

## REPORT OF HANDLING

<b>Ref No:</b>	08/01369/FUL	<b>Officer:</b>	Richard Smith
<b>Proposal Description/ Address</b>	Demolish remains of existing cottage and replace with traditionally designed one and a half storey dwellinghouse at Tomnaglien Cottage Ballindalloch Moray		
<b>Date:</b>	7.5.10	<b>Typist Initials:</b>	LH

### RECOMMENDATION

<b>Approve, without or with condition(s) listed below</b>	
<b>Refuse, subject to reason(s) listed below</b>	X
<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>
Environmental Health Manager	26/06/08	No objection.
Transportation Manager	04/07/08	No objection. Conditions/informatives.
Environmental Protection Manager	26/06/08	No objection.
Contaminated Land	30/06/08	No objection.
Private Water Supplies	06/05/10	Water supply satisfactory.
National Roads Directorate	06/05/10	Objection.
BEAR Scotland Limited		Refer to NRD response.

### DEVELOPMENT PLAN POLICY

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
E7: AGLVs	N	
IMP1: Development Requirements	N	
EP10: Foul Drainage	N	
EP5: SUDS	N	
EP4: Private Water Supplies	N	
T5: Parking Standards	N	
EP9: Contaminated Land	N	
Policy 2(a) & Policy 2(b)	N	
H7: Re-use/Replace of Build in Country	N	
T2: Provision of Road Access	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/representations received.	

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

### Proposal

Detailed application for the demolition of the remains of an existing cottage and erection of a 1½ storey replacement dwellinghouse at Tomnaglien Cottage, Ballindalloch.

Dwelling - 4 bedrooms, integral garage, natural grey slate roof, beige roughcast and natural stone walls.

Site - cottage remains, curtilage and agricultural land  
approx. 0.16 ha, within AGLV.

Private water supply and private foul drainage i.e. septic tank and soakaway.

Access to be formed onto U126h road.

### Policy Assessment - MLP 2008 H7, E7, IMP1, T2 and EP4

Policy H7 Re-Use and Replacement of Existing Buildings in the Countryside of the MLP 2008 allows for the erection of replacement dwellings in place of a substantially intact stone buildings providing these are sited over part of the footprint of the original building (unless site characteristics justify offsetting i.e. to minimise flood risk etc) and evidence has been submitted to show that conversion or renovation is not viable. Policy IMP1 of the MLP 2008 seeks compatibility in terms of scale, density and character and requires new development to integrate into the surrounding landscape. Policy E7 requires proposals to satisfy a higher standard of siting and design to safeguard the landscape character of the AGLV. T2 requires the provision of a suitable and safe access onto the public highway and EP4, a satisfactory private water supply if proposed.

The current remains on the site constitute a level 4 structure, warranting the erection of a replacement dwelling under the terms of policy H7. The submitted site plan shows the proposed dwelling positioned mainly over the footprint of the existing ruin satisfying siting criteria. The proposed 1 ½ storey dwelling is of traditional form and proportions and reflects the character of the surrounding area in terms of scale and design. In terms of policy E7 the design criteria in relation to roof pitch, gable width, material finishes and window proportions is of a satisfactory standard.

The proposal raises no amenity issues given its remoteness in relation to surrounding properties.

Access (Policy MLP T2) - The proposal takes access onto the adjoining minor public road which joins onto the A95 Trunk Road at two points 2.5km to the west and 1.5km to the north. Since vehicular traffic from the proposal site is likely to use the western (southerly) access point being the shortest route heading south, this is likely to result in a material increase in traffic entering/exiting the trunk road triggering the requirement for formal consultation with Transport Scotland. Following consultation, Transport Scotland have objected to the application on the basis that the west access is substandard due to restricted visibility and any increase in trunk road turning movements would

create interference with the safety and free flow of traffic on the road. This shall form the basis of a reason for refusal.

Private water supply (policy MLP EP4) - Details of the supply have been submitted following lengthy investigations and have been confirmed as satisfactory by the Environmental Health Section.

Recommendation: The proposed development is not considered to comply with the Council's Development Plan policies and is recommended for refusal.

**OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

**HISTORY**

Reference No.	Description		
	<b>Decision</b>		<b>Date Of Decision</b>

**ADVERT**

<b>Advert Fee paid?</b>	<b>N/A</b>		
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>	

**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)			