

PLANNING APPLICATION: 08/01034/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 planning application to erect a one and a half storey detached dwelling house and garage.
- Permission also sought for a temporary caravan during construction period.
- Site served by public water supply and private septic tank and soakaway.

The Site

- The site is bound to the east by an existing post and wire fence within an area of woodland, to the south by an existing ditch and rough ground bounding the site to the north and west.
- The site would occupy an area of sloping ground rising to the north away from the A95.

Policy / Objections-Representations / Consultations - See Appendix

History

No history specifically for this site, however,

99/01978/AGR - Agricultural Prior Notification for shed for storage of agricultural equipment. This shed which looks like a domestic garage is located close to the entrance of the proposed site adjacent to other domestic garages. The notification for this was carried out in December 1999.

Advertisement

Not advertised.

Observations

The main planning issues are: -

Impact of Proposed House Upon Locality (L/HC3, L,IMP2, L/IMP3 and IMP1)

Moray Local Plan 2000 policy L/HC3 New Houses in the Open Countryside does allow for the development of individual houses so long as they respect the settlement pattern of the locality in which they are set and are unobtrusive. The proposed dwellinghouse, whilst located within close proximity to other dwellings, is present within a grouping which has been long established with no recent planning history for housing. This has meant that all the other housing is long established and well defined by mature gardens with the proposed house being located amongst woodland set back from the edge of the public road in order not to detract from the setting of its

locality. Whilst the grouping of buildings is not a farm situation the position and design of the dwelling would reflect the style of housing immediately to the south east and would not dominate the locality when viewed from any location on the approach from the surrounding public roads.

Furthermore, the above policy states that within south east Moray only 50% of the site boundaries must be established as long as the site is capable of establishing additional boundaries to separate it naturally from the surrounding ground. The proposed site occupies an area of scrubland with several trees upon the site which is bound to the east by a stand of mature coniferous trees and a stand of deciduous trees to the west. The site also benefits from an incline uphill to the north which would assist in giving the house a backdrop.

Temporary Caravan (L/H10 and H11)

This application includes the intended occupation of a static caravan on the site during the construction period of the house. The application is therefore subject to consideration under Moray Local Plan 2000 policy L/H10 Residential Caravans and Sites and is also subject to consideration under Emerging Moray Local Plan 2008 policy H11 Residential Caravans and Sites. Under both policies it is acknowledged that permission can be granted for the temporary occupation of caravans in relation to house construction and as such conditions are recommended to ensure that the caravan is only in situ temporarily and must be removed from site upon completion and occupation of the house.

On the basis of the above and subject to the conditions recommended the application should be approved.

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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: -

- a) protecting international, national and local nature conservation and scenic designations from inappropriate development;
- b) protecting the wider natural environment and local biodiversity from inappropriate development and promote opportunities for environmental enhancement and restoration where possible.

Policy L/ENV4: Tree Preservation Orders and Controls on Trees

The Council will serve Tree Preservation Orders (TPO) on potentially vulnerable trees which are of significant amenity value to the community as a whole.

Within Conservation Areas the Council will not normally agree to the felling or removal of trees and advice will be sought to determine when there is a need to serve a TPO.

The Council may attach conditions on planning consents ensuring that existing trees and hedges are retained or replaced. An applicant may be required to survey and identify those trees to be protected within the development site.

When imposing planting or landscaping conditions on certain developments especially in rural areas, the Council will specify the use of native species of trees and will prioritise the re-establishment and extension of hedgerows and/or shelter belts.

Policy L/ENV21: Private Waste Water Treatment and Drainage

The applicant must satisfy the Council in consultation with, SEPA and NOSWA that proposals for private sewage treatment can be implemented without adverse impacts on groundwater, and watercourses and provide for the efficient treatment of effluent.

Consideration will be given to advanced biological systems and new technology solutions as well as the more traditional septic tank and soakaway system. Disposal must satisfy testing procedures as required by the Council in consultation with SEPA and NOSWA and as outlined in appendix 3.

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).

Policy L/H10: Residential Caravans and Sites

No new residential caravan sites (except for a new caravan on the basis of temporary necessity) nor any extension to an existing site, nor any permanent extension to an existing residential caravan, will be permitted. Applications to redevelop the sites at Mundole, Kinloss, Findhorn and Sheriffmill for holiday accommodation will be favourably considered; the sites at Kinloss, Sheriffmill and Ashgrove will also be favourably considered for permanent dwellings on the basis of at maximum a one-for-one replacement. The Council will seek the assistance of Scottish Homes for any schemes involving the total replacement of any of the above five residential sites, in order to offer suitable re-housing opportunities.

For the purposes of this policy 'temporary necessity' will normally apply only to emergency situations where re-housing is urgently required as a result of unforeseen circumstances such as fire, flood or storm damage to a principal residence or for a fixed time period relating to the on site construction of a new house.

Policy L/T2: A95/ A941 and A98

Outwith the Settlement and Rural Community boundaries, there will be a presumption against new accesses and against development on new sites within 50m of these roads, in order to allow for extensive straightening and widening opportunities. Road improvements should seek to minimise or mitigate their potential impact on the natural environment.

Policy L/T4: Provision of Road Access

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

(i) Design of Road Access

Since the formation of a new access by unmade track or surfaced private road (particularly in rural areas) can often result in a scar on the landscape (e.g. if it dissects an agricultural field, involves extensive tree felling or traverses a hillside), then unless a proposed new access is carefully designed within the landscape the proposal will be unacceptable.

(ii) Road Access Standards

Where access to the site is by unmade/private track the Council may require it to be surfaced to a specified standard. If the access is of significant length and may serve more than one development site, some widening and the provision of passing places may additionally be imposed as a condition of any consent.

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.

Emerging Moray Local Plan 2008 - Material Consideration

E3: Tree Preservation Orders and Controls on Trees

The Council will serve Tree Preservation Orders (TPOs) on potentially vulnerable trees which are of significant amenity value to the community as a whole, or trees of significant biodiversity value.

Within Conservation Areas the Council will only agree to the felling of dead, dying, or dangerous trees. Trees felled within Conservation areas or subject to TPO protection should be replaced, unless otherwise agreed with the Council.

The Council may attach conditions on planning consents ensuring that existing trees and hedges are retained or replaced. An applicant will be required to survey and identify those trees to be protected within the development site. A safeguarding distance should be retained between mature trees and proposed developments.

When imposing planting or landscaping conditions on certain developments especially in rural areas, the Council will specify the use of native species of trees and will prioritise the re-establishment and extension of hedgerows and/or shelterbelts.

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.

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.

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.

H11: Residential Caravans and Sites

The Council will not permit residential caravans, except

- a. in emergency situations requiring urgent re-housing for a temporary period, or
- b. where a temporary consent is required in relation to the construction of a house for which planning consent has been granted

Proposals to redevelop residential caravan sites at Kinloss and Ashgrove to provide new housing will be acceptable. Proposals to redevelop Mundole residential caravan site should be the subject of a masterplan and retain holiday accommodation as the primary use in accordance with the rural community statement.

OBJECTIONS-REPRESENTATIONS

None.

CONSULTATIONS

Scottish Water - No objections.

Transportation Manager, Direct Services - Approve subject to various conditions and informatives. These conditions include a requirement for a visibility splay and tarred access track.

Contaminated Land, Development Services - No objections.

Environmental Health Manager, Development Services - Approve subject to comments regarding the standard to which the caravan accommodation must be provided.

Environmental Protection Manager, Direct Services - No objections.

Building Standards Manager, Development Services - A Building Warrant will be required for the house and temporary caravan.