

PLANNING APPLICATION: 07/01049/FUL

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

The Proposal

- This application is for detailed planning consent for the formation of a site access roadway, and incorporates an outline layout for housing plots also.
- Access proposed from the public roadway (Fraser Road) to the east of the site.
- New connection to public mains drainage proposed.
- Development to be connected to public water supply.

The Site

- The site extends to around 2.4 hectares (5.9 acres) in area, and is presently occupied by the vacant Red Craig Hotel and its associated grounds.
- Still visible on the ground are the stances associated with the caravan and camping facility which formerly operated here.
- The ground itself is broadly level, with a slight slope to the north which becomes more pronounced toward the northern edge of the site.
- There is a belt of semi-mature coniferous trees running through part of the site, roughly on a north-east to south-west axis.
- Site boundaries, where they still exist, comprise of post and wire fencing.
- To the north the site is bounded by new residential development (Masonhaugh Rise).
- To the east the site is bounded by Fraser Road, with agricultural fields beyond.
- To the south the site is bounded by the B9040 Burghead to Lossiemouth road with fields and radio masts opposite.
- To the west the site is bounded by new housing development on Sigurd Street.

Policy / Objections-Representations / Consultations - See Appendix

History

None.

Advertisement

Advertised as a departure from the development plan.

Observations

Access and Parking (L/T4, L/T7)

These policies are intended to ensure that all new development is provided with vehicular and pedestrian access to a safe and acceptable standard, and that the parking provision is acceptable for the development proposed.

For this development the Transportation Manager has been consulted on the application and has raised no objections to the scheme. A number of planning conditions has been recommended for any consent, together with a number of informatives.

The scheme is thus considered to be in compliance with development plan policies for access and parking.

Drainage (Policy 2(i), L/H3, L/ENV24)

These policies seek to ensure that all new development is provided with adequate and appropriate drainage of both foul effluent and surface water. In this instance Scottish Water has been consulted on the acceptability of the scheme for connection to mains drainage and water supply, and no objection has been raised. Similarly, SEPA has been consulted on the provision of SUDs to serve the scheme, and has no objection

Layout and Design (L/ENV18, L/H3, L/IMP1, L/IMP3, L/IMP4)

As this application is for outline consent only in terms of the housing, there is no basis on which to make an assessment of the scheme's design elements, and therefore its acceptability. The layout of the housing plots within the scheme is straightforward, and is considered to be acceptable, and there is thus no conflict with these policies.

Affordable Housing/Developer Contributions (Policy 1(d), L/F1, L/F2, L/H7, L/H8)

The affordable housing policies of the development plan require that for all residential developments in excess of ten units, an element of affordable housing should be included within the scheme. In this instance the application is for the erection of 41 houses, and the affordable requirement will be 20% of this. The application notes (and it has been confirmed with the Housing Manager) that 8 no. of the units proposed for this site will be developed as affordable units, and it is thus in accordance with policy.

Policies for developer contributions require that in instances where new development will have an adverse impact on the capacity of local services and/or community facilities, contributions should be sought from developers (either in payment or in kind) to mitigate against the impact of the development, and/or to replace facilities. In this instance, the need for additional play equipment has been identified, and it has been agreed with the Moray Housing Partnership that this should be provided within the adjacent Sigurd Street scheme.

There is no conflict with these development plan policies.

Impact Assessments (L/IMP5, L/IMP6, L/IMP7)

These policies refer to the need for specific Impact Assessments (Environmental, Transport and Drainage) in given circumstances. As there is no requirement for any Impact Assessment in this case, there is no conflict with policy.

Departure (Burghead ENV6, L/ENV18)

The Burghead ENV6 policy (backed-up by policy L/ENV18), relates specifically to the Red Craig Hotel and the land immediately surrounding it. It is highlighted as an area of open space forming the boundary between the built up area of Burghead and the open countryside. Since this original designation, however, the northern part of the site has already been largely developed following approval of outline permission for residential development in May 2002, and subsequent detailed applications for roads and individual houses. Given that approximately half of the overall site has already been developed, the current proposal for redevelopment of the remaining site area is considered to be an acceptable departure to the development plan. It has not been the subject of any representations either to the original neighbour notification, or to the applications' advertisement as a departure in the press.

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APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2000

Policy 1: Development and Community

The policy set out below identifies the strategic community development requirements for the delivery of the structure plan strategy-

The Moray Structure Plan Strategy will be supported by:

- a) the identification within the local plan of the business and industrial land allowances set out in Schedule 1 and the provision of strategic business locations at Elgin and Forres Enterprise Park and business park opportunities at Buckie, Keith and Lossiemouth;
- b) the encouragement of tourism development opportunities;
- c) the identification within the Local Plan of the housing allowances set out within Schedule 2;
- d) the provision of affordable housing in association with new housing development where a demand is identified in the Local Housing Strategy;
- e) the encouragement of low impact, well-designed development in the countryside to support local communities and rural businesses;
- f) sustaining the vitality and viability of town centres through the support of opportunities and proposals for retail and commercial development in accordance with the sequential approach;
- g) promotion of the strategic transport links as set out in Proposal 2;
- h) the protection and enhancement and new provision of facilities for community use, healthcare, sport and recreation;
- i) the inclusion within Local Plans of a policy requiring appropriate developer contributions towards healthcare and other community facilities.

Policy 2: Environment and Resources

The Moray Structure Plan Strategy will be supported by: -

- a) protecting international, national and local nature conservation and scenic designations from inappropriate development;
- b) protecting the wider natural environment and local biodiversity from inappropriate development and promote opportunities for environmental enhancement and restoration where possible;

- c) working in partnership with the Cairngorms National Park Authority and other interested parties to implement the objectives of the National Park;
- d) restricting development within coastal areas outwith settlements to only that in which social and economic benefits outweigh environmental impact;
- e) providing protection from development to the countryside around the towns of Elgin, Buckie, Keith, Forres and Lossiemouth;
- f) conserving and enhancing the areas built heritage resources and their settings;
- g) supporting proposals aimed at regenerating the area's natural and built environment including good design;
- h) providing waste management facilities to deliver Area Waste Plan and National Waste Plan objectives and ensuring that new development is designed to facilitate waste management practices and promotes the minimisation of waste;
- i) promoting sustainable urban drainage systems (SUDS) in all new developments;
- j) promoting schemes to alleviate flooding in a sustainable and sensitive way using natural ecosystems and features where possible and also restricting development within flood risk areas following the guidance set out in the Risk Framework in SPP7: 'Planning and Flooding' and promoting flood risk management schemes to tackle flooding that threatens existing development and considering development proposals against the Flood Risk Framework set out in Table 5;
- k) safeguarding the area from pollution and contamination;
- l) promoting opportunities for the sensitive development of renewable energy and promoting renewable energy in new development;
- m) safeguarding resources for the production of minerals, preferred forestry areas, and prime agricultural land.

ENV6 Redcraig Hotel

The setting of the Redcraig Hotel merges the built-up-area with the countryside. It contains areas of open space between the caravan site and the main B9013 road, and between the hotel and Fraser Road, which must remain open and unobstructed by development. The remainder of the hotel grounds, caravan park and ancillary buildings is restricted to the operation of these facilities.

Policy L/ENV18: Public Amenity and Open Spaces

The Council will protect existing 'green' space within its towns and villages which are deemed to contribute to the amenity and environment of built up areas. Within these areas there will be a general presumption against development which threatens to diminish the amenity value of individual locations.

This policy should be read in conjunction with S/ENV6 and L/IMP4.

Policy L/ENV4: Tree Preservation Orders and Controls on Trees

The Council will serve Tree Preservation Orders (TPO) on potentially vulnerable trees which are of significant amenity value to the community as a whole.

Within Conservation Areas the Council will not normally agree to the felling or removal of trees and advice will be sought to determine when there is a need to serve a TPO.

The Council may attach conditions on planning consents ensuring that existing trees and hedges are retained or replaced. An applicant may be required to survey and identify those trees to be protected within the development site.

When imposing planting or landscaping conditions on certain developments especially in rural areas, the Council will specify the use of native species of trees and will prioritise the re-establishment and extension of hedgerows and/or shelter belts.

Policy L/ENV22: Pollution Conditions

Where there is a risk of pollution from a proposed development, which is the subject of a planning application, the council will apply conditions to a consent, or enter into an agreement with a developer, to ensure a specified reduction or removal of the pollution element and will require subsequent independent monitoring of pollution levels.

Policy L/ENV24: Surface Water Drainage: Sustainable Urban Drainage System

In consultation with SEPA, NOSWA and the Council's Road Service, Sustainable Urban Drainage Systems (SUDs) will be sought on all development sites as identified in the settlement plans and on all 'windfall' sites (i.e. redevelopments and undesignated sites) accommodating in excess of 10 residential units or measuring in excess of 2,000 sq. m of non-residential development land.

Settlement statements and development briefs shall identify sites where an explicit surface water management plan requires to be submitted and approved as part of the planning application.

Where SUDs are proposed applicants must specify provisions for long term maintenance to the satisfaction of the Council and the regulatory authorities.

Policy L/H1: Housing Land Allocations

The housing allocations for development within each settlement, are as shown in Table 1, Column 6. The sites are identified in the Town and Village plans.

Policy L/H3: Servicing and Layout of new Housing Developments

(i) Layout

New residential areas must be designed to accommodate provision for cycling and walkways. Road layouts should reflect considerations of road safety, avoiding long straight stretches, adopting curves and bends with unobstructed sightlines and where appropriate (i.e. adjacent to play areas, schools and public halls) raised surfaces should be introduced to reduce traffic speed. Emergency vehicle access must be provided, and if public transport is to service the site, roads

must be designed accordingly. In general, houses in new housing developments which require to be served by new or improved made-up public roads should not be occupied until the road is completed to a standard which satisfies the Council. Proposals must also comply with policies L/T4 (Road Access), L/T7 (Parking Standards), L/T9 (Mitigation) and L/T10 (Cycling) in Chapter 4.

(ii) Drainage

New housing developments must comply with the requirements of NOSWA and SEPA for connection to the public sewerage systems and the standards of disposal of waste water (see policy L/ENV24 Surface Water Drainage: Sustainable Urban Drainage System in Chapter 2).

(iii) Landscaping

New housing developments must provide landscaping in accordance with the site description to provide screening, enclosure, shelter, and acoustic barriers and to enhance the overall visual/environmental impact of the development. Details of maintenance arrangements will be required - see policy L/IMP4 'Maintenance of Landscaped and Amenity Areas' in Chapter 8.

(iv) Recreational Space and Community Provision

Housing developments which impact upon the capacities of existing community facilities such as children's play areas, recreational space, or other community services provided by the authority may be subject to Policies L/F1 (Developer Contributions) or L/F2 (Commuted Payments) in order to redress any negative impacts by upgrading existing facilities or through the provision of additional facilities. Recreational space (with equipped children's play areas if necessary) will be required to serve new developments of family sized houses. Guidelines for the provision of recreational space for all types of housing will be prepared by the Council. Redevelopment proposals for existing facilities will be guided by Policy L/CF3.

(v) Energy Conservation

Planning applications and development briefs for developments of 10 or more houses must include a statement on the energy conservation techniques to be incorporated in the layout and design of houses.

Policy L/H7: Affordable Housing Provision

Proposals submitted for housing (on designated or undesignated sites) which are above the threshold for consideration of developer contributions as described in Policy L/F1 (i.e. 10 houses or more) will be assessed for an 'affordable housing' element. The proportion of a site which the Council will expect to be used to satisfy local affordable housing needs will be commensurate with the site size and the specific extent and nature of the local needs for affordable housing.

The Council will endeavour to provide affordable housing so that the benefits are passed on to serve the community in future years. The range of mechanisms under which this will be achieved may include but not be limited to:-

- i) that part of the site or development proposed for affordable housing use being transferred to the Council, Scottish Homes or a similar management body;
- ii) through the use of planning agreements and conditions; and
- iii) a partnership, joint venture and or other innovative arrangement between developers and the Housing Authority.

The Council's Community Services Department, is to produce detailed guidance on the implementation of these mechanisms.

Policy L/H8: Special Needs Housing

Sites which are particularly convenient to appropriate community facilities, will be promoted for special needs housing. Permission for general needs housing will only be granted on such sites following assessment for specialist needs by Community Services and Scottish Homes. Elsewhere specialist housing uses (for the disabled, elderly, single persons etc.) will generally be acceptable on designated sites, where a mix of tenure will often be encouraged.

Policy L/T4: Provision of Road Access

The Council will require that a suitable and safe access from the public highway is provided.

(i) Design of Road Access

Since the formation of a new access by unmade track or surfaced private road (particularly in rural areas) can often result in a scar on the landscape (e.g. if it dissects an agricultural field, involves extensive tree felling or traverses a hillside), then unless a proposed new access is carefully designed within the landscape the proposal will be unacceptable.

(ii) Road Access Standards

Where access to the site is by unmade/private track the Council may require it to be surfaced to a specified standard. If the access is of significant length and may serve more than one development site, some widening and the provision of passing places may additionally be imposed as a condition of any consent.

(iii) Unmade Private Tracks

Where a site takes access from an existing unmade private track which is outwith the ownership of the applicant and is considered to be of such a poor standard as to be unsuitable for additional vehicular traffic, the Council may consider the proposal unacceptable, unless the applicant can either:-

- a) secure ownership of the track to allow for improvements to be made to the satisfaction of the Council, or
- b) demonstrate that an appropriate agreement has been concluded with the existing owner to allow for improvements to be made to the satisfaction of the Council.

(iv) Phasing of Road Improvements

Where a new access roadway is to be provided the Council may require the road to be made up to a specified standard before work on the new property commences.

Policy L/T7: Parking Standards

Proposals for different forms of development must comply with the Council's 'Car Parking Standards' (available from the Council's Roads Service).

Where development (including housing) within the defined town centre cannot reasonably supply parking on site, (or where it is appropriate not to include parking), the developer will

require to comply with the Council's system for 'commuted payments' for parking. Housing development in town centres which need not provide residential parking on site, must make provision for vehicular access for deliveries and emergencies.

In housing developments of over 30 houses, provision must be made for communal off-street parking, in addition to in-curtilage in order to permit the parking of large commercial vehicles away from road frontages.

Policy L/F1: Developer Contributions

Where a development proposal is considered to have a measurable and potentially negative impact on the infrastructure, community facilities or amenities related to that development, the Council will seek an agreement with the developer that he redress the elements of impact by funding the provision of, or contributing towards, such mitigating works as are reasonably necessary to enable the development to proceed.

If this cannot be achieved by conditions of consent, then agreements must be concluded before a consent is granted.

Policy L/F2: Commuted Payments

Where the Council has planned proposals to provide facilities related to, and in the neighbourhood of a proposed development, contributions by a developer justified under the terms of Policy L/F1 may be made in the form of a commuted payment to a Bond set up for that purpose.

Policy L/IMP1: Development in Built-up Areas

In areas covered by this policy, (i.e. all land within settlement boundaries and rural communities), the Council will, in considering applications for planning permission, try to ensure that proposals for development do not harm the general character of the surrounding area. Applications will therefore take account of the main uses of land and buildings in the vicinity, the mix of such uses and the architectural quality of the area. The main concern of the Council is to ensure that development proposals should neither conflict with nor detract from the character, amenity and design of an area. This policy will not preclude appropriate new development and is not intended solely to maintain the status quo.

In interpreting and clarifying this policy, the Council will take into account the guidelines on Character, Amenity and Design.

Guidelines on Character, Amenity and Design (L/IMP1)

a. Character

The character of an area is assessed by the;

- (i) main uses;
- (ii) appropriateness of a diversity of uses; and
- (iii) desirability of introducing a development which may detrimentally alter the existing balance of usage
- (iv) architectural style of the area.

b. Amenity

The amenity of an area is assessed in terms of both the people who will occupy the development site, and the adjoining occupiers. In short, new developments should be "good neighbours". Where there is an inherent incompatibility of neighbouring developments, or where remedial action cannot be made effective, applications are likely to be refused.

The important aspects of amenity which the Council considers are worth protecting are:-

- (i) **Privacy** - for both the occupants of a proposed development and surrounding neighbours. Loss of privacy can be minimised by re-orientation, reducing the densities of development reducing the size of buildings, and attention to building levels or by design modifications, for example, window proportion and size.
- (ii) **Traffic** - the introduction of increased traffic movement and resulting noise, can significantly detract from the amenities of an area.
- (iii) **General Disturbance** - protection from activities which create unreasonable levels of noise, smells and other discomforts including wheeled bin locations.
- (iv) **Sunlight/Daylight** - adequate levels of sunlight and daylight, and to a lesser extent, outlook, should be safeguarded for surrounding properties and afforded to new developments.

c. Design

Design of new development should not only relate to the type of development in the immediate vicinity but also to the wider issues of context and setting. This need not be restrictive to new or innovative architectural expression.

Applicants should, therefore, avoid design proposals which compromise the appearance of design characteristics of the surrounding area.

In considering the appropriateness of a design the Council will have regard to:

- (i) The scale of adjoining development.
- (ii) The materials, finishes and colours used in nearby development.
- (iii) Any features on or near the site worthy of reproduction, protection or enhancement, e.g. trees, hedges, views and other features of public importance.
- (iv) Principles of site sensitive design e.g. that pitched roofs are preferred to flat roofs, piended dormers to box dormers, vertical windows to horizontal picture windows etc., where these features predominate in an area.

Policy L/IMP3: New Building Design

(i) Design Principles

All building development must be designed to respond adequately to the locality. Applications must meet the following requirements:-

- a) appropriate location in landscape or townscape
- b) careful placement on a site, particularly in relation to character, amenity and energy conservation
- c) appropriate size and form in relation to existing buildings, sky line and landform
- d) appropriate density, layout and orientation in relation to character, amenity, privacy of neighbouring properties and energy conservation
- e) sensitive use of materials and colours in relation to existing setting and environmental impact

Standardised solutions to building design are not encouraged and will not be acceptable unless existing context (the design and character of the existing surroundings) suggests otherwise. Design solutions which seriously compromise the amenity and character of the area will not be permitted.

Highly innovative, experimental solutions will be encouraged but may not be suitable in every situation. In certain circumstances, the Council may request written design statements explaining various aspects of design solution e.g. explaining why a particular approach has been taken, and expect applications to show new buildings in their wider relationship with surrounding properties and the site (plans and elevations/perspective/ photomontages showing adjacent buildings, trees, landform etc)

(ii) Design Briefs

For sites where development may have significant local impact; the Council will produce detailed Design Briefs which will provide an analysis of context and existing character and state important design principles, major factors affecting the Development and other material considerations.

(iii) High Profile/Landmark Sites

Where a building is either high profile or will have high impact within the townscape or open countryside, i.e. along the A class road network and high street frontages, within defined town centres, and at major visitor attractions and prominent rural locations, The Council will expect high quality solutions and may consult with bodies such as The Royal Fine Arts Commission, the Royal Institute of Architects in Scotland, the Scottish Civic Trust, Historic Scotland and the Association for the Protection of Rural Scotland, to assist with the assessment of the design impact.

On sites considered to be high profile, the Council will encourage applicants and landowners to sponsor design competitions prior to the submission of a planning application under the rules and procedures as advised by the RIAS Competitions Unit.

(iv) Materials

The Council will particularly encourage the use of materials which are sustainable. The use of salvaged or recycled material is encouraged in most circumstances subject to local situation and there is a strong expectation that traditional materials will be used on heritage structures. The Council will discourage the over use of high energy materials (i.e. those which require high energy levels to make and dispose) where alternatives can be used and is also concerned about the potential long term affects of using Tropical Hardwoods, from non-managed sources.

Policy L/IMP4: Maintenance of Landscaped and Amenity Areas

Applicants must demonstrate that satisfactory arrangements have been made to secure the maintenance of all landscaped and amenity space in perpetuity. Such arrangements must be put in place prior to any planning consent being issued. These arrangements shall be to the satisfaction of the Council and limited to:-

- i) a Section 75 Agreement (under the terms of the Town & Country Planning (Scotland) Act 1997) with a Bond in perpetuity, or
- ii) an Agreement leading to adoption by the Council (normally involving a capital sum equal to 1 year's maintenance x 20 with transfer of title), or
- iii) an Agreement to transfer title and responsibility for the provision and maintenance of the amenity and landscaped spaces to a maintenance company such as the Scottish Greenbelt Company or such other similar company constituted to secure maintenance in perpetuity, as is acceptable to the Council.

Policy L/IMP5: Environmental Impact Assessment

The Council will require an Environmental Impact Assessment to be prepared for developments proposed within or adjacent to national and international designations of natural heritage (see L/ENV1), and for other major proposals identified by the Regulations (or by the revised Directive) which are likely to adversely affect the environment.

Policy L/IMP6: Transport Impact

Developers shall provide transport impact assessments for developments which may have a significant impact on traffic flows, pedestrians and cyclists and contributions shall be sought towards any mitigating transport measures shown to be necessary. All proposals must meet the requirements of policies L/T4 (Access), L/T7 (Parking), L/T9 (Mitigation) and L/T10 (Cycling) in Chapter 4 if relevant.

Policy L/IMP7: Drainage Impact

New development must connect to a public sewer for the disposal of foul drainage if one is available within a Town, Village or Rural Community. If it is not available alternative forms of treatment may be considered and must meet with the approval of NOSWA and SEPA. The Council will promote the employment of Sustainable Urban Drainage Systems (Sustainable Urban Drainage Systems) in the disposal of surface water run-off, and unless otherwise advised by SEPA, will operate a presumption against the disposal of surface water directly to a watercourse. Proposals must meet the requirements of policies L/ENV21 (Private Waste Water Treatment and Drainage), L/ENV22 (Pollution Conditions), L/ENV23 (Private Water Supplies),

L/ENV24 (Surface Water Drainage) and L/ENV26 (Control of Development in Flood Risk Areas) in Chapter 2, if relevant.

Policy L/IMP8: Departures From The Local Plan

Departures from the local plan will be managed in accordance with advice as laid down in Planning Advice Note 41: Development Plan Departures (The Scottish Executive). Proposals which involve substantive or significant policy changes or which are judged to involve major social, environmental or economic impacts, will be the subject of formal alteration procedures to amend the local plan. Such procedures will allow for a structural community participation input and may include a Public Local Enquiry.

OBJECTIONS-REPRESENTATIONS

No objections/representations received.

CONSULTATIONS

Scottish Water - No objections.

SEPA - No objections.

Scottish Natural Heritage - No objections, following submission and consideration of a bat survey for the Red Craig Hotel.

Environmental Protection Manager, Direct Services - No objections.

Environmental Health Manager, Development Services - No objections.

Contaminated Land, Development Services - No objections, subject to one planning condition and one informative.

Transportation Manager, Direct Services - No objections, subject to planning conditions and informatives.