

REPORT OF HANDLING

Ref No:	09/01875/PPP	Officer:	Cathy Archibald
Proposal Description/ Address	Planning Permission in Principle to erect new dwellinghouse at Todholes Rafford Forres Moray		
Date:		Typist Initials:	PAC

RECOMMENDATION

Approve, without or with condition(s) listed below	
Refuse, subject to reason(s) listed below	Y
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
Scottish Water	02/12/09	No objection
Contaminated Land	02/12/09	No objection
Environmental Health Manager	07/12/09	No objection
Transportation Manager	21/01/10	No objection subject to conditions

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
H8: New Housing in Open Countryside	y	See observations
T2: Provision of Road Access	n	complies
T5: Parking Standards	n	Complies
EP9: Contaminated Land	n	Complies
IMP1: Development Requirements	y	See observations

REPRESENTATIONS

Representations Received	YES
Total number of representations received	
Names/Addresses of parties submitting representations	
Name	Address
Lloyd And Anne Owen	The Steadings Todholes Dallas Moray IV36 2RW
Angela And Peter Mitchell	Sonas

Todholes
Dallas
Forres
Moray
IV36 2RW

Summary and Assessment of main issues raised by representations

Issue:

1. In the interest of road safety, it would be extremely dangerous to allow another house access onto the main road with the layout and position indicated on the submission site plan.
2. Proposal does not meet the regulations about visibility splays.
3. If visibility splay is created, the proposed property will be overtly prominent.
4. The road is regularly used by young children on bicycles and people pushing prams, safety issue.
5. The proposed property would overlook the present cluster of housing at Todholes
6. The soakaway drainage from the proposed property could contaminate the ground water which supplies the domestic water well for Todholes.
7. The site borders along the Pluscarden valley from the B9102 road which is an area specifically covered by policy BE5, ensuring protection for its environment and character.

Comments (PO):

- 1-4 The Transportation Manager was consulted in regard to access and parking issues and has recommended that the application be approved subject to standard transportation conditions. On this basis the increase in vehicular traffic is not considered to be significant to warrant the refusal of this application.
5. The separation distance from the cluster of houses would not have a significant adverse impact on the privacy of the houses at Todholes.
6. The proposed septic tank and soakaway/infiltrations drainage system and the suitability of the ground condition will be dealt with as part of the Building Warrant application.
7. Policy BE5 specifically relates to the Pluscarden Area of Special Control which has been identified around the Benedictine Abbey and its exceptional environment and does not relate to the area of the proposed site.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The applicant seeks planning permission in principle for the erection of a single storey dwelling house served by a new access onto the Elgin/Pluscarden Road at The Paddock, Todholes. The proposal is contrary to policies H8 and IMP1 of the Moray Local Plan 2008 based on the following considerations.

The Site

The proposed site is in agricultural use as is the adjoining land and adjacent to the Elgin – Pluscarden Road that leads onto the B9102. The site is square in shape and measures approx.1246 sqm. It is characterised by flat open ground and unspoilt countryside and is separated from Todholes in the south by a field. One boundary is currently defined on the north by a burn and native trees and shrubs and on the north east by gorse bushes fronting the road, the west and south is open field.

History

Neighbouring site

88/0033/OUT & 88/00890/FUL Permission granted to convert steadings into house/holiday home accommodation. Application approved 2/3/1988

Policy H8 requires the development to be acceptable in location/siting terms. In this case the proposal would be located within a flat open setting of largely uniform and level landform character, and lacks any backdrop to offset its prominence when viewed from the adjoining public road network. As such, the resultant development would represent an inappropriate ‘overtly prominent’ development in the countryside that would neither be low-impact nor well located. In terms of the latter, the property would sit detached from an existing group of properties south of the site. The resultant outward build-up and siting of the proposal would detract from the character, amenities and appearance of the surrounding locality. No material considerations exist to warrant a departure from policy and if approved, the proposal would set an undesirable precedent for further applications to be submitted in the locality.

Policy IMP1 states that the new development must be integrated into the surrounding landscape. As noted above, the non-low impact location/siting of the proposal would detract from the character and appearance of the locality. Since the planning officer had visited the site the applicant has removed the gorse bushes fronting the road exposing the proposed site further.

Recommendation

On the basis of the above, it is considered that the proposal does not conform to the relevant policies in the Moray Local Plan and therefore the application is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None.

HISTORY

Reference No.	Description			
98/00060/OUT	Outline to erect house and garage at Todholes Rafford Forres Moray			
	Decision	Refuse	Date Of Decision	01/04/98
04/03102/OUT	Outline to erect a new dwellinghouse at The Paddock Todholes Dallas Moray			
	Decision	Refuse	Date Of Decision	21/03/05

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Forres Gazette	No Premises	11/01/10

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)			