

PLANNING APPLICATION: 07/02113/OUT

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

- Outline application to erect five houses and a new access road.
- Public mains water and mains drainage to existing treatment works proposed.

The Site

- Lower part of agricultural field on the south western side of Cardhu settlement.
- The houses would be proposed in a single line in a strip of land 140 metres long by 50 metres wide.

Policy / Objections-Representations / Consultations - See Appendix

History

None relevant to application.

Advertisement

Not advertised.

Observations

Determining Issues: -

Principle of Proposed Development Cardhu Settlement Statement (L/HC1, L/IMP1, Guidelines on L/IMP1, Emerging Local Plan 2008 Cardhu Settlement Statement H6 and IMP1)

The site is identified for new development in the existing local plan subject to it being of single storey and reflecting the Victorian architecture. The proposal site is part of a much larger field forming the rural landscape providing the setting to the settlement to the south west. The site itself is a lower part of the field which rises to form a low backdrop. The south west boundary would require defining. Based on the local plan designation of the site there is no objection to the principle of the development and with conditions requiring sympathetic single storey designed houses and landscape definition along the field boundary, the proposed developments can be reasonably integrated into the existing settlement.

Drainage Impact (L/IMP1, L/IMP7, emerging Local Plan IMP2)

The settlement statement indicates that there may be an issue with the public drainage system. On this basis a condition is recommended requiring the necessary evidence to be shown prior to the commencement of development to the effect that there is adequate capacity.

Highway Infrastructure (L/IMP1, Guidelines on L/IMP1, L/T4, emerging Local Plan T2 and T5)

The local roads serving the site are typical for the type of rural area involved and although they are of a minor nature, it is considered that there is adequate capacity in relation to the existing type and level of highway usage and the relatively limited additional development being proposed. The Transportation Manager raises no objection to the proposals but does consider that the provision of a passing place would be appropriate and a condition has been applied to this effect.

Recommendation

Approval.

Author/Contact Officer: Maurice Booth
Planning Officer

Ext: 01343 563274

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

CARDHU

Opportunity for new development in the field to the south of the public play area which is being developed for recreational purposes by the local community. New housing here must be at single storey and reflect Victorian (distillery) architecture. Development will largely depend on the suitability of ground conditions for soakaways. A public water supply is available but the public drainage system (which serves only part of the community) is at present working to capacity. The land enclosed by the new access road to the distillery is to remain as landscaped amenity land.

Character Description: 5 Distillery Village.

Specific Character Features

- Group 'B' buildings dominant.

L/HC1: Development Within Rural Communities

The Council will presume to approve housing applications within rural communities subject to servicing capability of the site; design of the house and character of the rural community.

All land within rural communities will be covered by the principles for the control of new housing within built-up areas (policies L/IMP1 and L/IMP3 in Chapter 8). This means that proposals must not detract from the essentially "rural" nature of the community. The character of each community is defined in the text accompanying the rural community maps in appendix 1 to the Local Plan and in the separate planning policy guidance booklet. Developments located just within the community boundary will be required to provide appropriate landscaping.

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/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/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.

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.

Emerging Moray Local Plan 2008 - Material Consideration

H6: Development Within Rural Communities

New housing on sites in designated rural communities will be acceptable if adequate servicing and infrastructure is available, or can be made available, if its scale and design fits the character of the community and, if it does not adversely impact on an environmental amenity site.

Cardhu

Opportunity for new development in the field to the south of the public play area which is being developed for recreational purposes by the local community. New housing here must be at single storey and reflect Victorian (distillery) architecture. Development will largely depend on the suitability of ground conditions for soakaways. A public water supply is available but the public drainage system (which serves only part of the community) is at present working to capacity. The land enclosed by the new access road to the distillery is to remain as landscaped amenity land.

Character Description: 5 Distillery Village.

Specific Character Features

- Group 'B' buildings dominant.

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.

OBJECTIONS-REPRESENTATIONS

17 letters of objection/representation were received from: -

- Karin Werner, 2 Cardhu Cottages, Knockando, Aberlour, AB38 7RZ

- T D and A S Rodwell, 3 Cardhu Cottages, Knockando, Aberlour, AB38 7RZ
- Mr and Mrs J Donald, 10 Cardhu Distillery Cottages, Knockando, Aberlour, AB38 7RZ
- Shena MacDonald, 4 Cardhu Cottages, Knockando, Aberlour, AB38 7RZ
- Mr and Mrs I G Robertson, 8 Cardhu Cottages, Knockando, Aberlour, AB38 7RZ
- Mr and Mrs W R Cornes, 9 Cardhu Cottages, Knockando, Aberlour, AB38 7RZ
- A Bell, 7 Cardhu Distillery Cottages, Knockando, Aberlour, AB38 7RZ
- Owner/Occupier, 5 Cardhu Cottages, Knockando, Aberlour, AB38 7RZ
- Mr and Mrs G M Hilton, Clackmarras House, Longmorn, Elgin, Moray, IV30 8RJ
- Mr and Mrs G Urwin, 41 Carlton Crescent, East Herrington, Sunderland, SR3 3PH
- Derek and Yvonne Willis, 1 Cardhu Cottages, Knockando, Aberlour, AB38 7RZ
- Inge Wanless, 51 Meadowhouse Road, Edinburgh, EH12 7HW
- Manuela Pannell and Michael Greinke, 17 Cardhu Distillery Cottages, Knockando, Aberlour, AB38 7RZ
- Jime Bertram, 18 Cardhu Cottages, Knockando, Aberlour, AB38 7RZ
- Susan Mitchell, 145 Edgar Road, Elgin, Moray, IV30 6UQ
- Donna Liebnitz, 6 Cardhu Cottages, Knockando, Aberlour, AB38 7RZ
- A J Robertson, Farmer and Agricultural Contractor, Dalbeallie, Knockando, Moray, AB38 7RP

Grounds of objections are as follows: -

- Conflict with Existing Agricultural Use
Comment: The residential development proposed is consistent with the settlement character and there should be no conflict in this respect.
- Proposed Development out of character with the landscape and the characteristics of the settlement. There are better sites elsewhere. They are unsympathetic. Loss of open views.
Comment: Although part of a much larger agricultural field in a rural landscape, a landscaped boundary can be provided and the low contours of the field which rise to the rear of the site would provide a setting. The limited extent of development proposed should integrate reasonably with the existing settlement. Whatever the situation is with other sites elsewhere, it is the merits of the current site which should be exclusively considered. With appropriate landscaping and scale/design of housing units, a sympathetic form of development should result. The loss of open views is not a relevant planning consideration and as noted it is considered that the development can be reasonably integrated with the existing landforms and settlement pattern.
- Lack of amenities and infrastructure. The new residents will be commuters.
Comment: Subject to the provisos indicated in the Observations section, there is adequate infrastructure and the limited scale of development proposed would not make undue additional burden on local amenities. The status of new residents is not a material planning issue.
- Proposed development contrary to the principals of Scottish Planning Policy 15.
Comment: National policy guidance provides for both new development in rural settlements to enhance their viability and for the protection of rural landscapes. The limited scale of development proposed satisfies these requirements.
- Inadequate roads, danger to pedestrians/children.
Comment: See observations.

- Land too wet for houses.

Comment: There is no record of the site being affected by flooding and general issues with ground conditions are not a material planning issue.

CONSULTATIONS

Contaminated Land, Development Services - No objections.

Scottish Water - No objections. Scottish Water indicate that Cardhu septic tank currently has sufficient capacity to service this proposed development, although capacity is limited.

Environmental Health Manager, Development Services - No objections.

Environmental Protection Manager, Direct Services - No objections.

Transportation Manager, Direct Services - No objections subject to standard conditions for passing places.