

PLANNING APPLICATION: 07/01252/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 for the erection of a new dwelling house. The dwelling house is one and half storeys with 4 bedrooms. The ground floor has a floor area of 193m² with a 42m² garage and the first floor has a floor area of 120m². The external cladding is tuscany beige dry dash roughcast with marley monarch slate effect roof tiles. The boundary fence is post and wire.

The Site

- The plot size is 2165m².
- Access to the plot is from an existing private access track, which runs along the northern side of the boundary.
- The private access track links to the public roadway to the west of the application site.
- The site is located on a strip of recently felled woodland.
- The site is bounded on three sides, the north boundary has a line of mature trees and the access track, to the east there is an earth bund with mature planting and to the south there is a line of mature trees and the remains of a stone wall.

Policy / Objections-Representations / Consultations - See Appendix

History

For the site:

There is no site history.

For the area:

- 04/02339/FUL -** Erect new dwellinghouse at site 2 Blackfolds Elchies. This site is approx. 150 metres from the current application site. Approved under delegated powers.
- 04/02343/FUL -** Erect new dwellinghouse and integral garage at site 1 Blackfolds, Elchies. The site is approx. 200 metres from the current application site. Approved under delegated powers.

- 05/02660/FUL -** Build traditional dwellinghouse with ground source heat pump and solar panels and for septic tank and soak-away on site at Tomneen. This site adjoins the site for 07/01121/FUL, which is opposite the current application site. Approved under delegated powers.
- 06/01417/AGR -** Erection of agricultural shed at Wood Of Claggan. This site is on the western boundary of the application site. Agreed under Prior Notification procedure.
- 07/01121/FUL -** Build traditional dwellinghouse with ground source heat pump septic tank and soak-away at site in natural woodland clearing, Tomneen. This site is opposite the current application site. Approved under delegated powers.

Advertisement

Advertised as a departure from the development plan.

Observations

Determining Issues: -

Impact of New Residential Development on the Surrounding Area (Moray Local Plan 2000 policies L/IMP2 and L/HC3, Emerging Moray Local Plan 2008 policies IMP1 and H8)

The proposal fails to satisfy the requirements of policy L/HC3 New Houses in Open Countryside and L/IMP2 Development in Rural Areas for the following reasons: -

The proposal does not comply with policy L/HC3 due to it contributing to a build-up of residential development in the particular locality, which would change the character of the area. Therefore the site will contribute to a cluster of plots which would in turn create a linear development. The plot is 2165m² therefore it exceeds the recommended maximum plot size of 1400m² in the open countryside.

The proposal also fails to satisfy the requirements of policy L/IMP2 as it creates a cluster of housing which is detrimental to the character of the rural area.

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Planning Officer

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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 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/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)

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/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/T4: Provision of Road Access

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

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).

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.

T5: Parking Standards

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

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.

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.

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.

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 to 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.

OBJECTIONS-REPRESENTATIONS

6 competent letters of objection were received from: -

- Pauline Mitchell, Upper Drakemyres Farm, Keith, Moray, AB55 6RN
- Laura Sievwright, Collargreen, Hill Street, Craigellachie, Aberlour, Moray, AB38 9ST
- Gary McConachie, Lethandry Farm, Cromdale, Grantown-On-Spey, PH26 3PH
- Raymond Strathdee, Westwinds, Spey Valley Drive, Aberlour, Moray, AB38 9NP
- Diane H Strathdee, Strathelen, Craigellachie, Aberlour, Moray, AB38 9SB
- Stephen Strathdee, Viewfield Farm, Craigellachie, Moray, AB38 9QT

Main points: -

- The roof should have red tiles.
Applicant's Response: Application to be considered as submitted.

Comment: If application was approved a standard condition requiring consideration of roof finish would be attached to the decision notice.

CONSULTATIONS

Transportation Manager, Direct Services - Approve with conditions.

Scottish Natural Heritage - No objections.

Contaminated Land, Development Services - No objections.

Environmental Health Manager, Development Services - No objections.

Scottish Water - No objections.

Environmental Protection Manager, Direct Services - No objections.