

## PLANNING APPLICATION: 07/01549/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*

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### **The Proposal**

- Detailed application for one dwelling (phase 1) and outline permission for access road, servicing, and layout for 20 serviced house plots (phase 2).
- Site to include landscaped areas and a playpark as part of phase 2.
- Site to utilise connection to the public foul water system while surface water to be disposed of via SUD System on site.

### **The Site**

- The site occupies what is currently a field within the south east corner of Keith designated as R7 within the Moray Local Plan 2000.
- The site is bound to the south by Dunnyduff Road, to the north-west by a long established field boundary and residential properties, and to the east by a paddock under separate ownership from the application site, but within the R7 designation.
- This application relates to an area of ground that constitutes approx. 70% of the designation.

### **Policy / Objections-Representations / Consultations - See Appendix**

### **History**

- 05/01000/OUT -** Outline planning application for 6 house plots along of the southern side of the designation adjacent to Dunnyduff Road. This application was refused following consideration by the Environmental Services Committee in May 2006. Refused on the basis that the application proposed the piece-meal development of the site without full consideration being given to the designation as a whole.
- 03/00298/OUT -** New housing development at Dunnyduff Road, Keith. This application related to identical six plots to those considered under 05/01000/OUT but included the formation of an access adjacent to the most easterly plot taking entrance from Dunnyduff Road into the field to the north. This planning application was refused in November 2003 following consultation with the Local Councillor, Chair and Vice-Chair and was refused on the basis that the application was premature as it related to only a portion of R7 designation.

*Planning history on nearby ground:*

- 05/00688/PE -** Preliminary advice given regarding the development of the Keith R7 designation in March 2005. This advice detailed why any application should relate to the entire designation.
- 00/01530/FUL -** Detailed planning permission for a dwelling on ground to the west of the current site. Approval granted in March 2001 contrary to recommendation.
- 97/02052/FUL -** Full planning permission granted in March 1998 to erect a dwelling on Plot 2 Dunnyduff Road (adjacent to the currently proposed site).
- 96/01862/FUL -** Detailed planning permission granted in December 1996 for a single storey dwelling on Plot 1 Dunnyduff Road to the west of the current application site.

**Advertisement**

Advertised as a departure from the development plan.

**Observations**

The main planning issues are as follows:

**Partial Development of R7 Housing Designation (L/H3 and R7 Edindiach Road)**

As is clear from the history section of this report there have been several applications seeking to development incrementally within this designation. All have been refused on the basis that the Moray Local Plan 2000 designation for the site requires an overall layout for the site to be submitted and approved before anymore housing can be built. This was to ensure that wider infrastructure and amenity issues such as surface water drainage and playpark provision could be addressed in a comprehensive and planned manner.

However since those previous refusals, extensive discussions between the applicant and the Council have brought about the current application, where as much of the site as can be developed is subject of one application. The R7 designation is owned by more than one individual, where one party uses their land for horses and is not intent of seeing it developed for the foreseeable future. This department is therefore sympathetic to the implications that this has upon the remainder and majority of the designation. The current application is supported by a layout, and SUDS scheme which now covers a significant proportion of the designation to justify a departure from the need for an overall scheme for the site.

Significantly, both SEPA and the Council's Transportation Section have been provided with enough information to ensure that the requirements of the entire designation can be addressed under this application. Whilst without prejudice to the consideration of any future application for the remaining land within the R7 designation adjacent to Edindiach Road, the proposed development could now proceed without prejudice to the remaining land.

**Impact of Proposed Housing Upon the Locality (L/IMP1)**

As the site is located within long established boundaries of the settlement of Keith and has residential properties on two out of its three sides, the development of housing will not be detrimental to the character of the area, or out of keeping. The presence of Dunnyduff Road, Edindiach Road and a wide ditch along the boundary of the sites ensures that the site is sufficiently far from the majority of other housing in this locality to protect their amenity and privacy.

Conditions are recommended to ensure that detailed consideration can be given to the landscaping and playpark provision within the designation, and further applications will be required to develop each of the individual serviced plots.

On the basis of the above approval is recommended.

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*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:

- a) the identification within the local plan of the business and industrial land allowances set out in Schedule 1 and the provision of strategic business locations at Elgin and Forres Enterprise Park and business park opportunities at Buckie, Keith and Lossiemouth;
- b) the encouragement of tourism development opportunities;
- c) the identification within the Local Plan of the housing allowances set out within Schedule 2;
- d) the provision of affordable housing in association with new housing development where a demand is identified in the Local Housing Strategy;
- e) the encouragement of low impact, well-designed development in the countryside to support local communities and rural businesses;
- f) sustaining the vitality and viability of town centres through the support of opportunities and proposals for retail and commercial development in accordance with the sequential approach;
- g) promotion of the strategic transport links as set out in Proposal 2;
- h) the protection and enhancement and new provision of facilities for community use, healthcare, sport and recreation;
- i) the inclusion within Local Plans of a policy requiring appropriate developer contributions towards healthcare and other community facilities.

##### **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;

- c) working in partnership with the Cairngorms National Park Authority and other interested parties to implement the objectives of the National Park;
- d) restricting development within coastal areas outwith settlements to only that in which social and economic benefits outweigh environmental impact;
- e) providing protection from development to the countryside around the towns of Elgin, Buckie, Keith, Forres and Lossiemouth;
- f) conserving and enhancing the areas built heritage resources and their settings;
- g) supporting proposals aimed at regenerating the area's natural and built environment including good design;
- h) providing waste management facilities to deliver Area Waste Plan and National Waste Plan objectives and ensuring that new development is designed to facilitate waste management practices and promotes the minimisation of waste;
- i) promoting sustainable urban drainage systems (SUDS) in all new developments;
- j) promoting schemes to alleviate flooding in a sustainable and sensitive way using natural ecosystems and features where possible and also restricting development within flood risk areas following the guidance set out in the Risk Framework in SPP7: 'Planning and Flooding' and promoting flood risk management schemes to tackle flooding that threatens existing development and considering development proposals against the Flood Risk Framework set out in Table 5;
- k) safeguarding the area from pollution and contamination;
- l) promoting opportunities for the sensitive development of renewable energy and promoting renewable energy in new development;
- m) safeguarding resources for the production of minerals, preferred forestry areas, and prime agricultural land.

**Policy L/ENV24: Surface Water Drainage: Sustainable Urban Drainage System**

In consultation with SEPA, NOSWA and the Council's Road Service, Sustainable Urban Drainage Systems (SUDs) will be sought on all development sites as identified in the settlement plans and on all 'windfall' sites (i.e. redevelopments and undesignated sites) accommodating in excess of 10 residential units or measuring in excess of 2,000 sq. m of non-residential development land.

Settlement statements and development briefs shall identify sites where an explicit surface water management plan requires to be submitted and approved as part of the planning application.

Where SUDs are proposed applicants must specify provisions for long term maintenance to the satisfaction of the Council and the regulatory authorities.

### **Policy L/H3: Servicing and Layout of new Housing Developments**

#### **(i) Layout**

New residential areas must be designed to accommodate provision for cycling and walkways. Road layouts should reflect considerations of road safety, avoiding long straight stretches, adopting curves and bends with unobstructed sightlines and where appropriate (i.e. adjacent to play areas, schools and public halls) raised surfaces should be introduced to reduce traffic speed. Emergency vehicle access must be provided, and if public transport is to service the site, roads must be designed accordingly. In general, houses in new housing developments which require to be served by new or improved made-up public roads should not be occupied until the road is completed to a standard which satisfies the Council. Proposals must also comply with policies L/T4 (Road Access), L/T7 (Parking Standards), L/T9 (Mitigation) and L/T10 (Cycling) in Chapter 4.

#### **(ii) Drainage**

New housing developments must comply with the requirements of NOSWA and SEPA for connection to the public sewerage systems and the standards of disposal of waste water (see policy L/ENV24 Surface Water Drainage: Sustainable Urban Drainage System in Chapter 2).

#### **(iii) Landscaping**

New housing developments must provide landscaping in accordance with the site description to provide screening, enclosure, shelter, and acoustic barriers and to enhance the overall visual/environmental impact of the development. Details of maintenance arrangements will be required - see policy L/IMP4 'Maintenance of Landscaped and Amenity Areas' in Chapter 8.

#### **(iv) Recreational Space and Community Provision**

Housing developments which impact upon the capacities of existing community facilities such as children's play areas, recreational space, or other community services provided by the authority may be subject to Policies L/F1 (Developer Contributions) or L/F2 (Commuted Payments) in order to redress any negative impacts by upgrading existing facilities or through the provision of additional facilities. Recreational space (with equipped children's play areas if necessary) will be required to serve new developments of family sized houses. Guidelines for the provision of recreational space for all types of housing will be prepared by the Council. Redevelopment proposals for existing facilities will be guided by Policy L/CF3.

#### **(v) Energy Conservation**

Planning applications and development briefs for developments of 10 or more houses must include a statement on the energy conservation techniques to be incorporated in the layout and design of houses.

### **Policy L/T4: Provision of Road Access**

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

#### **(iv) Phasing of Road Improvements**

Where a new access roadway is to be provided the Council may require the road to be made up to a specified standard before work on the new property commences.

## **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/F1: Developer Contributions**

Where a development proposal is considered to have a measurable and potentially negative impact on the infrastructure, community facilities or amenities related to that development, the Council will seek an agreement with the developer that he redress the elements of impact by funding the provision of, or contributing towards, such mitigating works as are reasonably necessary to enable the development to proceed.

If this cannot be achieved by conditions of consent, then agreements must be concluded before a consent is granted.

## **Policy L/IMP1: Development in Built-up Areas**

In areas covered by this policy, (i.e. all land within settlement boundaries and rural communities), the Council will, in considering applications for planning permission, try to ensure that proposals for development do not harm the general character of the surrounding area. Applications will therefore take account of the main uses of land and buildings in the vicinity, the mix of such uses and the architectural quality of the area. The main concern of the Council is to ensure that development proposals should neither conflict with nor detract from the character, amenity and design of an area. This policy will not preclude appropriate new development and is not intended solely to maintain the status quo.

In interpreting and clarifying this policy, the Council will take into account the guidelines on Character, Amenity and Design.

## **Guidelines on Character, Amenity and Design (L/IMP1)**

### **a. Character**

The character of an area is assessed by the;

- (i) main uses;
- (ii) appropriateness of a diversity of uses; and
- (iii) desirability of introducing a development which may detrimentally alter the existing balance of usage
- (iv) architectural style of the area.

## **b. Amenity**

The amenity of an area is assessed in terms of both the people who will occupy the development site, and the adjoining occupiers. In short, new developments should be "good neighbours". Where there is an inherent incompatibility of neighbouring developments, or where remedial action cannot be made effective, applications are likely to be refused.

The important aspects of amenity which the Council considers are worth protecting are:-

- (i) **Privacy** - for both the occupants of a proposed development and surrounding neighbours. Loss of privacy can be minimised by re-orientation, reducing the densities of development reducing the size of buildings, and attention to building levels or by design modifications, for example, window proportion and size.
- (ii) **Traffic** - the introduction of increased traffic movement and resulting noise, can significantly detract from the amenities of an area.
- (iii) **General Disturbance** - protection from activities which create unreasonable levels of noise, smells and other discomforts including wheeled bin locations.
- (iv) **Sunlight/Daylight** - adequate levels of sunlight and daylight, and to a lesser extent, outlook, should be safeguarded for surrounding properties and afforded to new developments.

## **c. Design**

Design of new development should not only relate to the type of development in the immediate vicinity but also to the wider issues of context and setting. This need not be restrictive to new or innovative architectural expression.

Applicants should, therefore, avoid design proposals which compromise the appearance of design characteristics of the surrounding area.

In considering the appropriateness of a design the Council will have regard to:

- (i) The scale of adjoining development.
- (ii) The materials, finishes and colours used in nearby development.
- (iii) Any features on or near the site worthy of reproduction, protection or enhancement, e.g. trees, hedges, views and other features of public importance.
- (iv) Principles of site sensitive design e.g. that pitched roofs are preferred to flat roofs, piended dormers to box dormers, vertical windows to horizontal picture windows etc., where these features predominate in an area.

### **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/IMP7: Drainage Impact**

New development must connect to a public sewer for the disposal of foul drainage if one is available within a Town, Village or Rural Community. If it is not available alternative forms of treatment may be considered and must meet with the approval of NOSWA and SEPA. The Council will promote the employment of Sustainable Urban Drainage Systems (Sustainable Urban Drainage Systems) in the disposal of surface water run-off, and unless otherwise advised by SEPA, will operate a presumption against the disposal of surface water directly to a watercourse. Proposals must meet the requirements of policies L/ENV21 (Private Waste Water Treatment and Drainage), L/ENV22 (Pollution Conditions), L/ENV23 (Private Water Supplies), L/ENV24 (Surface Water Drainage) and L/ENV26 (Control of Development in Flood Risk Areas) in Chapter 2, if relevant.

## **Policy L/IMP8: Departures From The Local Plan**

Departures from the local plan will be managed in accordance with advice as laid down in Planning Advice Note 41: Development Plan Departures (The Scottish Executive). Proposals which involve substantive or significant policy changes or which are judged to involve major social, environmental or economic impacts, will be the subject of formal alteration procedures to amend the local plan. Such procedures will allow for a structural community participation input and may include a Public Local Enquiry.

### **R7 Edindiach Road**

A site extending to approximately 3 hectares (7.5 acres) currently in agricultural use which could accommodate around 55 houses. Two houses have already been constructed with individual access from Dunnyduff Road. Electricity cables crossing the south-east corner of the site will restrict the developable area. Ground conditions may require consolidation but there would appear to be no insurmountable drainage difficulties. No further houses should be granted consent until an overall layout for the site has been submitted and approved. Two access points should be taken - one from Edindiach Road and one from Dunnyduff Road. No individual driveway access onto Edindiach Road will be permitted. Developer contributions may be sought for improvements to the lane between Moss Street and Balloch Road. Footways should be provided along the boundaries where these do not already exist.

### **OBJECTIONS-REPRESENTATIONS**

No objections/representations received.

### **CONSULTATIONS**

**Scottish Water** - No objection subject to various comments.

**Transportation Manager, Direct Services** - The Transportation Manager has not objected to the proposals subject to various conditions and informatives. These conditions include the requirement for a visibility splay and public pavement fronting the site.

**Contaminated Land, Development Services** - Approve subject to conditions and informative.

**Keith Community Council** - No comments.

**SEPA** - Approve subject to conditions relating to SUDS.

**Scottish and Southern Energy** - All works to be carried out according to Health and Safety guidance due to proximity of overhead power lines.

**Environmental Protection Manager, Direct Services** - A development of this scale would merit play provision to the sum of £9200. Conditions requiring playpark provision are in place to ensure the playpark is provided.

**Developer Contributions** - Playpark provision to be made along with 4 affordable housing units within phase 2.