

ADDENDUM TO REPORT OF HANDLING

Ref No:	20/00195/PPP	Officer:	Emma Mitchell
Proposal Description/ Address	Erect dwellinghouse on Site 500M South East Of Wester Hillside Mosstowie Elgin Moray		
Date:	05/11/20	Typist Initials:	

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

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
2020 Proposed Local Development Plan		
PP1 Placemaking		Refer to observations
PP3 Infrastructure & Services		Refer to observations
DP1 Development Principles	Y	Refer to observations
DP2 Housing		Refer to observations
DP4 Rural Housing	Y	Refer to observations
EP13 Foul Drainage		Refer to observations
EP14 Pollution, Contamination & Hazards.		Refer to observations

POLICY ASSESSMENT OF PROPOSAL AGAINST 2020 LOCAL DEVELOPMENT PLAN

Policy Background

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 2020 (MLDP) unless material considerations indicate otherwise.

Since this application was assessed and refused in May 2020 the Moray Local Development Plan 2020 has been adopted. The application will now be assessed below against the policies of this Plan as requested by the Local Review Board.

Principle

The application site lies in open countryside to the west of Elgin. Accordingly Policy DP4 Rural Housing and DP1 Development Principles of the 2020 Plan applies. The previous housing policy of the 2015 Plan (Policy H7 New Housing in the Open Countryside) presumed in favour of new housing in the open countryside providing it met various criteria on siting and design. Policy DP4 differs from the previous housing in the countryside policy in that it now identifies a clear hierarchy directing new rural housing to rural groupings which will accommodate the majority of rural housing, followed by re-use, replacement of traditional stone and slate buildings in the countryside and lastly to the open countryside. Within the open countryside a spatial strategy has been developed to direct new housing to the least sensitive locations by identifying “pressurised and sensitive area” within which new housing development will not be permitted and “areas of intermediate pressure” where new housing will be permitted where it meets a range of siting and design criteria.

Policy DP1 Development Principles seeks to ensure (amongst other things) that proposals meet siting and design requirements, these include development being of scale, density and character to its surroundings and integrating into the landscape.

Siting

The site is located within an area zoned as “Pressurised and Sensitive”. Within the pressurised and sensitive areas, no new housing will be permitted due the landscape and visual impacts associated with build-up and landscape and environmentally sensitive areas.

As this is an application for planning in principle there are no details of design to be considered, so it is simply the principle of whether or not the site itself complies with the siting criteria of Policy DP4 that is up for consideration, along with the suitability of the proposed servicing.

It is considered the proposal would further exacerbate already identified sequential visual effects of cumulative build up experienced when travelling along the minor roads in this location. It is accepted there is limited inter-visibility between houses in this area however a new house in this location will contribute to further eroding the rural character of the area by adding to the prevalence of new housing and undermining the traditional settlement pattern. In addition to this the impact of new access roads, visibility splays and bin storage associated with new development will also further diminish the rural character of this area.

In light of the above the proposal does not comply with policy DP4 or DP1.

Trees

Policy DP1 stipulates that the development must be integrated into the surrounding landscape which will include the safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are to be felled. It further details that a tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on the site or that may impact on trees outwith the site.

The application form states that trees are located on the site. No information regarding trees has been provided with this submission therefore the proposal does not comply with policy DP1.

Servicing

Policy PP3 Infrastructure and Services of the 2020 Plan sets out how new development should be coordinated with infrastructure to ensure that places function properly and are adequately serviced. Policy DP1 Development Requirements also sets out the need for appropriate servicing and access. (This is similar to the previous requirements of Policies T2 Provision of Access and T5

Parking Standards of the 2015 Plan). In this respect the development is accessed via an existing shared track where it is understood that the applicant controls the land at the junction onto the public road which is necessary to provide and safeguard the appropriate visibility splays and upgrading being sought by the Transportation Team. There is also space within the site to provide adequate car parking and turning provision. A new requirement of Policy PP3 Infrastructure Services of the 2020 Plan relates to the requirement for access to electric charging points to be provided for new residential development. This could be readily addressed by planning conditions requiring such provision to be shown at the detailed planning application stage.

On this basis the development is considered to comply with policies subject to the imposition of appropriate planning conditions if the application were supported.

Policy DP1 Development Requirements of the 2020 Plan requires that acceptable water and drainage provision is made including the use of sustainable urban drainage systems (SUDS) for the disposal of surface water. This is expanded upon in Policy EP12 Management and Enhancement of the Water Environment and Policy EP13 Foul Drainage. (These policies are similar to the previous policies EP10: Foul Drainage and EP5: Surface Water Drainage of the 2015 Plan) In this respect a satisfactory drainage assessment has been provided setting out the proposals for disposal of surface and foul water and the relevant consultee (Flood Risk Management Team) is satisfied with the arrangements. Connection to the public water supply is proposed. In these circumstances the application is considered to comply with policies.

Environmental Impacts

Similarly to Policy IMP 1 Developer Requirements of the 2015 Plan, Policy DP1 Development Principles of the 2020 Plan requires new development to demonstrate how it will conserve and enhance the natural environment. In this case if the development proceeded there would be limited impact on the natural environment with the site being rough ground with ample space for landscaping to be carried out within the site whereby there is not considered to be a particular impact on the natural environment in terms of flora and fauna. Policy DP1 also requires submission of a detailed landscape plan with applications and given that this case is for planning in principle consent this requirement could be secured by planning condition if the application were supported. Similarly the requirement of policy DP4 Rural Housing for 15% of the plot to be landscaped could be readily addressed by planning condition should the application be supported.

Policy DP1 Development Requirements of the 2020 Plan also largely repeats the previous requirements of Policy EP9: Contaminated Land of the 2015 Plan, seeking to ensure that proposals address and mitigate any contaminated land issues. In this case the Council Contaminated Land Team has no comments.

Developer Obligations and Affordable Housing Contributions

Similarly to the requirements of Policy IMP3: Developer Obligations of the 2015 Local Development Plan, Policy PP3: Infrastructure and Services of the 2020 Plan sets out that contributions will be sought from developers in cases where a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity. The Developer Obligations Team originally calculated that a contribution towards healthcare was required in this case. If the application were supported this contribution would require to be paid, and the applicant previously indicated willingness to pay in this case.

Under the policies and guidance of the new 2020 Plan the “cap” on developer obligations for single houses has been removed and the level of contributions required to be reassessed by the Team . This has now been done and the applicant has indicated willingness to pay the increased contribution. As the application is not considered to comply with planning policy and is being recommended for refusal payment has not been sought to date. Developer obligations would require

to be secured (whether up-front payment or through legal agreement) if any appeal was successful.

Policy DP 2(d): Housing of the 2020 Plan also now sets out that all housing developments must provide a contribution towards the provision of affordable housing. This differs from the 2015 Plan which only sought an affordable housing contribution for developments of more than 4 units. Therefore a contribution towards affordable housing would be sought if this proposal was to be permitted.

Conclusion

The proposed development is not considered to comply with the 2020 Local Development Plan policies due to the being located within an area zoned as “Pressurised and Sensitive” and a house on the proposed site would detract from rural landscape character of the wider area.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

RECOMMENDATION

Refuse for the following reasons:

The development is contrary to Policy DP4: Rural Housing and DP1: Development Principles of the Moray Local Development Plan 2020 for the following reasons:

1. It is located within an area zoned as “Pressurised and Sensitive”, within these areas no new housing is permitted.
2. A house on this site would detract from rural landscape character of the wider area.
3. No details have been provided regarding if trees are required to be felled or how the existing trees on or around the site will be safeguarded from the proposal.