

## **REPORT OF HANDLING**

<b>Ref No:</b>	09/01109/OUT	<b>Officer:</b>	Richard Smith
<b>Proposal Description/ Address</b>	Outline to erect replacement dwellinghouse at Plot A Lockers Followsters Farm Newmill By Keith		
<b>Date:</b>	10.09.2009	<b>Typist Initials:</b>	JC

### **RECOMMENDATION**

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

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Scottish Environment Protection Agency	06/08/09	No objection. Drainage advice.
Environmental Health Manager	15/06/09	No objection.
Transportation Manager	18/06/09	No objection. Conditions
Scottish Water	18/06/09	No objection.
Environmental Protection Manager	12/06/09	No objection.
Contaminated Land	16/06/09	No objection.

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
H8: New Housing in Open Countryside	Y	
IMP1: Development Requirements	Y	
E3: TPOs and Control of Trees	N	
T2: Provision of Road Access	N	
T5: Parking Standards	N	
EP5: SUDS	N	
EP10: Foul Drainage	N	
EP9: Contaminated Land	N	
Whole of Policy 1	N	
Whole of Policy 2	N	
Policy 1(e)	Y	

## REPRESENTATIONS

Representations Received	NO
Total number of representations received	
Names/Addresses of parties submitting representations	
Name	Address
Summary and Assessment of main issues raised by representations	
Issue:	
Comments (PO):	
No objections/representation received.	

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

### The Proposal

- Outline application for dwellinghouse and associated works to upgrade/extend track at Plot A, Lockers, Followsters Farm, Newmill, Keith.
- Foul drainage – private septic tank and soakaway system. Water supply – public.
- The site, extending to approx. 0.16 ha (0.39 acres), is roughly rectangular in shape and comprises a fenced-off parcel of rough ground within a large field. The site also contains a stand of trees and the remains of a building.
- 100 % site boundaries defined by post and wire fencing.
- Access to be formed onto existing private track, which joins onto the public road 850m to the south.

### Determining Issues

New Residential Development in the Open Countryside

Moray Structure Plan 2007 – policy 1 (e)

Moray Local Plan 2008 – policies H8 and IMP1

The stone remains on the site do not equate to a level '2 structure' as defined in the local plan and therefore the proposal requires to be assessed as a new build house under policy H8, in addition to SP policy 1 (e) and MLP policy IMP1.

Policy 1 (e) of the Moray Structure Plan 2007 seeks to encourage well located and designed houses in the countryside that have low environmental impact. Policy H8 of the EMLP 2008 sets out various criteria against which new house sites require to be assessed. These include the requirement that new sites 1) should not detract from the character or setting of existing buildings, or their surrounding area, 2) are not overtly prominent in the landscape i.e. located within an open setting such as a central area of a field or on a skyline etc and where otherwise prominent are offset by a natural backdrop and 3) 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 house designs to reflect traditional proportions and include traditional features. Policy IMP1 of the EMLP 2008 seeks compatibility in terms of scale, density and character and requires new development to integrate into the surrounding landscape.

The proposal involves the formation of a house plot and associated access track in the central area of a field within an open rural setting. It would be readily visible from elevated viewpoints along the public road to the east and other than a small stand of trees within the site, would have no backdrop

to offset its prominence. Given these site characteristics and surroundings, the prospective dwelling and access track would represent inappropriate 'overtly prominent' development in the countryside, that would neither be low-impact nor well located. The resultant development would detract from the rural character of this part of the countryside contrary to the above provisions. No material considerations exist to warrant a departure from policy.

Although the proposal would satisfy siting criterion in relation to established boundary treatment and is large enough to accommodate 25% tree planting, these aspects would not override the main objection in relation to its siting and prominence. The same conclusions apply to the small number of mature trees currently on the site, which are considered too few to provide sufficient backdrop.

Access/parking (Policies MLP - T2, T5) – The Transportation Engineer has raised no objection to the proposed access arrangements subject to conditions regarding parking and the specifications for the works to the track.

There are no amenity or drainage issues.

Recommendation – In light of the above, the application is recommended for refusal.

## OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

### HISTORY

Reference No.	Description			
	Decision		Date Of Decision	

### ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Herald	No Premises	03/12/09	
Banffshire Herald	Departure	30/07/09	

### DOCUMENTS, ASSESSMENTS etc. \*

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

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Cover letter	
Main Issues:	Describes site characteristics, access and drainage arrangements.	

**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)