

## **ADDENDUM TO REPORT OF HANDLING**

<b>Ref No:</b>	20/00355/PPP	<b>Officer:</b>	Katherine Donnachie
<b>Proposal Description/ Address</b>	Erect dwellinghouse on Site 450M Northwest Of Ar Dachaidh Roseisle Elgin		
<b>Date:</b>	05.11.20	<b>Typist Initials:</b>	

### **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>

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
<b>2020 Proposed Local Development Plan</b>		
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
EP8 Historic Environment		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 outwith the settlement of Burghead as designated in the Moray Local Development Plan 2020. Accordingly 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.

A pressurised and sensitive area lies some 900 metres to the west of the application site –the site itself lies within an area of intermediate pressure. Within such areas the siting and design criteria of Policy DP4 apply. 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.

## Siting – Landscape and Visual Impacts

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:

- 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.
- 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.
- Artificial mounding, cut and fill and /or clear felling woodland to create plots will not be permitted.
- 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 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).

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.

The application site is essentially a grazing field containing some field shelters in its eastern part. It is a large house plot with post and wire boundaries on two sides and woodland to the rear, together with stone dyke to the east. Policy DP4 of the 2020 Plan (DP4) expressly requires that there must be existing landform, mature trees, established woodland or buildings of a sufficient scale to provide acceptable enclosure, containment and backdrop for a proposed new house. It also expressly states that post and wire fencing does not provide adequate enclosure or containment. (This differs from the

requirements of the 2015 Plan which simply sought that 50% of the site boundaries be long established and capable of distinguishing the site from surrounding land) In this case it is considered that the proposed plot, forming part of a wider grazing field with two boundaries defined by post and wire fencing, stone dyke to east and woodland to south does not provide acceptable enclosure or containment for a new house as required by policy DP4. The backdrop of trees to the south is not considered to be sufficient to provide the required level of containment and enclosure.

At present the surrounding area, on a main approach into Burghead from the south, is an open landscape, albeit with some roadside screening from existing roadside hedging and also tree plantations to the south and on the other (west) side of the public road around the football grounds. This landscape slopes up from the public road rising to Clarkyhills where gorse planting is a strong landscape feature on the rise of the hill. The traditional pattern of development here would have been scattered rural development on the approach to Burghead where development would have been historically concentrated in the village. At present this open rural character has been changed to a degree by incremental development such as the crematorium and the house (formerly agricultural building) at Clarkyhills, both of which are prominent in the landscape. There are other ancillary new features in the landscape of a more temporary nature such as the allotments, horse grazing and incidental structures here. It is considered that any further development here would serve to blur the distinction between Burghead and its rural setting and would detrimentally alter the rural character of the area.

Although the application site is located back from the public road and will be screened from views from the south on the main road by existing woodland, it will still be viewed at points from the public road. It is not considered that a new house here would meet the DP4 and DP1 policy requirements to be well-sited to fit in with the local landscape character and integrate into the surrounding landscape, lacking as noted earlier the degree of enclosure and containment required by policy.

### **Siting - Cumulative Impact**

Given the proximity of the site to the settlement of Burghead and the evidence of some pressure for new housing in the vicinity, it is important to consider the potential for cumulative build up on 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:

- 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.
- the incidence and inter-visibility of new houses whereby these are a major characteristic of the landscape.
- there is a prominence of new houses from key viewpoints such as roads, adopted core paths, or long distance paths and existing settlements.
- there are sequential visual effects of cumulative build-up of new housing experienced when travelling along roads in the vicinity.
- new housing would result in ribbon development by effectively joining up concentrated clusters of development contrary to the traditional dispersed settlement pattern.

At the time of the assessment against the policies of the 2015 Plan an application was pending (20/00356/PPP) for a new house to the north in the quarry site and the implications of the build-up associated with that application and the current one were considered to have the potential to contribute to a build-up of development where the number of houses could have the effect of changing the rural character of the area contrary to Policy H7 of the 2015 Plan. That house site has now been refused. However as was noted with the assessment against the 2015 Plan policies, it is the combination with

other existing buildings in the landscape here that will have the greatest landscape impact at present and it is this change to the landscape character that is of particular concern.

## **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 horse grazing land 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.

Finally on environmental impacts, similarly to Policy BE1: Scheduled Monuments and National Designations of the 2015 Plan, Policy EP8 Historic Environments of the 2020 Plan seeks to ensure that there is no adverse effect on sites of local archaeological importance or the integrity of their settings. In this case the development is adjacent to a regionally significant archaeology site - an extensive area of Iron Age and Medieval settlement. The Archaeology Service has advised that a written scheme of archaeological investigation and programme of archaeological works would be required if development were permitted. This could be readily addressed by an appropriate planning condition to ensure

compliance with policy if the application was supported.

### **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. 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 the 2020 Local Development Plan policies due to the lack of acceptable enclosure and containment for a new house, the siting of the proposed development which does not fit in with the local landscape character and detrimentally alters the rural character of the area. Accordingly refusal is recommended.

### **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 would not fit with the local landscape character of the area and would not be integrated into the surrounding landscape.
2. There is not an acceptable level of enclosure and containment for a new house.
3. Together with other development in the immediate vicinity at Clarkyhills it would have the effect of detrimentally altering the rural character of the area.