

PLANNING APPLICATION: 09/02279/APP

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

- Change of use of amenity ground to private garden ground and erect 1m high fence at rear of 19 Lennox Place, Portgordon.

The Site

- The site is a triangular parcel of rough ground, 66 sqm in area located immediately to the rear of 19 Lennox Place. It forms part of the 'green brae' of the railway embankment, which is identified in the Moray Local Plan as an ENV6 Green Corridor designation.

Policy / Objections-Representations / Consultations - See Appendix

History

- | | |
|---------------------|---|
| 09/01619/DCG | Application for Disposal of Council ground currently pending consideration. |
| 06/00654/FUL | Permission granted to erect new garden store and greenhouse and fence. |

Advertisement

The application has been advertised under neighbour notification procedures, as there are no premises on the land adjacent to the site and as a departure to the development plan.

Observations

Main determining issues:

Whether the extent of encroachment into the ENV6 Green Corridor/Natural and Semi Natural Greenspaces is such that it would prejudice the recreational, amenity and biodiversity value of the ENV site.

Moray Local Plan 2008 -policies ENV6 Green Corridors/Natural and Semi Natural Greenspaces, E4 Green Spaces and IMP1 Development Requirements

The application requires assessment against the above policies, which presume against development proposals that cause the loss of, or impact upon the recreational, amenity and biodiversity value of the ENV site concerned.

In this case, whilst the proposal takes a small "bite" into the ENV designation, this would not compromise the "green brae" or biodiversity value of the railway embankment given the minor extent of encroachment. The site has no identified sporting or recreational function and therefore its change of use to private garden land raises no issues in this respect.

In terms of impact on amenity, although the extended garden area will afford views into neighbouring properties, mutual overlooking is already a common feature of the braes and of coastal settlements in general where the predominant street plan is that of traditional properties set in close proximity to one another. Given these factors, any overlooking arising from the proposal would not be so significant such as warrant refusal on amenity grounds alone.

This application strictly speaking is a departure. However based on the above conclusions it is considered to be a minor one that can be regarded as acceptable under the terms of policy E4 and is not subject to departure hearing requirements.

Recommendation

In light of the foregoing the application is recommended for approval.

Author/Contact Officer: Richard Smith
Planning Officer

Ext: 01343 563256

A handwritten signature in black ink, appearing to read "Donald J. Lunan". The signature is written in a cursive, flowing style with a large initial 'D'.

DONALD LUNAN
PLANNING & DEVELOPMENT MANAGER

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2008

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.

Policy E4: Green Spaces

Development which would cause the loss of, or impact on, areas identified under the ENV designation in settlements and the 'Amenity Land' designation in rural communities will be refused unless:

- a. the proposal is for a public use that clearly outweighs the value of the green space; and
- b. the development is sited and designed to minimise adverse impacts on the recreational, amenity and biodiversity value of the site.

Development proposals on sites with an identified sporting or recreational function will also be considered against Policy CF2: Recreational Land and Open Space.

ENV6 Green Corridors/Natural and Semi Natural Greenspaces

Old railway line; North of Reid Terrace

IMP1: Development Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

- a. the scale, density and character must be appropriate to the surrounding area,
- b. the development must be integrated into the surrounding landscape,
- c. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,
- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate, in all new developments

- f. there must be adequate availability of social, educational, healthcare and community facilities,
- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- n. where appropriate, arrangements for waste management should be provided.

OBJECTIONS-REPRESENTATIONS

An objection has been received from Mr Derek Day, 18 Lennox Place, Buckie, Moray, AB56 5RY

Issue: Concerned about loss of privacy to existing kitchen window in 18 Lennox Place from proposed garden area. Do not object to proposed fence.

Comments (PO): Although the extended garden area will afford views into neighbouring properties, mutual overlooking is already a common feature of the braes and of coastal settlements in general where the predominant street plan is that of traditional properties set in close proximity to one another. Given these factors, any overlooking arising from the proposal would not be so significant such as warrant refusal on amenity grounds alone.

CONSULTATIONS

Development Plans - The proposal, a takes a small "bite" into the ENV designation, but this does not compromise the "green brae" of the railway embankment. This is not an actively used "sports field" ENV, where a different interpretation might have been taken. This application is strictly speaking a Departure, but is one that can be regarded as acceptable under the terms of policy E4.

Environmental Protection Manager, Direct Services – No comment received.

Environmental Health Manager, Development Services - No objection.

Contaminated Land, Development Services - No objection. Standard informative to be attached to any consent advising of potential source of contamination i.e. railway embankment to the south.

Estates Manager, Central Services - No comment received.