

REPORT OF HANDLING

Ref No:	11/00009/APP	Officer:	Neal MacPherson
Proposal Description/ Address	Erection of dwellinghouse including access road and garage on Plot 2 Berryhillock Keith Moray		
Date:	7 TH March 2011	Typist Initials:	CB

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
Regional Archaeologist	28/01/11	No objection
Planning Gain Unit	10/02/11	Passing place required
Environmental Protection Manager		No objection received
Environmental Health Manager	01/02/11	No objection
Contaminated Land	02/02/11	No objection
Transportation Manager	07/02/11	Conditions and informatives
Scottish Water	02/02/11	No objection

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
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	
BE1: Scheduled Ancient Monuments	n	
IMP1: Development Requirements	Y	

IMP3: Developer Contributions	n	
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REPRESENTATIONS		
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Representations Received	YES	
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Total number of representations received	
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Names/Addresses of parties submitting representations

Name	Address
Michael And Alison Noakes	Wimpling Croft Grange Keith Moray AB55 6SY

Summary and Assessment of main issues raised by representations

Issue: The number of plot has increased from three up to two. The objector has objected to a big increase in noise and a development of this kind would increase traffic on the road would be totally out of keeping with the rural area. Comment - The number of properties proposed has been reduced from 4 to 2 with the dwelling upon plot 4 now sharing the land between itself and plot 3 and as a result any dwelling upon the site should now be located further away from the neighbours' boundary. Furthermore in reference to the increased noise that such a development would create, it is not unreasonable in the case of any development to expect some disturbance during construction. It is also not considered that the amount of traffic that would result via the approval of these 2 dwellings would constitute a reason to refuse them.

The objector wishes reassurances that the proposed houses will be positioned so as to minimise their impact upon the neighbouring property and so as not to obscure their view of Knock Hill. Comment – Whilst planning can protect amenity and privacy, it cannot protect views of individuals between their property and any particular landmark or feature. The distance between the site and the objectors' property is sufficient to protect amenity.

OBSERVATIONS – ASSESSMENT OF PROPOSAL
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The main planning issues are

Impact of new house upon locality (H8 and IMP1)

Previously the proposed development at this location initially involved 4 separate planning applications for 4 individual houses, plots 1-4. However as a result of negotiations and in order to comply with relevant policies from the previous local plan, the total number of houses was reduced from 4 to 2. This meant that the planning applications for plots 3 and plot 1 have been withdrawn and the land which they occupied was incorporated into the 2 remaining plots. This means that for planning application 07/02539/OUT (Plot 2) the land that had formally been plot 1 will now be incorporated within its boundary. Similarly planning application 07/02542/OUT for plot 4 now includes the land that has formally been applied for known as plot 3.

In assessing the proposed site against the requirements of the current MLP2008 policy H8 New Housing in the Countryside, the need to keep the number of new houses to two or less is sustained from the previous local plan. This application however lies upon land for which the previous application was withdrawn in order to ensure that only two houses resulted. As two other adjoining applications are in the process of being approved as they lie upon previous extant outline planning approvals they can be supported. This site does not benefit from having permission upon it

previously.

The Moray Development Plan does allow for a proportionate number of additional houses next to existing groupings (as evidenced by the two approvals close by) but under H8 where a further addition detracts from the character of the existing grouping by resulting in an uncharacteristic cluster of houses in the open countryside, a departure results. Therefore the proposal conflicts with rural housing policy H8 and IMP1 where character is also to be protected.

Solely in terms of design the house is acceptable and the curved facade would add a contemporary appearance to the otherwise traditional proportions.

Developer Contribution issues. (T2 and IMP3)

Had the application been considered for approval, the Planning Gain Unit in discussion with the Transportation Section of the Moray Council would have sought a contribution towards local roads infrastructure. As the application was to be refused on un-resolvable character grounds, it would not have been expedient to pursue the developer contribution issue prior to determining the application. Any further houses at this location would necessitate the need for a further passing place locally.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

HISTORY

Reference No.	Description			
07/02540/OUT	Outline permission for Plot 3 Site Adjacent To Wimpling Croft Berryhillock Grange Keith			
	<table border="1"><thead><tr><th>Decision</th><td>withdrawn</td><th>Date Of Decision</th><td>n/a</td></tr></thead></table>	Decision	withdrawn	Date Of Decision
Decision	withdrawn	Date Of Decision	n/a	

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Herald	No Premises	24/02/11	

DEVELOPER CONTRIBUTIONS (PGU)

Status	CONT SOUGHT
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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)			