

PLANNING APPLICATION: 06/02995/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

- Proposal to erect dwellinghouse on Site adjacent to 19 Bogmoor Road, Bogmoor, Spey Bay.
- Access to the site utilises the existing access of 19 Bogmoor Road.
- Install foul waste treatment plant and soakaway system.

The Site

- Site is approx. 470m² in area and roughly rectangular in shape.
- Proposal site is situated in garden ground of the B listed 19 Bogmoor Road.
- The site is bound to the east by the public road, to the west by a residential property, un-maintained land to the north and by the parent property to the south.

Policy / Objections-Representations / Consultations - See Appendix

History

- 02/01882/OUT** - Outline application for the site which proposed single storey dwellinghouse for the site in line with historic setting. Application approved 29th January 2004.
- 02/01549/PE** - Erect new dwellinghouse and alterations and extension at 19 Bogmoor Road, Spey Bay, Fochabers. Cleared 19th August 2002. General advice given, but no likely recommendation intimated.
- 02/01883/FUL** - Proposed extension and alterations at 19 Bogmoor Road Spey Bay, Fochabers. Approved under delegated powers on 30th October 2002.
- 03/00036/LBC** - Listed Building consent for extension and alterations at 19 Bogmoor Road, Spey Bay, Fochabers. Approved under delegated powers on 23rd July 2003.

Advertisement

Advertised as a departure from the development plan.

Observations

The main determining issues are: -

Detailed application to erect a single dwellinghouse and associated works at 19 Bogmoor Road, Spey Bay.

Proposal complies with the sub-division policy for the following reasons:

- The site is greater than 400m².
- It is not backland development as the site has its own road frontage.
- Neighbouring land use is residential. The development would therefore not conflict with, nor detract from the amenity, or character of the area.
- The dwellinghouse is acceptable in design and amenity terms.

This application was advertised as a departure to the development plan. As a result an objection was received from Lennox Community Council (LCC).

The site already has outline consent, which establishes the principle of development on the site. Therefore the objections from LCC which were the same as for the previous application, have already been considered.

The objection from LCC relates to access arrangements for the site and the compliance with the sub-division policy. In response to this:

- The settlement statement for Bogmoor states that no new development will be permitted along the main road frontage for road safety reasons. The Transportation Manager has been consulted and has not objected to the proposed development.
- The site complies with the sub-division policy and is situated in a rural community.

It already has outline consent and the design of the proposed cottage and position in relation to the neighbouring B Listed Building is acceptable. The clearance of Historic Scotland is not required on any proposal affecting the setting of B listed buildings.

In terms of the drainage issues, it should be noted that there is no public drainage system available in Bogmoor but previous developments have been approved with septic tanks and soakaway systems. The Bogmoor Rural Settlement Statement states that there may be drainage difficulties in some areas. The applicant was advised when the application was submitted of this issue and that it may be useful to undertake a porosity test on the site to establish the suitability of ground conditions for septic tanks and soakaways. No test results have been received.

The adequacy of ground conditions for septic tanks and soakaways is now dealt with under Building Standards (Scotland) Regulations (2004) as amended, at the Building Warrant stage and any system used on the site would have to comply with current legislation.

Application is considered to be an acceptable departure and recommended for approval.

Recommendation

Approval.

Author/Contact Officer: Craig Wilson
Planning Officer

Ext: 01343 563565

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 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/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.

Policy L/H5: Sub-Division for House Plots

A new house should be a suitable distance away from the nearest building, to allow it to fit comfortably with the character of the area. Plots must not be subdivided by more than 50% and must provide for a site of, at minimum, 400 sq. m, excluding access. (In certain circumstances such as for example, a proposal to extend a terrace or where an existing house is to be subdivided internally, this may be relaxed). The built-up area of the application site should not exceed one third of the total area of the plot and, to avoid overlooking and to maintain privacy, main windows (i.e. kitchen, living room, bedroom) must be at least 4m from the boundary they face, unless that boundary fronts onto a road or public pavement or follows an established building line. The house style must complement both the character of the area, and the scale and architecture of the parent property.

The Council will not normally approve applications for backland sites (e.g. those in back gardens which do not have a road frontage) on the grounds of character and amenity.

This policy is subservient to a number of settlement specific policies dealing with localised sub-division and backland development issues, contained in the village statements for Craigellachie, Dallas, Kingston, Newmill, Tomintoul and Urquhart.

BOGMOOR

Opportunities for gap site development within the community, however the Council will restrict further development on the main road frontage (B9104) for road safety reasons. Possible drainage difficulties in some areas. A public water supply exists but no public drainage.

Character Description: 2 Crofting Township.

Specific Character Features

- Mix of Group 'A' and Group 'C' buildings - single - 1½ storey.
- Informal road layout.
- Large plots - but compact groupings.
- Absence of building lines.
- Natural Areas and Hedging

OBJECTIONS-REPRESENTATIONS

Two letters of objection/representation were received for this application from:

- Carol Skene, Takakkaw, Bogmoor, Speybay, Fochabers.
- Douglas Skene, Takakkaw, Bogmoor, Speybay, Fochabers

The main points of concern are:

- The size of the site and its ability to accommodate two houses.
That a new house would be out of keeping with the area, spoil the outlook and restrict light from neighbouring properties.
The site is too small to accommodate another septic tank.

Comment: The issues raised have been discussed in the observation section above. The development complies with policy and would not be out of keeping with the character of the area. Septic tanks, as stated above, will be dealt with at the building warrant stage in compliance with current legislation.

CONSULTATIONS

Environmental Health Manager, Development Services - No objection.

Transportation Manager, Direct Services - No objection subject to conditions.

Scottish Water - No objection subject to informative.

Environmental Protection Manager, Direct Services - No objection.

Contaminated Land, Development Services - No objection subject to condition.