planning Policy.

The accumulation of houses in this locality to date has been approved by the Council. By implication the existing accumulation complied with policy and is also in keeping with the character of the surrounding countryside. As a result, all of the newer houses must also now represent an acceptable contribution to the existing character of this part of the countryside. Apart from this, the Local Plan, despite the considerable consultation involved in its preparation, does not identify this locality as being endangered by a detrimental accumulation of development that does not comply with existing character. There have been no objections from the public. Therefore one must assume that the accumulation of dispersed houses in this particular part of the Moray countryside to date is acceptable to both the Community and the Council and complies with the policies of the latter.

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The Council also confirms that: -

- the site is **not overtly prominent**
- the Transport Manager sees no difficulty provided a lay-by is provided (which will also benefit other road users in the locality).
- there are no objections from technical consultees.

Reference in this Reason for Refusal to there being no Rural Community designated here is irrelevant. This application is for a single house. It is not for “multiple” houses. The proposal therefore does not require to be directed under Policy H8 to any designated Rural Community. This application squarely falls into the category of proposals that can be considered suitable in the “Open Countryside,” under the Local Plan

Comment on Report of Handling

The Report of Handling (APPENDIX 4) records arguments underlying the recommendation prepared by the planning officer when arriving at his Reasons for Refusal. We have examined this document and our comments are set out below.

We do not believe that the Report defines the character of the surrounding countryside clearly or fully in terms of planning policy. The Report states: -

“At this end of Foggie Moss Road, in addition to the several long established houses present, permission has already been granted for many new houses. This accumulation has occurred over several years through planning approvals at Officer level resulting in 6 houses approved within 600m on the same single track road. There is also a notable number of other houses further east on the same single track road leading to the B9018 1.3km the east.”

There is no explanation of detriment here. Also, the Report does not fully acknowledge that all the recent houses referred to were in fact approved by the Council as complying with Housing in the Countryside Policy and as a result must therefore now contribute to the current character of the surrounding countryside

The Report identifies certain (unspecified) houses as having approved been contrary to officer recommendation (“*overturned and approved at Committee*”). We fail to see the relevance of this observation. It appears to infer that an officer recommendation is somehow superior to committee decision. It is our understanding that all of these approvals however were arrived at by means of proper procedure. We cannot see therefore how the Council can argue that these particular houses now do anything other than comply with policy and contribute to the current character of the surrounding countryside

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As chartered town planners we would define the character of the surrounding countryside as being: -

A dispersed pattern of older and more recent houses and buildings all set in a physically secluded part of the countryside served by a minor road which is not a through road. This is not a part of the countryside that is prominent in the Moray Landscape. It has been moorland incised by burns resulting to a patchwork of farmland, farm buildings and houses some of which unfold into view as one travels up the road. Distant views out from the area, especially to the north west provide a panorama peppered with development. (see APPENDIX 3) Recent approvals built in the locality combine with the older properties to create the current, "character of existing buildings," and "the character of the surrounding area."

We therefore suggest that this is the true, "character," that this proposal ought to be judged against under Policy H8. We believe that it is clear, for all the reasons we have given, that this proposed house will bring little if any change to the character of the area.

The Report of Handling asserts that the proposed house would be detrimental to "the dispersed pattern of rural housing characteristic of the area," without explaining or demonstrating what form this "detriment," would take.

We can see no detriment in visual terms. The proposed house would be set sensitively beside nearby properties and woodland. The Report of Handling openly acknowledges, *"In terms of other requirements of policy H8 the buildings and trees present at Chapelhead would provide sufficient backdrop to the site to avoid overt prominence."*

The Report of Handling then goes on to say that the available backdrop does not, *"override the issue of build up of housing that would result in this locality."* The Report however does not explain why *"the issue of build up"* is detrimental in this particular case. Build up, as a concept, is not referred to in either policy H8 or IMP1. Both policies list criteria which, if met (and they are in this case), allow for the approval of houses in the countryside in Moray. In other words it is necessary for the Council to relate any suggested detriment resulting from "build up," to the defined character of the area. The Council must also go on to demonstrate the alleged detriment in some tangible way under existing policy. If the proposed house is to be refused legitimately in accordance with policy. The Council has failed to do any of this. It has only made unsubstantiated assertions.

On our clients behalf we would argue that the approval of recent houses on the road has brought much needed road improvement for older property through the provision of lay-bys and passing places and a continuation of tree planting that would not otherwise take place.

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As for other sections of the Report of Handling we note: -

- There are no objections from Technical and Statutory Consultees.
- The section entitled Documents Assessments etc states that no “Supporting information was submitted with the application”. This is incorrect . We submitted a Supporting Statement (see copy of our covering letter dated 9th October 2009 APPENDIX 9).A copy of our statement was also returned attached to the Refusal documents. It is now unclear to us as to whether any consideration was given to our client’s Supporting Statement (which explains how this proposal complies with policy H8). A copy of original supporting document is appended (APPENDIX 10).
- Under the section entitled Representations we note that there have been no objections from the public to this application.

CONCLUSIONS

- There are no objections from the public.
- There are no technical objections to this application from Consultees.
- The proposal complies with policies H8 and IMP1 of the adopted Moray Local Plan 2008
- The Council has produced no evidence to demonstrate that the proposed house creates a build up of houses additional to those existing that can be shown to detract in any material way from the existing rural character of this area.

For all the reasons set out above The Review Board is requested to agree that this proposal does not depart from the Moray Local Plan 2008 and approve this application.

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LIST OF APPENDICES –

Appendix 1 – Application Forms

Appendix 2 – Reasons for Refusal and Refused Plans

Appendix 3 – Photograph of the site indicating existing backdrop

Appendix 4 – Handling Report for application Ref O9/01942/PPP

Appendix 5 –Policy H8 – New Housing in the Open Countryside

Appendix 6 – Policy IMP1 – Development Requirements

Appendix 7 – Rural Character – Views of the area to the north west

Appendix 8 – Comment from Transportation Manager

Appendix 9 – Covering letter submitted a with Planning Application Ref O9/01942/PPP

Appendix 10 – Supporting Statement submitted with Application Ref O9/01942/PPP

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Appendix 1 – Application Forms

APPLICATION FOR PLANNING PERMISSION

FOR OFFICIAL USE ONLY

Reference No(s): 09/01942/PP

Registration Date 12/10/09

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008

Please refer to the accompanying Guidance Notes when completing this application

1

Applicant's Details

Title Forename Surname
Company Name Building No./Name
Address
 Postcode
Telephone (inc. STD Code) Mobile
Fax Email

2

Agent's Details

Company Name Agent Ref No.
Forename Surname
Building Number Building Name
Address
 Postcode
Telephone Extension Mobile
Fax Email

3

Postal Address or Location of the Proposed Development (please include postcode)

Postcode

NB. If you do not have the full postal address, you must provide a description of the land for which the development is proposed.

4

Type of Application

What is this application for? Please select one of the following:

- ☐ Planning Permission ☐ Application for Approval of Matters Specified in Conditions*
- ☒ Planning Permission in Principle ☐ Application for Mineral Works**
- ☐ Further Application*

NB. A 'further application' may be, e.g. development that has not yet commenced and where a time limit has been imposed; a renewal of planning permission or a modification, variation or removal of a planning condition.

* Please provide the reference number of the previous application and date when permission was granted:

Reference No:

Date:

** Please note that if you are applying for planning permission for mineral works, please check with the planning authority whether they have an alternative form to be submitted or if they require additional information.

5

Description of the Proposal

Please describe the proposal including any change of use:

Proposed erection of house

Is this a temporary permission? ☐ Yes ☒ No

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

☐ Yes

☒ No

If yes, please state date of completion, or if not completed, the start date:

Date:

If yes, please explain why work has already taken place in advance of making this application.

6

Pre-Application Discussion

Have you received advice from the planning authority in relation to this proposal?

☐ Yes

☒ No

If yes, please provide details about the advice below:

In what format was the advice given?

☐ Meeting

☐ Telephone call

☐ Letter

☐ Email

Have you agreed or are you discussing a Processing Agreement with the planning authority?

☐ Yes

☐ No

Please provide a description of the advice you were given and who you received the advice from:

Name:

Reference Number:

Date:

7

Site Area

Please state the site area in either hectares or square metres:

Hectares (ha)

Square Metres (sq. m.)

11386

8

Existing Use

Please describe the current or most recent use:

Agriculture

9

Access and ParkingAre you proposing a new altered vehicle access to or from a public road? ☒ Yes ☐ No*If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.*Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? ☐ Yes ☒ No*If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.*

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

None

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total of existing and any new spaces or a reduced number of spaces)

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? ☒ Yes ☐ No

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

- ☐ Yes, connecting to public drainage network
- ☒ No, proposing to make private drainage arrangements
- ☐ Not Applicable - only arrangement for water supply required

What private arrangements are you proposing for the new/alterd septic tank?

- ☒ Discharge to land via soakaway
- ☐ Discharge to watercourse(s) (including partial soakaway)
- ☐ Discharge to coastal waters

Please show more details on your plans and supporting information

What private arrangements are you proposing?

- ☐ Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)
- ☐ Other private drainage arrangement (such as chemical toilets or composting toilets)

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water? ☒ Yes ☐ No
(e.g. SUDS arrangements)

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network?

- ☒ Yes ☐ No, using a private water supply

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

11

Assessment of Flood Risk

Is the site within an area of known risk of flooding? ☐ Yes ☒ No ☐ Don't know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? ☐ Yes ☒ No ☐ Don't Know

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12

Trees

Are there any trees on or adjacent to the application site? ☒ Yes ☐ No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal and indicate if any are to be cut back or felled.

13

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? ☒ Yes ☐ No
(including recycling)

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

14

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? ☒ Yes ☐ No

If yes, how many units do you propose in total?

One

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

15

For all types of non housing development - new floorspace proposed

Does your proposal alter or create non-residential floorspace? ☐ Yes ☐ No

If yes, please provide non residential details below:

Use type:

Gross (proposed) floorspace (sq. m.):

Number of new (additional) rooms:

Size of existing building/structure in total:

Please give details of internal floorspace:

Net trading space:

Non-trading space:

Total:

16

Schedule 3 Development☐ Yes ☒ No ☐ Don't know

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but will charge you a fee. Please contact your planning authority for advice on planning fees.

17

Planning Service Employee/Elected Member Interest

Are you or is the applicant, or the applicant's spouse/partner, a member of staff within the planning service or an elected member of the planning authority?

Or, are you/the applicant/the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? ☐ Yes ☒ No

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application.

Signature: 

Name:

Malcolm D Leiper for FuturePlans

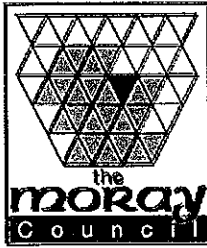
Date:

9 October 2009

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Appendix 2 – Reasons for Refusal and Refused Plans



**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT
1997, as amended**

REFUSAL OF PLANNING PERMISSION

**[Keith And Cullen]
Planning Permission in Principle**

TO Mr Russell Morrison
c/o Future Plans
The Barnyard Studios
GARMOUTH
Moray
IV32 7LX

With reference to your application for planning permission in principle under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Planning Permission in Principle to erect dwellinghouse at Chapelhead
Crossroads Keith Moray**

and for the reason(s) set out in the attached schedule.

Date of Notice: **15th April 2010**

HEAD OF DEVELOPMENT SERVICES
Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

By this Notice, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

1. The proposal is contrary to Moray Local Plan 2008 policies H8 and IMP1.
2. The proposal would create an unacceptable accumulation of houses/new house plots, which would be detrimental to the open rural character of this location where no rural community is designated.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

The following plans and drawings form part of the decision:-

Reference	Version	Title
1		Site and Location Plan

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

N/A

**NOTICE OF APPEAL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, The Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Appendix 3 – Photograph of the site indicating existing backdrop



The Review Site with its backdrop of trees and buildings

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Appendix 4 – Handling Report for application Ref
O9/01942/PPP

REPORT OF HANDLING

Ref No:	09/01942/PPP	Officer:	Neal MacPherson
Proposal Description/ Address	Planning Permission in Principle to erect dwellinghouse at Chapelhead Crossroads Keith Moray		
Date:	15/04/10	Typist Initials:	NW

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Protection Manager		No objection received
Environmental Health Manager	03/11/09	No objections
Contaminated Land	05/11/09	No objections
Transportation Manager	26/11/09	Con and informs
Scottish Water	03/11/09	No objections

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
Policy 2(a) & Policy 2(b)	N	
Policy 1(e)	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		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/representations received.		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The main planning issues are

Impact of new house upon this location (H8 and IMP1)

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 this end of Foggie Moss Road in addition to the several long established houses present, permission has already been granted for many new houses. This accumulation has occurred over several years through planning approvals at Officer level and historically several were overturned and approved at Committee level resulting in 6 houses approved within the 600m on the same single track road to the south-east. There is also a notable number of other houses further east on the same single track road leading to the B9018 1.3km to the east.

The result is that to permit further houses in this locality would be detrimental to the dispersed pattern of rural housing characteristic of the area. The concentration of new houses would be appropriate to a rural community, rather than the open countryside. In terms of other requirements of policy H8 the buildings and trees present at Chapelhead would provide sufficient backdrop to the site to avoid overt prominence, but do not override the issue of the build up of housing that would result in this locality.

On this basis the application is to be refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

N/A

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	26/11/09
Banffshire Herald	No Premises	26/11/09

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)			

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Appendix 5 –Policy H8 – New Housing in the Open Countryside

POLICY H8: NEW HOUSING IN THE OPEN COUNTRYSIDE

This policy assumes against multiple house applications (more than 2) on the basis that these are more appropriately directed to Rural Communities (H6) and applied to the Re-use and Replacement of Existing Buildings (H7).

New dwellings in the open countryside will be acceptable subject to meeting the requirements below:-

a) Siting

- It does not detract from the character or setting of existing buildings, or their surrounding area, when added to an existing grouping, or linear extension
- It is not overtly prominent (such as on a skyline or on artificially elevated ground; or in open settings such as central areas of fields). Where an otherwise prominent site is offset by natural backdrops, these will normally be acceptable in terms of this criterion.
- At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (for example, dykes, hedgerows, watercourses, woodlands, tracks and roadways).

If the above criteria for the setting of the new house are met, the following design requirements then apply:-

b) Design

- A roof pitch of between 40-55 degrees.
- A gable width of no more than 2.5 times the height of the wall from ground to eaves level (see diagram 2);
- Uniform external finishes and materials including slate or dark "slate effect" roof tiles;
- A vertical emphasis and uniformity to all windows;
- Proposals must be accompanied by a plan showing 25% of the plot area to be planted with native species trees, at least 1.5m in height;
- Where there is an established character or style, of boundary demarcation in the locality (e.g. beech hedges, dry stone dykes) new boundaries must be sympathetic.

Exceptions to the above design requirements will only be justified on the basis of innovative designs that respond to the setting of the house.

This policy will be supplemented by Guidance, which will be the subject of separate further consultation, prior to incorporation of the Guidance into the process of determining planning applications.

The Guidance will include advice on maximising energy efficiency.

Proposals falling within the aircraft noise contours, as published by the Ministry of Defence, will be subject to consultations with MOD and consideration against policy EP7 regarding noise pollution.

GROUND'S FOR REVIEW

Planning Application 09/01942/PPP - Planning Permission in Principle to erect house at Chapelhead Crossroads, Keith, Moray for Mr Russell Morrison

Appendix 6 – Policy IMP1 – Development Requirements

POLICY 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.

JUSTIFICATION

The quality of development in terms of its siting, design and servicing is a priority consideration within the Plan. In the first instance development needs to be suitable to the surrounding built and natural environment. Development should be adequately serviced in terms of transport, water, drainage, power, facilities. Particular emphasis is placed on providing pedestrian, cycle and public transport access to the development, and the use of sustainable urban drainage systems and the incorporation of renewable energy equipment and systems, and sustainable design and construction into the development in order to promote sustainability within Moray. Flooding is an important consideration particularly within the Laich of Moray and needs to be adequately addressed. Similarly, pollution issues in relation to air, noise, ground water and ground contamination must be adequately addressed to provide proper development standards.

CONFORMS TO:

The policy conforms to SPP1 on the Planning System and to national planning guidance and advice generally

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Other policy requirements generally.

GROUND'S FOR REVIEW

Planning Application 09/01942/PPP - Planning Permission in Principle to erect house at Chapelhead Crossroads, Keith, Moray for Mr Russell Morrison

Appendix 7 – Rural Character – Views of the area to the north west



View to the north west of the area showing a distribution of development that illustrates the established character of this part of the Moray Countryside

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Planning Application 09/01942/PPP - Planning Permission in Principle to erect house at Chapelhead Crossroads, Keith, Moray for Mr Russell Morrison

Appendix 8 – Comment from Transportation Manager

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 09/01942/PPP

Planning Permission in Principle to erect dwellinghouse at Chapelhead Crossroads Keith Moray for Mr Russell Morrison

I consider:-

- | | Please |
|---|--------------------------|
| | x |
| (a) that the application should be refused (<i>please state reasons below</i>) | <input type="checkbox"/> |
| (b) that the application should be approved unconditionally | <input type="checkbox"/> |
| (c) that the application should be approved, subject to certain conditions
(<i>please state conditions and comments below</i>) | X |
| (d) that in addition to the above recommendation further information should be
passed to the applicant (<i>please state these below</i>) | <input type="checkbox"/> |
| (e) that further information is required in order to consider the application. | <input type="checkbox"/> |

Reasons for refusal

Conditions

No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway.

The width of the vehicular access shall be 2.4m – 3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the public footway/verge shall be to The Moray Council specification and surfaced with bituminous macadam.

No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.

- ✱ A parking lay-by 8.0m long by 2.5m wide with 30 degrees splayed ends shall be provided at the edge of the public road to allow visiting service vehicles to park clear of the public road. The vehicular access should lead off the lay-by. The lay-by must be constructed in accordance with The Moray Council specification and surfaced with bituminous macadam.

The first 5m of the access track, measured from the edge of the public road, shall be constructed to the Moray Council specification and surfaced with bituminous macadam.

Parking provision shall be as follows:

- 2 spaces for a dwelling with three bedrooms or less; or
- 3 spaces for a dwelling with four bedrooms or more.

A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear.

A visibility splay of 2.4m x 120m shall be provided and maintained at the access in both directions within which there shall be no obstruction above 1.0m in height.

New boundary walls/fences shall be set back from the edge of the public carriageway at a distance of 2.0m.

Further information to be passed to applicant

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

A road opening permit must be obtained from the Roads Authority before undertaking any works within the public road and verge.

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into his property.

The applicant shall ensure that their operations do not adversely affect any Public Utilities, which should be contacted prior to commencement of operations.

The applicants shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

The Transportation Manager must always be contacted before any works commence. This includes any temporary access, which should be agreed with the Roads Authority prior to work commencing on it.

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

Further information required to consider the application

Contact: Diane Anderson

email address: diane.anderson@moray.gov.uk

Consultee: TRANSPORTATION

Date 26 November 2009

Phone No 01343 562557

Return response to

consultation.planning@moray.gov.uk

Please note information about the application, including this consultation response may be published on the Moray Council's website.

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	5th November 2009
Planning Authority Reference	09/01942/PPP
Nature of Proposal (Description)	Planning Permission in Principle to erect dwellinghouse at
Site	Chapelhead Crossroads Keith Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133059930
Proposal Location Easting	346172
Proposal Location Northing	854409
Area of application site (Ha)	m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&caseNo=09/01942/PPP
Previous Application	
Date of Consultation	30th October 2009
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Russell Morrison
Applicant Organisation Name	
Applicant Address	Newtack Crossroads Keith Moray AB55 6QL
Agent Name	Future Plans
Agent Organisation Name	
Agent Address	The Barnyard Studios GARMOUTH Moray IV32 7LX
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Neal MacPherson
Case Officer Phone number	01343 563266
Case Officer email address	neal.macpherson@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the

two month determination period to be exceeded.

Please respond using the attached form:-

GROUND'S FOR REVIEW

Planning Application 09/01942/PPP - Planning Permission in Principle to erect house at Chapelhead Crossroads, Keith, Moray for Mr Russell Morrison

Appendix 9 – Covering letter submitted a with
Planning Application Ref O9/01942/PPP

Please reply to Garmouth Office

Development Control Manager
Department of Environmental Services
Development Services
The Moray Council
Council Offices
Elgin. IV30 1BX

Our Ref: MDL/AD 555/0809/m

9 October 2009

Dear Sir

Application for Planning Permission in Principle to erect a house at Chapelhead, Crossroads, Keith
Mr Russell Morrison

Please find enclosed herewith 4 copies of duly completed application documentation for Planning Permission in respect of the above works together with our Client's cheque in the sum of £290.00 being the fee payable and 6 copies of the relevant drawings for your consideration.

Also attached is a supporting statement which should be read along with the application.

Should you have any queries or require further information please do not hesitate to contact us.

Yours sincerely

Malcolm D Leiper Dip TP, MRTPI
for *futureplans*

Encs

GROUND FOR REVIEW

Planning Application 09/01942/PPP - Planning Permission in Principle to erect house at Chapelhead Crossroads, Keith, Moray for Mr Russell Morrison

Appendix 10 – Supporting Statement submitted with Application Ref O9/01942/PPP

**Application for Planning Permission in Principle to erect a house on site at Chapelhead, Crossroads, Keith AB55 6LQ
Mr Russell Morrison**

The site is a small field of approx 11386 sq.m.

Access from the public road to the house would be via an existing field gate with improved visibility, and along the route of an old farm track. The latter would be upgraded by surfacing with aggregate and blinding with quarry redd.

Under Policy H8 it appears that: -

- The site will not extend or cause ribbon development. The site will be associated with the Chapelhead Farm Steading grouping, but not in a detrimental way, as it will be set against a backdrop of existing trees. The policy requirement for 25% of the site to be planted will be positioned as shown and will provide further screening.
- Because of the existing backdrop and required proposed planting the site will not be prominent, skyline or in the centre of a field, nor will it appear elevated or open.
- More than 50% of the site boundaries exist in the form of fences, trees, and roads.
- 25% of the site will be planted out effectively to provide shelter from the elements and screening to the north-east, and a degree of screening to the south.
- The site will be sheltered and well located to take advantage of solar gain.