

PLANNING APPLICATION: 09/02350/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

- The applicant seeks full planning permission for the construction of a new access onto a classified road. The access will connect into an existing access and will run for a distance of approximately 19.5 metres. The access will join the B9011 approximately 12 metres to the east of the existing access that serves the subject site.

The Site

- The subject site is a residential property and where the access is to be located is covered by significant amounts of vegetation. This vegetation is very dense and ranges from a couple of metres in height up to 30-40 metres for the largest trees.
- The site is located within the Findhorn Township though the immediately surrounding area is relatively undeveloped.

Policy / Objections-Representations / Consultations - See Appendix

History

None applicable to this proposal.

Advertisement

The application was advertised under the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2008 under the Neighbour Notification procedures. This included an advertisement in the Forres Gazette due to there being no premises immediately adjacent in several directions.

No written representations were received.

Observations

Policy Implications

The main issues for consideration are whether the proposal is acceptable in terms of highway safety and whether the proposed removal of a significant amount of vegetation is justifiable. For the following reasons it is considered that the access is satisfactory and the vegetation removal justified, that the proposal complies with policy and is therefore acceptable.

Council's Transportation Department has been consulted on the application and has no objections to the proposal subject to conditions. Accordingly it is considered the proposal is acceptable from a highway safety viewpoint.

Given that the current access provides poor visibility for vehicles exiting the premise and the proposed new access would drastically improve this visibility, the removal of the vegetation required to create this access is considered justified. Whilst it is unfortunate to lose such an amount of vegetation it is considered that highway safety is more important.

Conclusion

The proposal will drastically improve the visibility for vehicles exiting the property and create safer highway conditions, a view confirmed by Council's Transportation Department. Thus it is also considered that the level of vegetation removal proposed is justified on the grounds of highway safety.

Recommendation

In light of the above as it is considered that the proposal conforms with relevant policies, there are no objections from statutory consultees and no written objections were received, it is considered that planning permission may be granted for the development as proposed.

Author/Contact Officer: Hew Gerrard
Planning Officer

Ext: 01343 563193

DONALD LUNAN
PLANNING & DEVELOPMENT MANAGER

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2008

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.

T1: Transport Infrastructure Improvements

The Council will promote the improvement of road, rail, air and sea routes in Moray and priority will be given to:

- a. dualling the A96 Aberdeen to Inverness route, including bypasses at Elgin, Fochabers/Mosstodloch and Keith.
- b. improving the A95 (Keith to Aberlour), A941 (Lossiemouth to Elgin to Craigellachie) and A98 (Fochabers to Cullen) routes.
- c. improving the Aberdeen to Inverness railway for passengers and freight by providing additional passing opportunities.
- d. improving harbour facilities for freight and leisure.

- e. improving access to air facilities, in particular through public transport

Proposals that compromise the implementation of these priorities will not be acceptable.

SPP17 details that there will be a presumption against new accesses onto a trunk road, and that the Scottish Executive will consider the case for such junctions where nationally significant economic growth or where regeneration benefits can be demonstrated.

Policy T2: Provision of Road Access

The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling, and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

SPP17 details that there will be a presumption against new accesses onto a trunk road, and that the Scottish Executive will consider the case for such junctions where nationally significant economic growth or regeneration benefits can be demonstrated.

EP9: Contaminated Land

Development proposals on potentially contaminated land will be approved if:

- a. site specific risk assessments are undertaken by the applicant to identify any actual or possible significant risk to human health or safety, or to the environment and that any previous historic uses are not continuing to cause significant pollution to the water environment, and
- b. effective remediation measures are agreed to ensure the site is made suitable for any new use granted consent, and
- c. appropriate measures for the disposal of any contaminated material is agreed with the Council.

The Council will consult SEPA in respect of pollution of controlled waters and licensing issues arising from remediation works.

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

No written representations received.

CONSULTATIONS

Contaminated Land Department, Development Services - No objections.

Transportation Department, Direct Services - No objections subject to conditions.