

# REPORT OF HANDLING

<b>Ref No:</b>	15/01263/APP	<b>Officer:</b>	Fiona Olsen
<b>Proposal Description/ Address</b>	New house on Site At Nether Tomlea Archiestown Moray		
<b>Date:</b>	01.09.2015	<b>Typist Initials:</b>	LMC

RECOMMENDATION		
Approve, without or with condition(s) listed below		N
Refuse, subject to reason(s) listed below		Y
Legal Agreement required e.g. S,75		N
Notification to Scottish Ministers/Historic Scotland		N
Hearing requirements	Departure	N
	Pre-determination	N

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Environmental Health Manager	17/07/15	No Objections
Contaminated Land	16/07/15	No Objections
Transportation Manager	01/09/15	Conditions and Informatives recommended
Scottish Water		No response at time of writing report
Planning Gain Unit	23/07/15	No contributions sought

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
H7: New Housing in the Open Countryside	Y	See Observations
E4: Trees and Development	N	Complies
EP9: Contaminated Land	N	Complies
EP10: Foul Drainage	N	Complies
T2: Provision of Access	N	Complies
T5: Parking Standards	N	Complies
IMP1: Developer Requirements	Y	See Observations
EP5: Sustainable Urban Drainage Systems	N	Complies

REPRESENTATIONS		
Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Summary and Assessment of main issues raised by representations		
Issue:		
Comments (PO):		

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the Moray Local Development Plan 2015 is the relevant development plan.

### Proposal

The application seeks to erect a one and a half storey dwellinghouse and attached double garage. Part of the site has previously had planning permission in principle for a dwelling (Ref: 11/01402/PPP) however as this permission lapsed in 2014, this application is treated as a new proposal for a house in the countryside.

### Site

The application site is currently an area of farmland of 8100 sq. m which lies to the south-west of an existing farm and outbuildings at Nether Tomlea, Archiestown. The site is bounded by woodland to the north and north-west. The site is also immediately adjacent to another house plot with full planning permission for a new dwellinghouse (14/01915/APP). An additional two live planning consents for dwellings or house plots also lie within to the north and north-east of the site (10/00243/APP - within 100m and 15/00839/APP within 30m). A further four live planning consents for dwellings or plots lie within 300m of the site (14/02218/APP, 14/00979/AMC, 13/001451/APP and 11/01082/PPP).

### Siting (H7)

As outlined, the proposed dwellinghouse would lie within 100m of three approved house plots, and a further four lie within 300m of the site (approved under the previous 2008 local plan, with houses yet to be erected). See attached plan for further details.

Policy H7 c) requires that new housing in the open countryside should not "contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area.

Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications...". The Craigellachie area, where the proposed development is located, is specifically highlighted as one of these areas within the associated supplementary planning guidance "Housing in the Countryside" from the new, more restrictive 2015 Moray Local Development Plan. In particular, the guidance states that particular attention should be given to these areas, "in terms of contributing to build up that could irreversibly alter the character in the locality". The area east of Archiestown has seen an unprecedented number of house plots over the past decade, which has led to the newly adopted Moray Local Development Plan 2015 specifically curtailing further build-up in these areas.

Despite the lack of intervisibility due to the dense woodland in this area, the relevant supplementary guidance states that multiple applications for new houses within wooded areas may "detrimentally

change the rural character of an area". It goes on to state that although screened by trees, "the cumulative impact of such proposals can alter the rural character and ambience of an area". In particular, consideration should be given to the activities, including increased traffic, number of road junctions, bin collections etc. associated with new developments which can cause urbanisation in rural settings. A diagram providing an example of this type of build-up within the supplementary guidance closely resembles the situation evident at Nether Tomlea. A copy of a site history plan is retained on the planning file illustrating this issue.

Therefore, the addition of another dwellinghouse in this locality would contribute to a cumulative build-up of new housing which would detrimentally alter the rural character of the area and therefore would not be acceptable in terms of Policy H7: New Housing in the Open Countryside and IMP1: Developer Requirements.

### **Design and Materials (H7)**

The proposed one and a half storey design is capable of complying with the design requirements of Policy H7, namely roof pitch and gable formula and required boundary demarcation. However these aspects would not override the main Policy objection concerning the unacceptable cumulative build-up of housing within this particular locality and the wider Archiestown and Craigellachie area and the associated impact on the rural character of this area.

### **Amenity (IMP1)**

Policy IMP1 - Developer Requirements requires that all new development be sensitively sited, designed and serviced. As outlined above, the proposed development would result in a cumulative build-up of housing within this locality, therefore causing a loss of wider amenity to the surrounding area. As a result, the proposal would not satisfy the requirements of Policy IMP1.

### **Landscaping and Trees (E4 & H7)**

Subject to conditions, the proposal would comply with the landscaping requirements of Policy H7, however as above, this aspect would not override the main policy objection.

### **Access and Parking (T2 & T5)**

The proposed development would be accessed by extension to an existing access track from the public road. The Transportation Section have been consulted on this application and have raised no objections to the development, subject to conditions requiring the provision of a suitable access (in terms of visibility and construction of access track), parking facilities and road drainage. The applicant has confirmed that the alteration of the fence would be feasible. Therefore, subject to conditions, the proposal would comply with the requirements of Policies T2 and T5.

### **Drainage and Water Supply (EP5 & EP10)**

Details of a septic tank, foul and surface water soakaway are shown on the submitted plans and are considered sufficient would comply with Policies EP5 and EP10. The foul water treatment system and soakaway design will be regulated under the Building Regulations at the Building Warrant stage.

The development proposes to connect to the Public Water Supply. Scottish Water were consulted however at the time of assessment no response has been received, hence any connection arrangements to the public water supply would be subject to separate liaison between the applicant and Scottish Water.

### **Recommendation**

Refusal

**REASON(S) FOR DECISION**

The Council's reason(s) for making this decision are:-

The application is considered to result in an unacceptable form of development which does not comply with the provisions of the development plan and is therefore recommended for refusal.

**OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

**HISTORY**

Reference No.	Description			
09/02057/PPP	Planning Permission in Principle for erection of dwellinghouse on Sites At Entwood Archiestown Moray			
	<b>Decision</b>	Permitted	<b>Date Of Decision</b>	08/03/10
11/01402/PPP	Erection of a residential dwelling on the corner of an agricultural field with a woodland backdrop on Site At Nether Tomlea Archiestown Moray			
	<b>Decision</b>	Permitted	<b>Date Of Decision</b>	24/10/11
14/01915/APP	Renew planning consent ref 12/01536/AMC to erect dwellinghouse and garage on Site East Of Entwood Craigellachie Moray			
	<b>Decision</b>	Permitted	<b>Date Of Decision</b>	26/11/14
There are numerous live planning consents for houses in this immediate locality which have also been taken into consideration. See Observations section below.				

**ADVERT**

<b>Advert Fee paid?</b>	<b>Yes</b>		
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>	
Northern Scot	Departure from development plan	27/08/15	
PINS	Departure from development plan	27/08/15	
Northern Scot	No Premises Departure from development plan	13/08/15	
PINS	Departure from development plan No Premises	13/08/15	

**DEVELOPER CONTRIBUTIONS (PGU)**

<b>Status</b>	<b>NONE SOUGHT</b>
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**DOCUMENTS, ASSESSMENTS etc. \***

*\* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

Supporting information submitted with application?

NO

Summary of main issues raised in each statement/assessment/report

Document Name:

Main Issues:

**S.75 AGREEMENT**

Application subject to S.75 Agreement

NO

Summary of terms of agreement:

Location where terms or summary of terms can be inspected:

**DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)**

Section 30

Relating to EIA

NO

Section 31

Requiring planning authority to provide information and restrict grant of planning permission

NO

Section 32

Requiring planning authority to consider the imposition of planning conditions

NO

Summary of Direction(s)