

PLANNING APPLICATION: 10/00081/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 change of use of a piece of ground owned by Moray Council into residential garden land and the erection of a new shed on this piece of ground. The land in question has an area of approximately 57 square metres and is a quite sloped in that it rises a distance of 1.9 metres over a distance of 8.75 metres. The applicant proposes to level approximately 5.5 metres of the land closest to their garden with the remaining 3.25 metres to be sloped so as to meet the remainder of the hillside.
- The proposed shed will have a building footprint of 11.56 square metres, a maximum height of 2.7 metres and will be of timber construction.

The Site

- The subject site is a vacant piece of sloped land wedged between a residential property and a hillside owned by a third party. The site is slightly irregular in shape and protrudes to the west of the boundary line defining the applicant's property.

Policy / Objections-Representations / Consultations - See Appendix

History

07/02326/DCG - Disposal of Council ground at 5 West High Street; Portgordon. Planning Permission Required. 23/10/2007.

Advertisement

The application was advertised in the Banffshire Advertiser under the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2008, due to their being no premise on adjoining land.

Observations

Policy Implications

The main issues for consideration are whether the proposed development will have any impact on the amenity of the area and whether the loss of this piece of Council ground is appropriate. For the following reasons it is considered that the proposal will raise no negative amenity impacts, that the loss of this piece of Council ground is acceptable, that the proposal complies with policy and that therefore planning permission may be granted.

It is highly unlikely that any adjoining properties will be affected by the proposed development. Changing the use of the land to residential garden ground and lowering the site levels will raise no issues on their own for neighbouring properties. The proposed shed could be erected under permitted development rights at any stage and thus is inconsequential. For similar reasons it is considered that the amenity of the area will be unaffected as well.

The loss of this piece of ground is considered to be a non-issue. The ground at the moment serves little to no purpose and a change of ownership will have no impact on any person.

The author of the letter of representation has objected to the development on the grounds that the area that the area beyond the applicant's existing western boundary line is an emergency access. This is not considered to be correct as the land forms part of the hillside and has an existing retaining wall erected to its western boundary. Council's Transportation Department has also been consulted in relation to this aspect and has raised no objections to the proposal. They have commented that the existing lane is too narrow (at only 3.1 metres) for a Fire Tender to use. For fire fighting purposes the minimum kerb to kerb width is 3.7 metres. The lane would be use for access by fire fighters whilst the Fire Tender would be parked on West High Street. Numbers 3 and 4 Craigenroan Corner both lie well within the maximum hose distance of 45 metres from where the Fire Tender would be parked. They have also stated that pedestrian access to the lane and around the buildings must be retained, which it is considered will be the case.

Conclusion

The land in question currently serves no real purpose and its loss would not affect any members of the public. The works proposed on the land will have no impact on the amenity of neighbouring properties or the area as a whole.

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 all objections have been discussed, it is considered that planning permission may be granted for the development as proposed.

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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.

Policy CF1: Safeguarding Community Facilities

Development proposals which impact on community facilities will be refused unless;

- a. the facility is in need of replacement,
- b. alternative facilities will be provided that are of equivalent standard and accessibility, or,
- c. the development will provide sufficient local public compensation for the loss of all or part of the safeguarded site and facilities must be directly replaced unless it can be demonstrated that they are no longer required, or,

Where land or buildings in community use become surplus to current or anticipated future requirements, alternative uses which are compatible with adjoining uses and any remaining community uses, will in principle be considered with other local plan policies.

Town and village statements will identify where local facilities are under provided, or in need of upgrading.

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

One (1) Letter of objection/ representation received from

- Mr A Jappy, 3 Craiganroan Corner, West High Street, Portgordon, Buckie, Moray, AB56 5TL

The author has objected to the application on the grounds that it would affect an emergency access. This is discussed above in the Observations section.

CONSULTATIONS

Environmental Health Manager, Development Services - No objections.

Contaminated Land, Development Services - No objections subject to the imposition of an informative note.

Scottish & Southern Electricity - No comments.

Estates Manager, Legal Section - No response received.

Transportation Manager, Direct Services - No objections.