

REPORT OF HANDLING

Ref No:	09/01618/PPP	Officer:	Richard Smith
Proposal Description/ Address	Planning permission in principle to erect house at Site At Upper Thorn Drybridge Buckie Moray		
Date:	26.01.2010	Typist Initials:	JC

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Protection Manager		No comment.
Environmental Health Manager	01/09/09	No objection.
Contaminated Land	08/09/09	No objection.
Private Water Supplies	09/09/09	Public water supply proposed.
Transportation Manager	23/10/09	Objection. Recommends refusal.
Scottish Water	13/10/09	No objection.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
H8: New Housing in Open Countryside	Y	
IMP1: Development Requirements	Y	
E3: TPOs and Control of Trees	N	
T5: Parking Standards	N	
T2: Provision of Road Access	Y	
EP5: SUDS	N	
EP10: Foul Drainage	N	
EP9: Contaminated Land	N	
EP4: Private Water Supplies	N	

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

- Application for PPP to erect dwellinghouse on part of a field at Upper Thorn, Drybridge.
- The site comprises the front portion of a large field, which rises away from the adjoining public road to the east. Approx. 0.105 ha (0.26 acres) in area, it is rectangular in shape and has 2/3rds of its boundaries defined by post and wire fencing and the adjacent road verge.
- The general locality of the site includes a farm building to the north and a couple of dwellings to the southeast.
- Access to be formed onto adjacent minor road.
- Foul drainage – private septic tank and soakaway system. Water supply – public.

Relevant History

Various permissions for dwellings (some of which have been implemented) in the Drybridge area. These have been approved under delegated powers, in consultation with the local member and at committee.

Determining Issues

New Residential Development in the Open Countryside

Moray Structure Plan 2007 – policy 1 (e)

Moray Local Plan 2008 – policies H8 and 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 on elevated open ground, which rises away from the adjacent highway. It would have no backdrop or natural enclosure. These factors combined would give rise to a situation where any prospective dwelling or associated outbuildings on the site would largely occupy the skyline when viewed from the adjacent highway.

In light of the above, the proposal would fail to satisfy the siting criteria of the above provisions because it would be located within an open rural setting, which would lack sufficient backdrop to offset its prominence when viewed from the adjoining public road. Any development on the site would therefore represent inappropriate 'overtly prominent' development in the countryside, that would neither be low-impact nor well located and which would detract from the rural character of this part of the countryside. No material considerations exist to warrant a departure from policy and in light of the above the application is recommended for refusal.

Although the proposal would satisfy siting criterion in relation to the need to safeguard the setting of existing buildings in the area, established boundary treatment and is large enough to accommodate 25% tree planting, these aspects would not override the main objection which is relation to its siting and prominence.

There are no amenity or drainage issues.

Access/parking (Policies MLP - T2, T5) – Following consultation The Transportation Engineer has commented as follows:

The proposed development is for 1 house at Upper Thorn, near Drybridge. The development would be accessed via the U63bL Minduff Road, which is a single track road with passing places.

The proposed development would be served by the existing farm building access. The applicant proposes to upgrade the access and provide a lay-by to the Moray Council specification.

The proposed access would require a visibility splay of 2.4m x 120m. At present the applicant has indicated works to clear vegetation from the road verge and his land to provide the visibility splay. However the visibility splay to the north crosses land which is outside the control of the applicant and there is no guarantee that the splay can be provided and maintained for the lifetime of the development.

The proposals do not demonstrate control over the required visibility splay at the proposed access junction and does not conform to Local Plan Policy T2. Furthermore any additional traffic using the U63bL Minduff Road, without improvements to this road, is not acceptable. Transportation therefore recommend refusal for this application.

The above comments shall be included as a further reason 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 Advertiser	No Premises	28/09/09
Banffshire Advertiser	Departure from development plan	28/09/09

DOCUMENTS, ASSESSMENTS etc. *		
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

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)			