

PLANNING APPLICATION: 07/02674/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

- The proposal is to build a new dwelling house with septic tank and soakaway in the yard behind Pluscarden Hall at Pluscarden.
- The water supply is from the public mains.
- Access to the site is from the existing access on the Pluscarden to Miltonduff Road.

The Site

- The site is situated in the yard behind Pluscarden Hall at Pluscarden.
- The site is well screened by mature woodland.
- The site is 1391m² in size.
- There are existing site boundaries.

Policy / Objections-Representations / Consultations - See Appendix

History

There is no site history

Advertisement

Not advertised.

Observations

Impact of New Residential Development on the Surrounding area and AGLV (Policy L/HC3 and Emerging Local Plan policies E7, IMP1)

The proposal would satisfy the requirements of policy L/HC3 New Houses in Open Countryside, IMP1 Development Requirements and E7 Areas of Great Landscape Value and associated Structure plan and implementation policies for the following reasons: -

The proposal complies with policy L/HC3 as the plot is considered to be a well-located site within the countryside that would reflect the traditional settlement pattern of this part of Moray, characterised predominantly by dispersed single dwellings and small clusters of housing. The proposal would occupy a defined area of ground, set back from the public road and would have minimal visual impact. Trees within the site and on adjoining ground to the south, east and west would afford the site the necessary degree of natural enclosure and backdrop required to ensure that it blends sensitively with its surroundings.

The proposal is sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It is compatible with the rural area in terms of character, amenity and design therefore complying with policy IMP1.

There would be no adverse effect on the Area of Great Landscape Value and the proposal is designed to a high standard therefore complying with policy E7.

Recommendation

Approval.

Author/Contact Officer: Emma Clarke
Planning Officer

Ext: 01343 563193

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: -

- f) conserving and enhancing the areas built heritage resources and their settings.

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.

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/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.

Emerging Moray Local Plan 2008 - Material Consideration

IMP1: Development Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

- a. the scale, density and character must be appropriate to the surrounding area,
- b. the development must be integrated into the surrounding landscape,
- c. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,
- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate, in all new developments
- f. there must be adequate availability of social, educational, healthcare and community facilities,
- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- n. where appropriate, arrangements for waste management should be provided.

E7: Areas of Great Landscape Value (AGLV)

Development proposals which would have an adverse effect on an Area of Great Landscape Value will be refused unless:

- a. they incorporate the highest standards of siting and design for rural areas,
- b. they will not have a significant adverse effect on the landscape character of the area,

- c. they are in general accordance with the guidance in the Moray and Nairn Landscape Character Assessment.

The Council will require full detailed planning applications covering site layout, landscaping, boundary treatment, building design and material finishes for all proposals within AGLVs.

H8: New Housing in the Open Countryside

This policy presumes against multiple house applications (more than 2) on the basis that these are more appropriately directed to Rural Communities (H6) and applied to Re-use and Replacement of Existing Buildings (H7)

New dwellings in the open countryside will be acceptable subject to meeting the requirements below:

- a. Siting

It does not extend “ribbon” development;

It would not create or contribute to a cluster of dwellings that would be detrimental the character of an area;

It is not prominent (such as on a skyline; in the central area of a field; has no backdrop; is not in an elevated or open setting).

At least 50 % of the site boundaries are long established, and are capable of distinguishing the site from surrounding land (for example dykes, hedgerows, watercourses, woodlands, fences and roadways).

If the above criteria for the setting of the new house are met, the following design requirements then apply:-

- b. Design

A maximum ridge height of 7 metres (measured from finished floor level);

A roof pitch between 40° and 55°;

A gable width of no more than 2.5 times the height of the wall from ground to eaves level. (See Diagram 2);

Uniform external finishes and materials including slate or dark ‘slate effect’ roof tiles;

A vertical emphasis and uniformity to all windows;

Proposals must be accompanied by a plan showing 25% of the plot area to be planted with native species trees, of at least 5ft standards.

New proposed boundary treatments should be sympathetic to the local rural character (for example beech hedging, post and wire fencing, natural stone dykes).

Exceptions to the above design requirements will only be justified on the basis of innovative designs that respond to the setting of the house. Advice on maximising energy efficiency on-site is contained in the Housing in the Countryside SPG.

T2: Provision of Road Access

The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling, and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

SPP17 details that there is a presumption against new accesses onto a trunk road and that the Scottish Executive will consider the case for such justifications, where nationally significant growth or regeneration benefits can be demonstrated.

T5: Parking Standards

Proposals for development must conform with the Council's policy on parking standards.

EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development should be dealt with in a sustainable manner that avoids flooding and pollution and promotes habitat enhancement and amenity. All sites should be drained by a SUDS system or equivalent. A Drainage Assessment will be required for developments of 10 houses, or greater than 100 sq metres for non residential proposals. Applicants must agree provisions for long term maintenance to the satisfaction of the Council, SEPA and Scottish Water.

EP7: Control of Development in Flood Risk Areas

Proposals for development in areas considered to be at risk from flooding will only be permitted where a flood risk assessment to comply with the recommendations of National Guidance and to be satisfactory to both SEPA and the Council is provided by the applicant. The assessment must demonstrate that any risk from flooding can be satisfactorily mitigated without increasing flood risk elsewhere. New development should not take place if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by floodwater. The following limitations on development will also be applied to take into account the degree of flooding as detailed in National Guidance;

- a. in areas of little of no risk (less than 0.1%) there will be no general constraint to development.
- b. areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. However, these areas will generally not be suitable for essential civil infrastructure such as hospitals, fire stations, emergency depots etc. Where such

infrastructure has to be located in these areas or is being substantially extended, they must be capable of remaining operational and accessible during extreme flooding events.

- c. in areas of medium to high risk (0.5% or above)
 - i. in built up areas most development may be acceptable if flood prevention measures exist, are under construction, or are planned.
 - ii. essential civil infrastructure will generally not be permitted.
 - iii. undeveloped and sparsely developed areas are generally not suitable for additional development. Exceptions may arise if a location is essential for operational reasons.

EP9: Contaminated Land

Development proposals on potentially contaminated land will be approved if:

- a. site specific risk assessments are undertaken by the applicant to identify any actual or possible significant risk to human health or safety, or to the environment and that any previous historic uses are not continuing to cause significant pollution to the water environment, and
- b. effective remediation measures are agreed to ensure the site is made suitable for any new use granted consent, and
- c. appropriate measures for the disposal of any contaminated material is agreed with the Council.

The Council will consult SEPA in respect of pollution of controlled waters and licensing issues arising from remediation works.

EP10: Foul Drainage

All development within or close to settlements (as defined in the Local Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed that investment to address this constraint has been specifically allocated within its current Quality and Standards Investment programme and the following requirements apply:

- i. systems shall not have an adverse impact on the water environment;
- ii. systems must be designed and built to a standard which will allow adoption by Scottish Water;
- iii. systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as identified in the Local Plan) of less than 2,000 population equivalent will require to connect to the public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include the size and dispersal of the settlement, the size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add to a risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or the amenity of the general area. Consultation with SEPA will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small-scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with the Technical Handbooks (which set out guidance on how proposals may meet the Building Standards set out in the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

OBJECTIONS-REPRESENTATIONS

Two letters of objection were received from members of the public. An unresolved objection has been received from Heldon Community Council (see consultation below).

- Mr Wilson Rennie, Pluscarden, Elgin, Moray, IV30 8TZ
- Pluscarden Hall, c/o A Mellis (Chairman), Springburn, Milnorduff, IV30 8TL

Objections summarised as follows: -

- The site is considerably greater than 1400m², the feu itself is nearer 4000m² and has been artificially restricted to comply with the regulations. The feu does indeed have a 27% tree and shrub cover but the site itself has fewer than six trees and a large hedge.
- The site is not a 'Yard' but a redundant silage pit, which was deemed unsuitable for agricultural use due to effluent escape and its proximity to the burn. Prior to being a silage pit it was the site of the smiddy and agricultural engineers. The site has therefore potential ash, oil, silage, fertiliser, draff and other contaminants.
- Very concerned over the proximity of the house to Pluscarden Hall - the hall is constructed of a double skin wooden boarding with no insulation and therefore can potentially be very noisy. With the proposal being located so close to the hall it could lead to noise complaints and possible restrictions on the use of the hall to the detriment of the community.
- There is a bottle bank and recycling centre on the boundary of the site which is accessed 24 hours a day, the sound of breaking bottles would be a further disturbance.
- The hall can only be reached by car, it can hold 100-120 people and the hall feu only has parking for 20 cars and the silage pit/yard is used as an overflow car park. If the application was approved there are likely to be issues of road safety.

Applicant's Response: The site is 1391m² and has a 27% tree and shrub coverage as stated in the submitted plan. Moray Council Contaminated Land Section has been supplied with site details. In making a planning application to build a house next door to a Community Hall we are well aware of the type of community activities and functions that are likely to take place.

We have lived in the area for four years and have been involved in many community activities. We expect that our family will be well integrated into any community activities that are undertaken at the hall. The recycling facility is essential in rural communities and this one is well established and well used by the community. Recycling is a critical part of a sustainable waste infrastructure for any local Authority and as stated in Scottish Planning Policy 10: 'Community infrastructure such as bottle and paper banks is already well established raising minor if any planning issues'. The overflow parking is in the ownership of WJ & J Green and parking is allowed at their discretion.

Comments: On the submitted plans the site has an area of 1391m², however it is noted that the plans also indicate an area of land beyond this site within the applicant's control. This would not however prejudice the assessment of the site marked in red on the submitted plans. The Council is satisfied that there is sufficient shrub and tree coverage on the site. The Contaminated Land Section of the Council has recommended approval for the application with a condition. The applicants are aware of the fact that their proposal is sited next to a community facility and an informative will be applied if the application is approved. The recycling facilities are located outside of the site.

The Transportation Manager has recommended approval for the proposal with conditions and informatives.

CONSULTATIONS

Transportation Manager, Direct Services - Recommends approval with conditions and informatives.

Environmental Protection Manager, Direct Services - Recommends approval.

Environmental Health Manager, Development Services - Recommends approval.

Contaminated Land, Development Services - Recommend approval with condition.

Heldon Community Council - Object to the proposal for the following reasons: -

The condition of the site with its probable contamination from previous use and the question of a soakaway is of concern. The location immediately behind the hall would be detrimental to hall users. The frequent use of the hall could be restricted because of the noise generated at these functions. Parking would be limited, because at the present time the proposed area for building is used as extra parking space to prevent people from parking on a dangerous road junction.