

## REPORT OF HANDLING

<b>Ref No:</b>	16/00199/APP	<b>Officer:</b>	Richard Smith
<b>Proposal Description/ Address</b>	Erect dwellinghouse and associated works Site Approximately 200M East Of Lea Rig Mosstowie Elgin Moray		
<b>Date:</b>	22.03.2016	<b>Typist Initials:</b>	LMC

### RECOMMENDATION

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

### CONSULTATIONS

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Environmental Health Manager		No response.
Contaminated Land	09/02/16	No objection.
Transportation Manager	22/03/16	No objection, subject to conditions.
Scottish Water		No response.

### DEVELOPMENT PLAN POLICY

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
PP1: Sustainable Economic Growth		
PP2: Climate Change		
PP3: Placemaking		
H7: New Housing in the Open Countryside	Y	
EP9: Contaminated Land		
EP10: Foul Drainage		
T2: Provision of Access		
T5: Parking Standards		
IMP1: Developer Requirements	Y	

### 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

### The Proposal

This application seeks detailed planning approval to erect a dwellinghouse and associated works at a site located approximately 200m east of Lea Rig, Mosstowie, Elgin, Moray.

The house is a 1 ½ storey design with a 45 degree pitched roof and external material finishes of wet dash render, natural stone and natural slate. Associated works include a detached garage/store (1½ storeys, timber and metal profile sheeting), the formation of a vehicular access onto the adjoining public road and driveway/parking area. Proposed drainage/water supply arrangements include private septic tank (discharging to land via soakaway), SUDs and a connection to the public water network.

Landscape proposals include existing boundary shrub and hedge planting (to be retained) and tree planting proposals.

The proposal is a re-submission of previous application 15/01714/APP which was refused in November 2015 on road safety and visual impact/landscape character grounds. It involves a larger site to accommodate additional tree planting and a revised access location (with proposed visibility splays based on submitted speed survey data).

### The Site and Surroundings

The site (2466 sqm) is an area of rough ground (formerly part a seasonal caravan club site) located within open countryside 1.5km to the west of Milnorduff, adjacent to the U105E 'Garrowslack' road. It sits roughly 1 metre above road level and has 100% established boundaries shrub hedge/planting, post and wire fencing, a drainage ditch, gorse and the road verge. Farmland lies to the north, south, east and rough ground to the west.

### Appraisal

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below.

### Siting and Impact upon Landscape Character (MLDP 2015 Policies H7 and IMP1, and Supplementary Guidance: 'Housing in the Countryside' MLDP 2015)

Policy H7: New Housing in the Open Countryside of the Moray Local Development Plan 2015 contains the necessary siting and design criteria for assessing new housing proposals in the countryside. This aims to allow new housing in the open countryside provided it can be easily absorbed into the landscape, and for new development to be low impact and to reflect the character of the surrounding area.

In relation to siting policy criteria requires new house sites to:

- a) Reflect the traditional settlement pattern of the locality and integrate sensitively with the surrounding landform (i.e. not be obtrusive).
- b) Not detract from the character or setting of existing buildings, or their surrounding area.
- c) Not contribute to a build-up of development which changes the character of the area.
- d) To have at least 50% established boundaries.

The policy also contains site-specific criteria requiring at least 25% of plot areas to be planted with trees and design criteria to ensure a satisfactory form of traditional design.

Policy IMP1 Developer Requirements requires new development proposals to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area and to be comply with set criterion (detailed within policy). These include amongst others the requirement for new development to be of a scale and character appropriate to its setting and for development to integrate into the landscape.

Associated Supplementary Guidance 'Housing in the Countryside' (Moray Local Development Plan 2015) provides advice (at page 15) in relation to the issue of obtrusive development which is relevant to the current application. This states inter alia that "An obtrusive structure means that it is designed or situated in a position where it would have a negative impact on the landscape or character of the area. Development that is obtrusive usually occupies an open 'elevated' position with no discernible backdrop or enclosure within reasonable proximity. Examples include on a skyline/top of ridge, artificially elevated ground or an open setting such as a central area of a field or flat plateau."

The proposed house and associated garage would fail to meet the siting requirements of the above policies as they would lack the sufficient natural backdrop required to integrate sensitively with the surrounding landform, and would be highly visible in the landscape. The development occupying a prominent roadside position within this open setting (with no discernible backdrop) would represent unacceptable 'obtrusive' development which would detract from the rural character of this part of the countryside contrary to policies H7 and IMP1 of the MLDP 2015 and associated Supplementary Guidance 'Housing in the Countryside (Moray Local Development Plan 2015).

Although the submitted details are potentially capable of satisfying other policy criteria in relation to house design, boundary treatment, 25% tree planting, these aspects would not override the primary objection in this case which is the inappropriate siting of the proposed development and its resultant adverse impact upon the rural character of this particular location. Likewise the increase in site area and proposed supplementary tree planting would not address these impacts as this would take some years to become established.

The application submissions also include a plan identifying other approved plots within the surrounding area with no explanatory text. Whilst noted, these were approved under policies of previous local plan(s), are not comparable with the current application and are not considered to carry sufficient weight to justify approval on the grounds of precedent.

The proposals raise no amenity or drainage issues.

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

Policies T2 and T5 require development proposals to include the provision of safe entry and exit for all road users at access junctions, infrastructure improvements where appropriate and off street parking facilities. The revised access proposals which involve provision of a re-located access onto the public road with adequate visibility splays (based on submitted speed survey information and further amended details) and parking arrangements would satisfy these policy requirements.

The Transportation Section has assessed these matters and supporting information, and has raised

no objection to the granting of permission, subject to conditions requiring the provision of a passing place on the public road network (at a location to be agreed), access arrangements with appropriate visibility splays, drainage, parking and turning facilities. Had the application been recommended for approval these conditions would have been attached to the decision notice.

### **Water Supply and Drainage (EP10 and IMP1)**

Proposed drainage arrangements comprising private treatment plant/soakaway and surface water soakaway satisfy policy EP10 and IMP1. Final details would normally be addressed under the Building Regulations and had the application been recommended for approval, informative advice in this regard would have been attached to the decision notice.

Scottish Water has elected not to provide comments following consultation on the application, and on this basis it is assumed that it has no observations or objections to the proposal.

### **Recommendation**

The application is considered to represent an unacceptable form of development which does not comply with development plan requirements and is recommended for refusal.

### **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

### **HISTORY**

<b>Reference No.</b>	<b>Description</b>		
15/01714/APP	Erect dwellinghouse and associated works at Site Approximately 200M East Of Lea Rig Mosstowie Elgin Moray		
	<b>Decision</b>	Refuse	<b>Date Of Decision</b> 20/11/15

### **ADVERT**

<b>Advert Fee paid?</b>	No	
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>
Northern Scot	No Premises Departure from development plan	03/03/16
PINS	No Premises Departure from development plan	03/03/16

### **DEVELOPER CONTRIBUTIONS (PGU)**

<b>Status</b>	N/A
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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
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Summary of main issues raised in each statement/assessment/report

Document Name:

Main Issues:

**S.75 AGREEMENT**

Application subject to S.75 Agreement		NO
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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
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Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
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Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
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Summary of Direction(s)