

REPORT OF HANDLING

Ref No:	13/01004/APP	Officer:	Andrew Miller
Proposal Description/ Address	Erect house on Site Adjacent To The Willows Main Street Urquhart Moray		
Date:	23.10.2013	Typist Initials:	JC

RECOMMENDATION			
Approve, without or with condition(s) listed below		N	
Refuse, subject to reason(s) listed below		Y	
Legal Agreement required e.g. S,75		N	
Notification to Scottish Ministers/Historic Scotland		N	
Hearing requirements	Departure	N	
	Pre-determination	N	

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Planning Gain Unit	28/06/13	None sought.
Environmental Protection Manager	27/06/13	No objections.
Environmental Health Manager	26/06/13	No objections.
Contaminated Land	02/07/13	No objections.
Transportation Manager	04/10/13	No objections subject to conditions and informative notes as recommended
Scottish Water	04/07/13	No objections but permission does not guarantee connection to infrastructure.

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
H8: New Housing in Open Countryside	Y	
T2: Provision of Road Access	N	
T5: Parking Standards	N	
E9: Settlement Boundaries	Y	
EP5: SUDS	N	
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
IMP1: Development Requirements	Y	
IMP3: Developer Contributions	N	

REPRESENTATIONS		
Representations Received		YES
Total number of representations received		
Names/Addresses of parties submitting representations		
Name	Address	
Mr & Mrs Peter Amphlett	Thurloe Main Street Urquhart Elgin IV30 8LG	
Summary and Assessment of main issues raised by representations		
<p>Issue: Road safety and road access. Development will result in an increase in traffic on a single track road that already has more traffic than it can safely cope with.</p> <p>Comments (PO): Following consultation, the Transportation Manager has not objected to the development in terms of traffic, access and/or road safety terms and instead, conditions are recommended to be attached to any grant of permission for the development.</p> <p>Issue: Drainage.</p> <p>Comments (PO): The terms of this comment are not defined by the objector. However, this issue may relate to surface water, a matter considered in the previous applications wherein additional information was provided by the applicant/agent to address concerns of run-off from the road into the site. This matter is addressed within the supporting documents provided by the applicant/agent. Neither the Transportation Manager nor any other consultee has objected to the development on drainage grounds.</p>		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Proposals and Site

The application seeks permission for the erection of a dwelling and associated infrastructure on land adjacent to The Willows, near Urquhart. The proposed dwelling would be one and a half storey, finished in white rendered and natural stone walls, with grey slate effect concrete tiles with the dwelling itself being of a simple yet modern design. The site covers an area of approximately 0.43 ha and is currently agricultural land. Established trees bound the site to the west, as well as a row of trees to the north adjacent to the B9103. Further agricultural land bounds the site to the south and east. Access to the site would be via a new access connecting to the B9013 road at the north of the site.

The site has been subject to two previous applications (09/01284/FUL and 10/00483/APP), both for single dwellings, which were refused under current planning policy for reasons relating to the unacceptable nature of development being located immediately outwith the settlement boundary of Urquhart and eroding the distinction between the built-up area of Urquhart and the surrounding countryside.

The application site area/location as currently defined is the same as that previously indicated in earlier applications. In this latest application there is however a change in applicant/agent (which is not a material consideration) and a different house design as now proposed. As with planning policy, there have been no other material changes in circumstances relating to the site including its physical characteristics, and to the surrounding area since the previous decisions.

Policy Implications

The application is considered to be a departure from the development plan for the reasons indicated below and was duly advertised as such.

Unacceptable location/siting of house in the countryside (H8)

Policy H8: Housing in the Countryside sets out the criteria against which developments of new housing in the countryside are assessed, including regard to location/siting and design considerations.

In this instance, the dwelling will be sited adjacent to two other dwellings - The Willows to the east and Hawthorn Cottage to the north. Both are located outwith the settlement boundary of Urquhart as defined and the effect of this latest development, if approved, would result in the additional build-up of development, resulting in a small grouping of property on the outskirts of Urquhart.

Policy H8 (and the associated Supplementary Planning Guidance) states that there is a presumption against multiple house applications in the countryside (i.e. more than two units). The addition of a dwelling on this site, nestled between two well separated dwellings, would result in the further build-up of development in this locality and reinforce the small grouping of property in this location. As noted from the previous applications (for refusal), and relative to policy H8, the proposal would be unacceptable on this basis, detracting from the existing character and setting of these existing buildings and thereby also detracting from the character and appearance of the surrounding area (including the site's proximity to Urquhart (see below)), contrary to the requirements of policy H8. These considerations remain consistent with those given to earlier development proposals on this site (see History) and as noted above, there have been no substantive changes in circumstance since those previous decisions to warrant an alternative conclusion for this latest development as proposed.

As far as other location/siting requirements are concerned, the site has established boundaries covering at least 50% of the boundaries and development on the site would not be overtly prominent taking into account of the siting/scale of the property, the surrounding landform and the established trees bounding the site (and any additional planting required by policy H8). The proposal would satisfy these location/siting elements of policy H8.

The dwelling satisfies the requirements of the design criteria listed in policy H8, noting that the roof pitch, gable width in relation to height and external material finishes are suitable for this rural location. To this end, the proposed design of the dwelling is considered to be acceptable and satisfy the respective design requirements of policy H8.

Relationship of development to settlement boundary for Urquhart (E9)

Policy E9 Settlement Boundaries sets a presumption against development immediately outwith settlements, to prevent ribbon development and also provide a clear distinction between settlements and surrounding countryside. The current proposal is no different in terms of its relationship to Urquhart when compared with the previous applications, wherein the site is located less than 60 m from the Urquhart settlement boundary as defined in the development plan and previously, this has been considered to in effect be immediately outwith the settlement boundary. As a result, the proposal would degrade the existing separation/buffer area currently setting apart the existing small group of property and the boundary of Urquhart, and by eroding this distinction between the approved settlement boundary and the countryside surrounding the village, the proposal would be unacceptable and contrary to the requirements of policy E9.

Drainage and Roads/Parking (EP5, T2, T5)

The Transportation Manager has raised no objections to the development, subject to conditions as recommended being included within any grant of planning permission. No specific details of the surface water drainage system have been provided with the application, therefore a condition would also be recommended for inclusion with any grant of consent requiring details of the specific location

to be submitted for further consideration. The suitable nature of the proposed drainage and access/parking arrangements associated with this development are not considered to over-ride the otherwise unacceptable nature of the development in terms of its location/siting as considered above.

Development Requirements (IMP1)

Policy IMP1: Development Requirements states that all development should be suitably sited, designed and serviced at a level appropriate to the amenity of the surrounding area. Although the proposal may satisfy the latter design and servicing requirements, this proposal is considered to be unacceptable in terms of its location/siting characteristics, in particular the unacceptable and resultant build-up of development immediately outwith the settlement boundary for Urquhart. On this basis the proposal is considered contrary to policy IMP1.

Recommendation

Refusal is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None.

HISTORY

Reference No.	Description			
10/00483/APP	Erect new dwellinghouse at Site Adjacent To The Willows Urquhart Moray			
	Decision	Refuse	Date Of Decision	22/02/12
09/01284/FUL	Erect new dwellinghouse at Site Adjacent To The Willows Urquhart Moray			
	Decision	Refuse	Date Of Decision	01/09/09

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development planNo Premises	25/07/13	
PINS	Departure from development planNo Premises	25/07/13	

DEVELOPER CONTRIBUTIONS (PGU)

Status	NONE SOUGHT
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DOCUMENTS, ASSESSMENTS etc. *

* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc

Supporting information submitted with application?

YES

Summary of main issues raised in each statement/assessment/report

Document Name: Ground Assessment and Surface Water Drainage Report

Main Issues: Ground assessment for suitability of surface water retention pond and design of surface water drainage system.

S.75 AGREEMENT

Application subject to S.75 Agreement

NO

Summary of terms of agreement:

Location where terms or summary of terms can be inspected:

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)

Section 30

Relating to EIA

NO

Section 31

Requiring planning authority to provide information and restrict grant of planning permission

NO

Section 32

Requiring planning authority to consider the imposition of planning conditions

NO

Summary of Direction(s)