

PLANNING APPLICATION: 07/02492/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 at Newtack, Grange.
- Foul drainage - private septic tank and soakaway. Water Supply - public.
- Resubmission of an application referred by Committee in August 2007.

The Site

- Agricultural land, roughly rectangular in shape, located approximately 130 metres from the junction of the public road with access road to Chapelhill Farm.
- All boundaries currently defined by post and wire fences, ditch and public road.
- Surrounding features include area of heath and scrub 'Foggy Moss' to the east, sites approved for a dwelling to the north and south (yet to be constructed).

Policy / Objections-Representations / Consultations - See Appendix

History

For the site:

06/03018/FUL - Detailed application for the erection of a dwellinghouse - refused at the Environmental Services Committee on 15th August 2007.

For the Surrounding Area:

06/02493/OUT - Outline application for the erection of a dwellinghouse (immediately west of existing dwelling Chapelhill - approved 15th August 2007.

06/02935/OUT - Outline application for the erection of a dwellinghouse (immediately east of existing dwellinghouse Eastfield) - refused on 15th August 2007.

06/02479/OUT - Outline application for the erection of a dwellinghouse (60 metres south west of the application site) - approved following a departure hearing on 13th August 2007.

06/00308/OUT - Outline application for erection of dwelling - approved on 6th April 2006 (150 metres south east of applications site).

04/00368/FUL - Detailed application for the erection of a dwelling - approved on 14th April 2004 (250 metres south east of the application site).

04/01305/OUT - Outline application for a dwellinghouse - approved 20th December 2004 (immediately north of application site - contrary to Officer's recommendation of refusal).

Advertisement

Advertised as a departure from the development plan.

Observations

Determining issues:

Impact of New Residential Development in Open Countryside (policies 1(e), L/HC3 & L/IMP2)

The proposal for the erection of a dwelling on this proposed site would be contrary to policy L/HC3 New Houses in the Open Countryside and associated implementation policies for the following reasons:

The site occupies an open and prominent position in a rural area, and as such it lacks the necessary backdrop and enclosures that are required to integrate it sensitively with the surrounding landform so as to blend unobtrusively with its surroundings. The resultant visual impact of the development would detract from the rural character of this part of the countryside.

The site to the north has outline consent for the erection of a dwelling and since this approval the field has been subdivided by new fencing creating an artificial sub-division between the approved and proposed plots. It was noted in application 04/01305/OUT this fence does not separate the site naturally from the surrounding ground, however it is acknowledged that as this boundary now has approval this cannot be used as an additional reason for refusal.

The site is within close proximity of several other dwellings recently approved in the immediate vicinity. Any further development in this location, including the current proposal would result in an uncharacteristic build-up of residential development, leading to a gradual urbanisation of the area. This in turn would fail to reflect the traditional settlement pattern of this part of the countryside, adversely affecting its rural character.

The proposed landscaping scheme has been given consideration but in this instance it is not considered that the planting would overcome the previous reasons of refusal.

Impact of Proposal on the Public Road Access and Car Parking (policy L/T4)

The single dwelling would be served by a new access. The Transportation Manager has been consulted and no objections are raised subject to a condition requiring a lay-by to be provided at the site frontage. Road safety and capacity concerns have been raised regarding the cumulative impact of additional dwellings being served by this particular stretch of public road from Strathisla Community Council and these have been addressed in the consultation response from Transportation. The applicant has also responded to the representation received. It is considered that the policy criteria required to comply with policy L/T4 would be met subject to the recommended condition.

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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:

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

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 as 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/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/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.

OBJECTIONS-REPRESENTATIONS

Two letters of support and one letter of objection has been received:

- Grange Community Association, A Riddoch (Secretary), Craiglethie, Grange, Keith, AB55 6TP
- Duncan and Shirley Morrison, Newtack, Grange, Keith, AB55 6LQ
- Mr and Mrs P R Firmin, Bowie Croft, Grange, Crossroads, Keith, AB55 6LQ

- **Grange Community Association:**

Write in support of this application. We feel that this is a young couple who wish to set up home in the country and should be approved. The applicant belongs to Grange and wishes to start a family in the same environment. She is willing to do all in her power to meet the criteria that have been set down for her and her family supporting her all the way. This will also be help for Crossroads School in future as she wishes her family to be educated in the same way she herself enjoyed. She is employed locally with well-paid employment.

Applicant's comment: We note there are two letters of support of the application including one from Grange Community Association. These particularly address the issue of availability of affordable housing for young local people and continuing support for the local school that was recently threatened with closure. This house will make a contribution

to supporting the local community by providing a house for a local young couple who already supports local community facilities. If they cannot settle locally their continued involvement with this community will quite simply be threatened.

Comment: The personal circumstances of the applicant are not material planning considerations.

- **Affordable Housing for Local People:**

The applicant's are a young, local couple and are first-time buyers. It is becoming increasingly difficult for first-time buyers to get a foot on the property ladder, with few affordable properties available. This application would provide affordable housing, whilst perhaps a little unorthodox, the site would be available to the applicants free of charge. It would also help, albeit in a small way, to alleviate the problem of an ever increasing Council house waiting list. The applicant's, both of whom work locally, would like to live here. They hope to settle and raise a family in a quiet, peaceful, rural community and send their children to the local school.

- **Unsuitable for other uses:**

Only occasionally used for grazing cattle and is unsuitable for any other purpose. It has three natural boundaries and a backdrop of trees and bushes and we believe that the house would complement the landscape. As a further, enhancement, the plans also include the provision of trees and bushes which would provide ideal wildlife habitat and would in time, grow to screen the house, thereby making it unobtrusive.

- **Access and Traffic Concerns:**

Concerned about the amount of proposed planning applications and builds along the above road. All of these sites are along a single-track road where at present traffic is already heavy and fast. I seriously ask you to consider the existing residents along this road, some of whom have children and would like to enjoy outdoor activities such as cycling and walking. If this development goes ahead then this small country road will not be able to cope with the resulting increased volume of traffic. I would also like to add that this narrow single-track road is part of the Grange footpaths that connects Grange and Newmill and is used by cyclists, walkers and horseback riders. There are serious issues already arising from current volume of traffic, e.g. when vehicles are entering and exiting the B9018, at times vehicles are left in the dangerous predicament of waiting on the B9018 on a blind corner to gain access to the above road. The danger has increased with new build at the end of the single-track road where a clear view does not exist to exit safely onto the B9018.

- The roads department has no problem with or the volume of traffic on it. We ourselves have lived on this road for 30 years and can honestly say that, although there has been a number of new houses built on it recently, any increase in traffic has gone unnoticed.

Applicant's comment: While Strathisla Community Council and Mr Firmin raise concern over a build up of traffic on the road, we note that Mr Firmin is the only local resident to do so. It is also our understanding that the Transportation Engineer has no objection to the proposals.

Comment: See Transportation Manager's consultation reply and observations section.

- **Previous Planning Application:**

We feel that three months after the previous refusal the site must contravene the exact same policies and we would hope that the application will again be refused. Contrary to Moray Structure Plan Policy 1(e) and Moray Local Plan Policies L/HC3 & L/IMP2.

- **Applicant's Supporting Case:**

This application is a re-submission to address issues raised at the time of the original application.

The site is not prominent in the landscape. It is not easily seen or identified from most of the surrounding countryside. It is screened by trees and bushes on both its eastern and southern boundaries. This vegetation also provides a backdrop when the site is viewed from the north or west. The view from those directions also contains backdrop formed by higher ground in the distance (see attached photo).

The ground within the site lies at a lower level than the road. As a result the proposed single storey house would sit down in the landscape below the brow of the slope to the east ensuring that any views of the house from countryside to the west (which would have to be at some distance), would only pick up the grey slate roof which would in any case blend in with the background.

On the other side of the road and to the immediate south west an area of ground has been planted out in trees under a Forestry grant. As these trees mature the site will be substantially screened from the south west.

The site itself will be landscaped and planted. Proposals prepared by a Woodland Consultant are attached indicating how the site can be sensitively landscaped. This will have the effect of expanding the native woodland on Foggy Moss to include this area. It will also create a wildlife corridor joining Foggy Moss to both the wildlife pond and the young woodlands at Craigenseat. The overall result will be rural in character.

In this part of Moray only two established boundaries are required by policy and three already exist to the east, south and west. The northern boundary is not arbitrary as stated in the refusal notice served in regard to the previous application, but is the boundary accepted as conforming to policy by The Moray Council in respect of planning permission 04/01305/OUT. This boundary will of course be planted as shown in our proposals.

In terms of settlement pattern, the surrounding countryside has a long history of scattered groups of farms buildings and houses. It is evident that this has continued for many decades right through the depopulation of the countryside and it is unlikely that the recent development has brought the population back to level that existed when the nearby school at Grange Crossroads was built. It would be an exaggeration to suggest that the approval of this house would lead to an uncharacteristic build up or to urbanisation. If this house is permitted its impact will be small and the area will certainly still retain its rural and slightly remote character.

The house and landscaping are sensitive and well designed. The overall effect will be low impact both visually and in all other respects. The occupants will contribute to the support of local service such as the school and community hall at Grange, Crossroads.

As regards water supply it is our understanding that Scottish water have experienced teething troubles when it installed the new pumped main, but these are mechanical in nature and capable of resolution.

Comment: See Observations Section.

CONSULTATIONS

Transportation Manager, Direct Services - This application is for a single dwellinghouse to be accessed solely by the U26H, Foggy Moss Road, which from the only route from this plot to the B9018 Keith - Cullen Road. Foggy Moss Road is a relatively long signal track road with limited passing places and is typical of such rural roads in Moray. I am concerned about incremental increases in traffic on this road, associated with the number of applications for single dwellinghouses that have already been approved and the continuing receipts of proposals for similar developments. In the majority of previous cases Transportation have requested the provision of a parking lay-by at the access onto the public road which allows for the possibility of the lay-by being used as a passing space when required.

I am aware of letter of objections and as a result have visited this location on a number of separate occasions to assess the problems described. I have not witnessed problems that could suggest that this road has now reached the capacity of development that it should be allowed to serve and to justify a refusal of this application. I actually take the contrary view that if a further passing place can be delivered there are potential benefits to road safety which would outweigh the incremental increase of traffic associated with a single dwellinghouse. Obviously, there is potential for a position to be reached where the road does reach a realistic capacity but I do not believe that point has been reached.

I have no objection to the application subject to a condition being imposed requiring a lay-by to be provided on the road frontage at the southern extremity of the site.

Strathisla Community Council - The main points of objection are:

Unsuitability of the single-track feeder road and to absorb the increased volume of traffic that these applications would undoubtedly produce, this situation will be exacerbated by the numerous applications that are either pending or approved.

Risk to road users on the B9018. Due to poor standard of junction and the obscuration in both directions combined with an increased volume of traffic along the road leading to Roehill, there is a far greater potential of an accident when entering or exiting this junction.

Risk to pedestrians and school children using footpaths that connect Grange and Newmill. These are used by cyclists, walkers and horseback riders.

Water supply to existing properties along Roehill Road. Residents have expressed concerns about the reduction in pressure, as the current supply is already intermittent. It should be noted that this is a dead leg and any interruptions in supply causes air locks.

We wish to express our concern for the disproportionately large number of applications that have already been submitted or approved along this single-track road, where at present the traffic is already heavy and fast.

Contaminated Land, Development Services - No objections subject to conditions.

Environmental Health Manager, Development Services - No objections.

Environmental Protection Manager, Direct Services - No objections.

Scottish Water - No objections subject to conditions.