

ADDENDUM TO REPORT OF HANDLING

Ref No:	20/00311/APP	Officer:	Katherine Donnachie
Proposal Description/ Address	Erect dwellinghouse on Site At Convalley Dufftown Moray		
Date:	05.05.2020	Typist Initials:	DM

RECOMMENDATION

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

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
DP4 Rural Housing	Y	Refer to observations
EP12 Management and Enhancement of the Water Environment		Refer to observations
EP13 Foul Drainage		Refer to observations
EP3 Special Landscape Areas and Landscape Character	Y	Refer to observations
EP6 Settlement Boundaries		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 against the policies of this Plan as requested by the Local Review Board.

Principle

The application site lies outwith the rural grouping of Lettoch as designated in the Moray Local Development Plan 2020. The description of the Lettoch grouping in the Plan notes that the boundary line has been drawn to consolidate growth, with opportunities for development within the grouping identified. It is also noted that due to the prominent nature of this location further development is restricted.

Consequently as the site lies outwith a rural grouping, and in the countryside, Policy DP4 Rural Housing 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. The site lies within an area of intermediate pressure. Within such areas the siting and design criteria of Policy DP4 apply together with servicing requirements.

Set against this policy background the acceptability of the detail of the design, siting and servicing of the proposed development requires to be assessed in order to consider compliance with policy DP4.

Siting – Landscape and Visual Impacts

Detailed Policy Background

In essence Policy DP4 sets out that proposals for single houses must be well sited and designed to fit with the local landscape character and will be assessed in relation to siting criteria which have been devised to direct development to appropriate sites that have adequate enclosure, containment and backdrop to allow them to integrate sensitively into the landscape. The criteria are as follows:

1. There must be existing landform, mature trees, established woodland or buildings of a sufficient scale to provide acceptable enclosure, containment and backdrop for the proposed house. These features must be immediately adjoining the site (i.e. on the boundary) Field drains, ditches, burns, post and wire fencing, roads and tracks do not provide adequate enclosure or containment.
2. The new house must not create ribbon development, contribute to an unacceptable build- up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location.
3. Artificial mounding, cut and fill and /or clear felling woodland to create plots will not be permitted.
4. 15% of the plot must be landscaped with native tree species with detail provided within this particular criterion setting out what would be required.

Policy DP4 also sets out design criteria to be met and this is considered further later in the report.

Policy DP4 is supported by a policy guidance note on cumulative build up which sets out that cumulative build- up of rural housing is occurring across Moray and can take the form of sequential build up when travelling through the area, the concentration of new houses in an area that overwhelms traditional buildings, and identifiable clusters of suburban development. To help identify where build up is becoming an issue and having unacceptable landscape and visual impacts a number of siting and design build up indicators have been developed against which applications can be assessed. (This is similar to the previous Guidance Note on Landscape and Visual Impacts of Cumulative Build- Up of Housing in the Countryside) This is particularly important with this current application given its proximity to the Lettoch rural grouping. As noted earlier general rural housing policy principles and the rural development hierarchy identified by Policy DP4 direct new rural housing to rural groupings. This is further supported by Policy EP6 Settlement Boundaries which sets out that development proposals immediately outwith the boundaries of settlement (which includes rural groupings) will not be acceptable

in order to maintain a clear distinction between built up areas and the countryside. Whilst the application site does not lie immediately adjacent to the Lettoch rural grouping, being some 400 metres to the south, the spirit of policy to direct new rural housing to rural groupings is relevant together with the need to fully consider cumulative impacts of new housing in the vicinity of rural groupings.

Policy DP1: Development Principles also requires that all new development must be integrated into the surrounding landscape with scale, density and character appropriate to the surrounding area, creating a sense of place as required by Policy PP1: Placemaking.

Finally in this case the site also lies within an area where the landscape quality is recognised by the Local Development Plan designation as the Ben Rinnes "Special Landscape Area". In such areas Policy EP3 sets out that development proposals will only be permitted where they do not prejudice the special qualities of the designated area as set out in the Moray Local Landscape Designation Review, adopt the highest standards of design, and minimise adverse impacts on the landscape. Policy EP3 also explains that new development must be designed to reflect the landscape characteristics identified in the 2019 Landscape Character Assessment of the area which are a material consideration in decision making. A number of the Special Landscape Areas are classed as "sensitive" in terms of Policy DP4 Rural Housing whereby they will be considered as "pressurised and sensitive" areas where no new housing in the countryside will be permitted. The Ben Rinnes SLA is not classed as one of these areas and new housing is therefore considered against the general policy requirements of Policy EP3 as outlined above and the policy requirements and criteria of Policy DP4 Rural Housing. (Under the terms of the 2015 Plan the site lay within an Area of Great Landscape Value where Policy E7 applied which set out similar requirements).

Set against this policy background the key matters to consider here are the landscape and visual impacts (including the impact on the Special Landscape Area) of the development, and the cumulative impacts.

Landscape and Visual Impacts

The site has some element of containment and backdrop, as required by Policy DP4 siting criteria 1, given the vegetated slopes around it, although this land does not appear to be under the control of the applicant. Details of landscaping have also been provided which illustrate that 25% of the site will be landscaped with native planting which would readily fulfil the planting requirements of criteria 4 of Policy DP4, subject to full details of the planting being agreed/addressed by planning condition if the application was approved.

However policy DP4 also requires that single houses be well sited, not create ribbon development, contribute to the build-up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location. In this case the site will be located beside the B9009 public road between Dufftown and Glenlivet. This is a particularly attractive part of Moray, recognised as such by the Special Landscape Area designation. Consequently great care must be exercised with the siting of new development to ensure that the EP3 policy objective of protecting landscapes from inappropriate development is delivered and that all new development reflects the landscape quality of Moray, with new development to be designed to reflect the landscape characteristics identified in the Landscape Character Assessment of the area where they are proposed. Policy EP also sets out that new development must not prejudice the special qualities of the Special Landscape Area as set out in the Moray Local Landscape Designation Review.

SNH's landscape character assessment (LCA) work sets out the specific landscape character of this part of Moray. The site lies within the Moray and Nairn Upland Valleys character area and on the immediate edge of the Open Uplands character area to the west, and an Upland Farmed Area to the north east. The SNH LCA description highlight that Ben Rinnes is a particularly strong landmark feature here, and that traditional farmsteads and occasional large stone houses are scattered and well integrated throughout the foothills and strath floor edges, sitting comfortably in the landscape. It notes that scenic B roads following the valley floors are popular recreational routes here to access the hills and the whisky trail. The application site will be seen against the backdrop of this landscape character

area.

The Moray Local Landscape Designation Review sets out the evaluation undertaken of Moray's landscape in order to define the candidate areas for landscape designation. The review identified 13 areas as Moray's most valued landscape and designated them as Special Landscape Areas (SLAs).

The aim of this designation is to protect and enhance the special character and qualities of Moray's most valued landscapes as well as promoting a greater understanding of them. This replaced the former Area of Great Landscape Value designation. The Review report includes a Statement of Importance which explains the qualities, sensitivity to change and management recommendations for each SLA. It explains that the Ben Rinnes SLA was designated as it forms part of the wider setting of the Cairngorms National Park and is important in comprising the remaining area of relatively little modified uplands within Moray as well as accommodating Moray's highest hill, Ben Rinnes, which is particularly popular with walkers. The report highlights that this landscape is sensitive to change in terms of the accumulation of new single houses in the countryside which could affect the rural character of these generally sparsely settled glens and contrast with the scale and design of more traditional buildings.

Whilst the site is only visible from the B9009 road for short sections as illustrated in the applicant's supporting visualisations, from certain viewpoints particularly from the south the new house will be prominent. It will also be visible at wider distance from the attractive Pittyvaich road to the east, set against the rising backdrop of Meikle Conval and the moorland leading to Ben Rinnes beyond. This landscape was traditionally characterised by scattered rural development with the landscape itself the dominant feature.

In this case the new house will "read" in this landscape as part of a grouping with the new house to the west which is prominent in the landscape, as well as in time the approved house immediately north of this. Such a grouping would not be reflective of the landscape character and would also adversely impact upon the landscape characteristics of the Special Landscape Area as described earlier. This is not considered to comply with Policies DP4 and EP3.

Cumulative Impacts

Given the proximity of the site to the rural grouping of Lettoch and to the new house built above and to the west of the application site (together with the approved house site adjacent to this), it is important to consider the potential for cumulative build up in this case. As noted earlier Policy DP4 is supported by a policy guidance note on cumulative build up which sets out that cumulative build-up of rural housing is occurring across Moray and can take the form of sequential build up when travelling through the area, the concentration of new houses in an area that overwhelms traditional buildings, and identifiable clusters of suburban development.

To help identify where build up is becoming an issue and having unacceptable landscape and visual impacts a number of siting and design build up indicators have been developed against which applications can be assessed. These indicators in relation to siting are:

1. the number of new houses overwhelms the presence of older buildings such that new houses are the predominant components of the landscape and the traditional settlement pattern is not easy to perceive.
2. the incidence and inter-visibility of new houses whereby these are a major characteristic of the landscape.
3. there is a prominence of new houses from key viewpoints such as roads, adopted core paths, or long distance paths and existing settlements.
4. there are sequential visual effects of cumulative build-up of new housing experienced when travelling along roads in the vicinity.
5. new housing would result in ribbon development by effectively joining up concentrated clusters of development contrary to the traditional dispersed settlement pattern.

The indicators in relation to design may be summarised as follows:

1. the rural character is eroded by suburban features such as accesses and bin storage areas.

2. scale and proportion of new houses contrasts to the generally smaller size of older buildings and results in the development being out of keeping and incongruous in its setting.
3. there are numerous incidences of open prominent elevations that are visible in the landscape and are orientated for views in contrast to the traditional settlement pattern.
4. a new architectural style is prevalent which has overwhelmed the older vernacular style.

The proposed new house, as noted earlier will be prominent in the landscape from certain viewpoints and will also creating a visual grouping with existing and consented houses which will become a major characteristic in the landscape. This is compounded by the fact that there is a prominently sited rural grouping at Lettoch, a short distance to the north, where the grouping was designated to try and consolidate growth. Approving further new development at Convalleys will have the effect of creating the beginnings of a new roadside rural grouping here out of character with the immediate area. This will have adverse sequential visual effects when travelling along the B909 Dufftown road. In addition from the unclassified Pittyvaich - Convalleys road to the east, it will be viewed as a cluster of new development in relation to the new house built to the west, and the one already consented This would create a build- up of new housing in the countryside, set against the rising backdrop of Meikle Conval. Furthermore vegetation between the proposed house and the layby and indeed to both the north and south of the application site all seem to be outwith the application site so reducing control over the setting of the development and the ongoing securing of containment.

In these overall circumstances the development is considered to contribute to an unacceptable build- up of housing which will detrimentally alter the rural character of the area contrary to Policy DP4

Design

Policy H7 Housing in the Countryside of 2015 Plan previously set out design requirements to be met with new housing in the open countryside. Policy DP4 Rural Housing of the 2020 Plan sets out the design requirements to be met with new housing in rural areas in order to promote traditional rural design and avoid intensive suburban development that negatively impacts upon Moray's landscape. It supports contemporary innovative design and sets out specific design requirements to be met. Some design requirements of Policy H7 remain, such as the gable formula, with additional requirements now including maximum height of 6.75 metres, no more than two primary external wall finishes with no artificial decorative stone, and natural slate or profiled cladding roof. No concrete roof tiles are permitted and access arrangements must be sympathetic. Policy DP4 also sets out that windows with a horizontal emphasis must be avoided with the exception of very limited use of long narrow rectangular windows to frame views.

Policy DP1 Development Principles of the 2020 Plan also sets out the need for the scale, density and character to be appropriate to the surrounding area and create a sense of place, and to be integrated into the surrounding landscape.

In this regard the proposed house, being of fairly simple design, incorporating two wall finishes (timber and smooth render) and slate roof, and height of just over 6 metres to pitch of roof is considered to generally follow these principles. Whilst the window styles vary with a number of horizontal window styles included these are considered to comply with the policy requirement for limited use of long narrow rectangular windows. Overall the proposed house is considered to be acceptable in design terms whereby if the site itself was considered to be acceptable there would be no particular design conflicts with Policies DP4 and 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 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 provision and these matters could be addressed by planning conditions if the application was supported.

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

Also in relation to servicing 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.

Finally in relation to servicing, Policy DP1 Development Requirements of the 2020 Plan requires that acceptable water provision be made. In this case, subject to a condition requiring the installation of suitable treatment on the water supply before the house is occupied, the Environmental Health Service is satisfied in principle with the proposal to connect to an existing established private supply here. In these circumstances the application is considered to comply with policy subject, if approved, to appropriate planning conditions being attached regarding drainage arrangements being provided in accordance with the Drainage Report and treatment being provided for the water supply.

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 partly hard surfaced and bounded by vegetated, largely broom, slopes. There is 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. In this case a plan indicating landscaping has been provided which demonstrates that compliance with the policy requirement of DP4 Rural Housing for 15% of the plot to be landscaped can be achieved with 25% of the plot shown to be landscaped as noted earlier. A condition could be attached if the application was supported to secure the final details of landscaping.

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 noted that an informative will be required to be attached to any consent if the application were supported to ensure that the applicant is aware of their obligation in relation to any site investigation that may be required given previous historic sand quarry uses in the area.

Developer Obligations

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 re-assessed 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 DP2 (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. The applicant has indicated willingness to pay this contribution and if any appeal was successful then the payment would require to be secured.

Conclusion

The proposed development is not considered to comply with Local Development Plan policies due to the siting of the proposed house which will not fit with the local landscape character, will contribute to an unacceptable build-up of housing, detrimentally alter the rural character and will not minimise adverse impacts on the landscape and visual qualities of the Ben Rinnes Special Landscape Area. Accordingly refusal is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

Moray Local Landscape Designation Review

RECOMMENDATION

The proposed development is contrary to Policy DP1: Development Principles, Policy DP4: Rural Housing and Policy EP3: Special Landscape Areas and Landscape Character of the adopted Moray Local Development Plan 2020 for the following reasons:

1. It does not fit in with the local landscape character and will be viewed as part of a grouping together with adjacent constructed and consented houses at Convalleys, detrimentally altering the rural character of the surrounding area.
2. It will contribute to an unacceptable build-up of housing and detrimentally alter the rural character of the area.
3. It will contribute to a sequential visual effect of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site in terms of its siting, particularly in relation to existing and consented houses at Convalleys and the designated rural grouping at Lettoch.
4. It will prejudice the special qualities of the Ben Rinnes Special Landscape Area and will not minimise adverse impacts on the landscape and visual qualities which the Special Landscape Area is important for as a result of its siting and the build-up of housing.