

PLANNING APPLICATION: 07/00422/FUL

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

The Proposal

- Detailed application to erect a dwellinghouse and associated works at site adjacent to Burn of Auchbreck, Glenrinnes.
- Dwelling construction - 2½ storey with integral garage, 4 bedrooms. Walls to be finished in beige roughcast; roof to be covered with Marley Modern smooth red concrete interlocking tiles.
- Access would be formed onto an existing track that would be upgraded, which joins onto a minor public road 200 metres downhill to the west.
- Foul drainage - private septic tank and soakaway. Water supply - private.

The Site

- The site forms an area of land on a remote hillside, covered with scrub and gorse adjacent to the Burn of Auchbreck in Glenrinnes.
- Plot area (excluding access) approx. 0.3 ha (0.74 acre), irregular in shape.
- Approx. 50 % site boundaries currently defined by the remains of a stone wall, existing track and burn of Auchbreck. The remaining boundaries would be formed with post and wire fencing.

Policy / Objections-Representations / Consultations - See Appendix

History

For the site:

None.

For nearby ground:

05/01162/FUL -

Permission refused October 2005 for the erection of a dwellinghouse at Corryview, Corryhabbie, Glenrinnes on grounds of prominence, lack of enclosure and artificial boundary provision. This site is located approx. 150 metres to the west of the current application site.

05/02413/FUL -

Permission refused September 2006 for the erection of a holiday chalet at Corryhabbie, Glenrinnes on grounds arbitrary boundary treatment and failing to integrate sensitively with existing landforms. This site is located approx. 300 metres to the south of the current application site.

Advertisement

Advertised as a departure from the development plan.

Observations

Determining issues:

Impact of New Residential Development in the Open Countryside and Area of Great Landscape Value (Structure Plan policies 1(e) & 2(a) and Local Plan policies L/HC3, L/IMP2 and L/IMP3).

The proposed house site is not considered to be a well located or designed site that has low environmental impact and would fail to comply with policies L/HC3 New Houses in the Open Countryside, L/ENV7 Area of Great Landscape Value and associated policies for the following reasons:

The proposal, being located on steeply sloping ground, would require to be the subject of significant engineering works and works of excavation in order to accommodate the dwelling and associated driveway, parking and garden areas. The resultant development would fail to integrate sensitively with the surrounding landform so as to blend unobtrusively with its surroundings and would significantly detract from the character of this part of the countryside, the scenic qualities of which are recognised as an Area of Great Landscape Value.

The proposed boundaries to the plot would dissect open scrubland, which itself has no discernible features allowing for the natural separation of the site from adjoining ground. This would merely afford an artificial sub-division of the plot from the adjoining ground, which is indistinguishable from that within the site, rather than separate them naturally from the surrounding landform as required by policy L/HC3.

Impact Upon an Area of Great Landscape Value (Structure Plan Policy 2(a) and Local Plan policy L/ENV7)

The proposal also requires consideration against policy L/ENV7 Area of Great Landscape Value, which seeks to ensure that new developments incorporate high standards of siting and design and do not have a significant adverse effect on the landscape character of the area. The siting of the plot involving significant earthworks and the use of red roof tiles (more suited to a sub-urban setting) would give rise to a development which would lack these high standards. The resultant development, which would be particularly obtrusive because of its location on a remote un-developed hillside, would detract significantly from the landscape character of the area.

No material considerations exist to warrant a departure to policy.

If approved, the proposal would set a serious and undesirable precedent for other proposals to be submitted within the immediate locality.

The agent has submitted a statement in support of the application (a copy of which is available for inspection at member's support), which essentially asserts that the proposal will integrate sensitively with the existing landform in accordance with development plan policy and Scottish

Executive guidance. Officers do not concur with the agents assertions however for the reasons already detailed above.

Recommendation

Refusal.

Author/Contact Officer: Richard Smith
Planning Officer **Ext:** 01343 563256

Signature (*Alan Short, Development Control Manager*)

R A STEWART
DIRECTOR OF ENVIRONMENTAL SERVICES

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2000

Policy 1: Development and Community

The policy set out below identifies the strategic community development requirements for the delivery of the structure plan strategy:-

The Moray Structure Plan Strategy will be supported by:

- e) the encouragement of low impact, well-designed development in the countryside to support local communities and rural businesses.

Policy 2: Environment and Resources

The Moray Structure Plan Strategy will be supported by: -

- a) protecting international, national and local nature conservation and scenic designations from inappropriate development;
- b) protecting the wider natural environment and local biodiversity from inappropriate development and promote opportunities for environmental enhancement and restoration where possible.

Policy L/ENV7: Areas of Great Landscape Value (AGLV)

Development proposals within AGLV's will only be permitted where they incorporate high standards of siting and design for rural areas and where they will not have a significant adverse effect on the landscape character of the area (see policies L/IMP2 and L/IMP3 in chapter 8). The Council will require detailed proposals covering site layout, landscaping, boundary treatment, building design and material finishes to be provided with planning applications.

The Council will seek a Direction from the Scottish Ministers to restrict the formation of vehicle tracks above the 150m level within AGLV's.

L/HC3: New Houses in the Open Countryside

The Council will require applications to respect the traditional pattern of settlement in the countryside.

The settlement pattern is defined as 'the disposition, function, and visual appearance of land and buildings in the general locality of the proposed development'. The Council shall make an assessment of each individual application and a new house shall be judged to respect the traditional settlement pattern if:-

- i) it is positioned sensitively along with a group of buildings such as a farm steading, or;
- ii) it adopts the spacing of a dispersed pattern of settlement and has integrated sensitively with the existing land forms so as to blend unobtrusively with its surroundings, and;
- iii) it avoids contributing to a build-up of residential development in any particular locality so as to cause a change in the character of that area from one of an existing rural cluster to one of a suburban style grouping of buildings, or a ribbon development clearly unrelated to the traditional pattern of settlement in that area.

Some locations will not be appropriate for new houses because of their prominent impact on the landscape and the inability to achieve appropriate landscaping. The Council will not normally approve houses which are located in the centre of a field, on a prominent hillside overlooking a main road or tourist route (i.e. the main A class and Trunk Roads and recognised tourist trails) or occupying skyline, top of slope/ridge locations.

For a new house to be acceptable in the open countryside, it must use existing trees, buildings, slopes or other natural features to provide a back drop.

In North and West Moray, all proposed boundaries must be long established features on the ground (e.g. such as an old fence line, dry stone dyke, a roadway, a hedgerow at minimum height of one metre, watercourse, a mature woodland or group of mature trees or neighbouring buildings), and it must enclose an area not exceeding 1400m² (i.e. a third of an acre). Recently created fencelines will not normally be accepted as established boundaries. The proposed site must also have a minimum 25% of its area retained in an existing tree, shrub or hedgerow cover.

In South and East Moray, only 50% of the site boundaries must be established on the ground, so long as the site is capable of establishing additional boundaries which separate the site naturally from the surrounding ground. The remaining boundaries of the site can be formed by natural stone dykes, planting of indigenous hedgerows or groups of trees, by careful mounding of site material to enclose the site. New boundaries should follow the natural form of the land and be designed so as to integrate the proposal within its rural setting (straight lines may not always be appropriate for new boundaries).

L/HC5: Gable/ Roof Pitch Parameters

For purposes of clarification the Council has adopted the following parameters as definitive guidance on the shape and proportions of gables and roof pitches on conventional new houses to be approved under policy L/IMP2 for the countryside and rural communities. The design of new houses will be assessed under the terms of policy L/IMP3 'New Building Design' in Chapter 8.

The overall width of the gable should not be less than the height of wall from ground to eaves level.

The overall width of a gable shall not be more than 2.5 times the height of wall from ground to eaves level.

The pitch of a roof shall be no less than 40° and no greater than 55°.

Definitions:

Ground - "A fixed external point measured 100 mm below the finished floor level of a house with a solid ground floor or 300 mm below the finished floor level of a house with a suspended ground floor."

Eaves - "The point at which the front face of the external wall and the uppermost point of the roofline intersect."

Exceptions to the above will only be considered where designs are assessed under L/IMP3

- i) clearly exhibit architectural innovation (such as those illustrated in the planning policy guidance book),
- ii) do not adopt the conventional gable form (e.g. those designs based on circular or curved forms), or;
- iii) adopt advanced design elements, which maximise energy efficiency.

This policy applies only to new dwellings. It does not apply to other buildings and may not be applicable in Rural Communities where the dominant character is identified as Group 'C' buildings (see Guidance).

Policy L/ENV21: Private Waste Water Treatment and Drainage

The applicant must satisfy the Council in consultation with, SEPA and NOSWA that proposals for private sewage treatment can be implemented without adverse impacts on groundwater, and watercourses and provide for the efficient treatment of effluent.

Consideration will be given to advanced biological systems and new technology solutions as well as the more traditional septic tank and soakaway system. Disposal must satisfy testing procedures as required by the Council in consultation with SEPA and NOSWA and as outlined in appendix 3.

Policy L/ENV23: Private Water Supplies

The Council will require all applicants who propose to use a private water supply, to mark the supply and all works associated with the supply to the site e.g. the well, holding tank, supply pipe accurately on the application plan to enable the appropriate authorities to advise on adequacy, wholesomeness and pollution risks. This will require the applicant to provide specific information regarding the proposed water supply prior to determination of the planning application.

Policy L/T4: Provision of Road Access

The Council will require that a suitable and safe access from the public highway is provided.

Policy L/T7: Parking Standards

Proposals for different forms of development must comply with the Council's 'Car Parking Standards' (available from the Council's Roads Service).

Where development (including housing) within the defined town centre cannot reasonably supply parking on site, (or where it is appropriate not to include parking), the developer will require to comply with the Council's system for 'commuted payments' for parking. Housing development in town centres which need not provide residential parking on site, must make provision for vehicular access for deliveries and emergencies.

In housing developments of over 30 houses, provision must be made for communal off-street parking, in addition to in-curtilage in order to permit the parking of large commercial vehicles away from road frontages.

Policy L/IMP2: Development in Rural Areas

The Council will seek to ensure that all proposals for development in the rural area (i.e. all areas in Moray outwith town settlement and rural community boundaries) are compatible in terms of character, amenity and design, integrate sensitively into the environment and, where possible, located within easy walking range of public transport (this latter requirement will particularly apply to large scale developments). The Council will, therefore, pay special regard to matters such as traffic and landscape impact, accessibility, loss of productive or biodiverse land, siting, scale, colour and energy conservation. The Council will consult relevant organisations such as Scottish Natural Heritage, the Scottish Environmental Protection Agency etc. on significant development proposals and 'The Moray Landscape Character Assessment' report as prepared by Scottish Natural Heritage will be utilised to inform decisions on siting and locating within the landscape.

Policy L/IMP3: New Building Design

(i) Design Principles

All building development must be designed to respond adequately to the locality. Applications must meet the following requirements:-

- a) appropriate location in landscape or townscape
- b) careful placement on a site, particularly in relation to character, amenity and energy conservation
- c) appropriate size and form in relation to existing buildings, sky line and landform
- d) appropriate density, layout and orientation in relation to character, amenity, privacy of neighbouring properties and energy conservation
- e) sensitive use of materials and colours in relation to existing setting and environmental impact

Standardised solutions to building design are not encouraged and will not be acceptable unless existing context (the design and character of the existing surroundings) suggests otherwise. Design solutions which seriously compromise the amenity and character of the area will not be permitted.

Highly innovative, experimental solutions will be encouraged but may not be suitable in every situation. In certain circumstances, the Council may request written design statements explaining various aspects of design solution e.g. explaining why a particular approach has been taken, and expect applications to show new buildings in their wider relationship with surrounding properties and the site (plans and elevations/perspective/ photomontages showing adjacent buildings, trees, landform etc)

(iv) Materials

The Council will particularly encourage the use of materials which are sustainable. The use of salvaged or recycled material is encouraged in most circumstances subject to local situation and there is a strong expectation that traditional materials will be used on heritage structures. The Council will discourage the over use of high energy materials (i.e. those which require high energy levels to make and dispose) where alternatives can be used and is also concerned about the potential long term affects of using Tropical Hardwoods, from non-managed sources.

Policy L/ENV1: Statutory Nature Conservation Sites

International Designations

Development proposals which may adversely affect a designated or proposed Special Area of Conservation, Special Protection Area or Ramsar site should be assessed in terms of its implications for the site's conservation properties and will only be permitted where it will not adversely affect the integrity of the site or there is no alternative solution and there are imperative reasons of over-riding public interest for the development. Where a priority habitat or species would be affected, prior consultation with the European Commission is required unless the development is necessary for public health or safety reasons.

OBJECTIONS-REPRESENTATIONS

The application has attracted 16 letters of objection/representation from the following:

- Mr and Mrs Haigh, Bellandys, Glenrinnies, Dufftown, AB55 4BZ
- Mr and Mrs D Silvester, Sheandhu, Glenrinnies, Nr Dufftown, Keith, AB55 4BZ
- Mr M D Spink, Corryhabbie Cottage, Glenrinnies, Dufftown, AB55 4BZ
- Mr Paul A E Anthony, Mid Bellandy, Glenrinnies, Dufftown, AB55 4BZ
- John Strathdee, Strathaigen, Aigen Place, Dufftown, Keith
- Raymond Strathdee, Westwinds, Spey Valley Drive, Tomnabent, Aberlour, Moray
- Gavin Strathdee, Collargreen, Craigellachie, Aberlour, AB38 9ST
- Mark Strathdee, 7 York Street, Dufftown, Keith, AB55 4AJ
- Michael Strathdee, Wester Auchmore, Glenrinnies, Dufftown, Keith
- Stephen Strathdee, Viewfield Farm, Craigellachie, Aberlour, AB38 9QT
- Gordon Duncan, 6 Broomhill Court, Keith, AB55 5EL
- Brian Yeats, Culdeen House, Longmorn, Elgin, Moray
- Gordon Cruikshank, 117 Western Road, Aberdeen
- Steve Shand, 43 Land Street, Rothes, Aberlour, Moray
- Barry Brown, Ardoch Lodge, Ardoch, Mulben, Keith
- Doreen McConnachie, Lethndry, Cromdale, Grantown-On-Spey

Comments are summarised as follows:

- New build dwellings in this part of Glenrinnes would be contrary to development plan policies and would not enhance this part of the countryside, which is designated an Area of Great Landscape Value. The development would not blend in well with existing dwellings or with the surrounding landscape and would be obtrusive. There are neither existing buildings nor natural boundaries in proximity to the proposed development.

Agent's Response: This application site was specifically chosen as it had the requisite boundary definition, adopts the natural landform and has substantial enclosure provided by the existing planting along its western boundary. Furthermore, whilst it is accepted that the application site does lie within the AGLV (which our client recognises the importance of), the Council does not operate a total ban of new housing within it, and will allow housing where it does not adversely affect the landscape character. The single residential development will have little adverse affects on the landscape character and as such is not considered contrary to policies S/ENV3 or L/ENV7. In addition, a house on this site will be effective screen from the public roadway by the natural landform and as such the development will not be a prominent feature in this rural landscape.

Comment: The proposal is considered to represent an unacceptable form of development for the reasons already outlined in the observations section above.

- There are several derelict buildings within the area that could be rebuilt thus eliminating the need for green field development.

Agent's Response: Note all these buildings are within our client ownership and some already have permission to be redeveloped. That said, each planning application is required to be assessed on its own individual merit and determined in accordance with Council policy, which in this instance sets a presumption in favour of housebuilding in the countryside providing the siting and design is acceptable.

Comment: The Council as Planning Authority is required to discharge its duty of determining the application as submitted.

- In 2003, the majority of homes within Glenrinnes ran out of water for several days, or weeks in some cases. This demonstrates that the sensitivity with which planners need to approach developments, which draw on natural resources of the surrounding landscape.

Agent's Response: Our client is fully aware of the private water supply issues of the area and has provided the required information to the Council Environmental Health Section to demonstrate that the proposed supply is wholesomeness and adequate for the development.

Comment: Additional information has been submitted regarding the private water supply for the proposed dwelling. Following consultation, the Environmental Health Manager has confirmed that this is satisfactory.

- The proposal, if approved, would detract from the rural character of this part of the countryside and would set a worrying precedent for further applications on undeveloped slopes. This detrimental impact is already illustrated by other recent developments within the glen.

Agent's Response: As all planning are determined on their own individual planning merits, in accordance with policy and siting characteristics, permitting this single application will not create an undesirable precedent.

Comment: See observations section above.

- Of the 16 letters submitted, 12 contain an objection to the use of the red concrete roof tile, but confirm that the application is supported in all other respects.

Agent's Response: We refer to the Scottish Executive's appeal decision P/PPA/300/203 to allow red roof tiles at the White House, Lettoch, Dufftown and as such consider the use of red roof tiles appropriate in this instance.

Comment: See observations section above.

CONSULTATIONS

Environmental Health Manager, Development Services - No objections.

Environmental Protection Manager, Direct Services - No objections. Standard informative regarding refuse collection point.

Contaminated Land, Development Services - No objections.

Transportation Manager, Direct Services - No objections subject to conditions.

SEPA - No objections. Provides advice in relation to foul and surface water drainage and pollution prevention given sites' close proximity to burn.

Scottish Natural Heritage - No objection subject to a condition to mitigate against impact on birds and potential pollution of the adjacent Burn of Auchbreck flows (a tributary of the River Spey Special Area of Conservation) which passes beneath the site. Conditions require submission of a construction method statement showing that all work in relation to the water storage tank and pipe will be carried out in an appropriate manner to avoid any impact and outwith the bird breeding season (i.e. from August to end of March).