

PLANNING APPLICATION: 09/00120/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

- This application is for outline planning permission for a mixed development of new club facilities and housing at the Kinloss Golf Club.
- Eighteen new houses are proposed in a position fairly central to the overall course.
- Five holiday chalets are proposed in the same area as the houses, positioned centrally to the overall golf course site.
- Existing clubhouse to become a locker room.
- New, larger, clubhouse to be erected parallel to the roadway.
- New tennis courts proposed on ground to the east of the present car park area.
- Car parking facilities to be extended to the front of the proposed clubhouse and the tennis courts.
- Proposed green keepers' sheds on ground to the west of the housing site.
- Existing road access to be retained.
- Connection to public water supply and public sewers proposed.

The Site

- The site extends to around 5.53 hectares (13.66 acres) in area, and all of the proposed development locations fall within the overall boundary of the Kinloss Golf Course.
- To the north the site is bounded by the B9089 Kinloss to Burghead road, with agricultural land beyond.
- To the west the site is bounded by a minor public road, and by agricultural ground.
- To the south the site is bounded by agricultural ground and by some residential properties.
- To the east the site is bounded by agricultural ground.

Policy / Objections-Representations / Consultations - See Appendix

History

There have been a number of recent planning applications in the vicinity of and bordering onto the golf course site, and these are all for residential development. In total, six detailed applications for houses have been approved, of which two were approved by Committee against the recommendation of officers. Four of the houses are to the south of the course on a minor road which runs roughly parallel to the B9089 road. The other two approvals are being developed on ground to the north of the golf course on the opposite side of the B9089. There have been other recent approvals in the area including proposals for Hempriggs Farm to the east of the application site.

Advertisement

Advertised as a departure to policy H8 of the development plan.

Observations

The main planning considerations are:

Tourism facilities and Accommodation (ED9)

Whilst this policy, would generally support the golf course upgrades proposed in the application, and may, subject to visual impact, landscaping and access assessments, permit chalet development, the objectives of ED9 have to be set against the interpretation of policies CF4 and H8 below.

Golf Courses (CF4)

This policy supports the granting of planning permission for golf course and driving range developments where certain criteria are met, one of which is that the proposal does not include housing or other developments that would not be acceptable under other policies. Thus whilst in broad terms the golfing elements of this application comply with the terms of CF4, the proposal will fail if it is clearly dependent upon the housing element (which is stated, in the application submission, to be essential to the viability of the proposal) if the proposed housing then fails policy H8.

New Housing in the Open Countryside (H8)

This policy assumes against multiple house applications (more than 2) in the open countryside on the basis that these are more appropriately directed to Rural Communities. The current application for the erection of 18 dwellinghouses in an open countryside setting, is in contravention of this policy. In effect this creates an unplanned community in the rural area, without appropriate services, and entirely out of character with the location and in opposition to the strategy for new housing in the countryside.

Affordable Housing (H9)

No information is provided with the application to address the requirement for affordable housing. As the residential element of the application is for more than 10 no houses, it is a policy requirement of this Council that an affordable housing should be included as part of the development. The Housing Manager has indicated that the requirement for this development would be 20% of the total number of units, and this would equate to 3 or 4 houses.

No affordable units are indicated as part of the application; in the event that Committee are minded to approve the application, a condition of planning permission would require to be attached to any consent such that any subsequent detailed/reserved matters application addresses this issue.

Access and Parking (T2, T5)

As noted in the description of the development at the beginning of this report, the existing access to the site is to be retained as part of the development proposals. Within the site, access to the proposed housing and chalet development will utilise the line of existing tracks.

The Transportation Manager indicates that the development could be acceptable in roads terms, subject to a number of conditions. In the event that Committee are minded to approve the application, the conditions as recommended by the Transportation Manager should be attached to any consent.

Archaeology (BE1)

This policy is intended to protect archaeological remains from development which may compromise its integrity, and to ensure that where development is accepted on sites with potential interest, then measures are put in place to record and protect any discoveries.

In the case of this application, there are archaeological records in the vicinity of the site, and hence this was the subject of a consultation to the Regional Archaeologist. As noted in the section at the end of this report concerning consultation responses, the response from the Regional Archaeologist states that given the nature of the site and the fact that it has been extensively worked, there is no objection to the proposed scheme. No conditions are recommended in the event that permission is granted for the development.

SUDS (EP5)

As an outline application, no details of SUDS have been provided with the application, and SEPA object to the application due to the lack of information on surface water drainage. This response was copied to the applicants/agents, and no further information has been submitted in respect of this.

In the event that Committee are minded to approve this application this Service, this matter will require to be resolved prior to the issue of any consent. Failing this the application will have to be referred to Ministers for determination as SEPA are statutory consultees and the Planning Authority cannot issue planning permission where there remains an outstanding objection.

Energy Reduction (ER2)

As an outline application, no details of the buildings to be erected have been provided, and it is thus not appropriate to apply this policy test at this stage. In the event that a detailed application, or reserved matters application is submitted for the development as proposed, then it will require to demonstrate compliance with this policy at that stage.

Development Requirements (IMP1)

This policy stresses the need for development to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area.

Without the support of detailed plans (this is only an outline application) it is difficult to fully assess the impact of the proposed development on the amenity of the surrounding area as required by this policy. Indicative sketches have been submitted of the proposed new clubhouse, but not for the rest of the development.

The critical element of this application is undoubtedly the proposal for housing. Although this is indicated as being located centrally from where it may not be immediately obtrusive, it is quite possible that the development as proposed would be visible as a cluster of dwellings when viewed from the wider area, and this would contravene the terms of this policy. Any detailed or reserved matters application would require to fully demonstrate that the development would be capable of complying with this policy.

Developer Contributions (IMP3)

This policy would require to be implemented only in the event of an approval by Committee.

Summary

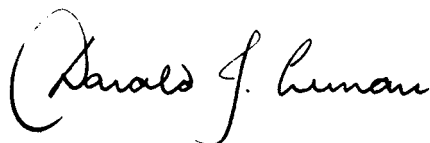
Letters submitted from Highlands and Islands Enterprise and Moray Tourism Executive support the proposals for the golfing and tourism aspects of the application. Similarly, an Economic Impact Assessment has been submitted which highlights the potential benefits to the business itself to the local economy from the provision of enhanced golfing facilities and the chalets for tourist accommodation.

However, it is concluded that the proposal when taken overall is not acceptable in planning policy terms; especially with regard to policies H8 and CF4.

The comments and conclusions contained in these letters and the Assessment have been taken into account in the consideration of this application, but none of the benefits of the scheme proposed outweigh the fact that the residential element contravenes policies H8 and CF4 of the Development Plan. Approval of this application would establish a wholly undesirable precedent for further development of this nature in countryside locations. Whilst it may be possible for this Authority to approve those parts of this application relating to golf and tourist accommodation only, it is quite clear from the supporting Assessment submitted with the application that these and the housing element are inextricably linked. The recommendation must therefore be for refusal of the application, as not in accordance with the policies of the Local Plan.

Author/Contact Officer: Jim Martin
Principal Planning Officer

Ext: 01343 563399



DONALD LUNAN
PLANNING & DEVELOPMENT MANAGER

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2008

Policy H8: New Housing in the Open Countryside

This policy assumes against multiple house applications (more than 2) on the basis that these are more appropriately directed to Rural Communities (H6) and applied to the 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 detract from the character or setting of existing buildings, or their surrounding area, when added to an existing grouping, or linear extension
- It is not overtly prominent (such as on a skyline or on artificially elevated ground; or in open settings such as central areas of fields). Where an otherwise prominent site is offset by natural backdrops, these will normally be acceptable in terms of this criterion.
- 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, tracks and roadways).

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

b) Design

- A roof pitch of between 40-55 degrees.
- 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, at least 1.5m in height;
- Where there is an established character, or style, of boundary demarcation in the locality (e.g. beech hedges, dry stone dykes) new boundaries must be sympathetic.

Exceptions to the above design requirements will only be justified on the basis of innovative designs that respond to the setting of the house.

This policy will be supplemented by Guidance, which will be the subject of separate further consultation, prior to incorporation of the Guidance into the process of determining planning applications.

The Guidance will include advice on maximising energy efficiency.

Proposals falling within the aircraft noise contours, as published by the Ministry of Defence, will be subject to consultations with MOD and consideration against policy EP7 regarding noise pollution.

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:

- a) the identification within the local plan of the business and industrial land allowances set out in Schedule 1 and the provision of strategic business locations at Elgin and Forres Enterprise Park and business park opportunities at Buckie, Keith and Lossiemouth;
- b) the encouragement of tourism development opportunities;
- c) the identification within the Local Plan of the housing allowances set out within Schedule 2;
- d) the provision of affordable housing in association with new housing development where a demand is identified in the Local Housing Strategy;
- e) the encouragement of low impact, well-designed development in the countryside to support local communities and rural businesses;
- f) sustaining the vitality and viability of town centres through the support of opportunities and proposals for retail and commercial development in accordance with the sequential approach;
- g) promotion of the strategic transport links as set out in Proposal 2;
- h) the protection and enhancement and new provision of facilities for community use, healthcare, sport and recreation;
- i) the inclusion within Local Plans of a policy requiring appropriate developer contributions towards healthcare and other community facilities.

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;
- c) working in partnership with the Cairngorms National Park Authority and other interested parties to implement the objectives of the National Park;

- d) restricting development within coastal areas outwith settlements to only that in which social and economic benefits outweigh environmental impact;
- e) providing protection from development to the countryside around the towns of Elgin, Buckie, Keith, Forres and Lossiemouth;
- f) conserving and enhancing the areas built heritage resources and their settings;
- g) supporting proposals aimed at regenerating the area's natural and built environment including good design;
- h) providing waste management facilities to deliver Area Waste Plan and National Waste Plan objectives and ensuring that new development is designed to facilitate waste management practices and promotes the minimisation of waste;
- i) promoting sustainable urban drainage systems (SUDS) in all new developments;
- j) promoting schemes to alleviate flooding in a sustainable and sensitive way using natural ecosystems and features where possible and also restricting development within flood risk areas following the guidance set out in the Risk Framework in SPP7: 'Planning and Flooding' and promoting flood risk management schemes to tackle flooding that threatens existing development and considering development proposals against the Flood Risk Framework set out in Table 5;
- k) safeguarding the area from pollution and contamination;
- l) promoting opportunities for the sensitive development of renewable energy and promoting renewable energy in new development;
- m) safeguarding resources for the production of minerals, preferred forestry areas, and prime agricultural land.

ED9: Tourism Facilities and Accommodation

The Council will generally support, proposals which contribute towards Moray's role and image as a tourist area. Proposals will require to: -

- a. be compatible with policies to safeguard and enhance the built and natural environment,
- b. provide adequate infrastructure arrangements (e.g. roads, parking, water, drainage), and
- c. demonstrate a locational need for a specific site.

Developments built as holiday accommodation (e.g. caravans or chalets) should be retained for that purpose and not become permanent residences. Conditions will be applied to planning consents to control this aspect.

For caravan and chalet parks in countryside areas, visual impact and access arrangements will be important considerations. Proposals must demonstrate what landscaping measures will be taken to assist integrate the site into its rural setting, in addition to providing on-site amenity. Rigid formal arrangements should be avoided with stances/units separated to provide discrete locations/surroundings

Policy H9: Affordable and Special Needs Housing

Proposals for new housing developments of 10 houses or more on designated or undesignated sites, will be expected to provide an "affordable housing" element. The specific contribution will be assessed at the time of the planning application, and will be informed by Moray Council's Supplementary Guidance on Affordable Housing and the most recent Housing Needs Assessment. The preparation or revision of Supplementary Guidance will be subject of stakeholder consultation prior to adoption. There are various forms in which the affordable housing contribution can be provided (such as social rented; homestake; and others as listed in PAN74, para 11). Where the developer can demonstrate that there are exceptional site development costs, the requirement for affordable housing may be reduced, to ensure the cumulative burden on the overall development does not make the development unviable. Whilst the preference will be to locate affordable housing within the site of the related development, other options may include off site contributions, or through the provision of commuted payments.

Policy H8: New Housing in the Open Countryside

This policy assumes against multiple house applications (more than 2) on the basis that these are more appropriately directed to Rural Communities (H6) and applied to the 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 detract from the character or setting of existing buildings, or their surrounding area, when added to an existing grouping, or linear extension
- It is not overtly prominent (such as on a skyline or on artificially elevated ground; or in open settings such as central areas of fields). Where an otherwise prominent site is offset by natural backdrops, these will normally be acceptable in terms of this criterion.
- 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, tracks and roadways).

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

b) Design

- A roof pitch of between 40-55 degrees.
- 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, at least 1.5m in height;
- Where there is an established character, or style, of boundary demarcation in the locality (e.g. beech hedges, dry stone dykes) new boundaries must be sympathetic.

Exceptions to the above design requirements will only be justified on the basis of innovative designs that respond to the setting of the house.

This policy will be supplemented by Guidance, which will be the subject of separate further consultation, prior to incorporation of the Guidance into the process of determining planning applications.

The Guidance will include advice on maximising energy efficiency.

Proposals falling within the aircraft noise contours, as published by the Ministry of Defence, will be subject to consultations with MOD and consideration against policy EP7 regarding noise pollution.

Policy 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 will be a presumption against new accesses onto a trunk road, and that the Scottish Executive will consider the case for such junctions where nationally significant economic growth or regeneration benefits can be demonstrated.

T5: Parking Standards

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

CF4: Golf Courses and Driving Ranges

Planning permission will be granted for golf course and driving range developments providing the following criteria are met;

- a. the proposal does not include housing or other development proposals that would not be acceptable under other policies,
- b. the proposal does not adversely affect the public right of way network or paths used for access purposes unless an acceptable alternative route is provided,
- c. the proposal does not adversely affect the character of the natural and built environment. Associated buildings will require to comply with policies for buildings in the countryside in terms of siting and design.

BE1: Scheduled Ancient Monuments and National Designations

National Designations

Development proposals will be refused where they will adversely affect Scheduled Ancient Monuments and nationally important archaeological sites or their settings unless the developer proves that any significant adverse effect on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance.

Local Designations

Development proposals which will adversely affect sites of local archaeological importance, or their settings, will be refused unless it can be demonstrated that;

- a. local public benefits clearly outweigh the archaeological value of the site, and
- b. there is no suitable alternative site for the development, and
- c. any adverse effects can be satisfactorily mitigated at the developers expense.

Where, in exceptional circumstances, the primary aim of preservation of archaeological features in situ does not prove feasible, the Council shall require the excavation and researching of a site at the developers expense.

The Council will consult Historic Scotland and the Regional Archaeologist on development proposals which may affect Scheduled Ancient Monuments and archaeological sites.

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.

Policy ER2: Energy Reduction Requirements in New Development

Proposals with a cumulative floorspace of 500 m² or more must include on site zero and low carbon equipment contributing at least an extra 15% reduction in CO₂ emissions beyond the 2007 Building Regulations carbon dioxide emissions. The location of the equipment should not significantly detract from the amenity, appearance or character of the site. Applications should only be exempt from the above targets where developers are able to demonstrate that technical constraints exist. In those cases, equivalent carbon savings elsewhere in the area would require to be secured from the applicant by agreement.

PAN 84 will be used as guidance for the implementation of this policy.

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.

Policy IMP3: Developer Contributions

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact on existing infrastructure, community facilities or amenity, and those contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

OBJECTIONS-REPRESENTATIONS

Letters of objection/representation received from;

- Kate Gordon-Rogers, 4 Milne Lane, Duffus, Elgin, Moray
- Janet Trythall, Seaview, Covesea, Duffus, Elgin
- Alasdair Gordon-Rogers, 4 Milne Lane, Duffus, Elgin, Moray

The main points of the representations are as follows;

- Contrary to policy H8: The objections refer to policy H8 of the Moray Local Plan 2008, which directs new development of this scale to established settlements. It is stated that the proposed development is not in accordance with this.

Comment: This view concurs with the conclusions and recommendation of this Service.

- Uncharacteristic development: Objection is made to the development on the grounds that it will introduce a 'suburban' element at odds with the character of the surrounding area and thereby impacting negatively on the visual amenity of the area. It is further suggested that this will be ribbon development on a busy road which is already affected by random housing development.

Comment: These views are again in accordance with the view of this Service relating to policy H8, although it should be clarified that 'ribbon development' is characterised by linear development along a road frontage.

- Precedent: It is suggested that approval of this development will establish an undesirable precedent for similar schemes. Reference is made to two other applications for residential development nearby which have been approved against officer recommendation.

Comment: Again this view is in line with the opinion and recommendation of this Service, as approval of this development (and especially the housing element of it) may be cited as a precedent by other developers seeking residential development in inappropriate locations. Reference is also made in the 'History' section of this report to planning consents for housing in the vicinity of the site.

- Supporting Services: Objection to the proposal is made on the grounds that there are no supporting services in the immediate vicinity of the site.

Comment: The supporting services refer to the likes of schools, local shops and post offices, of which there are none in the immediate locale.

CONSULTATIONS

Transportation Manager, Direct Services - Response to consultation indicates that the application may be approved, subject to a number of conditions of planning permission.

Environmental Health Manager, Development Services - No objection to the application, although three informatives are recommended for attachment to any consent.

Environmental Health (Contaminated Land), Development Services - No adverse comment. No conditions are recommended, and no informatives are suggested.

Environmental Protection Manager, Direct Services - No adverse comment in respect of the application, and no case for developer contributions has been identified. A note is provided with regard to access for refuse collection vehicles.

Scottish Water - Scottish Water has no objection to the application, but notes that they are unable to reserve capacity at their water and wastewater treatment works in advance of formal agreement with the applicants. The public water supply network which currently serves the course presently has the capacity to service the proposed new development. There are no public sewers in the vicinity of the proposed development.

SEPA - SEPA objects to the proposal due to the lack of information with regard to surface water drainage arrangements for the development. This response was copied to the applicants/agents, and no further response or information has been provided.

Regional Archaeologist - No adverse comment, due to the significantly altered landscape.

Findhorn and Kinloss Community Council - The application site falls outwith the area currently covered by the Community Council.

Ministry of Defence - No safeguarding objections at this stage, subject to further information with any detailed application.

Housing Manager - The affordable housing requirement for the site is 20%, which equates to 5 units.